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AGENDA REPORT

TO: FRED BLACKWELL
CITY ADMINISTRATOR

FROM: Darin Ranelletti

SUBJECT: Broadway Valdez District Specific Plan
And Related Actions

DATE: May 22, 2014

City Administrator
Approval

Date

5/27/14

COUNCIL DISTRICT: #3

RECOMMENDATION

Staff recommends that the City Council Conduct a Public Hearing and Upon Conclusion adopt:

A Resolution, As Recommended By The City Planning Commission, (A) Certifying The Environmental Impact Report And Making Related CEQA Findings; And (B) Adopting The Broadway Valdez District Specific Plan And Related General Plan Amendments And Design Guidelines; and

An Ordinance, As Recommended By The City Planning Commission, Amending The (A) Oakland Planning Code To Create The D-BV Broadway Valdez District Commercial Zone Regulations And Make Conforming Changes To Other Planning Code Sections, As Well As Adopting Zoning And Height Area Maps; And (B) Oakland Master Fee Schedule (Ordinance No. 13184 C.M.S., As Amended) To Establish A Parking In-Lieu Fee And Open Space In-Lieu Fee

EXECUTIVE SUMMARY

The Broadway Valdez District Specific Plan ("BVDSP", "Specific Plan" or "Plan") will be a 25-year planning document that provides a vision and planning framework for future growth and development within the Plan Area, which runs along Oakland's Broadway corridor between Grand Avenue and I-580. The overarching goal of the BVDSP is to create a destination retail district within the Plan Area, which runs along Oakland's Broadway corridor between Grand Avenue and I-580, that addresses the City's deficiency in comparison goods shopping and to transition the Plan Area to a more sustainable mix of uses that contribute to the vitality, livability, and identity of Downtown Oakland, and address residents' shopping needs. To implement the vision of the BVDSP there needs to be Planning Code and General Plan

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Amendments, new Design Guidelines, new Zoning and Height Area Maps, and amendments to Oakland Master Fee Schedule (“Related Documents” and/or “Related Actions”).

In 2006-2007, Oakland commissioned two retail enhancement studies, the *Citywide Retail Enhancement Strategy* (Conley, 2006) and the companion *Upper Broadway Strategy – A Component of the Oakland Retail Enhancement Strategy* (Conley, 2007), which identified the City’s need to reestablish major destination retail in Oakland as being critical to stemming the retail leakage and associated loss of tax revenue that the City suffers annually. These reports also identified the Broadway Valdez District as the City’s best opportunity to re-establish a retail core with the type of comparison shopping that once served Oakland and nearby communities, and that the City currently lacks. These studies were updated in 2010 and in 2013 and the analysis and conclusions remain valid.

Beginning in November 2008, City Council initiated a planning process to study the Broadway Valdez District Specific Plan Area for potential destination retail, housing and Transit-Oriented Development (TOD). The BVDSP is the result of that public planning process. The BVDSP provides a comprehensive vision for the Plan Area along with goals, policies and development regulations to guide the Plan Area’s future development and serves as the mechanism for insuring that future development is coordinated and occurs in an orderly and well-planned manner. The Specific Plan does not propose specific private developments, but for the purposes of environmental review, establishes the Broadway Valdez Development Program, which represents the maximum feasible development that the City has projected can reasonably be expected to occur in the Plan Area over the Plan’s 25-year planning period.

In order to achieve the destination retail district and mixed use neighborhood vision, the BVDSP proposes a series of improvements related to transportation, affordable housing, historic resource preservation and enhancement, streetscape, plaza, parking and utility infrastructure.

An Environmental Impact Report (EIR) was prepared for the BVDSP which found significant and unavoidable impacts associated with the following environmental topics: Aesthetics, Shadow and Wind; Air Quality; Cultural Resources; Greenhouse Gases; Noise and Transportation. A Statement of Overriding Considerations is being proposed indicating that these significant and unavoidable impacts are acceptable in light of the significant benefits of the Project and outweigh any significant and unavoidable impacts (*See Attachment B*).

On May 12, 2014 the Landmarks Preservation Advisory Board (LPAB) conducted a public hearing on the BVDSP and Related Actions and recommended approval with minor revisions, which have been incorporated herein (*See Attachment K*).

On May 21, 2014 the City Planning Commission conducted a public hearing on the BVDSP and Related Actions and recommended approval with the addition of one policy for the City to develop programs to support Plan Area residents who might be displaced by new development, and new

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policies/revised text related to jobs and affordable housing proposed by Staff, which have been incorporated herein (See below and *Attachments E and G*).¹

Copies of the BVDSP, Planning Code and General Plan Amendments, new Design Guidelines, the Draft and Final EIR, Zoning and Height Area Maps, and Oakland Master Fee Schedule Amendments were previously furnished separately to the City Council, and are available to the public, through the City's websites:

BVDSP, Design Guidelines, General Plan and Planning Code amendments, Zoning Map, Height Map and Master Fee Schedule Amendments: www.oaklandnet.com/bvdsp

Draft and Final EIR:

<http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>

Limited copies of the Draft and Final EIR, BVDSP and Design Guidelines are also available, at no charge, at the Oakland Planning Division office, 250 Frank Ogawa Plaza, Suite 3315, Oakland, California 94612.

OUTCOME

The City Council's adoption of the BVDSP, Planning Code Amendments, General Plan Amendments, Master Fee Schedule Amendments and new Design Guidelines would complete the planning process for this area. The BVDSP would then be available to guide development in the Broadway Valdez District over the next 25 years, and provide the framework for attracting new businesses and residents to the area. New development projects would be evaluated against zoning standards designed specifically for the Broadway Valdez District, with the intent of encouraging destination retail, commercial and residential uses. Broadway Valdez District Design Guidelines would be in place to ensure that the new development addresses the character of surrounding uses, as well as create a unique and authentic Oakland retail district. Infrastructure and transportation recommendations included in the BVDSP would be prioritized, in light of other citywide needs and limited resources, in a strategic way to apply for funding to incrementally construct improvements, thus heightening the desirability of the area to future businesses and residents. The City intends to use the streamlining/tiering provisions of CEQA to the maximum feasible extent so that future environmental review of specific projects in the BVDSP Area are expeditiously undertaken without the need for repetition and redundancy.

¹ As approved by the Oakland City Planning Commission, all changes to the Final Draft BVDSP and Related Documents are shown in *Attachments E and G*. *Attachment G* includes changes introduced after the May 1, 2014 publication of the Final Draft BVDSP and up until the publication of the Planning Commission staff report on May 16, 2014. *Attachment E* includes changes introduced at the May 21, 2014 Planning Commission meeting.

BACKGROUND/LEGISLATIVE HISTORY

The following section includes a discussion of the conformity of the BVDSP with the City's General Plan policies, as well as describes the impetus for the project and provides an overview of the public hearing and legislative process.

Consistency of Project with General Plan Policies

The BVDSP and Related Actions are consistent with and further advance the Oakland General Plan – including the LUTE; Open Space, Conservation and Recreation (OSCAR); Historic Preservation; Safety; and Housing Elements; as well as the Bicycle and Pedestrian Master Plans, as discussed in detail in the BVDSP Adoption Findings, *Attachment C*.

Broadway Valdez District Specific Plan Initiation and Public Hearing Process

Beginning in November 2008, City Council initiated a planning process to study the BVDSP Area for potential destination retail, housing and Transit-Oriented Development (TOD), which runs along Oakland's Broadway corridor between Grand Avenue and I-580.

The planning process includes a rezoning of the Broadway Valdez District as well as General Plan Map amendments and text amendments to increase the allowable Floor Area Ratio (FAR) for areas with the Community Commercial General Plan land use designation in the Broadway Valdez District *only* (see *Exhibits A and B* to the Resolution). In addition, the BVDSP includes proposed design guidelines and development standards for the Broadway Valdez District. In total, the Broadway Valdez Development Program includes approximately 3.7 million square feet of development, comprised of 695,000 square feet of office space, 1,114,000 square feet of restaurant/ retail space, 1,800 residential units, a new 180-room hotel and 6,420 parking spaces. In order to achieve the destination retail district and mixed use neighborhood vision, the BVDSP proposes a series of improvements related to transportation, affordable housing, historic resource preservation and enhancement, streetscape, plaza, parking and utility infrastructure.

Between October 2013 and December 2013, the Draft Specific Plan and Draft EIR, including General Plan Amendments, Zoning Maps, Height Area Maps, Draft Zoning Concepts, and Design Guidelines were presented to the full Planning Commission and various advisory boards, including the Zoning Update and Design Review Committees of the Planning Commission, the Landmarks Preservation Advisory Board, as well as the Bicycle and Pedestrian Advisory Committee, and Parks and Recreation Advisory Committee, each of which provided comments unique to their topic area. At that time, a complete draft of the proposed new Chapter 17.101C D-BV Broadway Valdez District Commercial Zones Regulations was only presented to the Zoning Update Committee at its December 11, 2013 meeting.

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Three duly noticed public hearings on the Draft EIR were held including: a City of Oakland Landmarks Preservation Advisory Board (LPAB) public hearing on October 14, 2013, and two City of Oakland Planning Commission hearings on October 16, 2013 and on October 30, 2013.

Staff made revisions to the Draft BVDSP and Related Documents as well as the Draft EIR based upon public, Planning Commission and Advisory Board comments. On May 1, 2014, the Final Draft BVDSP and Related Documents and Final EIR were published.

On May 12, 2014 the LPAB conducted a duly noticed public hearing on the BVDSP and Related Documents and recommended approval with minor revisions. Specifically, the LPAB recommended to: revise the language in the policy and strategies in Chapter 8, Policy IMP-5.1 to be more “proactive” and “affirmative”; include a photo of the Waverly ASI in the Plan; and further articulate and refine the Design Guidelines regarding Adaptive Reuse (See *Attachment K*). These recommendations have been incorporated herein (see *Attachment F*, Response to Comments 3.7 and 13.9) and *Attachment G* (pages 6, 7 and 9)).

On May 21, 2014, the Planning Commission conducted a duly noticed public hearing on BVDSP and Related Documents and upon conclusion recommended approval of the Specific Plan Related Actions with revisions, which have been incorporated herein (see *Attachment A* for City Planning Commission Staff Report and *Attachments E and G* for detailed recommendations).² Specifically, the Planning Commission:

- (a) Adopted the CEQA findings (see *Attachment B*) and Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP) (see *Attachment D*);
- (b) Recommended adoption of the BVDSP, General Plan and Planning Code Amendments, Zoning and Height Area Map, Design Guidelines, and Master Fee Schedule Amendments to the City Council based, in part, upon the BVDSP Adoption Findings (see *Attachment C*);
- (c) Recommended authorizing staff to make minor ongoing revisions to the adopted Design Guidelines for the Broadway Valdez District and to return to the Planning Commission for major revisions only; 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 Broadway Valdez District Commercial Zone Regulations (which are essentially correction of typographical and/or clerical errors); and
- (d) Recommended authorizing staff to make ongoing revisions to the BVDSP Action Plan (Chapter 8, Table 8.6), to reflect changes in market conditions (e.g., what private development actually occurs) and the availability of City and other funding sources,

² A copy of the powerpoint presentation from the May 21, 2014 Planning Commission Meeting is available on the project website in the “Project Schedule and Upcoming Meetings” section, under “Past Public Meetings”: www.oaklandnet.com/bvdsp.

which could potentially affect timeframes, responsibilities and potential funding mechanisms.

ANALYSIS

The BVDSP is intended to guide the growth of additional retail, residential, commercial, and office development in the 95.5-acre Specific Plan Area over the next 25 years. Achieving new development in the BVDSP is the goal of the plan. New development anticipated by the BVDSP is envisioned to include the infill of remaining vacant sites, the adaptive re-use of existing buildings including historic auto dealership buildings and the redevelopment of existing underutilized sites. New development will require improvements - including site improvements typically associated with development, transportation and circulation improvements and utility and infrastructure improvements. Interdepartmental coordination, private and public sector investment and a strategy for incrementally constructing infrastructure improvements will be required to successfully achieve the vision of the BVDSP after its adoption.

This section highlights key issues concerning the BVDSP related to the proposed Retail Priority Sites; historic resources; affordable housing and displacement; jobs; parking; and proposed fees.

Retail Priority Sites

Staff has received comments about the proposed Retail Priority Sites regarding their location and the minimum retail square footage requirements before a "bonus" to build residential units may be received.

To help achieve the Specific Plan's goal of promoting the Plan Area as a retail destination, the Specific Plan's land use concept includes a series of "Retail Priority Sites," which are implemented by the proposed new zoning district D-BV-1 Retail Priority Sites (see *Exhibits A through F* to the ordinance amending the Oakland Planning Code).³ Retail Priority Sites may contain multiple parcels with different owners. The regulatory framework of D-BV-1 is intended to ensure that larger sites and opportunity areas within the Valdez Triangle are reserved primarily for new, larger retail development to accommodate comparison goods retail, at least on the ground floor.

The Retail Priority Sites were identified based on a number of factors including:

³ The Specific Plan proposes four (4) new district-specific zoning classifications and one (1) combining zone that would replace the existing zoning: **D-BV-1** Retail Priority Sites would be the most restrictive regarding uses and ground floor uses in particular; **D-BV-2** Retail would require that ground floor uses consist of retail, restaurant, entertainment, or arts activities; and **D-BV-3** Mixed-Use Boulevard would allow for a wider range of ground floor office and other commercial activities than in D-BV-2. **D-BV-4** Mixed Use would be the least restrictive regarding uses and would allow the widest range of uses on the ground floor, including both residential and commercial businesses. The "combining zone", called the "N - North Large Development Site", is applied to some large parcels/blocks that are within the D-BV-3 zone. These sites have large vacant or underutilized properties and are fairly deep and/or with dual street frontage. More active ground floor uses within the 60 feet that fronts Broadway are required.

- Market studies identifying the Valdez Triangle/Broadway Valdez District as a good site for a comparison goods-based retail district, and stipulating that there needs to be a critical mass of at least 700,000 square feet of primarily comparisons good retail for such a district to sustain itself;
- Size, location at “gateways” to the Valdez Triangle (e.g. along Broadway at Grand Avenue and 27th and at the 24th/27th/Harrison Street/Bay Place intersection) that are well served by transit, have excellent vehicular access, in areas of good visibility, and in close proximity to other activity generators in the area such as the “Art Murrur/Gallery District” and Whole Foods;
- Landowner intentions for their properties; and
- Groupings of properties susceptible to change due to vacancy, dereliction, or absence of existing development.

There are many challenges to realizing the City Council-directed vision to establish a comparison goods, destination retail district in the Broadway Valdez to help to address the major sales tax leakage Oakland continues to experience.⁴ These challenges include: the elimination of the Redevelopment Agency and resultant lack of funding to assist in parcel aggregation or fund improvements; numerous land owners; small parcel sizes; high land values where residential development “out-prices” retail development; and limited land control by the City.

Given these challenges, land use regulation and incentives are key tools to realize the BVDSP vision. The concept to provide the right to build residential units as a bonus for including specific thresholds of retail as part of a proposed development in the Retail Priority Sites is proposed as the best option because residential typically “out-prices” retail development, and most of the City already allows for either residential only or residential and retail together “as-of-right”. Because of this liberal allowance of residential in almost every commercial zoning district, the City is at a disadvantage to obtain retail development. Other options explored included creating a commercial zone that would not allow any residential at all. However, this option was not pursued because it was decided that allowing residential development in some manner would complement the retail development, as well as provide the incentive to make the retail development happen since the residential component would be more lucrative.

The Specific Plan proposes to use a combination of incentives and regulation to achieve its retail objectives on the Retail Priority Sites. The main incentive is that the right to develop residential would be a bonus based on the provision of certain minimum thresholds of retail square footage equal to a percentage of the total area of each Retail Priority Site, which may contain multiple

⁴ Comparison goods are those goods that consumers typically spend extra effort (i.e., “shop around”) in order to get a better price or to find the precise brand or style they want. Typically, comparison goods are costlier than “convenience goods” (e.g., items that are generally widely distributed and relatively inexpensive, and include items such as groceries, toiletries, alcoholic and soft drinks, tobacco products, candy, magazines, and newspapers) are more durable in nature, and are less frequently purchased. Comparison retailers offer goods such as general merchandise, clothing, jewelry, toys, books, sporting goods, home furnishings, appliances and electronics. See Chapter 2 of the BVDSP for more detailed information.

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parcels with different owners; additional incentives apply for retail projects that are larger than the minimum requirement, with an additional residential bonus and the ability to transfer the development rights of those units to other parcels that cannot meet the minimum retail square footage required in that Retail Priority Site to build residential.

Specifically, the proposed Retail Priority Site regulations and “residential bonus”:

- Addresses issue of residential development “out-pricing” retail development because residential can command a higher land value by requiring substantial retail square footage to access the residential bonus;
- Encourages different landowners within Retail Priority Sites (some of which contain multiple parcels with different landowners) to work together/aggregate their sites to propose a sizeable comparison goods retail project that will allow them to build high residential densities;
- Is equitable and fair because it treats all of the sites equally, applying the same percentage of floor area ratio (FAR) as the minimum retail square footage requirement for an overall project before permitting a residential bonus;
- The number of residential units that are given as a bonus are based on the retail square footage that is provided; the greater the amount of retail square footage, the greater the number of residential units that are allowed, in order to provide an even greater incentive to build a larger amount of retail square footage;
- Allows for transfer of development rights from Retail Priority Sites that provide a larger amount of retail than the base minimum, in order to transfer the residential bonus units and height from one retail priority site to a different parcel(s) within the same retail priority site or to a different retail priority site with a Conditional Use Permit (CUP). Bonus units can only be transferred to a parcel that cannot meet the minimum retail square footage required in that Retail Priority Site to build residential;
- A 35% residential bonus will be provided if 15% of the total Dwelling Units of a Residential Housing Development are affordable;
- Includes an exception if one cannot meet the minimum retail square footage through a conditional use permit (CUP) with criteria that include, but are not limited to: demonstrating through architectural studies of at least one or more alternatives, that a project would be physically infeasible due to operational and/or site constraints if it were to meet the minimum retail square footage specified.

Additional detail about the rationale for the Retail Priority Sites regulatory framework is provided in *Attachment F, Responses 4.2 through 4.8*; full text of the proposed BVDSF zoning regulations, Zoning and Height Maps are provided in *Exhibits A through F* to the ordinance amending the Oakland Planning Code.

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Historic Resources

Staff has received comments expressing concern about the potential removal of historic resources in the Valdez area and requested revisions to Specific Plan to reflect retention of various buildings such as the homes on Waverly Street, Harrison Street, the Newsom Apartments, and Biff's II Coffee Shop/JJs, among others.

The BVDSP identifies Retail Priority Sites (large opportunity sites in the Valdez Triangle Sub-Area) and Large Development Opportunity Sites (large opportunity sites in the North End Sub-Area) on parcels that contain CEQA Historic Resources as shown in Figure 4.4-2 of the DEIR (see **Attachment H**). Within the Retail Priority Sites, there are seven CEQA Historic Resources, including: the former Biff's Coffee Shop at the southwest corner of 27th Street and Valdez; the Newsom Apartments at the southwest corner of Valdez Street and 24th Street; the Seventh Church of Christ Science at 2333 Harrison Street; the Pacific Kissel Kar salesroom and garage at the southeast corner of Broadway and 24th Street; as well as at the Dinsmore Brothers Auto Accessories Building, Kiel (Arthur) Auto Showroom, and the J.E. French Dodge Showroom, located at the southwestern portion of the block along Broadway between 23rd Street and 24th Street.⁵ Within the Large Opportunity Sites, there is one Local Register of Historic Resources (also a CEQA Historic Resource), which is the former Connell GMC Pontiac Cadillac auto showroom at the southwest intersection of Broadway and Hawthorne Avenue. Areas of Secondary Importance (ASI's) are not considered an historic resource under CEQA.

As noted above, the BVDSP identified areas as "Retail Priority Sites" because they have attributes that are important for attracting new comparison goods retail including their large size and location at "gateways" to the Valdez Triangle in close proximity to other activity generators in the area such as the "Art Murrur/Gallery District" and Whole Foods. Multiple sites were identified to increase the chances that a "critical mass" of retail space will be developed since it is not possible to predict what retail development will actually occur. The Final Draft BVDSP includes multiple incentives to reuse existing buildings (including those that are not considered CEQA historic resources) as part of a proposed retail development project in order to attain a bonus of the right to build residential units. These incentives include:

- Allowing the square footage of an existing building that is incorporated as part of a project to count towards the minimum required square footage of retail before residential is allowed;
- If the existing building is a CEQA Historic Resource, double the amount of its square footage will count if it is used for retail; or, if it is maintained and not used for retail, the

⁵ The Dinsmore Brothers Auto Accessories Building, Kiel (Arthur) Auto Showroom, and the J.E. French Dodge Showroom were already analyzed as part the already approved, Broadway West Grand Mixed Use Project. As currently approved, this project would rehabilitate and reuse these historic resources (in addition to reusing 2366- 2398 Valley Street / 467 24th Street, and demolishing 440-448 23rd Street which not located in a Retail Priority Site). The 2004 EIR and subsequent addenda for the Broadway West Grand Mixed Use Project identified significant and unavoidable impacts to these historic resources, and recommended mitigation measures to reduce such impacts.

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square feet of its footprint can be deducted from the overall square footage of retail required for the Retail Priority Site before residential is allowed;

- No parking or open space requirements when converting from commercial to residential use or vice versa when it is a Potential Designated Historic Property (PDHP) or CEQA Historic Resource;
- If a PDHP or a CEQA Historic Resource is incorporated as part of a larger project, the area that is incorporated will be exempt from parking and open space requirements.

The BVDSP does not mandate the physical demolition, destruction, relocation, or alteration of any properties, historic or otherwise. Conversely, it is legally problematic to outright prohibit demolition, destruction, relocation, or alteration of any properties, historic or otherwise without payment of just compensation.

Eliminating Retail Priority Sites and/or absolutely prohibiting the demolition or significant alteration of any CEQA historic resource on private property in the Plan Area would result in either much smaller areas of a Retail Priority Site being available due to site constraints, making potential large retail development projects less feasible. It would also result in a reduced development program of retail and office, thus reducing employment opportunities (both short-term construction jobs as well as permanent jobs) and revenues (sales, property and other taxes), lessening economic spin off activities and not promoting an appropriate jobs/housing balance. Furthermore, absolutely prohibiting the demolition or significant alteration of any CEQA historic resource on private property would provide special treatment to the Plan Area over all other areas in the City, which would not facilitate development in the Plan Area. It would also be inconsistent with the City's existing regulations regarding the alteration of a historic property in Central Business District Zones (OMC 17.136.055) or demolition or removal of a Designated or Potentially Designated Historic Property (OMC 17.136.075). These regulations already provide a measure of protection for CEQA and other historic resources by providing a procedure that a project applicant must follow in order to alter or demolish a historic property, which includes demonstrating that certain conditions exist to make reuse infeasible or provide equal or better replacement structure(s), among other requirements.

Notwithstanding, a project applicant could potentially demolish or alter a CEQA historic resource in the Plan Area if he/she eventually met the requirements under the City's existing regulations with a project that met the existing zoning. Absent any restrictions, the project would likely be a residential project since residential development usually "out-prices" or can command a higher land value than retail development. In addition to the protections in existing regulations (mentioned above) to altering or demolishing a historic resource, the proposed BVDSP policies and regulations include multiple incentives to reuse existing buildings (including those that are not considered CEQA historic resources).

Staff believes the BVDSP and Related Documents provide an appropriate balance between preserving historic resources and achieving the Specific Plan's goals. Both the LPAB and City Planning Commission concur and recommend approval.

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Additional detail about historic resources is provided in *Attachment F, Responses 3.1 through 3.7 and Attachment G*, pages 4-6 and 8; full text of the proposed BVDSP zoning regulations, Zoning and Height Maps are provided in *Exhibits A through F* to the ordinance amending the Oakland Planning Code.

Affordable Housing and Displacement

Staff has received comments expressing that the Specific Plan should have more provisions requiring affordable housing and preventing displacement resulting from the redevelopment of existing residential properties in the Plan Area.

The Specific Plan lists several existing City programs that provide various forms of assistance including: the Jobs/Housing Impact Fee and Affordable Housing Trust Fund, the Condominium Conversion Ordinance and the Residential Rental Adjustment Program. In addition, the City offers a range of housing programs that utilize funding support from federal HOME funds and Community Development Block Grant funds, First Time Homebuyer Assistance, tenant protection ordinances that include Rent Adjustment and Just Cause for Eviction. City staff also implements the City's annual Notice of Funding Availability (NOFA) process to make competitive funding awards for affordable housing projects and monitors the City's portfolio.

The provision of affordable housing choices is a concern and goal for the City of Oakland and must be addressed comprehensively, on a citywide basis. The Specific Plan does not include an inclusionary housing policy for affordable housing in just the BVDSP Area because this would create a burden in the Plan Area relative to the rest of the City, and would effectively disincentive residential development in the Plan Area. The Plan includes policies to explore the formulation and adoption of a citywide affordable housing policy, and creative ways to support the production of new housing suited to a diverse population, including age, household composition, and income. The Plan also includes policies to study the feasibility of developing a citywide bonus and incentive program to target areas that are most suitable for development and could provide affordable housing and other community benefits in exchange for the right to build at higher densities or heights. The City will analyze, as part of a citywide policy, to require large developments in those areas throughout the city that are most prime for development, such as Priority Development Areas (PDAs), to make contributions to assist in the development of affordable housing and other community benefits, such as open space. Options that may be included, but not limited to, are: impact fees, land dedication, and a Housing Overlay Zone (HOZ). Among other actions, the City will conduct a nexus study and an economic feasibility study to evaluate new programs to achieve this objective, including inclusionary zoning and impact fees for new housing development. Similar policies are also included in the proposed update to the City's Housing Element.⁶

⁶ The 2015-2023 Housing Element Update was heard at the May 7, 2014 Planning Commission hearing and is scheduled to be discussed at the June 10, 2014 Community and Economic Development Committee Meeting.

In response to comments received, the BVDSP has been revised to strengthen provisions relating to affordable housing, including the policies noted above that are proposed for the Housing Element Update. Related Planning Code amendments have been revised to include: reduced parking requirements and open space requirements “as-of-right” for senior and affordable housing; as well as the potential for an additional residential bonus to projects providing a certain percentage of affordable housing as part of their overall project or on another Retail Priority Site.

Regarding the issue of potential displacement, as noted in the BVDSP EIR, there are approximately 94 residential units (some currently vacant) in areas identified as Retail Priority Sites in the Specific Plan. While not a CEQA issue, concern over the socio-economic effects of potential displacement of these existing residential units, and affordable housing in general, is a policy issue that is addressed in the Specific Plan and proposed Planning Code amendments, as well as in the process underway to update the City’s Housing Element.⁷

In addressing displacement relative to the Broadway Valdez District, a balancing of Plan objectives must be considered. For example, there are many areas in the City, including areas just outside the Plan Area boundaries (which were rezoned as part of the Citywide Zoning Update to allow for higher density housing) that are suitable for residential development. In contrast, there is less flexibility in terms of sites that are suitable for the type and critical mass of destination retail development that would contribute to significantly addressing retail sales leakage. Necessary attributes for comparison goods retail development include: large sites that are located in proximity to “proven” activity generators (e.g. Whole Foods) and/or have good visibility; and spaces with high floor-to-ceiling heights that have few supporting columns breaking up the space (which are needed for residential development and thus it is difficult to have residential directly above this type of retail space). The BVDSP identified several potential Retail Priority Sites for several reasons: the City has limited land control in the Valdez Triangle, the BVDSP identified that a critical mass of at least 700,000 square feet of retail development was needed to sustain a retail district, and the City cannot predict what development will actually occur. The BVDSP does not mandate development of any properties in the Plan Area; development could occur with or without the specific plan. However, the BVDSP has been revised to include stronger policies and incentives to preserve or adaptively reuse existing buildings located in Retail Priority Sites, and to provide affordable housing (described in more detail above). Thus, any new development that does occur could potentially provide new affordable housing, in addition to market rate housing, sales tax-generating retail development and jobs.

Additional detail about affordable housing and displacement is provided in *Attachment F, Responses 4.2 through 4.8, Attachment G* (pages 2 and 10), reflecting changes made to the Plan up until the May 21, 2014 Planning Commission meeting and *Attachment E* (changes made at

⁷ CEQA only requires analysis and mitigation of potentially substantial adverse changes in the physical environment (Public Resources Code §§ 21151, 21060.5, 21068). Adoption and development under the BVDSP is considered less-than-significant with respect to potential displacement of housing units and residents and the construction of associated replacement housing. See BVDSP FEIR, Chapter 5, Master Response 5.2 for more detail.

the Planning Commission meeting); full text of the proposed BVDSP zoning regulations is provided in *Exhibits A through F* to the ordinance amending the Oakland Planning Code.

Jobs

Staff has received comments relating to wanting to include policies to ensure that the economic development from the BVDSP benefits Oakland residents in the form of jobs and job training.

The BVDSP Development Program, an estimate of what potentially could occur in the Plan Area within the 25-year Plan horizon, is anticipated to provide a mix of uses that would accommodate as many as 4,000 new residents and over 5,000 new jobs. This mix of uses would provide a range of job types (retail, medical, office, etc.) and a range of housing types. An overarching concept of the Specific Plan relates to achieving “a ‘complete’ neighborhood and balanced land uses: mixed-use neighborhood that is economically and socially sustainable—providing quality jobs, diverse housing opportunities, and a complementary mix of retail, dining, entertainment, and medical uses” (BVDSP, Chapter 3). This concept is supported by goals and policies in Chapter 4 of the BVDSP that focus on enhancing the economic potential of the Plan Area through revitalizing and redeveloping underutilized areas with a mix of uses, including new businesses that provide high-quality jobs (Goals LU-2, LU-4, Policy LU-2.1).

Furthermore, in response to comments received after publication of the BVDSP on May 1, 2014 the following policies will be added to Chapter 4: Land Use under Goal LU-4: “Enhanced economic potential of the Plan Area resulting from the revitalization and redevelopment of existing underutilized areas” (additions/deletions are shown in underline and ~~strikeout~~ text:

Policy LU-4.3: Encourage infill development along Broadway that will improve the corridor’s economic vitality, enhance the definition and character of the corridor, and create better pedestrian scale and orientation.

Policy LU-4.4: Encourage a mix of land uses and development that will generate a range of job and career opportunities, including permanent, well-paying, and green jobs (including short-term, prevailing wage construction jobs and living wage-permanent jobs) that could provide work for local residents.

Policy LU-4.5: Support the provision of local job training opportunities for jobs being developed both in the Planning Area and the region, particularly those accessible via the transit network.

Policy LU-4.6: Support local and/or targeted hiring for contracting and construction jobs, including pathways to apprenticeships for local residents, for implementation of the Plan (i.e., construction of infrastructure).

Policy LU-4.7: Continue to support job training and readiness services through the Workforce Investment Board by providing information about resources that are available,

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and encourage that these services are publicized in a manner that is accessible to Planning Area Oakland residents.

Policy LU-4.8: Encourage local businesses to offer internship, mentoring and apprenticeship programs to high school and college students.

Policy LU-4.9: Encourage consideration of Project Labor Agreements (PLAs) for projects that involve City subsidy.

New development on vacant and underutilized lots, and redevelopment of currently developed parcels, should be used to incrementally reconfigure and revitalize the Broadway street frontage. These changes involve a transition from the predominantly automobile-oriented uses that currently characterize the corridor to a more diverse mix of uses. The intent is to both diversify the economic base and to add uses that will attract people to the area on a regular basis, rather than just on the occasion of purchasing or repairing one's car.

Encouraging a mix of land uses that will generate a range of jobs—retail, medical, office and other professional service uses, as well as short term construction jobs—and a range of housing types is a key component of the Plan. The City imposes a number of employment and contracting programs and requirements on City public works projects, as well as private development projects that receive a City subsidy. These include the Local and Small Local Business Enterprise Program, the Local Employment/ Apprenticeship Program, Living Wage requirements, and prevailing wage requirements. However, the City of Oakland's programs do not apply to private development projects, including sites sold by the City for fair market value, or public works-type projects funded by private parties, including street or sidewalk improvements built as part of a new development. The City has very limited legal authority to impose its employment and contracting programs and requirements on projects that do not involve City funding and/or other City participation. As such, the Plan supports continuing to provide private developers and business owners with information about workforce development programs, including those administered by the City or other organizations, in order to encourage opportunities for the creation of high quality, local jobs and job training programs.

Additional detail about jobs is provided in *Attachment F*, Comments 11.1 and 11.2, *Attachment G* (pages 2-3, reflecting changes made to the Plan up until the publication of the May 21 2014 Planning Commission meeting agenda packet) and *Attachment E* (changes made at the Planning Commission meeting).

Parking

Chapter 6, Section 6.4 of the BVDSPP includes 21 policies that support two overarching goals to have "a well-managed parking supply that supports Plan Area businesses and stimulates economic growth while not promoting excessive driving"; and to have incentives that encourage

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non-auto travel for Plan Area residents, workers, shoppers and visitors. The policy recommendations include, but are not limited to: exploring the formation of a Transportation and Parking Management Agency (TPMA) to coordinate all transportation demand management (TDM) efforts; establishing a Parking Benefits District to manage parking supply and generate revenue to increase parking supply and/or improve circulation and transportation in the Plan Area; encouraging the use of existing parking and shared parking, and other TDM measures.

As recommended by the BVDSP, new parking requirements for the Broadway Valdez District are proposed as part of changes to Planning Code Chapters 17.116 Off-Street Parking and Loading Requirements and 17.117 Bicycle Parking Requirements. These changes consist of reduced parking requirements for residential development, as well as reductions for senior housing, affordable housing, commercial development; parking is required to be unbundled for sale or rental in multifamily residential facilities of ten units or more; increased bicycle parking requirements; and the option to pay a voluntary parking in-lieu fee instead of providing code-required parking spaces. These changes are discussed in detail above on pages 6-12 of this staff report (except for the parking in-lieu fee, which is also discussed in the following section).

The BVDSP also includes a policy in Chapter 8 Implementation to: "Provide public funding assistance for comparison goods retail parking" (Policy IMP-1.12), which would only be in conjunction with the appropriate retail project. The recommended approach is to provide funding assistance for the development of parking as part of, or near to, larger-scale, retail development(s) with multiple comparison goods tenants. Particularly in the early phases, parking availability is critical for attracting retailers and shoppers. Retail parking needs to be conveniently located within or close to the retail development, and dedicated to supporting retail shopping. The area's central, urban location and the availability of public transit reduce the amount of parking otherwise needed, but do not replace the need for parking to support destination retail shopping. A public garage could be developed and operated as a freestanding garage or as part of a large retail project. Larger-scale retail development with multiple comparison goods tenants is the type that will require the most public funding for building structured parking, and is the type most needed to achieve the necessary critical mass of comparison goods shopping in the Valdez Triangle. Public funding for parking may be less critical for development of a freestanding retail tenant or a smaller project, so that the use of public funding for building parking should take into account market and development feasibility considerations specific to the project and types of retail tenants. Given the differences in development feasibility and the City's objective of establishing comparison goods shopping, public funding for parking in conjunction with, and at the same as, retail development will need to be prioritized to support a mix of comparison goods retail tenants.

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Proposed Voluntary In-Lieu Fees

The BVDSP includes recommendations to develop *voluntary* parking and open space in-lieu fees.⁸ The proposed in-lieu fees would be a voluntary fee for those developments that choose not to provide code-required parking or open space onsite (because of site constraints, financial feasibility, or both). The purpose of these fees would provide more flexibility to developers, as well as to provide funding to support the open space and transportation policies, projects, and programs called for in the LUTE of the Oakland General Plan to improve public health, economic and community development, equity of access, and environmental sustainability. As a result, no variances will be allowed for reduced parking or open space; instead, in-lieu fees would be paid.

The amount of the proposed parking in-lieu fee is \$20,000 per Code-required parking space not provided. The cost of actually providing structure parking ranges from \$30,000 - \$50,000 per space. The lower in lieu amount provides an incentive to project applicants to pay the in-lieu fee rather than simply building (potentially isolated) parking on-site. The parking in-lieu fees would be used for improvements that would increase parking supply or decrease parking demand, including, but not limited to: the construction of new parking spaces, increasing opportunities for shared parking such as through the leasing of private parking spaces, bicycle and pedestrian improvements or transportation demand management programs.

The proposed open space in-lieu fee is proposed to be set at \$30 per square foot of open space for all residential projects within the proposed BVDSP Area. The cost of actually providing open space ranges from \$34 - \$50 per square foot. The lower in-lieu amount provides an incentive for project applicants to participate in the program and pay the in-lieu fee. The open space in-lieu fees collected would be used for improving existing plazas/open space or for new plazas/open space within the Plan Area. The proposed in-lieu fees are discussed in more detail in *Attachments I and J*, respectively.

PUBLIC OUTREACH/INTEREST

As part of the public outreach effort, seven community workshops were held between May 2009 and October 2013. Initial workshops focused on developing a shared vision statement for the area, and subsequent workshops involved: a review of three alternatives; a re-launch workshop after the plan was delayed due to City budget issues; a "Words to Paper" workshop where groups presented their vision for the Plan Area; a presentation of the Draft Plan Concept; and finally, a presentation of the Draft Specific Plan. In addition to the public workshops there were

⁸ The BVDSP also includes a recommendation to study the feasibility of development impact fees for transportation, infrastructure and/or housing. As noted above, the proposed Housing Element Update also includes a policy that states that the City will be issuing a Request for Proposals (RFP) during the Housing Element planning period for an impact fee study that will consider transportation, infrastructure, and affordable housing. Development and adoption of potential impact fees will move forward on a separate track from the adoption of the BVDSP. If adopted, the impact fee(s) would apply to the BVDSP.

approximately eight Community Stakeholder Group (CSG) meetings, four Technical Advisory Committee (TAC) meetings, and two combined CSG and TAC meetings.

Additional outreach included a meeting with owners. Newspaper notices, email updates and the project webpage were additional means of communicating with project stakeholders. Also, staff engaged in personal follow up with project stakeholders throughout the duration of the project, including members of the Better Broadway Coalition such as Greenbelt Alliance, East Bay Housing Organizations (EBHO), the Oakland Heritage Alliance, the Oakland Retail Advisory Committee of the Oakland Chamber of Commerce, individual property owners and developers.

More formal public hearings/meetings were held before the following City Boards, Committees and Commissions:

- LPAB - October 14, 2013 and May 12, 2014
- Planning Commission – full Commission on October 16 and 30, 2013 and May 21, 2014; Design Review Committee on November 13, 2013; Zoning Update Committee on December 11, 2013
- Bicycle & Pedestrian Advisory Committee - November 21, 2013
- Parks and Recreation Advisory Committee - December 4, 2013

COORDINATION

The BVDSP, Related Documents and the EIR were prepared with the technical assistance of the following City departments: Planning and Building Department, Economic Development Department, Public Works Department (Transportation Planning & Funding Division, Environmental Services Division, Transportation Services Division and Department of Engineering and Construction), Redevelopment Successor Agency, and City Attorney's Office. This report was also reviewed by the Budget Office.

COST SUMMARY/IMPLICATIONS

The only direct fiscal impact to the City related to adopting the BVDSP and Related relate to the appropriation of the (voluntary) parking and open space in-lieu fees. Amounts collected from the new in-lieu fees shall be deposited and appropriated in the special revenue Development Services Fund (2415), Planning Organization (84211), Other Fees (45419), project to be determined, General Plan, zoning update and strategic analysis (SC09).

Otherwise, application of the new zoning standards and design guidelines will be routine components of project review administered by the Planning and Building Department, which collect fees for such as established in the Master Fee Schedule. As an adopted Plan, with

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recommended transportation improvements for which environmental analysis has been prepared, the City will better position to apply for and potentially receive grant funding for such projects.

SUSTAINABLE OPPORTUNITIES

Economic: The development program contemplated as part of the BVDSP would allow for an increase of 695,000 square feet of office space, 1,114,000 square feet of restaurant/ retail space, 1,800 residential units, a new 180-room hotel that could boost the sales tax, property tax and business tax revenue in the Broadway Valdez District. The BVDSP would create employment opportunities, increase revenues (sales, property and other taxes), and promote spin off activities (as workers spend some of their income on goods in the Plan Area).

Environmental: While most environmental impacts associated with the BVDSP would be reduced to less than significant levels, after the City's standard conditions of approval and mitigation measures are applied to individual projects, there will nonetheless be some significant and unavoidable impacts. However, as indicated in the Statement of Overriding Considerations, there are significant benefits to the adoption of the BVDSP. See discussion of CEQA below.

Social Equity: Updating zoning standards to provide a residential bonus for providing affordable housing in the Retail Priority Sites; promote a mix of uses that will generate a range of jobs; as well as, employing design guidelines to minimize potential conflicts between cars, pedestrians, and bicyclists in the Plan Area will address social equity impacts in the Broadway Valdez District. Further, the new design guidelines will help ensure that buildings are designed with regard to land use compatibility in order to lessen air quality and noise impacts.

CEQA

An EIR has been prepared for the BVDSP, which was certified by the City Planning Commission at its May 21, 2014 meeting. The EIR was provided to the City Council under separate cover, and is available to the public, through the City's website:

<http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>

Limited copies of the Draft and Final EIR, BVDSP and Design Guidelines are also available, at no charge, at the Oakland Planning Division office, 250 Frank Ogawa Plaza, Suite 3315, Oakland, California 94612.

The May 21, 2014, Planning Commission staff report (*Attachment A*, pages 18 through 26) includes a detailed summary of the CEQA process, timelines, findings and overall summary of the environmental review for the project. What follows is a brief summary.

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Less-than-Significant Impacts

As detailed in Chapter 4 of the EIR, the following environmental topics included issue areas where there were no impacts or less than significant impacts with incorporation of Project mitigation measures, or where indicated, through the implementation of Standard Conditions of Approval (which are an integral part of the SCAMMRP): Aesthetics, Air Quality, Biology, Cultural Resources, Geology and Geohazards, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Noise, Population and Housing, Public Services, Transportation and Utilities/Service Systems. *See Attachment B: CEQA Adoption Findings* for a description of the less than significant impacts and applicable SCA and mitigation measure(s).

Significant Environmental Impacts

As detailed in Chapter 4 of the EIR, the proposed BVDSPP will result in significant and unavoidable impacts associated with the following environmental topics:

- Aesthetics, Shadow and Wind: AES-4 (Shadow), AES-5 (Wind), AES-6 (Cumulative Shadow and Wind);
- Air Quality: Air Quality AIR-1 (Construction Emissions), AIR-2 (Operational Emissions), AIR-4 (Gaseous TACs);
- Cultural Resources: CUL-1 (project), CUL-5 (cumulative);
- Greenhouse Gases: GHG-1 (project-level);
- Noise: Noise NOI-5 (traffic noise), NOI-6 (cumulative) and NOI-7 (cumulative) and
- Transportation (at 11 study intersections and 6 roadway segments, including those which have been previously identified in other CEQA documents.⁹

Therefore, in order to approve the proposed BVDSPP, the City will have to adopt Statements of Overriding Consideration for these significant unavoidable impacts, finding that the benefits of the Project outweigh any significant and unavoidable impacts (see *Attachment B: CEQA Findings*).

CEQA Alternatives

Chapter 5 of the Draft EIR includes the analysis of four potentially feasible alternatives to the proposed project that meet the requirements of CEQA, which include a reasonable range of

⁹ The City of Oakland has previously identified intersections which were found to have significant and unavoidable traffic-related impacts from recently published EIRs or traffic studies for development projects. These intersections (see Appendix G the Draft EIR) were identified in the Draft EIR in order to provide more information about potential traffic-related impacts and to provide CEQA clearance for future projects. No feasible mitigation measures were identified for these intersections, and while a Transportation Impact Study may still be required, in accordance with standard City policy and practice, the impacts are nevertheless significant and unavoidable. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.

alternatives to the Project that would feasibly attain many of the Project's basic objectives, and avoid or substantially lessen many of the Project's significant environmental effects. These alternatives include: Alternative 1: the No Project Alternative, Alternative 2: the Partially Mitigated Alternative, Alternative 3: Maximum Theoretical Buildout Alternative and two Historic Preservation Sub-Alternatives ("A" and "B"), which were considered in combination with Alternative 2: the Partially Mitigated Alternative. As presented in the EIR, the alternatives were described and compared with each other and with the proposed project (see *Attachment B*):

After the No Project Alternative 1, the Environmentally Superior Alternative is the Partially Mitigated Alternative in combination with Historic Preservation Sub-Alternative A.

The Partially Mitigated Alternative and Historic Preservation Sub-Alternative A are being rejected in favor of the Project because they do not meet the basic project objectives to allow a development program that would facilitate the transformation of the Plan Area into an attractive, regional destination for retailers, shoppers, employers and visitors that serves in part the region's shopping needs and captures sales tax revenue for reinvestment in Oakland.¹⁰ Additionally, legal or other considerations make the alternatives and sub-alternative infeasible. Therefore, a Statement of Overriding Considerations is recommended for adoption despite the Project's significant and unavoidable impacts (see *Attachment B*).

In sum, City Planning staff recommends the City Council reaffirm the Planning Commission's adoption of the CEQA findings in *Attachment B*, which include certification of the EIR, rejection of alternatives as infeasible, and a Statement of Overriding Considerations.

Streamlining Future Environmental Review

The City intends to use the streamlining/tiering provisions of CEQA to the maximum feasible extent, so that future environmental review of specific projects are expeditiously undertaken without the need for repetition and redundancy, as provided in various provisions of CEQA (see *Attachment A*, page 26 for details).

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 that either: 1) the action's environmental effects were fully disclosed, analyzed, and as needed, mitigated within the BVDSP EIR; 2) the action is exempt from CEQA; 3) the action warrants preparation of a (Mitigated) Negative Declaration; or 4) the action warrants preparation of a supplemental or subsequent focused EIR limited for 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.

¹⁰ As noted earlier in Project Description above, the BVDSP, in combination with Historic Preservation Sub-Alternative B is now "the Project" that City staff is recommending for adoption and is therefore not rejected as infeasible.

CONCLUSIONS

Staff recommends that the City Council take public testimony, close the public hearing, and:

- (a) Adopt a Resolution, As Recommended By The City Planning Commission, (A) Certifying The Environmental Impact Report And Making Related CEQA Findings; And (B) Adopting The Broadway Valdez District Specific Plan And Related General Plan Amendments And Design Guidelines;
- (b) Adopt an Ordinance, As Recommended By The City Planning Commission, Amending The (A) Oakland Planning Code To Create The D-BV Broadway Valdez District Commercial Zone Regulations And Make Conforming Changes To Other Planning Code Sections, As Well As Adopting Zoning And Height Area Maps; And (B) Oakland Master Fee Schedule (Ordinance No. 13184, C.M.S., As Amended) To Establish A Parking In-Lieu Fee And Open Space In-Lieu Fee;
- (c) Authorize the City Administrator or designee to make minor ongoing revisions to the adopted Design Guidelines for the Broadway Valdez District and to return to the Planning Commission for major revisions only; 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 Broadway Valdez District Commercial Zone Regulations (which are essentially correction of typographical and/or clerical errors) without returning to the City Council or City Planning Commission; and to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors and minor clarifications) to the BVDSP prior to formal publication, without returning to the City Council or City Planning Commission; and
- (d) Authorize the City Administrator or designee to make ongoing revisions to the BVDSP Action Plan (Chapter 8, Table 8.6), to reflect changes in market conditions (e.g., what private development actually occurs) and the availability of City and other funding sources, which could potentially affect timeframes, responsibilities and potential funding mechanisms, without returning to the City Council or Planning Commission; and
- (e) Authorize the City Administrator or designee to take any or all actions necessary to implement the parking and open space in-lieu fee program that are consistent the BVDSP and Related Documents, including without limitation:
 - Developing and promulgating administrative procedures and guidance documents; and

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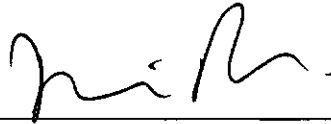
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- Designating a department(s) to manage the funds.

For questions regarding this report, please contact Laura Kaminski, Planner II, at (510) 238-6809 or Alisa Shen, Planner III, at (510) 238-2166.

Respectfully submitted,



DARIN RANELLETTI
Deputy Director, Bureau of Planning

Reviewed by:
Ed Manasse, Strategic Planning Manager

Prepared by:
Laura Kaminski, Planner II and
Alisa Shen, Planner III
Strategic Planning Division

Attachments

- May 21, 2014 Planning Commission Staff Report without attachments
- CEQA Findings: Certification of the EIR, Rejection of Alternatives and Statement of Overriding Considerations
- Broadway Valdez District Specific Plan Adoption Findings
- Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP)
- Changes to the Specific Plan Made at the May 21, 2014 Planning Commission Meeting
- Summary of Responses to Specific Plan Comments Up Until the May 16, 2014 Publication of the Planning Commission Staff Report
- Summary of Changes to the Specific Plan and Related Actions Up Until the May 16, 2014 Publication of the Planning Commission Staff Report
- Map of Plan Area CEQA Historic Resources and Proposed Retail Priority Sites
- Proposed Parking In-lieu Fee
- Proposed Open In-lieu Fee
- Comment Letter from the Landmarks Preservation Advisory Board – May 13, 2014

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Location:	The Broadway Valdez District Specific Plan Area ("Plan Area") is located just to the north of Oakland's Central Business District. The Plan Area, which includes land along both sides of Broadway, extends 0.8 miles from Grand Avenue to I-580. The Plan Area includes approximately 95.5 acres, including 35.1 acres in public right-of-way and 60.4 acres of developable land.
Proposal:	Conduct a public hearing to consider certifying the Final Environmental Impact Report (FEIR) on the Broadway Valdez District Specific Plan, and recommending to the City Council adoption of the Final Specific Plan and associated General Plan amendments, Municipal Code and Planning Code amendments, Zoning Maps, Height Maps and Design Guidelines (collectively called "Related Actions").
Applicant:	City of Oakland
Case File Number:	ZS12046, ER120005, GP13268, ZT13269, RZ13270
General Plan:	Central Business District, Community Commercial, Neighborhood Center Commercial, Urban Residential, Mixed Housing Type Residential, Institutional
Zoning:	CBD-P, CBD-C, CC-2, CC-2/D-BR, CN-2/D-BR, RU-3/D-BR, RU-4/D-BR, RM-3/D-BR, RM-4/D-BR
Environmental Determination:	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.
Historic Status:	The Plan Area includes cultural/historic resources that include CEQA Historic Resources and may be eligible for, or are on an historical resource list (including the California Register of Historic Resources, the National Register of Historical Resources, and/or the Local Register); as well as several cultural/historic resources designated by the City of Oakland as Areas of Primary Importance (API); Areas of Secondary Importance (ASI); properties individually rated A, B, C, or D; and Landmark properties.
Service Delivery District:	2
City Council District:	3
Status:	The Final Specific Plan and RTC/FEIR was released on May 1, 2014.
Action to be Taken:	Receive LPAB, Planning Commission and public comments, close the hearing and consider certifying the FEIR, and recommending to the City Council adoption of the Final Specific Plan and Related Actions.
Finality of Decision:	N/A
For Further Information:	Contact project planner Laura Kaminski at 510-238-6809 or lkaminski@oaklandnet.com Project website: www.oaklandnet.com/bvdsp

SUMMARY

The purpose of this Planning Commission hearing is to receive comments from the LPAB, Planning Commission and the public on the FEIR, Final Specific Plan, and associated General Plan amendments, Municipal Code and Planning Code amendments, Zoning Maps, Height Maps and Design Guidelines (collectively called "Related Actions"), before considering the following actions:

- Adoption of the CEQA findings for the Broadway Valdez District Specific Plan (BVDSP) in **Attachment A**, which include certification of the Final Environmental Impact Report (FEIR), rejection of alternatives as infeasible, and a Statement of Overriding Considerations;
- Adoption of the Standard Conditions of Approval and Mitigation Monitoring Reporting Program (SCAMMRP) in **Attachment B**;
- Recommend the City Council adopt the BVDSP, new Design Guidelines, General Plan and Planning Code Amendments, and Master Fee Schedule amendments based, in part, upon the BVDSP Adoption Findings in **Attachment C**; and
- Authorize staff to make minor ongoing revisions to the adopted Design Guidelines for the Broadway Valdez District and to make non-substantive, technical conforming edits (essentially correction of typographical and/or clerical errors) to the Planning Code that may have been overlooked in deleting old sections and cross-referencing new sections to the new Broadway Valdez District Zones Regulations prior to formal publication of the Amendments in the Oakland Planning Code, and to return to the Planning Commission for major revisions only;
- Authorize staff to make ongoing revisions to the BVDSP Action Plan (Chapter 8, Table 8.6), to reflect changes in market conditions (e.g., what private development actually occurs) and the availability of City and other funding sources, which could potentially affect timeframes, responsibilities and potential funding mechanisms, as part of implementation of the Specific Plan.¹

This staff report includes the draft General Plan Amendments as **Attachment D**; the Planning Code Amendments as **Attachment E** (a new zoning chapter for the Broadway Valdez District and conforming changes to other parts of the Planning Code); a summary of responses to Specific Plan Comments as **Attachment F**; a summary of changes to the Specific Plan and Related Actions since last reviewed by advisory boards and the Planning Commission as **Attachment G**; a list and map of CEQA resources in the Plan Area as **Attachment H**; a proposed Parking In-lieu Fee as **Attachment I**; a proposed Open In-lieu Fee as **Attachment J**. These documents are also available for review on the City's website at: www.oaklandnet.com/bvdsp.

The BVDSP, Design Guidelines, General Plan and Planning Code amendments, Zoning Map, Height Map and the Final EIR were previously furnished separately to the Planning Commission, and are available to the public, through the City's websites:

¹ The Draft EIR, Draft Specific Plan, and associated Draft General Plan amendments, Zoning Concept, Zoning Maps, Height Maps and Design Guidelines were presented at the October 16th and October 30th, 2013 Planning Commission meetings. The staff reports and attachments for these meetings are available online at: www.oaklandnet.com/bvdsp.

BVDSP, Design Guidelines, General Plan and Planning Code amendments, Zoning Map, Height Map:
www.oaklandnet.com/bvdsp

Final EIR: <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>

Limited copies of the Final EIR, BVDSP and Design Guidelines are also available, at no charge, at the Oakland Planning Division office, 250 Frank Ogawa Plaza, Suite 3315, Oakland, California 94612.

OVERVIEW

The discussion below provides a project description, brief history of the BVDSP and EIR public participation and planning process and General Plan conformity analysis.

1. Project Description

The Broadway Valdez District Specific Plan ("Specific Plan") will be a 25-year planning document that provides a vision and planning framework for future growth and development within the Plan Area, which runs along Oakland's Broadway corridor between Grand Avenue and I-580. The overarching goal of the Broadway Valdez District Specific Plan ("Specific Plan") is to create a destination retail district within the Plan Area, which runs along Oakland's Broadway corridor between Grand Avenue and I-580, that addresses the City's deficiency in comparison goods shopping and to transition the Plan Area to a more sustainable mix of uses that contribute to the vitality, livability, and identity of Downtown Oakland, and address residents' shopping needs.

The Plan provides a comprehensive vision for the Plan Area along with goals, policies and development regulations to guide the Plan Area's future development and serves as the mechanism for insuring that future development is coordinated and occurs in an orderly and well-planned manner. The Specific Plan does not propose specific private developments, but for the purposes of environmental review, establishes the Broadway Valdez Development Program, which represents the maximum feasible development that the City has projected can reasonably be expected to occur in the Plan Area over the Plan's 25-year planning period. In total, the Broadway Valdez Development Program includes approximately 3.7 million square feet of development, comprised of 695,000 square feet of office space, 1,114,000 square feet of restaurant/ retail space, 1,800 residential units, a new 180-room hotel and 6,420 parking spaces. In order to achieve the destination retail district and mixed use neighborhood vision, the BVDSP proposes a series of improvements related to transportation, affordable housing, historic resource preservation and enhancement, streetscape, plaza, parking and utility infrastructure. These recommended plan improvements are summarized in Chapter 8, Table 8.6 of the BVDSP.

The BVDSP also includes a robust set of policies and incentives to preserve and enhance existing buildings, including those that are not deemed to be CEQA historic resources. These policies and incentives comprise "Historic Preservation Sub-Alternative B" which was analyzed in the Draft EIR. The BVDSP, in combination with Historic Preservation Sub-Alternative B is now "the Project" that City staff is recommending for adoption. For ease of administrative purposes, the changes noted above have been made to the May 2014 Final Draft Specific Plan.

Concurrent, but separately, the project also includes adoption of the Related Actions).

2. Public Participation and Planning Process

In 2006-2007, Oakland commissioned two retail enhancement studies, the Citywide Retail Enhancement Strategy (Conley, 2006) and the companion Upper Broadway Strategy – A Component of the Oakland Retail Enhancement Strategy (Conley, 2007), which identified the City's need to reestablish major destination retail in Oakland as being critical to stemming the retail leakage and associated loss of tax revenue that the City suffers annually. These reports also identified the Broadway Valdez District as the City's best opportunity to re-establish a retail core with the type of comparison shopping that once served Oakland and nearby communities, and that the City currently lacks.

In January 2009, the City of Oakland received a funding grant from the Metropolitan Transportation Commission (MTC) to study the Broadway Valdez District Specific Plan Area for potential destination retail, housing and Transit-Oriented Development (TOD). The Specific Plan process commenced upon the receipt of the funding agreement from MTC.

As part of the public outreach effort, seven community workshops were held between May 2009 and October 2013. Initial workshops focused on developing a shared vision statement for the area, and subsequent workshops involved: a review of three alternatives; a re-launch workshop after the plan was delayed due to City budget issues; a "Words to Paper" workshop where groups presented their vision for the Plan Area; a presentation of the Draft Plan Concept; and finally, a presentation of the Draft Specific Plan. In addition to the public workshops there were approximately eight Community Stakeholder Group (CSG) meetings, four Technical Advisory Committee (TAC) meetings, and two combined CSG and TAC meetings.

3. Previous Review by Advisory Boards and the Planning Commission

Between October 2013 and December 2013, the Draft Broadway Valdez District Specific Plan and Draft Environmental Impact Report (DEIR), including General Plan Amendments, Zoning Maps, Height Area Maps, Draft Zoning Concepts, and Design Guidelines were presented to advisory boards, including the Zoning Update and Design Review Committees of the Planning Commission, as well as the Bicycle and Pedestrian Advisory Committee, and Parks and Recreation Advisory Committee, each of which provided comments unique to their topic area. To date, a complete draft of the proposed new Chapter 17.101C D-BV Broadway Valdez District Commercial Zones Regulations has only been presented to the Zoning Update Committee, an advisory board to the Planning Commission at its December 11, 2013 meeting.

Three duly noticed public hearings on the DEIR were held including: a City of Oakland Landmarks Preservation Advisory Board (LPAB) public hearing on October 14, 2013, and two City of Oakland Planning Commission hearings on October 16, 2013 and on October 30, 2013. Both the LPAB and the Planning Commission provided additional comments.

4. Addressing Comments Received during the Previous Public Review Period

Staff received numerous comments on the Draft Broadway Valdez District Specific Plan, Draft Environmental Impact Report (DEIR) and Related Actions during the previous public review period. Plan-related major comments/responses are organized by category and provided in **Attachment F**. Often

more than one person or agency had the same comment so these have been summarized into more general comments. Based on direction received at the various previously mentioned meetings, hearings, and written comments, staff has made changes to the Broadway Valdez District Specific Plan and related documents, and a summary of these changes is presented below. Also, CEQA-related comments are separately addressed in the Final EIR/Response to Comment document. Key changes made to the Broadway Valdez District Specific and Related Actions *since they were previously reviewed by advisory boards and the Planning Commission* are discussed in the following section, related to the proposed new chapter to the Planning Code for the Broadway Valdez District, as well as in the Key Issues section of this staff report. A detailed list of changes made to the Specific Plan and Related Actions are provided in **Attachment G**.

5. Changes Made Since the May 1, 2014 Release of the Final Draft Broadway Valdez District Specific Plan

The following change has been made to the Final Draft Broadway Valdez Specific Plan since it was released on May 1, 2014: Retail Priority Site 5B has been split into two sites, "5B" and "5C" such that Retail Priority Site 5 now has a total of three Retail Priority Sub-Areas: 5A, 5B and 5C. This change affects Figures 4.4, 4.5 and Appendix B.4 in the Specific Plan.

6. Comments from the May 12, 2014 Landmarks Preservation Advisory Board Meeting

The Landmarks Preservation Advisory Board (LPAB) supported the City staff's historic resource-related changes to the Draft Broadway Valdez District Specific Plan (BV DSP) including the new incentives and policies to encourage the preservation and reuse of existing buildings (including those not deemed to be CEQA historic resources), as outlined in Historic Preservation Sub-Alternative B of the EIR; and the removal of the policy that had allowed new development to take precedence over adaptive reuse. The LPAB made the following recommendations:

- Revise the language in the policy and strategies in Chapter 8, Policy IMP-5.1 to be more "proactive" and "affirmative";
- Include a photo of the Waverly ASI in the Plan
- Further articulate and refine the Design Guidelines regarding Adaptive Reuse.

A copy of the LPAB comments and recommendations is provided in **Attachment K**. Staff agrees with the recommendations and will make the requested revisions; detailed responses to these comments, as well as revisions made to the BVDSP in response to these comments are provided in **Attachment F** (see response to comments 3.7 and 13.9 specifically) and **Attachment G**.

7. Changes Made Since the May 12, 2014 Landmarks Preservation Advisory Board Meeting

In addition to changes made in response to recommendations from the LPAB noted above, the BVDSP has been further revised to include additional policies relating to jobs and job training; and the proposed new zoning regulations include a new definition of what constitutes the "retail" that is needed to meet the minimum requirements before a bonus of residential units and/or transfer of development rights is achieved. These changes are provided in **Attachment F** (see response to comments 3.7 and 13.9 related to LPAB recommendations and response 11.2 related to new policies related to jobs/job training) and **Attachment G**.

8. Proposed New Chapter to the Planning Code for the Broadway Valdez District: 17.101C D-BV Broadway Valdez District Commercial Zones Regulations

At the time the Draft Specific Plan was published, it only included a draft concept of the proposed new zoning. As noted above, a complete draft chapter of the 17.101C D-BV Zones was presented at the Zoning Update Committee (ZUC) meeting in December 2013, which was after the release of the Draft Specific Plan. Further changes have been made since the complete draft chapter of the 17.101C D-BV Zones was presented at the ZUC, see **Attachment G** for a summary of these changes. Therefore, an overview of the key components of the complete zoning chapter of 17.101C D-BV is provided here. The complete draft of the Chapter, Zoning Map and Height Map are provided in **Attachment E**.

a. Overview (Section 17.101C.010 – Title, intent, and description)

The Draft Specific Plan proposes four (4) new district-specific zoning classifications that would replace the existing zoning. These district-specific zones follow a nomenclature established by the City in other districts, such as the Wood Street District, Oak to Ninth, and the Kaiser Permanente Medical Center areas. The new Broadway Valdez zone districts are identified by the descriptive prefix of “D-BV” which signifies “District - Broadway Valdez.”

In summary, the four (4) new district-specific zoning classification would be as follows: **D-BV-1** Retail Priority Sites would be the most restrictive regarding uses and ground floor uses in particular; **D-BV-4** Mixed Use would be the least restrictive regarding uses; **D-BV-2** Retail would require that ground floor uses consist of retail, restaurant, entertainment, or arts activities; and **D-BV-3** Mixed-Use Boulevard would allow for a wider range of ground floor office and other commercial activities than in D-BV-2.

D-BV-4 Mixed Use would allow the widest range of uses on the ground floor, including both residential and commercial businesses. **D-BV-1** Retail Priority Sites would only allow residential uses if a project were to include at least 50% of the square footage of the Retail Priority Site to be retail.

An additional combining zone called the “N - North Large Development Site” is included on some large parcels/blocks that are within the D-BV-3 zone. These sites have large vacant or underutilized properties and are fairly deep and/or with dual street frontage. More active ground floor uses within the 60 feet that fronts Broadway are required.

Retail Priority Sites and Incentives: As noted above, to help achieve the Draft Plan’s goal of promoting the Plan Area as a retail destination, the Draft Plan’s land use concept includes a series of “Retail Priority Sites,” which are implemented by the proposed new zoning district D-BV-1 Retail Priority Sites (see **Attachment E**). Retail Priority Sites may contain multiple parcels with different owners. The regulatory framework of D-BV-1 is intended to ensure that larger sites and opportunity areas, particularly within the Valdez Triangle, are reserved primarily for new, larger retail development to accommodate consumer goods retail, at least on the ground floor. In addition to size, the Retail Priority Sites are also well served by transit, have excellent vehicular access, and are in areas of good visibility. The Specific Plan proposes to use a combination of incentives and regulation to achieve its retail objectives on the Retail Priority Sites. The main incentive is that the right to develop residential would be a bonus upon development of a retail project of a specified size; additional incentives apply for retail projects that are larger than the minimum

requirement, with additional residential bonus and the ability to transfer the development rights of those units to other parcels that cannot meet the minimum retail square footage required in that Retail Priority Site to build residential. An additional residential bonus of 35% is granted if 15% affordable housing is provided as part of the project, either within that Retail Priority Site or on another Retail Priority Site. See Key Issues below for a more detailed discussion on the Retail Priority Sites.

b. Permitted and conditionally permitted activities (Section 17.101C.030)

The permitted and conditionally permitted activities table 17.101C.01 lists what activities are permitted, conditionally permitted, and prohibited. There also are limitations that can be added to these allowances. Specific uses are highlighted below.

i. Permanent Residential and Transient Habitation (hotel):

- In the D-BV-1 zone both Residential and Transient Habitation would require a Conditional Use Permit (CUP) and only as a bonus to a retail project that includes at least 50% of the square footage of the Retail Priority Site to be retail on the ground floor but can also be above the ground floor (as stated in **Attachment E**, Tables 17.101C.05 and 17.101C.06).
- In the D-BV-2 zone Residential is not permitted on the ground floor within 50 feet of any street-abutting property line. Transient Habitation requires a CUP.
- In the D-BV-3 zone Residential requires a CUP if located on the ground floor and within 60 feet of any street-abutting property line facing Broadway, 27th Street, or Piedmont Avenue. Transient Habitation requires a CUP
- In the D-BV-4 zone Residential is permitted on the ground floor. Transient Habitation is not permitted.
- In the N Combining zone - Residential is not permitted on the ground floor within 60 feet of any street-abutting property line facing Broadway. Transient Habitation requires a CUP

ii. General Food Sales (grocery store, not a restaurant), Consumer Service (pharmacy), and Custom Manufacturing:

- In the D-BV-1 zone General Food Sales, Consumer Service and Custom Manufacturing if new construction and larger than 5,000 square feet, these uses would only be permitted with a CUP as part of a retail project that includes at least 50% of the square footage of the Retail Priority Site as retail (as stated in **Attachment E**, Tables 17.101C.05 and 17.101C.06). The reason for this restriction is because these activities are not considered to be comparison goods retail and do not provide the same type of tax revenue.
- For Consumer Service: in the D-BV-3 and N Combining zones it is permitted; in the D-BV-2 zone if it is on the ground floor it requires a CUP; and in D-BV-4 if it is over 5,000 square feet it requires a CUP.

- For Custom Manufacturing: in the D-BV-2 and N Combining zones a CUP is required; and in the D-BV-3 and D-BV-4 zones it is permitted above the ground floor and requires a CUP on the ground floor.

iii. Automobile and Other Light Vehicle Sales and Rental:

- In the D-BV-1 zone is permitted with a CUP as part of a retail project that includes at least 50% of the square footage of the Retail Priority Site as retail (as stated in Attachment E, Tables 17.101C.05 and 17.101C.06), and can include an accessory auto repair.
- In the D-BV-2, D-BV-3, D-BV-4 and N Combining Zones is permitted with a CUP and can include an accessory auto repair.
- All of the zones require additional criteria that would need to be met to approve the CUP that include, but not limited to: no outside open car sales and/or inventory lots; inventory will be stored either inside or on top of the dealership building, at an offsite location that is outside of the D-BV-1, D-BV-2, or D-BV-3 zone, or within an existing structured parking facility; will not weaken the concentration and continuity of retail facilities at ground level; and will not interfere with the movement of people along an important pedestrian street.

iv. Automotive Fee Parking:

- In all zones is permitted as an accessory to an allowed principal use in order to allow for shared parking and permitted with a CUP as a primary use multi-story parking garage to serve nearby businesses.

v. Activity Restrictions on the Ground Floor:

- There are a number of ground floor prohibited activities in the D-BV-1 zone; in the D-BV-2 zone if within 50 feet of any street abutting properly line; and in the N Combining zone if within 60 feet Broadway. These restrictions on the ground floor are to allow for more active uses on the ground floor, there are less restriction on the uses and the zoning number gets higher. The N Combining zone has similar restrictions to the D-BV-2 zone because these are considered large opportunity sites that will more likely be built as new-construction for specific more active uses.
- There are a number of ground floor activities that are a CUP in the D-BV-1 zone; in the D-BV-2 zone; in the D-BV-3 zone if within 60 feet of Broadway, 27th Street, and Piedmont; and in the N Combining zone within 60 feet of Broadway.

c. **Permitted and Conditionally Permitted Facilities (Section 17.101C.040)**

- Micro Living Quarters – is permitted with a conditional use permit in the D-BV-2 zone and in the D-BV-3 zone in the area to the southeast of Harrison Street and Bay Place.

d. **Property Development Standards (Section 17.101C.050)**i. Zone Specific Standards (Section 17.101C.050A)

- Minimum Front Setback – In the N combining zone, a 4-foot front setback would be required on those blocks that are vacant or have an established 4-foot front setback. The reason for this is to provide for a wider sidewalk.

ii. Height, Floor Area Ratio (FAR), Density, and Open Space (Section 17.101C.050B)

- Proposed Height Limits - Proposed height limits would remain the same or be reduced along the northeastern portion of the Plan Area; increased height limits are proposed in areas west of Broadway, near the elevated I-580 freeway and Alta Bates Summit Medical Center, ranging from 85 to 135 feet permitted and 135– 200 feet with a CUP (formerly 75 feet), as well as in the southern portion of the Plan Area between Broadway and Valdez Street north of 23rd Street (with a height maximum of 250 feet instead of the existing 120 feet); there is also the potential for certain portions of the Valdez Triangle (in the Retail Priority Sites) that will have a “by right” height maximum of 45 feet, to have increased height limits ranging from 200 feet to 250 feet, provided that at least 50% of the square footage of the Retail Priority Site that is included in a development proposal is retail.
- Minimum Height – Minimum height will be measured in stories instead of feet, with 2-story minimums in the 45- and 65-foot height limits and 3-story minimums in the 85-foot and taller height limits.
- Height Area 45* – No residential densities are listed because this height area falls within the Retail Priority Sites and residential is only allowed as part of a retail project that includes at least 50% of the square footage of the Retail Priority Site as retail (as stated in Attachment E, Tables 17.101C.05 and 17.101C.06).
- Minimum Usable Open Space – These proposed requirements are similar to the Central Business District Zoning open space requirements that allow for a combination of different types of open space in order to fulfill a total open space square footage per residential unit.
 - A new type of open space for an interior community room that could include a movie room, kitchen, and/or gym. Only 1/3 of open space required can be used for this type.
 - In-lieu fee: Open space requirements may be reduced or waived with a CUP with payment of an in-lieu fee to be used for new public open space/plaza(s) or existing public open space/plaza(s) improvements.
 - Senior and Affordable Housing: reduced open space requirements apply for all height areas.
 - Conversion of Historic Resource building from commercial to residential requires no useable open space.

iii. Retail Priority Sites Minimum Square Footage of Retail Area for Residential Facilities or Taller Non-Residential Facilities (Section 17.101C.050C)

Table 17.101C.05 defines for each Retail Priority Site the amount of retail square footage that would be required in order to develop residential facilities. Table 17.101C.06 then further defines the residential bonus and heights that would be allowed.

- The following contribute to the retail square footage minimums:
 - Retail floor area
 - Internal pedestrian stairs, corridors, and circulation
 - Ground floor public plaza/open space(s) that is on site or adjacent offsite
- Utilization of existing buildings towards new retail floor area can count toward the retail square footage. In the case of a CEQA Historic Resource:
 - New retail square footage in a CEQA Historic Resource can count double towards the retail square footage required to obtain a residential bonus; or
 - If a CEQA Historic Resource is maintained and not used for retail, the square feet of its footprint can be deducted from the overall square footage of the Retail Priority Site in determining the square footage of retail required.
- Square footage of the following do not count towards the retail square footage minimum:
 - Loading dock
 - Parking
 - Driveways, ramps, and circulation for cars and trucks

iv. Retail Priority Sites: Height, Floor Area Ratio (FAR) and Residential Bonus

Height, FAR and residential bonus are based on the provision of certain minimum thresholds of retail square footage equal to a percentage of the total area of each Retail Priority Site, which may contain multiple parcels with different owners. As shown in Table 17.101C.05, if 50% of the Retail Priority Site is provided as retail square footage in a project, then a height, FAR, and residential bonus are established; if 60% of the Retail Priority Site is provided as retail square footage, then a larger residential bonus will be permitted, as well as the right to transfer development rights for those residential units to another parcel or parcels within a Retail Priority Site that could not meet the minimum retail square footage requirements on its/their own. An additional 35% residential bonus is provided if 15% affordable housing is included in the project or built within another Retail Priority Site. An exception is provided if one cannot meet the minimum retail square footage through a conditional use permit (CUP) with criteria that include, but are not limited to; if demonstrated through architectural studies of at least one or more alternative, that a project would be physically infeasible due to operational and/or site constraints if it were to meet the minimum retail square footage specified.

v. 17.101C.060 – Micro Living Quarters

- Micro Living Quarters Definition: a multiple-tenant building with an average net-floor area of 175 square feet but a minimum size of 150 square feet. Bathroom facilities are included within each living quarter but cooking facilities are not allowed within each living quarter. A shared kitchen is required on each floor, the maximum number units are not prescribed but the size of the units and the FAR shall dictate the limits.

e. **Changes to Other Planning Code Chapters, 17.116 Off-Street Parking and Loading Requirements and 17.117 Bicycle Parking Requirements**

In addition to the new Zoning Chapter for the Broadway Valdez Specific Plan, there are also changes proposed to Chapter 17.116 Off-Street Parking and Loading Requirements and Chapter 17.117 Bicycle Parking Requirements. These were previously shown to the Zoning Update Committee as part of the Zoning Chapter for ease of review purposes, but have now been moved to their proper chapter so they are grouped with the other parking regulations in the Planning Code.

vi. Parking Requirements – New parking requirements for the Broadway Valdez District are proposed, these include:

- Reduced residential parking, from existing 1 parking space per unit to:
 - 0.5 spaces per unit in the D-BV-1 and D-BV-2 zones.
 - 0.75 spaces per unit in the D-BV-3, D-BV-4 zones, and N combining zone.
- Reduced residential senior parking without a CUP, which is currently required and new reduced parking for affordable housing:
 - 0.25 spaces per unit in all zones without a CUP.
- Conversion of Historic Resource from commercial to residential and vice versa:
 - 0 spaces per unit in all zones without a CUP.
- Requirement of unbundled parking for sale or rental of parking spaces in multifamily dwelling residential facilities of 10 units or more.
- Reduced commercial activity parking from existing requirements. Also, a new way of defining parking requirements if for a ground floor use or upper floor use in order to allow for easy change of activities within a floor. Existing requirements limit certain new activities that could require more parking than the old activity for which the facility was constructed for. Also allows for shared use of parking for different activities on the same floor level (ground versus upper).
 - 1 space/500 sq. ft. of ground floor area for commercial activity
 - 1 space/1,000 sq. ft. of upper floor area for commercial activity
 - Existing parking varies: restaurant/grocery store 1 space/200 sq. ft., retail/consumer service, medical 1 space/400 sq. ft., administrative/consultative financial services 1 space/600 sq. ft.
 - Minimum square footage of floor area before parking required is relaxed, now requiring 10,000 square feet (existing varies from 3,000 – 5,000 square feet),
- In-lieu fee, parking space requirements for both residential and commercial activities may be reduced or waived with a CUP with the payment of an in-lieu fee to be used for increasing parking supply or decreasing the demand for parking. As a result, no variances will be allowed for reduced parking.

Also previously shown to the ZUC are increased bicycle parking requirements which also have been moved to their proper chapter so they are grouped with the other bicycle parking regulations in Chapter 17.117 Bicycle Parking Requirements.

vii. Bicycle Parking Requirements – Increasing bicycle parking requirements for the Broadway Valdez District are proposed in all D-BV zones:

- Residential

- Short term – 1 space/15 dwelling unit, minimum 2 spaces (existing 1 space/20 dwelling units)
- Long term – 1 space/2 dwelling units, minimum 2 spaces (existing 1 space/4 dwelling units)
- Commercial
 - Short term: Retail – greater of: 2 spaces 1 space/3,000 sq. ft. (existing 1 space/5,000 sq. ft.)
 - Short term: Office – greater of: 2 spaces or 1 space/15,000 sq. ft. (existing 1 space/20,000 sq. ft.)
 - Long term: Food Sales/Restaurants/Retail – greater of: 2 spaces or 1 space/8,000 sq. ft. (existing 1 space/12,000 sq. ft.)
 - Long term: Office: – greater of: 2 spaces or 1 space/8,000 sq. ft. (existing 1 space/10,000 sq. ft.)

9. General Plan Conformity Analysis

The BVDSP and Related Actions are consistent with and further advance the Oakland General Plan -- including the LUTE (as described above); Open Space, Conservation and Recreation (OSCAR); Historic Preservation; Safety; and Housing Elements; as well as the Bicycle and Pedestrian Master Plans, as discussed in detail in the BVDSP Adoption Findings, **Attachment C**.

KEY ISSUES

This section highlights key issues concerning the BVDSP related to the proposed Retail Priority Sites; historic resources; affordable housing and displacement; parking; and proposed fees.

Retail Priority Sites

Staff has received comments about the proposed Retail Priority Sites regarding their location and the minimum retail square footage requirements before a “bonus” to build residential units may be received.

The Retail Priority Sites were identified based on a number of factors including:

- Market studies identifying the Valdez Triangle/Broadway Valdez District as a good site for a comparison goods-based retail district, and stipulating that there needs to be a critical mass of at least 700,000 square feet of primarily comparisons good retail for such a district to sustain itself;
- Location at “gateways” to the Valdez Triangle (e.g. along Broadway at Grand Avenue and 27th and at the 24th/27th/Harrison Street/Bay Place intersection) in close proximity to other activity generators in the area such as the “Art Murrmur/Gallery District” and Whole Foods;
- Landowner intentions for their properties; and
- Groupings of properties susceptible to change due to vacancy, dereliction, or absence of existing development.

There are many challenges to realizing the City Council-directed vision to establish a comparison goods, destination retail district in the Broadway Valdez to help to address the major sales tax leakage Oakland

continues to experience.² These challenges include: the elimination of the Redevelopment Agency and resultant lack of funding to assist in parcel aggregation or fund improvements; numerous land owners; small parcel sizes; high land values where residential development “out-prices” retail development; and limited land control by the City.

Given these challenges, land use regulation and incentives are key tools to realize the BVDSP vision. The concept to provide the right to build residential units as a bonus for including specific thresholds of retail as part of a proposed development in the Retail Priority Sites is proposed as the best option because residential typically “out-prices” retail development, and most of the City already allows for either residential only or residential and retail together “as-of-right”. Because of this liberal allowance of residential in almost every commercial zoning district, the City is at a disadvantage to obtain retail development. Other options explored included creating a commercial zone that would not allow any residential at all. However, this option was not pursued because it was decided that allowing residential development in some manner would complement the retail development, as well as provide the incentive to make the retail development happen since the residential component would be more lucrative. Specifically, the proposed Retail Priority Site regulations and “residential bonus”:

- Addresses issue of residential development “out-pricing” retail development because residential can command a higher land value by requiring substantial retail square footage to access the residential bonus;
- Encourages different landowners within Retail Priority Sites (some of which contain multiple parcels with different landowners) to work together/aggregate their sites to propose a sizeable comparison goods retail project that will allow them to build high residential densities;
- Is equitable and fair because it treats all of the sites equally, applying the same percentage of floor area ratio (FAR) as the minimum retail square footage requirement for an overall project before permitting a residential bonus;
- The number of residential units that are given as a bonus are based on the retail square footage that is provided; the greater the amount of retail square footage, the greater the number of residential units that are allowed, in order to provide an even greater incentive to build a larger amount of retail square footage;
- Allows for transfer of development rights from Retail Priority Sites that provide a larger amount of retail than the base minimum, in order to transfer the residential bonus units and height from one retail priority site to a different parcel(s) within the same retail priority site or to a different retail priority site with a Conditional Use Permit (CUP). Bonus units can only be transferred to a parcel that cannot meet the minimum retail square footage required in that Retail Priority Site to build residential;

² Comparison goods are those goods that consumers typically spend extra effort (i.e., “shop around”) in order to get a better price or to find the precise brand or style they want. Typically, comparison goods are costlier than “convenience goods” (e.g., items that are generally widely distributed and relatively inexpensive, and include items such as groceries, toiletries, alcoholic and soft drinks, tobacco products, candy, magazines, and newspapers) are more durable in nature, and are less frequently purchased. Comparison retailers offer goods such as general merchandise, clothing, jewelry, toys, books, sporting goods, home furnishings, appliances and electronics. See Chapter 2 of the BVDSP for more detailed information.

- A 35% residential bonus will be provided if 15% of the total Dwelling Units of a Residential Housing Development are affordable;
- Includes an exception if one cannot meet the minimum retail square footage through a conditional use permit (CUP) with criteria that include, but are not limited to: demonstrating through architectural studies of at least one or more alternatives, that a project would be physically infeasible due to operational and/or site constraints if it were to meet the minimum retail square footage specified.

Additional detail about the rationale for the Retail Priority Sites regulatory framework is provided in **Attachment F**; full text of the proposed BVDSP zoning regulations is provided in **Attachment E**.

Historic Resources

Staff has received comments expressing concern about the potential removal of historic resources in the Valdez area and requested revisions to Plan to reflect retention of various buildings such as the homes on Waverly Street, Harrison Street, the Newsom Apartments, and Biff's II Coffee Shop/JJs, among others.

The BVDSP identifies Retail Priority Sites (large opportunity sites in the Valdez Triangle Sub-Area) and Large Development Opportunity Sites (large opportunity sites in the North End Sub-Area) [on parcels that contain CEQA Historic Resources as shown in Figure 4.4-2 of the DEIR (see **Attachment H**). Within the Retail Priority Sites, there are seven CEQA Historic Resources, including: the former Biff's Coffee Shop at the southwest corner of 27th Street and Valdez; the Newsom Apartments at the southwest corner of Valdez Street and 24th Street; the Seventh Church of Christ Science at 2333 Harrison Street; the Pacific Kissel Kar salesroom and garage at the southeast corner of Broadway and 24th Street; as well as at the Dinsmore Brothers Auto Accessories Building, Kiel (Arthur) Auto Showroom, and the J.E. French Dodge Showroom, located at the southwestern portion of the block along Broadway between 23rd Street and 24th Street.³ Within the Large Opportunity Sites, there is one Local Register of Historic Resources (also a CEQA Historic Resource), which is the former Connell GMC Pontiac Cadillac auto showroom at the southwest intersection of Broadway and Hawthorne Avenue. Areas of Secondary Importance (ASI's) are not considered an historic resource under CEQA.

As noted above, the BVDSP identified areas as "Retail Priority Sites" because they have attributes that are important for attracting new comparison goods retail including their large size and location at "gateways" to the Valdez Triangle in close proximity to other activity generators in the area such as the "Art Murrur/Gallery District" and Whole Foods. Multiple sites were identified to increase the chances that a "critical mass" of retail space will be developed since it is not possible to predict what retail development will actually occur. The Final Draft BVDSP includes multiple incentives to reuse existing buildings (including those that are not considered CEQA historic resources) as part of a proposed retail development project in order to attain a bonus of the right to build residential units. These incentives, which are discussed in more detail on page 10 of this staff report, include:

³ The Dinsmore Brothers Auto Accessories Building, Kiel (Arthur) Auto Showroom, and the J.E. French Dodge Showroom were already analyzed as part the already approved, Broadway West Grand Mixed Use Project. As currently approved, this project would rehabilitate and reuse these historic resources (in addition to reusing 2366- 2398 Valley Street / 467 24th Street, and demolishing 440-448 23rd Street which not located in a Retail Priority Site). The 2004 EIR and subsequent addenda for the Broadway West Grand Mixed Use Project identified significant and unavoidable impacts to these historic resources, and recommended mitigation measures to reduce such impacts.

- Allowing the square footage of an existing building that is incorporated as part of a project to count towards the minimum required square footage of retail before residential is allowed;
- If the existing building is a CEQA Historic Resource, double the amount of its square footage will count if it is used for retail; or, if it is maintained and not used for retail, the square feet of its footprint can be deducted from the overall square footage of retail required for the Retail Priority Site before residential is allowed;
- No parking or open space requirements when converting from commercial to residential use or vice versa when it is a Potential Designated Historic Property (PDHP) or CEQA Historic Resource;
- If a PDHP or a CEQA Historic Resource is incorporated as part of a larger project, the area that is incorporated will be exempt from parking and open space requirements.

The BVDSP does not mandate the physical demolition, destruction, relocation, or alteration of any properties, historic or otherwise. Conversely, it is legally problematic to outright prohibit demolition, destruction, relocation, or alteration of any properties, historic or otherwise without payment of just compensation.

Eliminating Retail Priority Sites and/or absolutely prohibiting the demolition or significant alteration of any CEQA historic resource on private property in the Plan Area would result in either much smaller areas of a Retail Priority Site being available due to site constraints, making potential large retail development projects less feasible. It would also result in a reduced development program of retail and office, thus reducing employment opportunities (both short-term construction jobs as well as permanent jobs) and revenues (sales, property and other taxes), lessening economic spin off activities and not promoting an appropriate jobs/housing balance. Furthermore, absolutely prohibiting the demolition or significant alteration of any CEQA historic resource on private property would provide special treatment to the Plan Area over all other areas in the City, which would not facilitate development in the Plan Area. It would also be inconsistent with the City's existing regulations regarding the alteration of a historic property in Central Business District Zones (OMC 17.136.055) or demolition or removal of a Designated or Potentially Designated Historic Property (OMC 17.136.075). These regulations already provide a measure of protection for CEQA and other historic resources by providing a procedure that a project applicant must follow in order to alter or demolish a historic property, which includes demonstrating that certain conditions exist to make reuse infeasible or provide equal or better replacement structure(s), among other requirements.

Notwithstanding, a project applicant could potentially demolish or alter a CEQA historic resource in the Plan Area if he/she eventually met the requirements under the City's existing regulations with a project that met the existing zoning. Absent any restrictions, the project would likely be a residential project since residential development usually "out-prices" or can command a higher land value than retail development. In addition to the protections in existing regulations (mentioned above) to altering or demolishing a historic resource, the proposed BVDSP policies and regulations include multiple incentives to reuse existing buildings (including those that are not considered CEQA historic resources).

Additional detail about historic resources is provided in **Attachment F**; full text of the proposed BVDSP zoning regulations is provided in **Attachment E**.

Affordable Housing and Displacement

Staff has received comments expressing that the Specific Plan should have more provisions requiring affordable housing and preventing displacement resulting from the redevelopment of existing residential properties in the Plan Area.

The provision of affordable housing choices is a concern and goal for the City of Oakland and must be addressed comprehensively, on a citywide basis. The Plan does not include an inclusionary housing policy for affordable housing in just the Broadway Valdez District Specific Plan Area because this would create a burden in the Plan Area relative to the rest of the City, and would effectively disincentive residential development in the Plan Area. The proposed update to the City's Housing Element includes policies to:

- Explore the feasibility of Housing Incentive Zoning whereby community benefits, such as affordable housing, would be required in exchange for additional height or density; and
- Explore implementing a housing impact fee and notes the importance of funding a nexus study to determine the feasibility of the fee, and an appropriate fee structure. The City will be issuing a Request for Proposals (RFP) during the Housing Element planning period for an impact fee study that will consider transportation, infrastructure, and affordable housing.⁴

In response to comments received, the BVDSP has been revised to strengthen provisions relating to affordable housing, including the policies noted above that are proposed for the Housing Element Update. Related Planning Code amendments have been revised to include: reduced parking requirements and open space requirements "as-of-right" for senior and affordable housing; as well as the potential for an additional residential bonus to projects providing a certain percentage of affordable housing as part of their overall project or on another Retail Priority Site.

Regarding the issue of potential displacement, as noted in the BVDSP EIR, there are approximately 94 residential units (some currently vacant) in areas identified as Retail Priority Sites in the Specific Plan. While not a CEQA issue, concern over the socio-economic effects of potential displacement of these existing residential units, and affordable housing in general, is a policy issue that is addressed in the Specific Plan and proposed Planning Code amendments, as well as in the process underway to update the City's Housing Element.⁵

In addressing displacement relative to the Broadway Valdez District, a balancing of Plan objectives must be considered. For example, there are many areas in the City, including areas just outside the Plan Area boundaries (which were rezoned as part of the Citywide Zoning Update to allow for higher density housing) that are suitable for residential development. In contrast, there is less flexibility in terms of sites that are suitable for the type and critical mass of destination retail development that would contribute to significantly addressing retail sales leakage. Necessary attributes for comparison goods retail development include: large sites that are located in proximity to "proven" activity generators (e.g. Whole Foods) and/or have good visibility; and spaces with high floor-to-ceiling heights that have few supporting

⁴ The 2015-2023 Housing Element Update was heard at the May 7, 2014 Planning Commission hearing.

⁵ CEQA only requires analysis and mitigation of potentially substantial adverse changes in the physical environment (Public Resources Code §§ 21151, 21060.5, 21068). Adoption and development under the BVDSP is considered less-than-significant with respect to potential displacement of housing units and residents and the construction of associated replacement housing. See BVDSP FEIR, Chapter 5, Master Response 5.2 for more detail.

columns breaking up the space (which are needed for residential development and thus it is difficult to have residential directly above this type of retail space). The BVDSP identified several potential Retail Priority Sites for several reasons: the City has limited land control in the Valdez Triangle, the BVDSP identified that a critical mass of at least 700,000 square feet of retail development was needed to sustain a retail district, and the City cannot predict what development will actually occur. The BVDSP does not mandate development of any properties in the Plan Area; development could occur with or without the specific plan. However, the BVDSP has been revised to include stronger policies and incentives to preserve or adaptively reuse existing buildings located in Retail Priority Sites, and to provide affordable housing (described in more detail above). Thus, any new development that does occur could potentially provide new affordable housing, in addition to market rate housing, sales tax-generating retail development and jobs.

Additional detail about affordable housing and displacement is provided in **Attachment F**; full text of the proposed BVDSP zoning regulations is provided in **Attachment E**.

Parking

Chapter 6, Section 6.4 of the BVDSP includes 21 policies that support two overarching goals to have “a well-managed parking supply that supports Plan Area businesses and stimulates economic growth while not promoting excessive driving”; and to have incentives that encourage non-auto travel for Plan Area residents, workers, shoppers and visitors. The policy recommendations include, but are not limited to: exploring the formation of a Transportation and Parking Management Agency (TPMA) to coordinate all transportation demand management (TDM) efforts; establishing a Parking Benefits District to manage parking supply and generate revenue to increase parking supply and/or improve circulation and transportation in the Plan Area; encouraging the use of existing parking and shared parking, and other TDM measures.

As recommended by the BVDSP, new parking requirements for the Broadway Valdez District are proposed as part of changes to Planning Code Chapters 17.116 Off-Street Parking and Loading Requirements and 17.117 Bicycle Parking Requirements. These changes consist of reduced parking requirements for residential development, as well as reductions for senior housing, affordable housing, commercial development; parking is required to be unbundled for sale or rental in multifamily residential facilities of ten units or more; increased bicycle parking requirements; and the option to pay a voluntary parking in-lieu fee instead of providing code-required parking spaces. These changes are discussed in detail above on pages 6-12 of this staff report (except for the parking in-lieu fee, which is also discussed in the following section).

The BVDSP also includes a policy in Chapter 8 Implementation to: “Provide public funding assistance for comparison goods retail parking” (Policy IMP-1.12), which would only be in conjunction with the appropriate retail project. The recommended approach is to provide funding assistance for the development of parking as part of, or near to, larger-scale, retail development(s) with multiple comparison goods tenants. Particularly in the early phases, parking availability is critical for attracting retailers and shoppers. Retail parking needs to be conveniently located within or close to the retail development, and dedicated to supporting retail shopping. The area’s central, urban location and the availability of public transit reduce the amount of parking otherwise needed, but do not replace the need for parking to support destination retail shopping. A public garage could be developed and operated as a

freestanding garage or as part of a large retail project. Larger-scale retail development with multiple comparison goods tenants is the type that will require the most public funding for building structured parking, and is the type most needed to achieve the necessary critical mass of comparison goods shopping in the Valdez Triangle. Public funding for parking may be less critical for development of a freestanding retail tenant or a smaller project, so that the use of public funding for building parking should take into account market and development feasibility considerations specific to the project and types of retail tenants. Given the differences in development feasibility and the City's objective of establishing comparison goods shopping, public funding for parking in conjunction with, and at the same as, retail development will need to be prioritized to support a mix of comparison goods retail tenants.

Proposed Voluntary In-Lieu Fees

The BVDSP includes recommendations to develop *voluntary* parking and open space in-lieu fees.⁶ The proposed in-lieu fees would be a voluntary fee for those developments that choose not to provide code-required parking or open space onsite (because of site constraints, financial feasibility, or both). The purpose of these fees would provide more flexibility to developers, as well as to provide funding to support the transportation policies, projects, and programs called for in the LUTE of the Oakland General Plan to improve public health, economic and community development, equity of access, and environmental sustainability. The amount of the proposed parking in-lieu fee is \$20,000 per Code-required parking space not provided. The parking in-lieu fees would be used for improvements that would increase parking supply or decrease parking demand, including, but not limited to: the construction of new parking spaces, the leasing of private parking spaces, bicycle and pedestrian improvements or transportation demand management programs. The proposed open space in-lieu fee is proposed to be set at \$30 per square foot of open space for all residential projects within the proposed BVDSP Area. The open space in-lieu fees collected would be used for improving existing plazas or for new plazas/open space within the Plan Area. As a result, no variances will be allowed for reduced parking or open space. The proposed in-lieu fees are discussed in more detail in **Attachments I and J**, respectively.

ENVIRONMENTAL REVIEW

An Environmental Impact Report (EIR) has been prepared for the Broadway Valdez District Specific Plan (BVDSP). The BVDSP does not propose specific private developments, but for the purposes of environmental review, establishes the Broadway Valdez Development Program, which represents the maximum feasible development that the City has projected can reasonably be expected to occur in the Plan Area over a 25 year planning period. In total, the Broadway Valdez Development Program includes approximately 3.7 million square feet of development, comprised of 695,000 square feet of office space, 1,114,000 square feet of restaurant / retail space, 1,800 residential units, a new 180-room hotel and 6,420 parking spaces.

⁶ The BVDSP also includes a recommendation to study the feasibility of development impact fees for transportation, infrastructure and/or housing. As noted above, the proposed Housing Element Update also includes a policy that states that the City will be issuing a Request for Proposals (RFP) during the Housing Element planning period for an impact fee study that will consider transportation, infrastructure, and affordable housing. Development and adoption of potential impact fees will move forward on a separate track from the adoption of the BVDSP. If adopted, the impact fee(s) would apply to the BVDSP.

The EIR was provided to the Planning Commission under separate cover, and is available to the public, through the City's website:

<http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>.

The EIR is also available at no charge at the Oakland Planning and Building Department, Strategic Planning Division, 250 Frank Ogawa Plaza, Suite 3315, Oakland, California, 94612.

A summary of the environmental review for the project is as follows:

- The Notice of Preparation (NOP) of an Environmental Impact Report (EIR) was published on April 30, 2012;
- An EIR Scoping meeting was held before the Landmarks Preservation Advisory Board on May 14, 2012;
- An EIR Scoping meeting was held before the Planning Commission on May 16, 2012;
- The public comment period on the NOP closed on May 30, 2012;
- A "Notice of Availability / Notice of Release of a Draft EIR" was issued on September 20, 2013;
- The Draft EIR was published on September 20, 2013;
- A Landmarks Preservation Advisory Board Meeting (LPAB) on the Draft EIR was held on October 14, 2013;
- Two Planning Commission hearings on the Draft EIR were held on October 16, 2013 and on October 30, 2013;
- The public comment period on the Draft EIR closed on November 12, 2013 (which was extended from the original closing date of November 4, 2013 after the Planning Commission decided to hold a second meeting on the Draft EIR, as noted above);
- A "Notice of Availability/Release of a Final EIR" and the Final EIR was published on May 1, 2014;
- A Landmarks Preservation Advisory Board Meeting (LPAB) on the Final EIR, Specific Plan and Related Actions was held on May 12, 2014.

The following are actions anticipated as part of the environmental review for the project:

- This Planning Commission meeting to consider certification of the Final EIR
- Meetings of the Community and Economic Development Committee of the City Council and full City Council to consider certification of the Final EIR on June 10, 2014 and June 17, 2014, respectively.

Less-than-Significant Impacts

As detailed in Chapter 4 of the EIR, the following environmental topics included issue areas where there were no impacts or less than significant impacts with incorporation of Project mitigation measures, or where indicated, through the implementation of Standard Conditions of Approval (which are an integral part of the SCAMMRP): Aesthetics, Air Quality, Biology, Cultural Resources, Geology and Geohazards, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Noise, Population and Housing, Public Services, Transportation and Utilities/Service Systems. See **Attachment A: CEQA Adoption Findings** for a description of the less than significant impacts and applicable SCA and mitigation measure(s).

Significant and Unavoidable Environmental Impacts

As discussed below, the proposed BVDSP will result in significant and unavoidable impacts associated with the following environmental topics: Aesthetics, Shadow and Wind; Air Quality; Cultural Resources; Greenhouse Gases; Noise and Transportation. Therefore, in order to approve the proposed BVDSP, the City will have to adopt Statements of Overriding Consideration for these significant unavoidable impacts, finding that the benefits of the Project outweigh any significant and unavoidable impacts (see Attachment A: CEQA Findings).

- **Aesthetics, Shadow and Wind AES-4 (Shadow), AES-5 (Wind), AES-6 (Cumulative Shadow and Wind):** Adoption and development under the Specific Plan could result in substantial new shadow that could shade the Temple Sinai. Although Mitigation Measure AES-4 would require a shadow study to evaluate the shadowing effects, it cannot be known with certainty that a project redesign would eliminate the potential for new significant shading on the Temple Sinai. Therefore, the impact is conservatively deemed significant and unavoidable. Adoption and development under the Specific Plan has the potential to result in adverse wind conditions in cases where structures 100 feet in height or taller are proposed for development. Although Mitigation Measure AES-5 would require a wind study to evaluate the effects of proposed development, it cannot be known with certainty that a project redesign would eliminate the potential for new adverse wind impacts. Therefore, the impact is conservatively deemed significant and unavoidable. For the reasons listed above, adoption and development under the Specific Plan is conservatively deemed to result in significant cumulative wind, and shadow impacts. Therefore, adoption and development under the Specific Plan, in combination with other past, present, and reasonably foreseeable future projects within and around the Plan Area, also is conservatively deemed significant and unavoidable.
- **Air Quality AIR-1 (Construction Emissions), AIR-2 (Operational Emissions), AIR-4 (Gaseous TACs):** Construction associated with adoption and development under the Specific Plan would result in average daily emissions in excess of 54 pounds per day of ROG. Even with the inclusion of SCA A (Construction Related Air Pollution Controls) and Recommended Measure AIR-1, it cannot reliably be demonstrated that ROG emissions from application of architectural coatings associated with adoption and development under the Specific Plan would be reduced to 54 pounds per day or less. To assess full buildout of the Broadway Valdez Development Program under this threshold, which is intended for project-level analysis, aggressive and conservative assumptions were employed and thus yielded a conservative result. Therefore, the impact is conservatively deemed significant and unavoidable. Adoption and development under the Specific Plan would result in operational average daily emissions of more than 54 pounds per day of ROG, NOX, or PM_{2.5}; 82 pounds per day of PM₁₀; or result in maximum annual emissions of 10 tons per year of ROG, NOX, or PM_{2.5} or 15 tons per year of PM₁₀. Although implementation of SCA 25 and Recommended Measure AIR-2 would reduce environmental effects on air quality, adoption and development under the Specific Plan still would contribute substantially to an existing air quality violation (ozone precursors and particulate matter). Therefore, even with implementation of Recommended Measure AIR-2, this impact would remain significant and unavoidable for emissions of ROG, NOX, and PM₁₀. To assess full buildout of the Broadway Valdez Development Program under this threshold, which is

intended for project-level analysis, aggressive and conservative assumptions were employed and thus yielded a conservative result. Therefore, the significant and unavoidable determination is considered conservatively significant and unavoidable. Adoption and development under the Specific Plan could generate substantial levels of Toxic Air Contaminants (TACs) under cumulative conditions resulting in (a) a cancer risk level greater than 100 in a million, (b) a non-cancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM_{2.5} of greater than 0.8 micrograms per cubic meter as a result of project operations. Although, due to the BAAQMD's permitting requirements, residual risk for a given generator would be less than 10 in one million, and although implementation of Mitigation Measure AIR-4 would substantially reduce potential cancer risks associated with DPM, the degree to which multiple sources, if concentrated on one area, would maintain cumulative risks to below 100 in one million cannot be assured. Therefore, the impact is conservatively deemed significant and unavoidable.

- **Cultural Resources CUL-1 (project), CUL-5 (cumulative):** Of the 20 individual properties that meet the definition of the City of Oakland's Local Register and are considered Historic Resources for purposes of environmental review under CEQA, seven are located within the Retail Priority Areas: the former Biff's Coffee Shop, the Newsom Apartments, the Seventh Church of Christ Science, the Pacific Nash Co. Auto Sales and Garage, the Dinsmore Brothers Auto Accessories Building, Kiel (Arthur) Auto Showroom, and the J.E. French Dodge Showroom. There is also one Local Register of Historic Resources within the Large Opportunity Sites, the former Connell GMC/Pontiac/Cadillac auto showroom.⁷ These resources are shown in Draft EIR Tables 4.4-1, 4.4-2, and Table 4.4-3 and mapped on Figure 4.4-2 (provided in **Attachment H**). The BVDSP does not mandate the physical demolition, destruction, relocation, or alteration of any properties, historic or otherwise. The Final Draft BVDSP also includes multiple incentives to reuse existing buildings (including those that are not considered CEQA historic resources) as part of a proposed retail development project in order to attain a bonus of the right to build residential units. However, adoption and development under the Specific Plan could still result in the physical demolition, destruction, relocation, or alteration of historical resources that are listed in or may be eligible for listing in the federal, state, or local registers of historical resources (which are described above). Adoption and development under the Specific Plan combined with cumulative development in the Plan Area and its vicinity, including past, present, existing, approved, pending, and reasonably foreseeable future development, would contribute considerably to a significant adverse cumulative impact to cultural resources. Implementation of proposed Specific Plan policies and proposed zoning regulations, Oakland Planning Code 17.136.075 (*Regulations for Demolition or Removal of Designated Historic Properties and Potentially Designated Historic Properties and Potentially Designated Historic Properties*), SCA 52, 53, 54, 56 and 57, as well as Mitigation Measure CUL-1 would reduce potential impacts, but not to a less-than-significant level for the Plan Area and its vicinity.

⁷ Five of the CEQA historic resources within the BVDSP were already analyzed as part the already approved, Broadway West Grand Mixed Use Project. As currently approved, this project would rehabilitate and reuse four historic resources including 2335-37 Broadway, 2343 Broadway, 2345 Broadway, and 2366- 2398 Valley Street / 467 24th Street. The project would demolish one historic resource at 440-448 23rd Street. The 2004 EIR and subsequent addenda for the Broadway West Grand Mixed Use Project identified significant and unavoidable impacts to these historic resources, and recommended mitigation measures to reduce such impacts.

- **Greenhouse Gases GHG-1 (project-level):** Adoption and development under the Specific Plan would produce greenhouse gas emissions that exceed 1,100 metric tons of CO₂e per year and that would exceed the project-level threshold of 4.6 metric tons of CO₂e per service population annually. Although future projects under the Specific Plan would be subject to SCA F, GHG Reduction Plan, and SCA 25, Parking and Transportation Demand Management, according to the specific applicability criteria, and GHG emissions would be reduced through project-by-project implementation of project-specific reduction measures, it cannot be guaranteed that sufficient reductions can be achieved. Therefore, the impact is conservatively deemed significant and unavoidable.
- **Noise NOI-5 (traffic noise), NOI-6 (cumulative) and NOI-7 (cumulative):** Traffic generated by adoption and development under the Specific Plan could substantially increase traffic noise levels in the Plan Area. Traffic generated by adoption and development under the Specific Plan, in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects, could substantially increase traffic noise levels in the Plan Area; and construction and operational noise levels in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects, could increase ambient noise levels. Adoption and development under the Specific Plan could result in stationary noise sources, such as rooftop mechanical equipment and back-up generators; that when combined with noise from traffic generated by adoption and development under the Specific Plan; as well as from past, present, existing, approved, pending and reasonably foreseeable future projects; could substantially increase noise levels at sensitive land uses in the Plan Area.

The EIR also found significant and unavoidable Transportation impacts at the study intersections and roadway segments listed below, including those which have been previously identified in other CEQA documents, as listed below.

- TRANS-2, TRANS-7 and TRANS-17, Intersection #15: *Perry Place/I-580 Eastbound Ramps/Oakland Avenue* (under Existing Plus Project, 2020 Plus Project and 2035 Plus Project conditions)
- TRANS-6, TRANS-12 and TRANS-26, Intersection #40: *23rd Street/Harrison Street* (under Existing Plus Project, 2020 Plus Project and 2035 Plus Project conditions)
- TRANS-8 and TRANS-19, Intersection #17: *Lake Park Avenue/Lakeshore Avenue* (under 2020 Plus Project and 2035 Plus Project conditions)
- TRANS-10 and TRANS-24, Intersection #37 *27th Street/24th Street/Bay Place/Harrison Street* (2020 Plus Project and 2035 Plus Project conditions)
- TRANS-13 and TRANS-27, Intersection #47 *West Grand Avenue/Northgate Avenue* (2020 Plus Project and 2035 Plus Project conditions)
- TRANS-14, Intersection #7: *51st Street/Pleasant Valley Avenue/Broadway* (2035 Plus Project conditions)
- TRANS-18, Intersection #16 *Grand Avenue/Lake Park Avenue/Santa Clara Avenue* (2035 Plus Project conditions)
- TRANS-20, Intersections #20 and #21: *Piedmont Avenue/Broadway and Hawthorne Avenue/Brook Street/Broadway*, respectively (2035 Plus Project conditions)

- TRANS-21, Intersection #29: 27th Street/Telegraph Avenue (2035 Plus Project conditions)
- TRANS-22, Intersection #30: 27th Street/ Broadway (2035 Plus Project conditions)
- TRANS-28, Intersection #49: Grand Avenue/Broadway (2035 Plus Project conditions)
- TRANS-29: The development under the Specific Plan would degrade from LOS E or better to LOS F or increase the v/c ratio by 0.03 or more for segments operating at LOS F on the following CMP or MTS roadway segments:
 - MacArthur Boulevard in both eastbound and westbound directions between Piedmont Avenue and I-580 in 2020 and 2035.
 - Grand Avenue in the eastbound direction from Adeline Street to MacArthur Boulevard, and in westbound direction from Harrison Street to San Pablo Avenue in 2035.
 - Broadway in the northbound direction from 27th Street to College Avenue, and in the southbound direction from Piedmont Avenue to 27th Street in 2035.
 - Telegraph Avenue in the northbound direction from MacArthur Boulevard to Shattuck Avenue in 2035.
 - San Pablo Avenue in the southbound direction from Market Street to 27th Street in 2035.
 - Harrison Street in the northbound direction from 27th Street to Oakland Avenue in 2035.

Previously Identified Impacted Intersections: The City of Oakland has previously identified intersections which were found to have significant and unavoidable traffic-related impacts from recently published EIRs or traffic studies for development projects. These intersections (see Appendix G the Draft EIR) were identified in the Draft EIR in order to provide more information about potential traffic-related impacts and to provide CEQA clearance for future projects. No feasible mitigation measures were identified for these intersections, and while a Transportation Impact Study may still be required, in accordance with standard City policy and practice, the impacts are nevertheless significant and unavoidable. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.

CEQA Alternatives

Chapter 5 of the Draft EIR includes the analysis of four potentially feasible alternatives to the proposed project that meet the requirements of CEQA, which include a reasonable range of alternatives to the Project that would feasibly attain many of the Project's basic objectives, and avoid or substantially lessen many of the Project's significant environmental effects. These alternatives include: Alternative 1: the No Project Alternative, Alternative 2: the Partially Mitigated Alternative, Alternative 3: Maximum Theoretical Buildout Alternative and two Historic Preservation Sub-Alternatives, which were considered in combination with Alternative 2: the Partially Mitigated Alternative. As presented in the EIR, the alternatives were described and compared with each other and with the proposed project.

- **No Project Alternative 1** — Under the No Project Alternative, the Specific Plan would not be adopted, and therefore the Broadway Valdez Development Program would not occur. However, the No Project Alternative does include reasonably foreseeable development that could occur even without adoption and development under the Specific Plan. This includes certain already approved but not built projects in the Plan Area (Broadway West Grand Mixed-Use Project,

Parcel B), as well as development that would reasonably be expected to occur in the Plan Area in accordance with existing plans, zoning, and regulatory framework.

- **Partially Mitigated Alternative 2** - Under the Partially Mitigated Alternative, the Plan Area would be developed at a reduced intensity (roughly 25 percent of the non-residential development compared with the Broadway Valdez Development Program). The mix of uses would shift such that a higher percentage of residential development would occur compared to commercial (retail and office) development. In addition, this alternative would be considered in combination with limitations of Historic Preservation Sub-Alternative A or B, which is described in greater detail below.
- **Maximum Theoretical Buildout Alternative 3** - The Maximum Theoretical Buildout Alternative evaluates the theoretical possibility that every parcel would be built out to the new maximum level permissible under the General Plan and Planning Code regulations as revised through adoption of the Specific Plan. Under this alternative, the Plan Area would be developed at an increased density/intensity (roughly 300 percent of the residential development and 200 percent of non-residential development assumed in the Broadway Valdez Development Program). All other aspects of the Plan would occur with this Alternative.
- **Historic Preservation Sub-Alternatives**
 - a. Historic Preservation Sub-Alternative A: The development restrictions and limitations of sub-alternative A could also be used in combination with the Specific Plan ("the Project") or the Partially Mitigated Alternative 2 and thus were classified as a sub-alternative to provide for this flexibility. (As noted in the Project Description above, the BVDSP, in combination with Historic Preservation Sub-Alternative B is now "the Project" that City staff is recommending for adoption and is therefore not rejected as infeasible). The intent of this sub-alternative is to avoid the SU historic resources impacts identified for the Plan. Under this sub-alternative, development on sites with historic resources would be prohibited and thus no identified historic resources within the Plan Area would be demolished or significantly altered. In addition, allowable heights on the parcel bounded by Webster, 29th Street, Broadway, and 28th Street would be reduced such that new development within that parcel would avoid adversely shading the stained glass windows of the Temple Sinai during morning worship periods. In this case, all other aspects of the Specific Plan or Partially Mitigated Alternative would occur if combined with this sub-alternative.
 - b. Historic Preservation Sub-Alternative B: The intent of this sub-alternative is to reduce but not eliminate the Significant and Unavoidable historic resources impacts identified for the Plan. Under this sub-alternative, the Plan would be revised to include a more robust set of policies and incentives to preserve and enhance existing buildings, including those that are not deemed to be CEQA historic resources. The May 2014 Final Broadway Valdez District Specific Plan would remove the policy that explicitly states that new development that furthers Specific Plan goals to provide destination retail uses will take precedence over adaptive reuse on Retail Priority Sites, and would add a policy to support efforts to establish a State Historic Rehabilitation Tax Credit program; and the proposed zoning for the Broadway Valdez District would include incentives for adaptive reuse, as discussed above.

The set of selected alternatives above are considered to reflect a "reasonable range" of feasible alternatives in that they include reduced scenarios that lessen and/or avoid significant and unavoidable effects, as well as less-than-significant effects, of the Specific Plan and generally would align with the

basic objectives of the Plan, which the City would assess when it considers the merits of the Plan and the alternatives. The Plan is specific to the geography of the Broadway Valdez District; therefore this analysis does not consider an off-site alternative. A fully mitigated alternative that avoids nearly all of the SU impacts of the Plan is discussed in this analysis but is not evaluated in detail because it would be substantially inconsistent with the Specific Plan's basic objectives to achieve a "dynamic and active neighborhood" that is a "retail destination."

After the No Project Alternative 1, the Environmentally Superior Alternative is the Partially Mitigated Alternative in combination with Historic Preservation Sub-Alternative A. This alternative would avoid several SU impacts that would occur with the Plan and with the other alternatives (other than the No Project Alternative). Specifically, as with the No Project Alternative, the Partially Mitigated Alternative would avoid the conservative SU Aesthetics impact (AES-5), conservative SU Greenhouse Gases impact (GHG-1), SU Noise impacts (NOI-5 and NOI-6), and many of the Transportation impacts would no longer occur. Furthermore, when combined with Historic Preservation Sub-Alternative A, the conservative SU Aesthetics impacts (AES-4 and AES-6), and SU Cultural Resources impacts (CUL-1 and CUL-5), would no longer occur.

The alternatives and Historic Preservation Sub-Alternative A are being rejected in favor of the Project because they do not meet the basic project objectives to allow a development program that would facilitate the transformation of the Plan Area into an attractive, regional destination for retailers, shoppers, employers and visitors that serves in part the region's shopping needs and captures sales tax revenue for reinvestment in Oakland.⁸ Additionally, legal or other considerations make the alternatives and sub-alternative infeasible. Therefore, a Statement of Overriding Considerations is recommended for adoption despite the Project's significant and unavoidable impacts (see **Attachment A**).

Responses to Draft EIR Comments (Final EIR)

City staff received comments on the Draft EIR from six public agencies. Additional oral comments were provided at the Landmarks Preservation Advisory Board meeting on October 14, 2014 and at the Planning Commission hearings on October 16, 2013 and October 30, 2013. 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 EIR. 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 A**, which include certification of the EIR, rejection of alternatives as infeasible, and a Statement of Overriding Considerations. See **Attachment F** for responses to non-CEQA related issues.

⁸ As noted earlier in Project Description above, the BVDSP, in combination with Historic Preservation Sub-Alternative B is now "the Project" that City staff is recommending for adoption, and is therefore not rejected as infeasible.

Level of Analysis and Streamlining Future Environmental Review

The EIR is intended to assess the environmental impacts of the proposed BVDSP. Generally, a "project-level" environmental review was used to analyze impacts associated with the BVDSP.

The City intends to use the streamlining/tiering provisions of CEQA to the maximum feasible extent, so that future environmental review of specific 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/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 that either: 1) the action's environmental effects were fully disclosed, analyzed, and as needed, mitigated within the BVDSP EIR; 2) the action is exempt from CEQA; 3) the action warrants preparation of a (Mitigated) Negative Declaration; or 4) 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.

RECOMMENDATIONS:

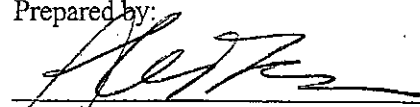
Staff recommends that the Planning Commission take public testimony, close the public hearing, and:

1. Adopt the CEQA findings for the *BVDSP* in **Attachment A**, 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 B**;
3. Recommend the City Council adopt the *BVDSP*, Design Guidelines and General Plan and Planning Code Amendments based, in part, upon the *BVDSP* Adoption Findings in **Attachment C**; and
4. Authorize staff to make minor ongoing revisions to the adopted Design Guidelines for the Broadway Valdez District 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 Broadway Valdez District Commercial Zone Regulations (which are essentially correction of typographical and/or clerical errors) and to return to the Planning Commission for major revisions only.

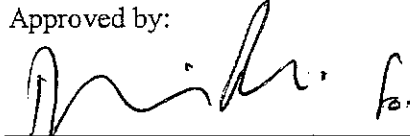
5. Authorize staff to make ongoing revisions to the BVDSP Action Plan (Chapter 8, Table 8.6), to reflect changes in market conditions (e.g., what private development actually occurs) and the availability of City and other funding sources, which could potentially affect timeframes, responsibilities and potential funding mechanisms.

Prepared by:



Laura Kaminski, Planner II and
Alisa Shen, Planner III

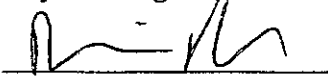
Approved by:



Ed Manasse
Strategic Planning Manager

Ed Manasse
Strategic Planning Manager

Approved for forwarding to the
City Planning Commission:



Darin Ranelletti, Deputy Director
Bureau of Planning

NOTE: The BVDSP, Design Guidelines and the Final EIR were previously furnished separately to the Landmarks Preservation Advisory Board, and are available to the public, through the City's website:

BVDSP and Design Guidelines: www.oaklandnet.com/bvdsp

Final EIR: <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>

Limited copies of the Final EIR, BVDSP and Design Guidelines are also available, at no charge, at the Oakland Planning Division office, 250 Frank Ogawa Plaza, Suite 3315, Oakland, California 94612.

ATTACHMENTS

- A. CEQA Findings: Certification of the EIR, Rejection of Alternatives and Statement of Overriding Considerations For the Broadway Valdez District Specific Plan
- B. Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP)
- C. BVDSP Adoption Findings

- D. Proposed General Plan Text Amendment
 - D1. Existing General Plan Map
 - D2. Proposed General Plan Map

- E. Planning Code Amendments
 - E1. Existing Zoning Map
 - E2. Proposed Zoning Map
 - E3. Existing Height Area Map
 - E4. Proposed Height Area Map
 - E5. Proposed Planning Code Chapter 101.C. D-BV Broadway Valdez Commercial Zones Regulations ("Clean Version")
 - E6. Proposed Planning Code Chapter 101.C. D-BV Broadway Valdez Commercial Zones Regulations (Showing Additions/Deletions Made Since December 13, 2013 ZUC Meeting)
 - E7. Proposed Changes to Chapter 17.116 Off-Street Parking and Loading Requirements
 - E8. Proposed Changes to Chapter 17.117 Bicycle Parking Requirements
 - E9. Proposed Deletion of Chapter 17.101.C. D-BR Broadway Retail Frontage District Interim Combining Zone Regulations (to be replaced with Attachment E.5)

- F. Summary of Responses to Specific Plan Comments
- G. Summary of Changes to the Specific Plan and Related Actions Since Reviewed Previously By Advisory Boards and the Planning Commission
- H. Map of Plan Area CEQA Historic Resources and Proposed Retail Priority Sites
- I. Proposed Parking In-lieu Fee
- J. Proposed Open In-lieu Fee
- K. Comment Letter from the Landmarks Preservation Advisory Board – May 13, 2014
- L. Comment Letter from East Bay Housing Organizations (EBHO) – May 14, 2014 (received too late for a response in this report)

CEQA FINDINGS:**Certification of the EIR, Rejection of Alternatives and
Statement of Overriding Considerations for the Broadway Valdez District Specific Plan****I. INTRODUCTION**

1. These findings are made pursuant to the California Environmental Quality Act (Pub. Res. Code section 21000 et seq; "CEQA") and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.) by the City of Oakland Planning Commission in connection with the Environmental Impact Report (EIR) prepared for the Broadway Valdez District Specific Plan (BVDSP or Project), a 25-year planning document that provides goals, policies and development regulations to guide the Plan Area's future development and serves as the mechanism for insuring that future development is coordinated and occurs in an orderly and well-planned manner.
2. These CEQA findings are attached and incorporated by reference into each and every staff report, resolution and ordinance associated with approval of the Project.
3. These findings are based on substantial evidence in the entire administrative record and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings.

II. PROJECT DESCRIPTION

4. Broadway Valdez District Specific Plan encompasses the area along both sides of Broadway, extends 0.8 miles from Grand Avenue to I-580. The Plan Area includes approximately 95.5 acres, including 35.1 acres in public right-of-way and 60.4 acres of developable land. The BVDSP provides a comprehensive vision for the Plan Area along with goals, policies and development regulations to guide the Plan Area's future development and serves as the mechanism for insuring that future development is coordinated and occurs in an orderly and well-planned manner. The BVDSP divides the Plan Area into two distinct but interconnected subareas: the Valdez Triangle and the North End. Each of these subareas is proposed to have a different land use focus that responds to specific site conditions and development contexts in order to create and reinforce distinct neighborhood identities and provide variety to development along this section of Broadway. The BVDSP would promote the development of a destination retail district within the Valdez Triangle Subarea that is focused on comparison goods retailers and takes advantage of its adjacency to the Uptown and "Art Murrur Gallery Districts," and its accessibility to transit and regional routes. The BVDSP would also encourage development of a complementary mix of entertainment, office, and residential uses within the Valdez Triangle. The BVDSP envisions the North End Subarea as an attractive, mixed-use district that would link the Downtown to the Piedmont Avenue, Pill Hill, and North Broadway areas, and be integrated with the adjoining residential and medical districts. In order to achieve the destination retail district and mixed use neighborhood vision, the BVDSP proposes a series of improvements related to transportation, affordable housing, historic resource preservation and enhancement, streetscape, plaza, parking and utility infrastructure. These recommended plan improvements are summarized in Chapter 8, Table 8.6 of the BVDSP.

The BVDSP also includes a robust set of policies and incentives to preserve and enhance existing buildings, including those that are not deemed to be CEQA historic resources. These policies and incentives comprise "Historic Preservation Sub-Alternative B" which was analyzed in the Draft EIR. The BVDSP, in combination with Historic Preservation Sub-Alternative B is now "the Project" that City staff is recommending for adoption. For ease of administrative purposes, the changes noted above have been made to the May 2014 Final Draft Specific Plan.

Concurrent, but separately, the project also includes changes to the General Plan (text and map changes); Municipal Code and Planning Code amendments; Zoning Maps and Height Maps; and new design guidelines (collectively called "Related Actions") to help implement the BVDSP vision and goals.

General Plan Changes: With respect to the General Plan, proposed General Plan Amendments include:

- Much of the Community Commercial land use designation would be maintained or expanded to those areas that were formerly designated Institutional throughout the North End subarea;
- The Central Business District designation would be expanded further north to encompass most of the Valdez Triangle;
- Areas along Brook Street and Richmond Avenue would be designated Mixed Housing Type Residential to protect existing residential uses, and;
- A small area between Harrison Street and Bay Place that is currently designated as Urban Residential and Neighborhood Center Mixed Use would be designated Community Commercial.

In addition, the maximum floor area ratio (FAR) for areas with the Community Commercial General Plan land use designation within the Broadway Valdez District Specific Plan area only would be increased to 8.0 (all other areas in the City designated as Community Commercial would still retain the maximum FAR of 5.0).

Planning Code and Map Changes: The BVDSP proposes four (4) new district-specific zoning classifications that would replace the existing zoning. These district-specific zones follow a nomenclature established by the City in other districts, such as the Wood Street District, Oak to Ninth, and the Kaiser Permanente Medical Center areas. The new Broadway Valdez zone districts are identified by the descriptive prefix of "D-BV" which signifies "District - Broadway Valdez." The four (4) new district-specific zoning classification would be as follows: D-BV-1 Retail Priority Sites would be the most restrictive regarding uses and ground floor uses in particular; D-BV-4 Mixed Use would be the least restrictive regarding uses; D-BV-2 Retail would require that ground floor uses consist of retail, restaurant, entertainment, or arts activities; and D-BV-3 Mixed-Use Boulevard would allow for a wider range of ground floor office and other commercial activities than in D-BV-2. D-BV-4 Mixed Use would allow the widest range of uses on the ground floor, including both residential and commercial businesses. D-BV-1 Retail Priority Sites would only allow residential uses if a project were to include a certain size/type of retail component. An additional combining zone called "N North Large Development Site" is included on some large parcels/blocks that are within the D-BV-3 zone. These sites have large vacant or underutilized properties and are fairly deep and/or with dual street frontage. More restrictions with more active ground floor uses within the 60 feet that fronts Broadway are required. The BVDSP prioritizes the development of retail uses in designated areas of the Valdez Triangle called "Retail Priority Sites" by only allowing residential activities in these areas as a bonus to developments providing a specified minimum amount of larger format retail space that is suitable for comparison goods retail. These new zoning districts would require changes to the City's Zoning Map. The BVDSP also proposes changes in height limits, which would be regulated by a new Height Map for the Broadway Valdez District Plan Area. In addition to the (4) new district-specific zoning districts, the BVDSP also proposes a new parking in-lieu and open space in-lieu fees, where a project applicant can voluntarily choose to pay an in-lieu fee instead of providing the amount of parking spaces or open space that is required by the new zoning districts.

Design Guidelines: The BVDSP includes detailed design guidelines for future development in the Plan Area. In general, these design guidelines aim to influence the pattern, scale, character and quality of future development. The BVDSP includes guidelines for both the public realm, which includes public right-of-ways, streets, and plazas, and for private developments. The Design Guidelines for the BVDSP provide qualitative guidance and graphic and photographic examples that will complement the development regulations included in the new Broadway Valdez District zoning districts. The Guidelines are intended to give residents, building designers, property owners, and business owners a clear guide to achieving development that improves the area's livability while retaining its character. The Design Guidelines are one component of a full menu of implementation mechanisms (described in more detail in Chapter 8 of the Draft Specific Plan) that together will help achieve the BVDSP's goals and policies. They will complement other regulatory mechanisms to give residents, building designers, property owners, and business owners a clear guide to achieving high quality development.

Municipal Code Changes: The BVDSP proposes to revise the City of Oakland's Master Fee Schedule to include a new parking in-lieu fee and a new open space in-lieu fee (described above).

III. ENVIRONMENTAL REVIEW OF THE PROJECT

5. Pursuant to CEQA and the CEQA Guidelines, a Notice of Preparation (NOP) of an EIR was published on **April 30, 2012**. The NOP, which included notice of the EIR scoping sessions mentioned below, was distributed to state and local agencies, published in the Oakland Tribune, mailed and emailed to individuals who have requested to specifically be notified of official City action on the project and mailed to property owners both within the Project area and up to 300 feet beyond the Project area boundaries. On **May 14, 2012**, the Landmarks Preservation Advisory Board conducted a duly noticed EIR scoping session concerning the scope of the EIR. On **May 16, 2012**, the Planning Commission conducted a duly noticed EIR scoping session concerning the scope of the EIR. The public comment period on the NOP ended on **May 30, 2012**.

6. A Draft EIR was prepared for the Project to analyze its environmental impacts. Pursuant to CEQA and the CEQA Guidelines, a Notice of Availability/Notice of Release and the Draft EIR was published on **September 20, 2013**. The Notice of Availability/Notice of Release of the Draft EIR was distributed to appropriate state and local agencies, published in the Oakland Tribune, posted at four locations throughout the project area, mailed and e-mailed to individuals who have requested to specifically be notified of official City actions on the project, and mailed to property owners both within the Project area and up to 300 feet beyond the Project area boundaries. Copies of the Draft EIR were also distributed to appropriate state and local agencies, City officials including the Planning Commission, and made available for public review at the Planning and Building Department (250 Frank H. Ogawa Plaza, Suite 3315) and on the City's website. A duly noticed Public Hearing on the Draft EIR was held at the **October 14, 2013** meeting of the Landmarks Preservation Advisory Board, and at the **October 16, 2013** and **October 30, 2013** meetings of the Planning Commission. The Draft EIR was properly circulated in excess of the required 45-day public review period. The public comment period on the Draft EIR closed on **November 12, 2013** (which was extended from the original closing date of November 4, 2013 after the Planning Commission decided to hold a second meeting on the Draft EIR, as noted above).

7. The City received written and oral comments on the Draft EIR. The City prepared responses to comments on environmental issues and made changes to the Draft EIR. The responses to comments, changes to the Draft EIR, and additional information were published in a Final EIR/Response to Comment document on **May 1, 2014**. The Draft EIR, the Final EIR and all appendices thereto constitute the "EIR" referenced in these findings. The Final EIR was made available for public review on **May 1, 2014**, twenty (20) days prior to the duly noticed **May 21, 2014**, Planning Commission public hearing. The Notice of Availability/Notice of Release of the Final EIR was distributed on **April 24, 2014** to those state and local agencies who commented on the Draft EIR, posted at four locations throughout the project site, mailed and o-mailed to individuals who have requested to specifically be notified of official City actions on the project, and mailed to property owners both within the Project area and up to 300 feet beyond the Project area boundaries. Copies of the Draft EIR and Final EIR were also distributed to those state and local agencies who commented on the Draft EIR, City officials including the Planning Commission, and made available for public review at the Planning and Building Department (250 Frank H. Ogawa Plaza, Suite 3315), and on the City's website. Pursuant to CEQA Guidelines, responses to public agency comments have been published and made available to all commenting agencies-- through notice, publication and distribution of the Final EIR/Response to comments Document -- at least 10 days prior to the public hearing considering certification of the EIR and the Project. The Planning Commission has had an opportunity to review all comments and responses thereto prior to consideration of certification of the EIR and prior to taking any action on the proposed Project.

IV. THE ADMINISTRATIVE RECORD

8. The record, upon which all findings and determinations related to the approval of the Project are based, includes the following:

- a. The EIR and all documents referenced in or relied upon by the EIR.
- b. All information (including written evidence and testimony) provided by City staff to the Planning Commission and Landmarks Preservation Advisory Board relating to the EIR, the approvals, and the Project.

- c. All information (including written evidence and testimony) presented to the Planning Commission and Landmarks Preservation Advisory Board by the environmental consultant and sub-consultants who prepared the EIR or incorporated into reports presented to the Planning Commission and Landmarks Preservation Advisory Board.
- d. All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR.
- e. All final information (including written evidence and testimony) presented at any City public hearing or City workshop related to the Project and the EIR.
- f. For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.
- g. The Standard Conditions of Approval for the Project and Mitigation Monitoring and Reporting Program for the Project.
- h. All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

9. The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the Director of the Planning and Building Department, or his/her designee. Such documents and other materials are located at 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612.

V. CERTIFICATION OF THE EIR

10. In accordance with CEQA, the Planning Commission certifies that the EIR has been completed in compliance with CEQA. The Planning Commission has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By these findings, the Planning Commission confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment and analysis of the City and the Planning Commission.

11. The Planning Commission recognizes that the EIR may contain clerical errors. The Planning Commission reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.

12. The Planning Commission certifies that the EIR is adequate to support all actions in connection with the approval of the Project and all other actions and recommendations as described in the **May 21, 2014**, Planning Commission staff report and exhibits/attachments. The Planning Commission certifies that the EIR is adequate to support approval of the Project described in the EIR, each component and phase of the Project described in the EIR, any variant of the Project described in the EIR, any minor modifications to the Project or variants described in the EIR and the components of the Project.

VI. ABSENCE OF SIGNIFICANT NEW INFORMATION

13. The Planning Commission recognizes that the Final EIR incorporates information obtained and produced after the DEIR was completed, and that the Final EIR contains additions, clarifications, and modifications. The Planning Commission has reviewed and considered the Final EIR and all of this information. The Final EIR does not add significant new information to the Draft EIR that would require recirculation of the EIR under CEQA. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of a previously identified significant environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the City declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No information indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR. Thus, recirculation of the EIR is not required.

14. The Planning Commission finds that the changes and modifications made to the EIR after the Draft EIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or the CEQA Guidelines section 15088.5.

VII. STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

15. Public Resources Code section 21081.6 and CEQA Guidelines section 15097 require the City to adopt a monitoring or reporting program to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented. The Standard Conditions of Approval and Mitigation Monitoring and Reporting Program ("SCAMMRP") is attached and incorporated by reference into the May 21, 2014 Planning Commission staff report prepared for the approval of the Project, is included in the conditions of approval for the Project, and is adopted by the Planning Commission. The SCAMMRP satisfies the requirements of CEQA.

16. The standard conditions of approval (SCA) and mitigation measures set forth in the SCAMMRP are specific and enforceable and are capable of being fully implemented by the efforts of the City of Oakland, the applicant, and/or other identified public agencies of responsibility. As appropriate, some standard conditions of approval and mitigation measures define performance standards to ensure no significant environmental impacts will result. The SCAMMRP adequately describes implementation procedures and monitoring responsibility in order to ensure that the Project complies with the adopted standard conditions of approval and mitigation measures.

17. The Planning Commission will adopt and impose the feasible standard conditions of approval and mitigation measures as set forth in the SCAMMRP as enforceable conditions of approval. The City has adopted measures to substantially lessen, or eliminate all significant effects where feasible.

18. The standard conditions of approval and mitigation measures incorporated into and imposed upon the Project approval will not themselves have new significant environmental impacts or cause a substantial increase in the severity of a previously identified significant environmental impact that were not analyzed in the EIR. In the event a standard condition of approval or mitigation measure recommended in the EIR has been inadvertently omitted from the conditions of approval or the SCAMMRP, that standard condition of approval or mitigation measure is adopted and incorporated from the EIR into the SCAMMRP by reference and adopted as a condition of approval.

VIII. FINDINGS REGARDING IMPACTS

19. In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the Planning Commission adopts the findings and conclusions regarding impacts, standard conditions of approval and mitigation measures that are set forth in the EIR and summarized in the SCAMMRP. These findings do not repeat the full discussions of environmental impacts, mitigation measures, standard conditions of approval, and related explanations contained in the EIR. The Planning Commission ratifies, adopts, and incorporates, as though fully set forth, the analysis, explanation, findings, responses to comments and conclusions of the EIR. The Planning Commission adopts the reasoning of the EIR, staff reports, and presentations provided by the staff as may be modified by these findings.

20. The Planning Commission recognizes that the environmental analysis of the Project raises controversial environmental issues, and that a range of technical and scientific opinion exists with respect to those issues. The Planning Commission acknowledges that there are differing and potentially conflicting expert and other opinions regarding the Project. The Planning Commission has, through review of the evidence and analysis presented in the record, acquired a better understanding of the breadth of this technical and scientific opinion and of the full scope of the environmental issues presented. In turn, this understanding has enabled the Planning Commission to make fully informed, thoroughly considered decisions after taking account of the various viewpoints on these important issues and reviewing the record. These findings are based on a full appraisal of all viewpoints expressed in the EIR and in the record, as well as other relevant information in the record of the proceedings for the Project.

21. As a separate and independent basis from the other CEQA findings, pursuant to Public Resources Code section 21083.3 and Guidelines section 15183, the Planning Commission finds: (a) the project is consistent with Land Use and

Transportation Element (LUTE) of the General Plan (EIR certified in March 1998); (b) the Housing Element of the General Plan (EIR certified in January 2011); (c) the Estuary Policy Plan (EIR certified in November 1998); and (d) the Historic Preservation Element of the General Plan (EIR certified in May 1998); (e) feasible mitigation measures identified in the foregoing were adopted and have been, or will be, undertaken; (f) this EIR evaluated impacts peculiar to the project and/or project site, as well as off-site and cumulative impacts; (g) uniformly applied development policies and/or standards (hereafter called "Standard Conditions of Approval") have previously been adopted and found to, that when applied to future projects, substantially mitigate impacts, and to the extent that no such findings were previously made, the City Planning Commission hereby finds and determines that the Standard Conditions of Approval (or "SCA") substantially mitigate environmental impacts (as detailed below); and (h) no substantial new information exists to show that the Standard Conditions of Approval will not substantially mitigate project and cumulative impacts.

IX. SIGNIFICANT BUT MITIGABLE IMPACTS

22. Under Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b), and to the extent reflected in the EIR, the SCAMMRP, and the City's Standard Conditions of Approval, the Planning Commission finds that changes or alterations have been required in, or incorporated into, the components of the Project that mitigate or avoid potentially significant effects on the environment. The following potentially significant impacts will be reduced to a less than significant level through the implementation of Project mitigation measures, or where indicated, through the implementation of Standard Conditions of Approval (which are an integral part of the SCAMMRP):

23. Aesthetics: Implementation of the Specific Plan and Related Actions proposed as part of the project would allow for increased land use densities and intensifies possibly impacting the area's existing visual quality. However, application of SCA 12; SCA 13; SCA 15; SCA 17 and SCA 18-21, which address landscaping improvements and utilities and other improvements in the right-of-way reduce the project's potential impacts on existing visual quality to a less than significant level. Any potential impact of new lighting will be reduced to a less than significant level through implementation of SCA 40 which requires approval of plans to adequately shield lighting to prevent unnecessary glare onto adjacent properties. Moreover, compliance with various policies and goals contained in the City's general plans and mitigation measures contained in the Land Use and Transportation Element EIR, Housing Element EIR, and Historic Preservation Element EIR would ensure there would not be significant adverse aesthetic impacts with respect to visual quality or scenic public vistas.

24. Air Quality: The BVDSP includes goals that address reduced trip generation and are consistent with the goals of the 2010 Bay Area Clean Air Plan (CAP). Furthermore, future development facilitated by BVDSP would include commercial and residential land uses that would be required to comply with SCA 25, *Parking and Transportation Demand Management*, if a proposed project generated 50 or more net new AM or PM peak hour vehicle trips. Therefore, development under the Specific Plan would not be considered to fundamentally conflict with CAP, and would be considered to have a less-than-significant impact with regard to transportation control measures in the CAP. Additionally, the potential exposure of new residents to toxic air contaminants (TAC) poses a risk, however, application of the City's SCA B which would entail the preparation of site-specific health risk assessments, would reduce TAC exposure to new sensitive receptors a less-than-significant level. There are no sources of odor identified by the City's database of potential odor generating facilities sources within the Plan Area. Thus, the potential for sensitive receptors within the Plan Area to be impacted by substantial objectionable odors affecting a substantial number of people would be less than significant.

25. Biology: Implementation of the Specific Plan and Related Actions proposed as part of the project would allow for increased land use densities and intensities possibly impacting the area's biological resources. However, application of SCA 43 – 47, which address tree protection actions; SCA 35 which addresses hazards best management practices; SCA 55, SCA 75, SCA 80, SCA 83, which address erosion and sedimentation control, stormwater management and creek protection; and SCA D, which addresses bird collision reduction, reduce the project's potential impacts to biological resources to a less-than-significant level.

26. Cultural Resources: Implementation of the Specific Plan and Related Actions proposed as part of the project would allow for increased land use densities and intensities possibly impacting the area's archeological or paleontological resources, or disturb human remains. However, application of SCA 52, SCA 53 and SCA 54 would reduce the project's potential impacts the aforementioned resources to a less-than-significant level.

27. Geology Soils and Geohazards: Implementation of the Specific Plan and Related Actions proposed as part of the project would allow for increased land use densities and intensities possibly exposing people to seismic or geologic hazards. However, application of SCA 58 and SCA 60, which require geologic and soils reports under certain circumstances would reduce the project's potential impacts the aforementioned resources to a less-than-significant level.

28. Greenhouse Gases: The proposed project would not fundamentally conflict with a plan, policy, or regulation adopted for the purpose of reducing greenhouse gas (GHG) emissions. The project would allow for a diverse mix of land uses and transportation and infrastructure improvements that provide stronger connections to transit, reflective of some of the strategies in place to reduce greenhouse gas emissions. Specifically, adoption and development under the Specific Plan would not conflict with the ECAP, current City Sustainability Programs, or General Plan policies or regulations regarding GHG reductions and other local, regional and statewide plans, policies and regulations that are related to the reduction of GHG emissions and relevant to the Specific Plan. Further, adoption and development under the Specific Plan would be subject to all the regulatory requirements including the City's approach to reducing GHG emissions (and significant GHG emissions impacts, if applicable) by requiring the preparation and implementation of project-specific GHG Reduction Plans (SCA F), which would reduce GHG emissions of the adoption and development under the Specific Plan to the greatest extent feasible. SCAs also include conditions to address adherence to best management construction practices and equipment use (SCA A and SCA 41) and minimize post construction stormwater runoff that could affect the ability to accommodate potentially increased storms and flooding within existing floodplains and infrastructure systems (SCA 55, SCA 75, and SCA 83), to reduce demand for single occupancy vehicle travel (SCA 25), to increase landscaping to absorb CO₂e emissions (SCA 12, SCA 13, SCA 15, SCA 17, SCA 18, and SCA 46), and facilitate waste reduction and recycling (SCA 36). Overall, adoption and development under the Specific Plan would not conflict with any applicable plans, policies or regulations adopted with the intent to reduce GHG emissions. The impact would be less than significant.

29. Hazards and Hazardous Materials: Implementation of the Specific Plan and Related Actions proposed as part of the project would allow for increased land use densities and intensities that possibly would involve use of hazardous materials as part of routine transport of materials, building demolition or construction, or the operations of certain businesses. However, the use of construction best management practices which would be required to be implemented as part of construction and required by SCA 35, *Hazards Best Management Practices*, along with SCA 41, *Asbestos Removal in Structures*, SCA 63 and SCA 65, *Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment*; SCA 64, *Environmental Site Assessment Reports Remediation*; and SCA 67, *Health and Safety Plan per Assessment* would minimize the potential adverse effects to groundwater and soils; SCA 68, *Best Management Practices for Soil and Groundwater Hazards*, and SCA 69, *Radon or Vapor Intrusion from Soil or Groundwater Sources*. Furthermore, adoption and development under the Specific Plan would be required to comply with the City's SCA 66, *Other Materials Classified as Hazardous Waste*, and SCA 74, *Hazardous Materials Business Plan*, which outlines the guidance for transporting hazardous materials safely to and from the project sites, in addition to SCA 61, *Site Review by Fire Services Division*, to ensure overall compliance of projects for hazardous materials. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse hazards and hazardous materials impacts.

30. Hydrology/Water Quality: Adoption and development under the Specific Plan could include construction activities that employ excavation, soil stockpiling, grading, and use of hazardous chemicals, such as fuels and oil. Construction could also occur along the day-lighted portion of Glenn Echo Creek north of Grand Avenue along Harrison Street. All of the Plan Area except for a small area in the easternmost part located along Glenn Echo Creek is outside of the 100-year flood zone. The Plan area would not be susceptible to mudflow, seiche waves or inundation from tsunami.

Implementation of the following Standard Conditions of Approval: 34 or 55 *Erosion and Sedimentation Control Plan*; SCA 75, *Stormwater Pollution Prevention Plan*; SCA 78, *Site Design Measures for Post-Construction Stormwater Management*; SCA 79, *Source Control Measures to Limit Stormwater Pollution*; SCA 80, *Post-construction Stormwater Pollution Management Plan*; SCA 81, *Maintenance Agreement for Stormwater Treatment Measures*; SCA 82, *Erosion, Sedimentation, and Debris Control Measures*; SCA 85, *Creek Monitoring*; and SCA 86, *Creek Landscaping Plan*, and SCA 89 *Regulatory Permits and Authorizations* and SCA 91 *Structures within a Floodplain* would ensure that development under the BVDSP would not result in significant impacts as a result of runoff/erosion, groundwater depletion and/or flooding/hazards, and would have a less than significant impact on hydrology and water quality. Furthermore, adherence to the Standard Conditions of Approval and compliance with the City of Oakland Grading Ordinance; the

Creek Protection, Stormwater Management, and Discharge Control Ordinance would reduce the potential impact to a less-than-significant level.

31. Land Use: Although the Specific Plan would allow for taller buildings, the adoption and development under the Specific Plan would not physically divide the community. Although, as described above, adoption and development under the Specific Plan would result in a change in land use patterns throughout the Plan Area, the transition would occur incrementally over time. In addition, the developed Plan Area would represent a strengthening and revitalization of the community represented in the larger area including the residential, institutional, entertainment and downtown office uses surrounding the Plan Area. When considered in the context of this portion of the City, the transition of land use and land use intensity would benefit and serve the needs of land uses adjacent and nearby. A more active and pedestrian friendly environment would serve to enhance connections within the Plan Area, as well as to, and between, the surrounding neighborhoods. Therefore, the Specific Plan would enhance connectivity in the community rather than result in a perceived or physical division. The General Plan's existing policy directions on compatible land uses would apply to future development under the Specific Plan. Conformance to the General Plan, including Land Use and Transportation Element policies (*Policy N1.8, Policy N2.1, Policy N5.2, Policy N7.1, Policy N7.2 and Policy N8.2*) would discourage development of incompatible land uses or land uses that would result in a division within an established community. Implementation of Specific Plan policies and General Plan policies, including but not limited to those described above, means that no significant land use impacts related to land use incompatibility or the physical division of an established community would occur as a result of the adoption and development under the Specific Plan.

32. Noise: Project construction and operation would potentially increase construction noise levels and excessive ground borne vibration. Implementation of SCA 28, 29, 30, 39 and 57 would reduce impacts from construction noise and vibration. SCA have been developed by the City of Oakland over the past decade to reduce construction noise impacts. SCA 28 restricts the hours and days of construction activity. SCA 29 requires contractors to implement a construction noise reduction program. SCA 30 establishes construction noise complaint procedures, while SCA 39 and SCA 57 establish a set of site-specific noise attenuation measures to address noise from pile driving, and to establish threshold levels of vibration and cracking that could damage fragile historic buildings during construction. These SCA are comprehensive in their content and for practical purposes represent all feasible measures available to mitigate construction noise. Implementation of these measures would reduce construction impacts associated with extreme noise actions and vibration to less than significant levels. Any noise from new ventilation equipment on the new residential construction would be required to comply with the stationary noise provisions of Chapter 17 of the Oakland Municipal Code and would reduce impacts to a less-than-significant level. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse noise impacts with respect to construction noise.

33. Population and Housing: Because of: (a) the role of the Specific Plan in facilitating development that fulfills key components of the General Plan's vision for the Downtown Showcase District, (b) the relatively small magnitude of Specific Plan-induced population and employment growth within the cumulative, citywide context, (c) the overall balance of growth of both jobs and housing anticipated in Oakland in the future, and (d) the Plan Area's location adjacent to Oakland's already developed Central Business District, the adoption and development under the Specific Plan would have a less than significant impact in inducing substantial population growth in a manner not contemplated by the General Plan, either directed by facilitating development of housing or businesses, or indirectly through infrastructure improvements.

34. Public Services: Future development allowed under the BVDSP could result in additional residents and employees. This potential increase in population would result in increased demand for the City's fire, police, and school services. These impacts will be reduced to a less than significant level through the implementation of SCA 4, SCA 71 and SCA 73, conditions which require building plans for development to be submitted to Fire Services for review and approval that the project adequately addresses fire hazards, and that construction equipment has spark arrestors. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse public services impacts.

35. Traffic and Transportation:¹

- a) Intersection #13 (MacArthur Boulevard/Piedmont Avenue): The development under the Specific Plan would degrade the MacArthur Boulevard/Piedmont Avenue intersection (Intersection #13) from LOS D to LOS E (Significant Threshold #1) during the weekday PM peak hour under Existing Plus Project conditions. Implementation of Mitigation TRANS-1 including: providing an additional through lane on the eastbound MacArthur Boulevard approach (currently temporarily closed for construction of Kaiser Hospital; expected to open in 2014 after completion of that construction); modifying the northbound approach from the current configuration which provides one right-turn lane and one shared through/left lane to provide one right-turn lane, one through lane, and one left-turn lane; and upgrading intersection signal equipment, optimizing signal timing at this intersection, and coordinating signal timing changes with the adjacent intersections that are in the same signal coordination group would reduce this impact to a less than significant level.
- b) Intersection #17 (Lake Park Avenue/Lakeshore Avenue): The development under the Specific Plan would degrade overall intersection operations from LOS E to LOS F and increase intersection average delay by four seconds or more (Significant Threshold #2) at the Lake Park Avenue/Lakeshore Avenue intersection (Intersection #17) during the weekday PM peak hour under Existing Plus Project conditions. Implementation of Mitigation TRANS-3 including optimizing signal timing at this intersection, and coordinating signal timing changes with the adjacent intersections that are in the same signal coordination group would reduce this impact to a less than significant level.
- c) Intersection #36 (24th Street/Broadway): The development under the Specific Plan Project would add more than 10 peak-hour trips to 24th Street/Broadway intersection (Intersection #36) which would meet peak-hour signal warrant (Significant Threshold #6) under Existing Plus Project, 2020 Plus Project, and 2035 Plus Project conditions. Implementation of Mitigation TRANS-4/TRANS-9/TRANS-23 including optimizing signal timing at this intersection, and coordinating signal timing changes with the adjacent intersections that are in the same signal coordination group would reduce this impact to a less than significant level.
- d) Intersection #39 (23rd Street/Broadway): The development under the Specific Plan Project would add more than 10 peak-hour trips to 23rd Street/Broadway intersection (Intersection #39) which would meet peak-hour signal warrant (Significant Threshold #6) under Existing Plus , 2020 Plus Project, and 2035 Plus Project conditions. Implementation of Mitigation TRANS-5/TRANS-11/TRANS-25 including optimizing signal timing at this intersection, and coordinating signal timing changes with the adjacent intersections that are in the same signal coordination group would reduce this impact to a less than significant level.
- e) Intersection #8 (40th Street/Telegraph): The development under the Specific Plan would increase the total intersection v/c ratio by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more (Significant Threshold #5) during the weekday PM peak hour at the 40th Street/Telegraph Avenue intersection (Intersection #8) under 2035 conditions. Implementation of Mitigation TRANS-15 including providing permitted-protected operations on the eastbound and westbound approaches; optimizing signal timing; and coordinating signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group would reduce these impacts to a less than significant level.
- f) Intersection #11 (West MacArthur Boulevard/Telegraph Avenue): The development under the Specific Plan would increase the total intersection v/c ratio by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more (Significant Threshold #5) at an intersection operating at LOS F during the weekday PM peak hour at the West MacArthur Boulevard/Telegraph Avenue intersection (Intersection #11) under 2035 conditions. Implementation of Mitigation TRANS-16 including providing protected left-turn phase(s) for the northbound and southbound approaches; optimizing signal timing; and coordinating signal timing changes at this intersection with

¹ In addition to the mitigation measures listed, the SCA that apply to transportation and circulation including: SCA 20 (Improvements in the Public Right-Of-Way - General), SCA 21 (Improvements in the Public Right-Of-Way - Specific), SCA 25 (Parking and Transportation Demand Management), SCA 33 (Construction Traffic and Parking) would also reduce the potentially significant impacts listed to less than significant.

the adjacent intersections that are in the same signal coordination group would reduce these impacts to a less than significant level.

- g) Transit, Vehicle/Bicycle/Pedestrian/Bus Rider Safety, Consistency with Adopted Policies or Plans Supporting Alternative Transportation, Construction-Period Impacts; Changes in Air Traffic Patterns: with implementation of applicable SCA and policies in the BVDSP, development under the Specific Plan would result in less than significant impacts for all of the aforementioned issue areas, and no mitigation measures are required.

36. Utilities/Service Systems: New construction under the BVDSP would result in increased solid waste, stormwater and wastewater generation, as well as energy usage. These impacts will be reduced to a less than significant level through the implementation of SCA 36, which requires solid waste reduction and recycling and SCA 75, 80 and 91, which require project applicants to submit stormwater pollution prevention plans, to confirm the state of repair of the City's surrounding stormwater and sanitary sewer system; and to make the necessary infrastructure improvements to accommodate the proposed project. Additionally, SCA H and SCA I require compliance with the City's Green Building Ordinance. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse utilities/service systems impacts.

X. SIGNIFICANT AND UNAVOIDABLE IMPACTS

37. Under Public Resources Code sections 21081(a)(3) and 21081(b), and CEQA Guidelines sections 15091, 15092, and 15093, and to the extent reflected in the EIR and the SCAMMRP, the Planning Commission finds that the following impacts of the Project remain significant and unavoidable, notwithstanding the imposition of all feasible Standard Conditions of Approval and mitigation measures as set forth below.

38. Aesthetics, Shadow and Wind AES-4 (Shadow), AES-5 (Wind), AES-6 (Cumulative Shadow and Wind): Adoption and development under the Specific Plan could result in substantial new shadow that could shade the Temple Sinai. Although Mitigation Measure AES-4 would require a shadow study to evaluate the shadowing effects, it cannot be known with certainty that a project redesign would eliminate the potential for new significant shading on the Temple Sinai. Therefore, the impact is conservatively deemed significant and unavoidable. Adoption and development under the Specific Plan has the potential to result in adverse wind conditions in cases where structures 100 feet in height or taller are proposed for development. Although Mitigation Measure AES-5 would require a wind study to evaluate the effects of proposed development, it cannot be known with certainty that a project redesign would eliminate the potential for new adverse wind impacts. Therefore, the impact is conservatively deemed significant and unavoidable. For the reasons listed above, adoption and development under the Specific Plan is conservatively deemed to result in significant cumulative wind, and shadow impacts. Therefore, adoption and development under the Specific Plan, in combination with other past, present, and reasonably foreseeable future projects within and around the Plan Area, also is conservatively deemed significant and unavoidable. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.

39. Air Quality AIR-1 (Construction Emissions), AIR-2 (Operational Emissions), AIR-4 (Gaseous TACs): Construction associated with adoption and development under the Specific Plan would result in average daily emissions in excess of 54 pounds per day of ROG. Even with the inclusion of SCA A (Construction Related Air Pollution Controls) and Recommended Measure AIR-1, it cannot reliably be demonstrated that ROG emissions from application of architectural coatings associated with adoption and development under the Specific Plan would be reduced to 54 pounds per day or less. To assess full buildout of the Broadway Valdez Development Program under this threshold, which is intended for project-level analysis, aggressive and conservative assumptions were employed and thus yielded a conservative result. Therefore, the impact is conservatively deemed significant and unavoidable. Adoption and development under the Specific Plan would result in operational average daily emissions of more than 54 pounds per day of ROG, NOX, or PM_{2.5}; 82 pounds per day of PM₁₀; or result in maximum annual emissions of 10 tons per year of ROG, NOX, or PM_{2.5} or 15 tons per year of PM₁₀. Although implementation of SCA 25 and Recommended Measure AIR-2 would reduce environmental effects on air quality, adoption and development under the Specific Plan still would contribute substantially to an existing air quality violation (ozone precursors and particulate matter). Therefore, even with implementation of Recommended Measure AIR-2, this impact would remain significant and unavoidable for emissions of ROG, NOX, and PM₁₀. To assess full buildout of the Broadway Valdez Development Program under this threshold, which is intended for

project-level analysis, aggressive and conservative assumptions were employed and thus yielded a conservative result. Therefore, the significant and unavoidable determination is considered conservatively significant and unavoidable. Adoption and development under the Specific Plan could generate substantial levels of Toxic Air Contaminants (TACs) under cumulative conditions resulting in (a) a cancer risk level greater than 100 in a million, (b) a non-cancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM_{2.5} of greater than 0.8 micrograms per cubic meter as a result of project operations. Although, due to the BAAQMD's permitting requirements, residual risk for a given generator would be less than 10 in one million, and although implementation of Mitigation Measure AIR-4 would substantially reduce potential cancer risks associated with DPM, the degree to which multiple sources, if concentrated on one area, would maintain cumulative risks to below 100 in one million cannot be assured. Therefore, the impact is conservatively deemed significant and unavoidable. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.

40. Cultural Resources CUL-1 (project), CUL-5 (cumulative): Adoption and development under the Specific Plan could result in the physical demolition, destruction, relocation, or alteration of historical resources that are listed in or may be eligible for listing in the federal, state, or local registers of historical resources. Adoption and development under the Specific Plan combined with cumulative development in the Plan Area and its vicinity, including past, present, existing, approved, pending, and reasonably foreseeable future development, would contribute considerably to a significant adverse cumulative impact to cultural resources. Implementation of proposed Specific Plan policies, Oakland Planning Code 17.136.075 (*Regulations for Demolition or Removal of Designated Historic Properties and Potentially Designated Historic Properties and Potentially Designated Historic Properties*), SCA 52, 53, 54, 56 and 57, as well as Mitigation Measure CUL-1 would reduce potential impacts, but not to a less-than-significant level for the Plan Area and its vicinity. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.

41. Greenhouse Gases GHG-1 (project-level): Adoption and development under the Specific Plan would produce greenhouse gas emissions that exceed 1,100 metric tons of CO₂e per year and that would exceed the project-level threshold of 4.6 metric tons of CO₂e per service population annually. Although future projects under the Specific Plan would be subject to SCA F, GHG Reduction Plan, and SCA 25, Parking and Transportation Demand Management, according to the specific applicability criteria, and GHG emissions would be reduced through project-by-project implementation of project-specific reduction measures, it cannot be guaranteed that sufficient reductions can be achieved. Therefore, the impact is conservatively deemed significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

42. Noise NOI-5 (traffic noise), NOI-6 (cumulative) and NOI-7 (cumulative): Traffic generated by adoption and development under the Specific Plan could substantially increase traffic noise levels in the Plan Area. Traffic generated by adoption and development under the Specific Plan, in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects, could substantially increase traffic noise levels in the Plan Area; and construction and operational noise levels in combination with traffic from past, present, existing, approved, pending and reasonably foreseeable future projects, could increase ambient noise levels. Adoption and development under the Specific Plan could result in stationary noise sources, such as rooftop mechanical equipment and back-up generators; that when combined with noise from traffic generated by adoption and development under the Specific Plan; as well as from past, present, existing, approved, pending and reasonably foreseeable future projects; could substantially increase noise levels at sensitive land uses in the Plan Area. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.

43. Traffic and Transportation TRANS-2, TRANS-7 and TRANS-17:² The development under the Specific Plan would degrade the *Perry Place/I-580 Eastbound Ramps/ Oakland Avenue* intersection (**Intersection #15**) from LOS E to LOS F and increase intersection average delay by four seconds or more during the weekday PM peak hour under Existing Plus Project and 2020 Plus Project conditions. Under Cumulative Year 2035 plus Project conditions, development under the Specific Plan would increase the total intersection v/c ratio by 0.03 or more, and increase the v/c ratio for a critical movement by 0.05 or more at this intersection, which would operate at LOS F during the weekday PM peak hour. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.

² In addition to the mitigation measures listed, the SCA that apply to transportation and circulation including: SCA 20 (Improvements in the Public Right-Of-Way - General), SCA 21 (Improvements in the Public Right-Of-Way - Specific), SCA 25 (Parking and Transportation Demand Management), SCA 33 (Construction Traffic and Parking) would also apply to all of the significant and unavoidable impacts listed.

44. Traffic and Transportation TRANS-6, TRANS-12 and TRANS-26: The development under the Specific Plan Project would add more than 10 peak-hour trips to *23rd Street/Harrison Street* intersection (**Intersection #40**) which would meet peak-hour signal warrant under Existing Plus Project, 2020 Plus Project and 2035 Plus Project conditions. With implementation of Mitigation Measure TRANS-6, this intersection may improve to LOS A during both weekday PM and Saturday peak hours under Existing Plus Project conditions; and may improve to LOS B during the weekday PM peak hour and LOS A during the Saturday peak hour under 2020 Plus Project and 2035 Plus Project conditions. However, the specific improvements of MM TRANS-6 may result in potential secondary impacts at Grand Avenue/Harrison Street intersection (Intersection #52) under Existing Plus Project, 2020 Plus Project and 2035 Plus Project conditions. Therefore, the impact is conservatively deemed significant and unavoidable. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.
45. Traffic and Transportation TRANS-8 and TRANS-19: The development under the Specific Plan would increase the total intersection v/c ratio by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more during the weekday PM peak hour which would operate at LOS F under 2020 conditions, and during the weekday PM and Saturday peak hours which would operate at LOS F under 2035 conditions at the *Lake Park Avenue/Lakeshore Avenue* intersection (**Intersection #17**). These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.
46. Traffic and Transportation TRANS-10 and TRANS-24: The development under the Specific Plan would increase the total intersection v/c ratio by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more at an intersection operating at LOS F during the weekday AM and PM peak hours at the *27th Street/24th Street/Bay Place/Harrison Street* intersection (**Intersection #37**) under 2020 conditions. Development under the Specific Plan would also increase the total intersection v/c ratio by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more at an intersection operating at LOS F during the weekday AM and PM peak hours and degrade overall intersection operations from LOS E to LOS F and increase intersection average delay by four seconds or more during the Saturday peak hour under 2035 conditions. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.
47. Traffic and Transportation TRANS-13 and TRANS-27: The development under the Specific Plan would increase the v/c ratio for the total intersection by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more at the *West Grand Avenue/Northgate Avenue* intersection (**Intersection #47**) which would operate at LOS F during the weekday PM peak hour under 2020 Plus Project and 2035 Plus Project conditions. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.
48. Traffic and Transportation TRANS-14: The development under the Specific Plan would increase the v/c ratio for a critical movement by 0.05 or more during the weekday PM and Saturday peak hours at the *51st Street/Pleasant Valley Avenue/Broadway* intersection (**Intersection #7**) under 2035 conditions. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
49. Traffic and Transportation TRANS-18: The development under the Specific Plan would increase the total intersection v/c ratio by 0.03 or more at an intersection operating at LOS F during the Saturday peak hour at the *Grand Avenue/Lake Park Avenue/Santa Clara Avenue* (**Intersection #16**) intersection under 2035 conditions. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
50. Traffic and Transportation TRANS-20: The development under the Specific Plan would degrade overall intersection operations from LOS E to LOS F and increase intersection average delay by four seconds or more during the weekday PM peak hour at the *Piedmont Avenue/Broadway and Hawthorne Avenue/Brook Street/Broadway* intersections (**Intersections #20 and #21**) under 2035 conditions. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
51. Traffic and Transportation TRANS-21: The development under the Specific Plan would increase the v/c ratio for the total intersection by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more at the *27th Street/Telegraph Avenue* intersection (**Intersection #29**) which would operate at LOS F during the weekday PM peak hour under 2035 conditions. With the implementation of Mitigation Measure TRANS-21, the total intersection v/c ratio would be reduced during the weekday PM peak hour. However, it would not be reduce the increase in v/c ratio for critical movements to 0.05 or less. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

52. Traffic and Transportation TRANS-22: The development under the Specific Plan would degrade overall intersection operations from LOS E to LOS F and increase intersection average delay by four seconds or more during the weekday PM peak hour and at the *27th Street/ Broadway* intersection (**Intersection #30**) under 2035 conditions. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

53. Traffic and Transportation TRANS-28: The development under the Specific Plan would degrade intersection operations from LOS D to LOS F and increase intersection average delay by four seconds or more during the weekday PM peak hour at the *Grand Avenue/Broadway* intersection (**Intersection #49**) in 2035. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

54. Traffic and Transportation TRANS-29: The development under the Specific Plan would degrade from LOS E or better to LOS F or increase the v/c ratio by 0.03 or more for segments operating at LOS F on the following CMP or MTS roadway segments:

- MacArthur Boulevard in both eastbound and westbound directions between Piedmont Avenue and I-580 in 2020 and 2035.
- Grand Avenue in the eastbound direction from Adeline Street to MacArthur Boulevard, and in westbound direction from Harrison Street to San Pablo Avenue in 2035.
- Broadway in the northbound direction from 27th Street to College Avenue, and in the southbound direction from Piedmont Avenue to 27th Street in 2035.
- Telegraph Avenue in the northbound direction from MacArthur Boulevard to Shattuck Avenue in 2035.
- San Pablo Avenue in the southbound direction from Market Street to 27th Street in 2035.
- Harrison Street in the northbound direction from 27th Street to Oakland Avenue in 2035.

Although traffic operations on these adversely affected roadway segments would improve with the implementation of Mitigation Measures TRANS-1, TRANS-10, TRANS-13 through TRANS-16, TRANS-20, TRANS-22, TRANS-24, TRANS-27 and TRANS-28, they would continue to operate at LOS F. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.

55. Traffic and Transportation - Previously Identified Impacted Intersections: The City of Oakland has previously identified intersections which were found to have significant and unavoidable traffic-related impacts from recently published EIRs or traffic studies for development projects. These intersections (see Appendix G the Draft EIR, hereby incorporated by reference as if fully set forth herein) were identified in the Draft EIR in order to provide more information about potential traffic-related impacts and to provide CEQA clearance for future projects. No feasible mitigation measures were identified for these intersections, and while a Transportation Impact Study may still be required, in accordance with standard City policy and practice, the impacts are nevertheless significant and unavoidable. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.

XI. FINDINGS REGARDING ALTERNATIVES

56. The Planning Commission finds that specific economic, social, environmental, technological, legal and/or other considerations make infeasible the alternatives to the Project described in the EIR for the reasons stated below. And that despite the remaining significant unavoidable impacts, the Project should nevertheless be approved, as more fully set forth in Section XII below, Statement of Overriding Considerations.

57. The EIR evaluated a reasonable range of alternatives to the project that was described in the Draft EIR. Of the six alternatives considered, two were not analyzed in detail as explained in the Draft EIR. The two alternatives that were not analyzed in detail in the Draft EIR include: a) Off-site Alternative and b) Fully Mitigated Alternative. The Planning Commission adopts the EIR's analysis and conclusions eliminating these two alternatives from further consideration. Each reason given in the EIR for rejecting an alternative constitutes a separate and independent basis for finding that particular alternative infeasible, and, when the reasons are viewed collectively, provides an overall basis for rejecting an alternative as being infeasible. The four potentially feasible alternatives analyzed in detail in the EIR represent a reasonable range of potentially feasible alternatives that reduce one or more significant impacts of the Project or provide decision makers with additional information. These alternatives include: Alternative 1: the No Project Alternative, Alternative 2: the Partially Mitigated Alternative, Alternative 3: Maximum Theoretical Buildout Alternative and two

Historic Preservation Sub-Alternatives, which were considered in combination with Alternative 2: the Partially Mitigated Alternative. As presented in the EIR, the alternatives were described and compared with each other and with the proposed project. After the No Project Alternative (1), Alternative (2) the Partially Mitigated Alternative in combination with Historic Preservation Sub-Alternative A was identified as the environmentally superior alternative.

58. The Planning Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the EIR and in the record. The EIR reflects the Planning Commission's independent judgment as to alternatives. The Planning Commission finds that the Project provides the best balance between the City's goals and objectives and the Project's benefits as described in the Staff Report and in the Statement of Overriding Considerations below. While the Project may cause some significant and unavoidable environmental impacts, mitigation measures and the City's SCAs identified in the EIR mitigate these impacts to the extent feasible. The four potentially feasible alternatives proposed and evaluated in the EIR are rejected for the following reasons. Each individual reason presented below constitutes a separate and independent basis to reject the project alternative as being infeasible, and, when the reasons are viewed collectively, provide an overall basis for rejecting the alternative as being infeasible.

59. Alternative 1: No Project: Under the No Project Alternative, the Specific Plan would not be adopted, and therefore the Broadway Valdez Development Program would not occur. However, the No Project Alternative does include reasonably foreseeable development that could occur even without adoption and development under the Specific Plan. This includes certain already approved but not built projects in the Plan Area (Broadway West Grand Mixed-Use Project, Parcel B), as well as development that would reasonably be expected to occur in the Plan Area in accordance with existing plans, zoning, and regulatory framework. The No Project Alternative would result in a reduction of approximately one million square feet of retail, 580,000 square feet of office, and 400 housing units as compared to the Project. The No Project Alternative would reduce some of the SU impacts identified with the Plan to less than significant. Under the No Project Alternative, the conservative SU Aesthetics impact (AES-5), conservative SU Greenhouse Gases impact (GHG-1), SU Noise impacts (NOI-5 and NOI-6), and many of the Transportation impacts would no longer occur. No impacts would be greater than those identified with the Plan. The No Project Alternative was rejected as infeasible because it does not meet most of the basic project objectives including:

- a. Facilitating the transformation of the Plan Area into an attractive, regional destination for retailers, shoppers, employers and visitors that serves in part the region's shopping needs and captures sales tax revenue for reinvestment in Oakland (since retail development is drastically reduced, below the recommended "critical mass" needed to sustain a retail district);
- b. Recommending design standards and guidelines to promote a well-designed neighborhood that integrates high quality design of the public and private realms to establish a socially and economically vibrant, and visually and aesthetically distinctive identity for the Broadway Valdez District;
- c. Providing a framework and identifying potential funding mechanisms to realize needed transportation, streetscape and infrastructure improvements in the Broadway Valdez District to achieve a balanced and complete circulation network of "complete streets" that accommodates the internal and external transportation needs of the Plan Area by promoting walking, biking, and transit while continuing to serve automobile traffic;
- d. Not updating the zoning which includes incentives for affordable housing, the preservation and enhancement of existing buildings of historical and architectural merit, shared parking and transportation demand management measures; and/or
- e. It would result in a reduced development program of retail, office and housing, as noted above, thus reducing employment opportunities (both short-term construction jobs as well as permanent jobs) and revenues (sales, property and other taxes), lessening economic spin off activities and not promoting an appropriate jobs/housing balance.

60. Alternative 2: Partially Mitigated: Under the Partially Mitigated Alternative, the Plan Area would be developed at a reduced intensity (roughly 25 percent of the non-residential development compared with the Broadway Valdez Development Program). The mix of uses would shift such that a higher percentage of residential development would occur compared to commercial (retail and office) development. All other aspects of the Specific Plan would be adopted

with this Alternative. The Partially Mitigated Alternative would result in a reduction of approximately 990,000 square feet of retail and 400,000 square feet of office, as compared to the Project. Overall, the Partially Mitigated Alternative, excluding Historic Preservation Sub-Alternative A (which is discussed below), would reduce but not avoid the conservative SU aesthetics and cultural resources impacts; all other impacts would be similar but less severe when compared to Plan impacts. The Partially Mitigated Alternative was rejected as infeasible because:

- a. The reduction in retail and office development would defeat the primary objectives of facilitating the transformation of the Plan Area into an attractive, regional destination for retailers, shoppers, employers and visitors that serves in part the region's shopping needs and captures sales tax revenue for reinvestment in Oakland;
- b. It would result in a reduced development program retail and office, as described above, thus reducing employment opportunities (both short-term construction jobs as well as permanent jobs) and revenues (sales, property and other taxes), lessening economic spin off activities and not promoting an appropriate jobs/housing balance; and/or
- c. Even with the reduced development, a number of air and transportation impacts still remain significant and unavoidable.

61. Historic Preservation Sub-Alternative A: The development restrictions and limitations of sub-alternative A could also be used in combination with the Specific Plan ("the Project") and thus were classified as a sub-alternative to provide for this flexibility. (As noted earlier in Section II. Project Description above, the BVDSP, in combination with Historic Preservation Sub-Alternative B is now "the Project" that City staff is recommending for adoption and is therefore not rejected as infeasible). The intent of Historic Preservation Sub-Alternative A is to avoid the SU historic resources impacts identified for the Plan. Under this sub-alternative, development on sites with historic resources would be prohibited and thus no identified historic resources within the Plan Area would be demolished or significantly altered. Historic Preservation Sub-Alternative A would reduce the development program of retail by between approximately 140,000 and 226,000 square feet and reduce office by approximately 32,000 square feet, as compared to the Project. In addition, allowable heights on the parcel bounded by Webster, 29th Street, Broadway, and 28th Street would be reduced such that new development within that parcel would avoid adversely shading the stained glass windows of the Temple Shalom during morning worship periods. Historic Preservation Sub-Alternative A is rejected as infeasible because:

- a. The aspect of Historic Preservation Sub-Alternative A to absolutely prohibit the demolition or significant alteration of any CEQA historic resource on private property would provide special treatment to the Plan Area over all other areas in the City, which would not facilitate development in the Plan Area;
- b. The aspect of Historic Preservation Sub-Alternative A to absolutely prohibit the demolition or significant alteration of any CEQA historic resource on private property is inconsistent with the City's existing regulations regarding the alteration of a historic property in Central Business District Zones (OMC 17.136.055) or demolition or removal of a Designated or Potentially Designated Historic Property (OMC 17.136.075). These regulations outline a procedure that a project applicant must follow in order to alter or demolish a historic property which includes demonstrating certain conditions exist to make reuse infeasible or provide equal or better replacement structure(s), among other requirements;
- c. The existing City regulations referenced above already provide adequate protection for CEQA and other historic resources;
- d. The aspect of Historic Preservation Sub-Alternative A to absolutely prohibit the demolition or significant alteration of any CEQA historic resource on private property is legally problematic as it may result in an unconstitutional "taking of property without payment of just compensation;"
- e. Key sites identified by the BVDSP as "Retail Priority Sites" because of their size or location at "gateways" to the Valdez Triangle would either not be available or much smaller areas of a site would be available due to site constraints, making potential large retail development projects less feasible; and/or

f. It would result in a reduced development program of retail and office, as noted above, thus reducing employment opportunities (both short-term construction jobs as well as permanent jobs) and revenues (sales, property and other taxes), lessening economic spin off activities and not promoting an appropriate jobs/housing balance.

62. Partially Mitigated Alternative in Combination with the Historic Preservation Sub-Alternative A: The Partially Mitigated Alternative and Historic Preservation Sub-Alternative A are discussed in item 60 and 61 above. The Partially Mitigated Alternative in combination with Historic Preservation Sub-Alternative A would result in a reduction of approximately 990,000 square feet of retail and 400,000 square feet of office, as compared to the Project.³ The Partially Mitigated Alternative in combination with Historic Preservation Sub-Alternative A was rejected as infeasible because of reasons cited in item 60. "a" through "c" above and in item 61. "a" through "f" above.

63. Alternative 3: Maximum Theoretical Buildout: The Maximum Theoretical Buildout Alternative evaluates the theoretical possibility that every parcel would be built out to the new maximum level permissible under the General Plan and Planning Code regulations as revised through adoption of the Specific Plan. Under this alternative, the Plan Area would be developed at an increased density/intensity (roughly 300 percent of the residential development and 200 percent of non-residential development assumed in the Broadway Valdez Development Program). All other aspects of the Plan would occur with this Alternative. Overall, because the Maximum Theoretical Build-out Alternative assumes an increment of growth substantially greater than the Plan, many impacts would be similar but the intensity of the impact (whether less than significant or significant and unavoidable) would be comparatively greater. The Maximum Theoretical Buildout Alternative 3 is rejected as infeasible because:

- a. All environmental impacts were significantly more severe than the Project under Alternative 3;
- b. Build-out of each site to the maximum intensity is unrealistic given historical and projected development patterns; and/or
- c. The infrastructure necessary to support development would be cost prohibitive and have secondary impacts themselves.

XII. STATEMENT OF OVERRIDING CONSIDERATIONS

64. The Planning Commission finds that each of the following specific economic, legal, social, technological, environmental, and other considerations and the benefits of the Project separately and independently outweigh the remaining significant unavoidable adverse impacts discussed above in Section X, and is an overriding consideration independently warranting approval. The remaining significant unavoidable adverse impacts identified above are acceptable in light of each of the overriding considerations that follow. Each individual benefit/reason presented below constitutes a separate and independent basis to override each and every significant unavoidable environmental impact, and, when the benefits/reasons are viewed collectively, provide an overall basis to override each and every significant unavoidable environmental impact.

65. The BVDSP updates the goals and policies of the General Plan, and provides more detailed guidance for specific areas within the Broadway Valdez District.

66. The BVDSP builds upon two retail enhancement studies, the *Citywide Retail Enhancement Strategy* (Conley, 2006) and the companion *Upper Broadway Strategy – A Component of the Oakland Retail Enhancement Strategy* (Conley, 2007), which identified the City's need to reestablish major destination retail in Oakland as being critical to stemming the retail leakage and associated loss of tax revenue that the City suffers annually. These reports also identified the Broadway

³ The Partially Mitigated Alternative in combination with Historic Preservation Sub-Alternative A would result in the same total reduction in office and retail square footage as the Partially Mitigated Alternative excluding Historic Preservation Sub-Alternative A because the overall intent of the Partially Mitigated Alternative is to reduce development to the extent that most of the transportation impacts are avoided; it is assumed that the increment of retail and office square footage not built under Historic Preservation Sub-Alternative A, would be built elsewhere in the Plan Area.

Valdez District as the City's best opportunity to re-establish a retail core with the type of comparison shopping that once served Oakland and nearby communities, and that the City currently lacks.

67. The BVDSP provides a policy and regulatory framework to achieve one of the primary objectives to transform the Plan Area into an attractive, regional destination for retailers, shoppers, employers and visitors that serves in part the region's shopping needs and captures sales tax revenue for reinvestment in Oakland.

68. The BVDSP would create employment opportunities (both short-term construction jobs as well as permanent jobs), increase revenues (sales, property and other taxes), and promote spin off activities (as Plan workers spend some of their income on goods in the Plan area).

69. The BVDSP Development Program promotes increased densities housing in close proximity to employment generating land uses supports the City and regional objectives for achieving a jobs/housing balance and transit-oriented development.

70. The BVDSP design guidelines will ensure that future development contributes to the creation of an attractive, pedestrian-oriented district characterized by high quality design and a distinctive sense of place.

71. The BVDSP identifies a series of needed and desired improvements related to transportation, affordable housing, historic resource preservation and enhancement, streetscape, plaza, parking and utility infrastructure and regulatory tools, policies and potential funding mechanisms to realize those improvements.

June 10, 2014

Broadway Valdez District Specific Plan and Related Actions Adoption Findings

In addition to the California Environmental Quality Act (CEQA) findings, there are additional findings which the Commission must make in recommending the *Broadway Valdez District Specific Plan* (BVDSPP) and Related Actions to the City Council, as detailed below.

The City Planning Commission finds and determines:

1. The *BVDSPP* is consistent with Policy A3 of the Land Use and Transportation Element (LUTE) of the Oakland General Plan: "Develop General Plan amendment cycles and related procedures." Specifically:
 - a. Policy A3 of the General Plan LUTE states that the City will amend its General Plan, up to four times per year per mandatory element, subject to specific findings including: a) how the amendment advances Plan implementation; b) how it is consistent with the policies in the Element; c) any inconsistencies that would need to be reconciled; and d) examination of citywide impacts to determine if the amendment is contrary to achievement of citywide goals. As detailed below, the *General Plan* amendments proposed by the *BVDSPP* advance Policy A3 of the General Plan LUTE by amending the General Plan to be consistent with the *BVDSPP* Area.
 - b. The *BVDSPP* and associated General Plan text and map amendments, zoning regulations and Design Guidelines (Related Actions) are consistent with and further advance the Oakland General Plan including the LUTE. By way of example and not by limitation, the following summary lists the major goals and policies of the LUTE and discusses how the *BVDSPP* and Related Actions are consistent with these goals and policies:
 - As discussed in Chapter 4.9 of the BVDSPP EIR (hereby incorporated by reference throughout these findings, as if fully set forth herein), the General Plan LUTE identifies five "Showcase Districts", each representing a dynamic area of regional importance in the City Of Oakland targeted for continued growth. These places contain the facilities, transportation system, communication network and infrastructure to support far-reaching economic activities. The Plan Area falls within Oakland's Downtown Showcase District intended to promote a mixture of vibrant and unique districts with around-the-clock activity, continued expansion of job opportunities, and growing residential population.
 - As discussed in Chapter 4.9 of the BVDSPP EIR, the General Plan LUTE organizes the City into six general planning areas, each with distinct sets of key geographic areas targeted for community and economic expansion. The Plan Area falls within the Central/Chinatown planning area's Auto Row target area for improvement strategies. Goals and policies within the LUTE focus on the need to develop business attraction strategies for the area with the intent to support existing automobile dealership activities while developing complementary uses and improving physical conditions of pedestrian and bicycle facilities. The LUTE also identifies a strategy objective of growth and change for the Broadway Corridor.
 - Transportation and Transit-Oriented Development objectives and policies to encourage alternative means of transportation; to include bikeways and pedestrian walks in new streets; and to improve the visual quality of streetscapes. Applicable *LUTE* Transportation-related policies include, but are not limited to, *Policies T3.5, T3.6, T3.7, T4.1 and T6.2*. These policies are listed in Chapter 4.13 of the BVDSPP EIR (hereby incorporated by reference throughout these findings, as if fully set forth herein).

- Neighborhood objectives and policies to ensure compatible development in terms of density, scale, design and existing or desired character of surrounding development; and to recognize and support the identification of distinct neighborhoods. The General Plan's existing policy directions on compatible land uses would apply to future development under the Specific Plan, including, but not limited to: *Policies N1.8, N2.1, N5.2, N7.1, N7.2 and N8.2*. These policies are listed in Chapter 4.9 of the BVDSP EIR.

The *BVDSP* includes goals, policies and actions that promote the transformation of the Plan Area into an attractive, regional retail destination and a "complete" mixed-use neighborhood with higher density development that is walkable, bikeable and transit-friendly. The proposed General Plan and Planning Code amendments, Design Guidelines, applicable Standard Conditions of Approval and CEQA mitigation measures serve to implement the *BVDSP* goals, policies and actions by creating a regulatory framework that incentivizes retail development, higher density residential development, reduces parking requirements, and provides development standards, design guidelines, and other requirements for well-designed, compatible infill development, among other components as discussed below.

2. The BVDSP and Related Actions are consistent with and further advance the Oakland General Plan including the LUTE (as described above), Open Space, Conservation and Recreation (OSCAR), Historic Preservation, Safety, and Housing Elements, as well as the Bicycle and Pedestrian Master Plans. By way of example and not by limitation, the following summary lists the major goals and policies of these elements of the General Plan and discusses how the *BVDSP* and Related Actions are consistent with these goals and policies.
 - a. The BVDSP is consistent with policies of the Bicycle Master Plan to include provisions for safe and direct bicycle access to special development areas and key corridors; to support improved bicycle access to public transportation; and to insure that the needs of bicyclists are considered in the design of new development. Chapter 5 Community Design, Chapter 6 Circulation and the Design Guidelines of the *BVDSP*, the proposed Planning Code amendments, as well as the applicable Standard Conditions of Approval and CEQA mitigation measures for the BVDSP include goals and policies and standards that support completing the bicycle network as envisioned in the Bicycle Master Plan and providing enhanced bicycle facilities and bicycle parking. Applicable *LUTE* Transportation-related policies are listed in Chapter 4.13 of the BVDSP EIR. The BVDSP would be consistent with the Bicycle Master Plan *Policies 1A, 1B, 1C and 1D*.
 - b. The BVDSP is consistent with policies of the Pedestrian Master Plan to include provisions for safe and direct pedestrian access between "activity centers" throughout the city; to support improved pedestrian access to public transportation; and to insure that the needs of pedestrians are considered in the design of new development. Chapter 5 Community Design, Chapter 6 Circulation and the Design Guidelines of the *BVDSP*, the proposed Planning Code amendments, as well as the applicable Standard Conditions of Approval and CEQA mitigation measures for the BVDSP include goals and policies and standards that support improvements to pedestrian environment such as improvements that enhance safety and visual quality (e.g. crosswalks, wider sidewalks, bulbouts, pedestrian-scaled lighting and other streetscape amenities). Applicable *LUTE* Transportation-related policies are listed in Chapter 4.13 of the EIR. The BVDSP would be consistent with the Pedestrian Master Plan *Policies 1.1, 1.2, 1.3, 2.1, 2.3 and 3.2*.
 - c. The BVDSP is consistent with the policies of the OSCAR of the General Plan to protect the visual quality of Oakland's visual resources; promote land use patterns and densities which improve regional air quality; to expand existing transportation systems management to reduce

congestion; to require implementation of best practices during construction to minimize dust emissions; to encourage the use of energy-efficient construction; to protect habitat; to control urban runoff; and to minimize soil contamination hazards through appropriate storage and disposal of toxic substances. Applicable OSCAR-related policies include, but are not limited to, *Policies OS-4.4, OS-9.3, OS-10.1, OS-10.2, OS-10.3, OS-11.1; Policies CO-6.1, CO-7.1, CO-7.3, CO-7.4, CO-9.1, CO-11.1, CO-11.2, CO-12.1, CO-12.3 through CO-12.6, CO-13.2 through CO-13.4; and, Policies REC-3.1 and 3.3.*¹ These policies are listed in Chapters 4.1, 4.2, 4.3, 4.6, 4.8 and 4.12 of the EIR (hereby incorporated by reference throughout these findings, as if fully set forth herein). Chapter 6 Circulation, Chapter 7 Infrastructure & Utilities and the Design Guidelines of the *BVDSP* include goals and policies and standards support the OSCAR policies referenced above. In addition, the applicable Standard Conditions of Approval and CEQA mitigation measures for the *BVDSP* also support the OSCAR policies referenced above.

- d. The *BVDSP* is consistent with the policies of the *Historic Preservation Element (HPE)* to encourage the reuse of existing buildings and building materials; to incentivize the preservation of historic resources; and to avoid or minimize adverse historic preservation impacts. Chapter 4 Land Use, Chapter 5 Community and the Design Guidelines of the *BVDSP*, as well as the proposed Planning Code amendments include goals and policies and standards to preserve and enhance existing buildings, including those that are not deemed to be a historic resource under CEQA. In addition, the applicable Standard Conditions of Approval and CEQA mitigation measures for the *BVDSP* also support the HPE policies referenced below. Applicable *Historic Preservation Element*-related policies include, but are not limited to, *Policies 2.1, 2.6, 3.1, 3.3, 3.6 and 3.9.* These policies are listed in Chapters 4.4 of the EIR (hereby incorporated by reference throughout these findings, as if fully set forth herein).
- e. The *BVDSP* is consistent with the policies of the *Safety Element* to enforce and update local ordinances and to comply with regional orders that would reduce the risk of storm-induced flooding; and to continue to strengthen city programs that seek to minimize the storm-induced flooding; and to maintain and enhance the city's capacity for emergency response. Applicable *Safety Element*-related policies include, but are not limited to, *Policies GE-2, FL-1, FL-2, FL-4, FI-3, HM-1 and HM-3.* These policies are listed in Chapters 4.7 and 4.8 of the EIR (hereby incorporated by reference throughout these findings, as if fully set forth herein). Chapter 7 Infrastructure & Utilities and the Design Guidelines of the *BVDSP*, and the applicable Standard Conditions of Approval and CEQA mitigation measures for the *BVDSP* include goals and policies and requirements that support the Safety Element policies referenced above.
- f. The *BVDSP* is consistent with the goals and policies of the *Housing Element* to provide adequate sites for housing for all income groups, to conserve and improve older housing and neighborhoods, and to promote sustainable development and sustainable communities. Chapter 4 Land Use and Chapter 8 Implementation of the *BVDSP*, as well as the proposed Planning Code amendments include goals and policies and strategies to support and incentivize the provision of affordable housing. Applicable *Housing Element*-related policies include, but are not limited to *Policies 4.1, 4.3, 5.1, and 5.5.* These policies are listed in Chapters 4.11 of the EIR (hereby incorporated by reference throughout these findings, as if fully set forth herein).

¹ Although the City has remained short of its stated goal of 4.0 ac. of local-serving parkland per 1,000 resident standard since 1994, the City nevertheless exceeds the overall parkland standard of 10 total acres per 1,000 residents. The City exceeded this standard in 2012, with 15.2 acres of parkland per 1,000 residents.

3. There are no inconsistencies between the *BVSDP Plan* and the Oakland General Plan which need to be reconciled and the *BVSDP* is consistent with and will further advance achievement of citywide goals, as detailed herein and in the May 21, 2014 Staff Report to the City Planning Commission.
4. The *BVSDP* and Related Actions are consistent with and further advance other related plans, including the *Broadway/MacArthur/San Pablo Redevelopment Plan*, *Central District Urban Renewal Plan* and the *Energy and Climate Action Plan*. By way of example and not by limitation, the following summary lists the major goals and policies the above-mentioned plans and discusses how the *BVSDP* is consistent with them.
 - a. The *Broadway/MacArthur/San Pablo Redevelopment Plan* includes goals related to stimulating infill development, adaptive reuse and preservation of existing building stock, new business and employment opportunities, and revitalization of commercial areas. Applicable goals include, but are not limited to Goal A, B, C and G. These goals are listed in Chapter 4.9 of the EIR.
 - b. *Central District Urban Renewal Plan* goals related to strengthening the Project Area's historical role as a major retail center for the Metropolitan Oakland Area and establishment as an important cultural entertainment center. Applicable goals include, but are not limited to Goal A, B and C. These goals are listed in Chapter 4.9 of the EIR.
 - c. The *Energy and Climate Action Plan* includes Priority Actions that apply to improving transportation and land use integration and promoting alternative energy use and green building. Applicable "Priority Actions" include, but are not limited to *PA 1, PA 7, PA 31, PA 37, PA 46, PA 50*. These Priority Actions are listed in Chapter 4.6 of the EIR.

The *BVSDP* provides a vision and planning framework that envisions the Plan Area's transformation into a vibrant, sustainable and economically prosperous neighborhood and retail destination, which is consistent with the *Broadway/MacArthur/San Pablo Redevelopment Plan* and the *Central District Urban Renewal Plan*. Chapters 4 Land Use, 5 Community Design, 7 Infrastructure & Utilities, the Design Guidelines, and the applicable Standard Conditions of Approval and CEQA mitigation measures for the *BVSDP* include goals, policies and requirements that are consistent with the *ECAP's* Priority Actions regarding transportation and land use integration and promoting alternative energy use and green building.

5. Adoption of the *BVSDP Plan* meets the provisions of California Government Code Section 65351 et. seq., specifically:
 - a. The City provided "opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and at public workshops" (Government Code section 65351). Specifically, seven community workshops were held between May 2009 and July 2013; the *BVSDP Concept* was presented to the Landmarks Preservation Advisory Board and Planning Commission in May 2012; between October and December 2013 the Draft *BVSDP* and Related Actions were presented to the Zoning Update Committee and Design Review Committee of the Planning Commission, as well as the Bicycle and Pedestrian Advisory Committee, the Parks and Recreation Advisory Commission, the Landmarks Preservation Advisory Board and to the Planning Commission.

b. In addition to providing newspaper notice in the Oakland Tribune of various public hearings, the City also provided notice of hearings in compliance with Government Code Section 65352 through (1) the April 30, 2012, Notice of Preparation of the Environmental Impact Report; (2) the September 20, 2013, Notice of Availability/Notice of Release of the Draft EIR and Draft *BVDSP and Related Actions*; and (3) the April 23, 2014, Notice of Availability/Notice of Release of the Final EIR and public hearings to consider adoption of the *BVDSP and Related Actions*, which were sent to:

- The neighboring cities of Alameda, Berkeley, Emeryville, Piedmont, San Francisco, San Leandro; the County of Alameda; the County of San Francisco; the Port of Oakland;
- The Oakland Unified School District;
- The Local Agency Formation Commission;
- The Association of Bay Area Governments; the Metropolitan Transportation Commission; the Regional Water Quality Control Board;
- East Bay Municipal Utility District, (which was consulted during the preparation of the *Broadway Valdez District Specific Plan*, and which has commented on the Draft EIR).
- The Bay Area Air Quality District (which was consulted during the preparation of the *Broadway Valdez District Specific Plan*);
- Property owners both within the Project area and up to 300 feet beyond the Project area boundaries;
- Individuals who specifically requested to be notified about the project; and
- There are no California Native American tribes with traditional lands in Oakland's jurisdiction; however, a notice to the Native American Heritage Commission was sent by staff. There are no Federal agencies with "operations or lands" that would be significantly affected by adopting the *BVDSP*; There is no branch of the US Armed Forces that have military installations or airspace that could be affected by adopting the *BVDSP*.

6. That the *BVDSP* and related zoning regulations are adequate and promote the public interest and the existing zoning is inadequate and contrary to the public interest because it does not implement various provisions of the LUTE and the *BVDSP*, in part, for the reasons stated herein and in the May 21, 2014, Staff Report to the City Planning Commission.

2014 BROADWAY VALDEZ DISTRICT SPECIFIC PLAN

**STANDARD CONDITIONS OF APPROVAL AND
MITIGATION MONITORING AND REPORTING PROGRAM**

This Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) is based on the Environmental Impact Report prepared for the Broadway Valdez District Specific Plan ("BVDSP EIR").

This SCAMMRP is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency "adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects." The SCAMMRP lists mitigation measures ("MM") recommended in the EIR and identifies mitigation monitoring requirements, as well as the City's Standard Conditions of Approval ("SCA") identified in the EIR as measures that would minimize potential adverse effects that could result from implementation of the project, to ensure the conditions are implemented and monitored. In addition, "recommended measures," not required by CEQA are also included in this SCAMMRP.

All MM, SCA, and recommended measures identified in the BVDSP EIR are included herein.¹ To the extent that there is any inconsistency between the SCA and MM, the more restrictive conditions shall govern; to the extent any MM, recommended measures and/or SCA identified in the BVDSP EIR were inadvertently omitted, they are automatically incorporated herein by reference.

- The first column indicates the environmental impact as identified in the BVDSP EIR;
- The second column identifies the SCA, MM or recommended measure applicable to that impact in the BVDSP EIR;
- The third column identifies the monitoring schedule or timing applicable the Project; and
- The fourth column names the party responsible for monitoring the required action for the Project.

¹ The City of Oakland's SCA may be refined and updated subsequent to adoption of the BVDSP SCAMMRP. The most current applicable SCA should be applied to any individual project when an application for development is approved by the City.

2014 BROADWAY VALDEZ DISTRICT SPECIFIC PLAN SCAMMRP

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
Aesthetics, Shadow and Wind			
<p>Impact AES-3: Adoption and development under the Specific Plan would result in new sources of light or glare which would not substantially and adversely affect day or nighttime views in the area (Criterion 4).</p>	<p>Standard Condition of Approval 40: Lighting Plan. The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Department for review and approval. All lighting shall be architecturally integrated into the site.</p>	<p>Prior to the issuance of an electrical or building permit.</p>	<p>City of Oakland Planning and Building Department City of Oakland – Building Services Division, Zoning Inspection City of Oakland Public Works Department, Electrical Services Division</p>
<p>Impact AES-4: Adoption and development under the Specific Plan could result in substantial new shadow that would shade solar collectors, passive solar heaters, public open spaces, or historic resources or otherwise result in inadequate provision of adequate light (Criteria 5 through 9).</p>	<p>Mitigation Measure AES-4: Shadow Analysis. Project sponsors for projects proposed for development on the parcel bounded by Webster Street, 29th Street, Broadway, and 29th Street shall conduct a shadow analysis to evaluate the shadowing effects of the proposed project on the stained glass windows on the eastern façade of the Temple Sinai. Should the initial shadow analysis reveal new shading would occur on the stained glass windows of the Temple Sinai during morning worship periods, the project sponsor shall, if feasible, modify project designs and reduce proposed building heights, as necessary, until a revised shadow analysis demonstrates that new shading on Temple Sinai would not materially impair this resource's historic significance (i.e., would avoid Temple Sinai's stained glass windows during morning worship periods, which are generally from 7:30 a.m. to 12:00 p.m.).</p>	<p>Prior to the issuance of a building permit on parcel bounded by Webster Street, 29th Street, Broadway and 29th Street</p>	<p>City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection</p>
<p>Impact AES-5: Adoption and development under the Specific Plan has the potential to result in adverse wind conditions (Criterion 10).</p>	<p>Mitigation Measure AES-5: Wind Analysis. Project sponsors proposing buildings 100 feet tall or taller within the portion of the Plan Area designated Central Business District shall conduct detailed wind studies to evaluate the effects of the proposed project. If the wind study determines that the proposed project would create winds exceeding 36 mph for more than one hour during daylight hours during the year, the project sponsor shall develop and implement a wind reduction plan and incorporate measures to reduce such potential effects, as necessary, until a revised wind analysis demonstrates that the proposed project would not create winds in excess of this threshold. Examples of measures that such projects may incorporate, depending on the site-specific conditions, include structural and landscape design features and modified tower designs: wind protective structures or other apparatus to redirect downwash winds from tall buildings, tree plantings or dense bamboo plantings, arbors, canopies, lattice fencing, etc.</p>	<p>Prior to the issuance of a building permit</p>	<p>City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection</p>
<p>Impact AES-6: Adoption and development under the Specific Plan, in combination with other past, present, and reasonably foreseeable future projects</p>	<p>Mitigation Measure AES-6: Implement Mitigation Measures AES-4 and AES-5, under Impacts AES-4 and AES-5, respectively.</p>		

2014 BROADWAY VALDEZ DISTRICT SPECIFIC PLAN SCAMMRP

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
		Schedule	Responsibility
within and around the Plan Area, would result in significant cumulative wind, and shadow impacts.			
Air Quality			
<p>Impact AIR-1: Construction associated with adoption and development under the Specific Plan would result in average daily emissions of 54 pounds per day of ROG, NO_x, or PM_{2.5} or 82 pounds per day of PM₁₀ (Criterion 1).</p>	<p>Standard Condition of Approval A: Construction-Related Air Pollution Controls (Dust and Equipment Emissions): Ongoing throughout demolition, grading, and/or construction. During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the BAAQMD:</p> <p><u>BASIC (Applies to ALL construction sites)</u></p> <ul style="list-style-type: none"> a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. d) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. e) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). f) Limit vehicle speeds on unpaved roads to 15 miles per hour. g) Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points. h) Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes and fleet operators must develop a written idling policy (as required by Title 13, Section 2449 of the California Code of Regulations.) i) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. j) Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required on-site signage. <p>ENHANCED: All "Basic" controls listed above plus the following controls if the project involves:</p> <ul style="list-style-type: none"> i) 114 or more single-family dwelling units; 	<p>Ongoing throughout demolition, grading, and/or construction</p> <p>Prior to starting operations</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection.</p>

2014 BROADWAY VALDEZ DISTRICT SPECIFIC PLAN SCAMMRP

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
	<ul style="list-style-type: none"> ii) 240 or more multi-family units; iii) Nonresidential uses that exceed the applicable screening size listed in the Bay Area Air Quality Management District's CEQA Guidelines; iv) Demolition permit; v) Simultaneous occurrence of more than two construction phases (e.g., grading and building construction occurring simultaneously); vi) Extensive site preparation (i.e., the construction site is four acres or more in size); or vii) Extensive soil transport (i.e., 10,000 or more cubic yards of soil import/export). k) Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas. l) All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe. m) All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph. n) Install sandbags or other erosion control measures to prevent silt runoff to public roadways. o) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more). p) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. q) Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind blown dust. Wind breaks must have a maximum 50 percent air porosity. r) Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. s) The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time. t) All trucks and equipment, including tires, shall be washed off prior to leaving the site. u) Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch; or gravel. v) Minimize the idling time of diesel-powered construction equipment to two minutes. w) All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449 of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") must meet Emissions and Performance Requirements one year in advance of any fleet deadlines. The project applicant shall provide written documentation that the fleet requirements have been met. x) Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings). 		

2014 BROADWAY VALDEZ DISTRICT SPECIFIC PLAN SCAMMRP

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
	<p>y) All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOX and PM.</p> <p>z) Off-road heavy diesel engines shall meet the CARB's most recent certification standard.</p>		
	<p>Recommended Measure AIR-1: During construction, the project applicant shall require the construction contractor to use prefinished materials and colored stucco, as feasible.</p>	<p>Ongoing throughout demolition, grading, and/or construction</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection.</p>
<p>Impact AIR-2: Adoption and development under the Specific Plan would result in operational average daily emissions of more than 54 pounds per day of ROG, NO_x, or PM_{2.5} or 82 pounds per day of PM₁₀; or result in maximum annual emissions of 10 tons per year of ROG, NO_x, or PM_{2.5} or 15 tons per year of PM₁₀ (Criterion 2).</p>	<p>Standard Condition of Approval 25: Parking and Transportation Demand Management: This SCA would apply to development projects under the Specific Plan generating 50 or more net new AM or PM peak hour vehicle trips.</p> <p><i>Prior to issuance of a final inspection of the building permit.</i> The project applicant shall submit a Transportation and Parking Demand Management (TDM) for review and approval by the City. The intent of the TDM plan shall be to reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable consistent with the potential traffic and parking impacts of the project.</p> <p>The goal of the TDM shall be to achieve the following project vehicle trip reductions (VTR):</p> <ul style="list-style-type: none"> • Projects generating 50 – 99 net new AM or PM peak hour vehicle trips: 10 percent VTR • Projects generating 100 or more net new AM or PM peak hour vehicle trips: 20 percent VTR <p>The TDM plan shall include strategies to increase pedestrian, bicycle, transit, and carpool use, and reduce parking demand. All four modes of travel shall be considered, as appropriate. VTR strategies to consider include, but are not limited to, the following:</p> <ol style="list-style-type: none"> a. Inclusion of additional long term and short term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan, and Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement. b. Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority Bikeway Projects, on-site signage and bike lane striping. c. Installation of safety elements per the Pedestrian Master Plan (such as cross walk striping, curb ramps, count-down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project. d. Installation of amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan. 	<p>Prior to issuance of a final inspection of the building permit.</p> <p>Implementation: Ongoing e.g. submittal of additional approved TDM reports as needed per approved TDM plan</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Public Works Department, Traffic Services Division</p>

2014 BROADWAY VALDEZ DISTRICT SPECIFIC PLAN SCAMMRP

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
	<p>e. Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.</p> <p>f. Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency).</p> <p>g. Provision of a transit subsidy to employees or residents, determined by the project sponsor and subject to review by the City, if the employees or residents use transit or commute by other alternative modes.</p> <p>h. Provision of an ongoing contribution to AC Transit service to the area between the development and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle or streetcar service; and 3) Establishment of new shuttle or streetcar service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario3).</p> <p>i. Guaranteed ride home program for employees, either through 511.org or through separate program.</p> <p>j. Pre-tax commuter benefits (commuter checks) for employees.</p> <p>k. Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants.</p> <p>l. Onsite carpooling and/or vanpooling program that includes preferential (discounted or free) parking for carpools and vanpools.</p> <p>m. Distribution of information concerning alternative transportation options.</p> <p>n. Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties.</p> <p>o. Parking management strategies; including attendant/valet parking and shared parking spaces.</p> <p>p. Requiring tenants to provide opportunities and the ability to work off-site.</p> <p>q. Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week).</p> <p>r. Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours.</p> <p>The TDM Plan shall indicate the estimated VTR for each strategy proposed based on published research or guidelines. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report.</p> <p>The project applicant shall implement the approved TDM Plan on an ongoing basis. For projects that generate 100 or more net new a.m. or p.m. peak hour vehicle trips and contain ongoing</p>		

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	operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.		
	<p>Recommended Measure AIR-2: The following measures identified in the 2012 BAAQMD CEQA Guidelines for specific development projects in excess of 50,000 square feet or 325 dwelling units are recommended to be considered and if determined feasible, implemented for those projects:</p> <ul style="list-style-type: none"> • Establish a dedicated employee transportation coordinator for each specific development as a condition of occupancy permit/tenancy contract; • Increase building energy efficiency by 20 percent beyond 2008 Title 24 (reduces NOX related to natural gas combustion); • Require use of electrically powered landscape equipment; • Require only natural gas hearths in residential units as a condition of final building permit; • Use low VOC architectural coatings in maintaining buildings; • Require smart meters and programmable thermostats; and • Install solar water heaters for all uses. 	<p>Prior to issuance of a final inspection of the building permit.</p> <p>Implementation: Ongoing</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>
<p>Impact AIR-4: Adoption and development under the Specific Plan could generate substantial levels of Toxic Air Contaminants (TACs) resulting in (a) a cancer risk level greater than 10 in one million, (b) a non-cancer risk (chronic or acute) hazard index greater than 1.0, or (c) an increase of annual average PM_{2.5} concentration of greater than 0.3 micrograms per cubic meter or, under cumulative conditions, resulting in (a) a cancer risk level greater than 100 in a million, (b) a non-cancer risk (chronic or acute) hazard index greater than 10.0, or (c) annual average PM_{2.5} of greater than 0.8 micrograms per cubic meter as a result of construction activities or project operations (Criterion 4).</p>	<p>Standard Condition of Approval A: <i>Construction-Related Air Pollution Controls (Dust and Equipment Emissions):</i> Refer to Standard Condition of Approval A under Impact AIR-1.</p> <p>Mitigation Measure AIR-4: Risk Reduction Plan</p> <p>Applicants for projects that would include backup generators shall prepare and submit to the City, a Risk Reduction Plan for City review and approval. The applicant shall implement the approved plan. This Plan shall reduce cumulative localized cancer risks to the maximum feasible extent. The Risk Reduction Plan may contain, but is not limited to the following strategies:</p> <ul style="list-style-type: none"> • Demonstration using screening analysis or a health risk assessment that project sources, when combined with local cancer risks from cumulative sources with 1,000 feet would be less than 100 in one million. • Installation of non-diesel fueled generators. • Installation of diesel generators with an EPA-certified Tier 4 engine or Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. 	<p>Prior to issuance of a demolition, grading, or building permit</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>
<p>Impact AIR-5: Adoption and development under the Specific Plan</p>	<p>Standard Condition of Approval B: Exposure to Air Pollution (Toxic Air Contaminants: The</p>	<p>Incorporation of measures: Prior to</p>	<p>City of Oakland Planning and</p>

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would not expose sensitive receptors to substantial levels of Toxic Air Contaminants (TACs) resulting in (a) a cancer risk level greater than 100 in one million, (b) a non-cancer risk (chronic or acute) hazard index greater than 10.0, or (c) an increase of annual average PM _{2.5} concentration of greater than 0.8 micrograms per cubic meter by siting a new sensitive receptor (Criterion 5).	<p>following condition applies to all projects that meet ALL of the following criteria:</p> <ol style="list-style-type: none"> 1. The project involves either of the following sensitive land uses: <ol style="list-style-type: none"> a. New residential facilities or new dwelling units; or b. New or expanded schools, daycare centers, parks, nursing homes, or medical facilities; and 2. The project is located within 1,000 feet of one or more of the following sources of air pollution: <ol style="list-style-type: none"> a. Freeway b. Roadway with significant traffic (at least 10,000 vehicles per day); c. Rail line (except BART) with over 30 trains per day; d. Distribution center that accommodated more that 100 trucks per day, more than 40 trucks with operating Transportation Refrigeration Units (TRU) per day, or where the TRU unit operations exceed 300 hours per week; e. Major rail or truck yard (such as the Union Pacific rail yard adjacent to the Port of Oakland; f. Ferry terminal; g. Port of Oakland; or h. Stationary pollutant source requiring a permit from BAAQMD (such as a diesel generator; and 3. The project exceeds the health risk screening criteria after a screening analysis is conducted in accordance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines. <p>Exposure to Air Pollution (Toxic Air Contaminants)</p> <ol style="list-style-type: none"> a. Health Risk Reduction Measures Requirement: The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose <u>one</u> of the following methods: <ol style="list-style-type: none"> 1) The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with the California Air Resources Board (CARB) and the Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. 	<p>approval of construction-related permit</p> <p>Maintenance: Ongoing</p>	<p>Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>

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	<p>2) The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <ul style="list-style-type: none"> • Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents, and other sensitive populations, in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required. • Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible. • The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods, if feasible. • Sensitive receptors shall not be located on the ground floor, if feasible. • Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (<i>Pinus nigra</i> var. <i>maritima</i>), Cypress (<i>X Cupressocyparis leylandii</i>), Hybrid poplar (<i>Populus deltoids</i> X <i>trichocarpa</i>), and Redwood (<i>Sequoia sempervirens</i>). • Within the project site, sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible. • Within the project site, existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible. • Within the project site, emissions from diesel trucks shall be reduced through implementing the following measures, if feasible: <ul style="list-style-type: none"> - Installing electrical hook-ups for diesel trucks at loading docks. - Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards. - Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels. - Prohibiting trucks from idling for more than two minutes. - Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented. <p>b. Maintenance of Health Risk Reduction Measures</p> <p>Requirement: The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on</p>		

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	an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.		
Impact AIR-7: Adoption and development under the Specific Plan would be consistent with the primary goals of the Bay Area Clean Air Plan (CAP) and would not fundamentally conflict with the CAP because the Specific Plan demonstrates reasonable efforts to implement control measures contained in the CAP (Criterion 7).	Standard Condition of Approval 25: Parking and Transportation Demand Management: Refer to Standard Condition of Approval 25 under Impact AIR-2.		
Impact AIR-8: Adoption and development under the Specific Plan would include special overlay zones containing goals, policies, and objectives to minimize potential Toxic Air Contaminant (TAC) impacts in areas located (a) near existing and planned sources of TACs and (b) within 500 feet of freeways and high-volume roadways containing 100,000 or more average daily vehicle trips (Criterion 8).	Standard Condition of Approval B: Exposure to Air Pollution (Toxic Air Contaminants): Refer to Standard Condition of Approval B under Impact AIR-5.		
Biological Resources			
Impact BIO-2: Adoption and development under the Specific Plan could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Criterion 2).	Standard Condition of Approval 43: Tree Removal Permit on Creekside Properties: Prior to issuance of a final inspection of the building permit. Prior to removal of any tree located on the project site which is identified as a creekside property, the project applicant must secure the applicable creek protection permit, and abide by the conditions of that permit.	Prior to issuance of a final inspection of the building permit.	City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection City of Oakland Public Works Department-Tree Services Division

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	<p>Standard Condition of Approval 44: Tree Removal During Breeding Season: Prior to issuance of a tree removal permit. To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Department. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.</p>	Prior to issuance of a tree removal permit.	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Public Works Department-Tree Services Division</p>
	<p>Standard Condition of Approval 45: Tree Removal Permit: Prior to issuance of a demolition, grading, or building permit. Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Department, and abide by the conditions of that permit.</p>	Prior to issuance of a demolition, grading, or building permit.	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Public Works Department-Tree Services Division</p>
	<p>Standard Condition of Approval 46: Tree Replacement Plantings: Prior to issuance of a final inspection of the building permit. Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat; and in order to prevent excessive loss of shade, in accordance with the following criteria:</p> <ol style="list-style-type: none"> 1) No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered. 2) Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye) or Umbellularia californica (California Bay Laurel) or other tree species acceptable to the Tree Services Division. 3) Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate. 	Prior to issuance of a final inspection of the building permit.	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Public Works Department-Tree Services Division</p>

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	<p>4) Minimum planting areas must be available on site as follows:</p> <ul style="list-style-type: none"> - For Sequoia sempervirens, three hundred fifteen square feet per tree; - For all other species listed in #2 above, seven hundred (700) square feet per tree. <p>5) In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the City may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.</p> <p>6) Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project applicant's expense.</p>		
	<p>Standard Condition of Approval 47: Tree Protection during Construction: Prior to issuance of a demolition, grading, or building permit. Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:</p> <ol style="list-style-type: none"> 1) Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree. 2) Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the City Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree. 3) No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree. 4) Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration. 5) If any damage to a protected tree should occur during or as a result of work on the site, 	<p>Prior to issuance of a demolition, grading, or building permit.</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Public Works Department-Tree Services Division</p>

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	<p>the project applicant shall immediately notify the Public Works Department of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.</p> <p>6) All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.</p>		
<p>Impact BIO-3: Adoption and development under the Specific Plan could have a substantial adverse effect on federally protected wetlands (as defined by Section 404 of the Clean Water Act) or state protected wetlands, through direct removal, filling, hydrological interruption, or other means (Criterion 3):</p>	<p>Standard Condition of Approval 55: Erosion and Sedimentation Control Plan: <i>Prior to any grading activities.</i> The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.</p> <p><i>Ongoing throughout grading and construction activities.</i> The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.</p>	<p>Prior to any grading activities.</p> <p>Implementation: Ongoing throughout grading and construction activities</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>
	<p>Standard Condition of Approval 35: Hazards Best Management Practices: <i>Prior to the commencement of demolition, grading, or construction.</i> The project applicant and construction contractor shall ensure that construction of Best Management Practices (BMPs) is implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:</p> <ul style="list-style-type: none"> a) Follow manufacturers' recommendations on use, storage, and disposal of chemical products used in construction; b) Avoid overtopping construction equipment fuel gas tanks; c) During routine maintenance of construction equipment, properly contain and remove grease and oils; d) Properly dispose of discarded containers of fuels and other chemicals. e) Ensure that construction would not have a significant impact on the environment or pose 	<p>Prior to the commencement of demolition, grading, or construction.</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>

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	<p>a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.</p> <p>f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.</p>		
	<p>Standard Condition of Approval 75: Stormwater Pollution Prevention Plan: Prior to and ongoing throughout demolition, grading, and/or construction activities. The project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a notice of intent (NOI) with the SWRCB. The project applicant will be required to prepare a stormwater pollution prevention plan (SWPPP) and submit the plan for review and approval by the Building Services Division. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit to the Building Services Division a copy of the SWPPP and evidence of submittal of the NOI to the SWRCB. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.</p>	<p>Prior to and ongoing throughout demolition, grading, and/or construction activities.</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>
	<p>Standard Condition of Approval 80: Post-construction Stormwater Management Plan: Prior to issuance of building permit (or other construction-related permit). The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Construction-Permit-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.</p> <p>a) The post-construction stormwater management plan shall include and identify the following:</p> <p>1) All proposed impervious surface on the site;</p>	<p>Construction-Permit-Phase Stormwater Supplemental Form Submittal: Prior to issuance of building permit (or other construction-related permit).</p> <p>Implement SWP: Prior to final permit inspection.</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>

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	<p>2) Anticipated directional flows of on-site stormwater runoff; and</p> <p>3) Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and</p> <p>4) Source control measures to limit the potential for stormwater pollution;</p> <p>5) Stormwater treatment measures to remove pollutants from stormwater runoff; and</p> <p>6) Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit.</p> <p>b) The following additional information shall be submitted with the post-construction stormwater management plan:</p> <p>7) Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and</p> <p>8) Pollutant removal information demonstrating that any proposed manufactured/ mechanical (i.e., non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.</p> <p>All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.</p> <p><i>Prior to final permit inspection.</i> The applicant shall implement the approved stormwater management plan.</p>		
<p>Impact BIO-4: Adoption and development under the Specific Plan could substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (Criterion 4).</p>	<p>Standard Condition of Approval 44: <i>Tree Removal During Breeding Season:</i> Refer to Standard Condition of Approval 44 under Impact BIO-2.</p>		
<p>Impact BIO-5: Adoption and development under the Specific Plan could fundamentally conflict with the City of Oakland Tree Protection Ordinance</p>	<p>Standard Condition of Approval 46: <i>Tree Replacement Plantings:</i> Refer to Standard Condition of Approval 46 under Impact BIO-2.</p>		

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(Oakland Municipal Code Chapter 12.36) by removal of protected trees under certain circumstances (Criterion 6).			
	Standard Condition of Approval 47: Tree Protection during Construction: Refer to Standard Condition of Approval 47 under Impact BIO-2.		
Impact BIO-6: Adoption and development under the Specific Plan could fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources (Criterion 7).	<p>Standard Condition of Approval 83: Creek Protection Plan: Prior to and ongoing throughout demolition, grading, and/or construction activities</p> <p>a) The approved creek protection plan shall be included in the project drawings submitted for a building permit (or other construction-related permit). The project applicant shall implement the creek protection plan to minimize potential impacts to the creek during and after construction of the project. The plan shall fully describe in plan and written form all erosion, sediment, stormwater, and construction management measures to be implemented on-site.</p> <p>b) If the plan includes a stormwater system, all stormwater outfalls shall include energy dissipation that slows the velocity of the water at the point of outflow to maximize infiltration and minimize erosion. The project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains.</p>	Prior to and ongoing throughout demolition, grading, and/or construction activities	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Public Works Department, Engineering and Construction Division</p>
	Standard Condition of Approval 55: Erosion and Sedimentation Control Plan: Refer to Standard Condition of Approval 55 under Impact BIO-3.		
	Standard Condition of Approval 57: Vibrations Adjacent to Historic Structures: Prior to issuance of a demolition, grading or building permit. The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage other nearby historic structures, and design means and methods of construction that shall be utilized to not exceed the thresholds.	Prior to issuance of a demolition, grading or building permit.	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>
	Standard Condition of Approval 35: Hazards Best Management Practices: Refer to Standard Condition of Approval 35 under Impact BIO-3.		
	Standard Condition of Approval 75: Stormwater Pollution Prevention Plan: Refer to Standard Condition of Approval 75 under Impact BIO-3.		
	Standard Condition of Approval 80: Post-construction Stormwater Management Plan: Refer to Standard Condition of Approval 80 under Impact BIO-3.		
Impact BIO-7: Construction activity and operations of adoption and development	Standard Condition of Approval 57: Vibrations Adjacent to Historic Structures: Refer to		

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under the Specific Plan, in combination with past, present, existing, approved, pending and reasonably foreseeable future projects in the Plan Area, would not result in impacts on special-status species, sensitive habitats, wildlife movement corridors, wetlands, and other waters of the U.S.	Standard Condition of Approval 57 under Impact BIO-6.		
	Standard Condition of Approval 35, Hazards Best Management Practices: Refer to Standard Condition of Approval 35 under Impact BIO-3.		
	Standard Condition of Approval 55: Erosion and Sedimentation Control Plan. Refer to Standard Condition of Approval 55 under Impact BIO-3.		
	Standard Condition of Approval 75: Stormwater Pollution Prevention Plan: Refer to Standard Condition of Approval 75 under Impact BIO-3.		
	Standard Condition of Approval 80: Post-construction Stormwater Management Plan: Refer to Standard Condition of Approval 80 under Impact BIO-3.		
	Standard Condition of Approval 44: Tree Removal During Breeding Season: Refer to Standard Condition of Approval 44 under Impact BIO-2.		
	Standard Condition of Approval 45: Tree Removal Permit: Refer to Standard Condition of Approval 45 under Impact BIO-2.		
	Standard Condition of Approval 46: Tree Replacement Plantings: Refer to Standard Condition of Approval 46 under Impact BIO-2.		
	Standard Condition of Approval 47: Tree Protection during Construction: Refer to Standard Condition of Approval 47 under Impact BIO-2.		
	<p>Standard Condition of Approval D: Bird Collision Reduction: Prior to issuance of a building permit and ongoing. The project applicant, or his or her successor, including the building manager or homeowners' association, shall submit plans to the Planning and Zoning Division, for review and approval, indicating how they intend to reduce potential bird collisions to the maximum feasible extent. The applicant shall implement the approved plan, including all mandatory measures, as well as applicable and specific project Best Management Practice (BMP) strategies to reduce bird strike impacts to the maximum feasible extent.</p> <p>a) Mandatory measures include <u>all</u> of the following:</p> <ol style="list-style-type: none"> i. Comply with federal aviation safety regulations for large buildings by installing minimum intensity white strobe lighting with three second flash instead of blinking red or rotating lights. ii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures. 	Prior to issuance of a building permit and ongoing.	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Public Works Department-Tree Services Division</p>

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring:	
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	<p>iii. Monopole structures or antennas shall not include guy wires.</p> <p>iv. Avoid the use of mirrors in landscape design.</p> <p>v. Avoid placement of bird-friendly attractants (i.e. landscaped areas, vegetated roofs, water features) near glass.</p> <p>b) Additional BMP strategies to consider include the following:</p> <p>i. Make clear or reflective glass visible to birds using visual noise techniques. Examples include:</p> <ol style="list-style-type: none"> 1) Use of opaque or transparent glass in window panes instead of reflective glass. 2) Uniformly cover the outside clear glass surface with patterns (e.g., dots, decals, images, abstract patterns). Patterns must be separated by a minimum 10 centimeters (cm). 3) Apply striping on glass surface. If the striping is less than 2 cm wide it must be applied vertically at a maximum of 10 cm apart (or 1 cm wide strips at 5 cm distance). 4) Install paned glass with fenestration patterns with vertical and horizontal mullions of 10 cm or less. 5) Place decorative grilles or louvers with spacing of 10 cm or less. 6) Apply one-way transparent film laminates to outside glass surface to make the window appear opaque on the outside. 7) Install internal screens through non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects. 8) Install windows which have the screen on the outside of the glass. 9) Use UV-reflective glass. Most birds can see ultraviolet light, which is invisible to humans. 10) If it is not possible to apply glass treatments to the entire building, the treatment should be applied to windows at the top of the surrounding tree canopy or the anticipated height of the surrounding vegetation at maturity. <p>ii. Mute reflections in glass. Examples include:</p> <ol style="list-style-type: none"> 1) Angle glass panes toward ground or sky so that the reflection is not in a direct line-of-sight (minimum angle of 20 degrees with optimum angle of 40 degrees). 2) Awnings, overhangs, and sunshades provide birds a visual indication of a barrier and may reduce image reflections on glass, but do not entirely eliminate reflections. <p>iii. Reduce Light Pollution. Examples include:</p> <ol style="list-style-type: none"> 1) Turn off all unnecessary interior lights from 11 p.m. to sunrise. 2) Install motion-sensitive lighting in lobbies, work stations, walkways, and corridors, or 		

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring:	
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	<p>any area visible from the exterior and retrofitting operation systems that automatically turn lights off during after-work hours.</p> <p>3) Reduce perimeter lighting whenever possible.</p> <p>iv. Institute a building operation and management manual that promotes bird safety. Example text in the manual includes:</p> <p>1) Donation of discovered dead bird specimens to authorized bird conservation organization or museums to aid in species identification and to benefit scientific study, as per all federal, state and local laws.</p> <p>2) Production of educational materials on bird-safe practices for the building occupants.</p> <p>3) Asking employees to turn off task lighting at their work stations and draw office blinds or curtains at end of work day.</p> <p>4) Schedule nightly maintenance during the day or to conclude before 11 p.m., if possible.</p>		
	<p>Standard Condition of Approval 83: Creek Protection Ordinance: Refer to Standard Condition of Approval 83 under Impact BIO-6.</p>		
Cultural Resources			
<p>Impact CUL-1: Adoption of and development under the Specific Plan could result in the physical demolition, destruction, relocation, or alteration of historical resources that are listed in or may be eligible for listing in the federal, state, or local registers of historical resources (Criterion 1).</p>	<p>Standard Condition of Approval 56: Compliance with Policy 3.7 of the Historic Preservation Element (<i>Property Relocation Rather than Demolition</i>)</p> <p>The project applicant shall make a good faith effort to relocate the affected building(s) to a site acceptable to the Planning and Zoning Division and the OCHS. Good faith efforts include, at a minimum, the following:</p> <p>a. Advertising the availability of the building by: (1) posting of large visible signs (such as banners, at a minimum 3'x 6') at the site; (2) placement of advertisements in Bay Area news media acceptable to the City; and (3) contacting neighborhood associations and for-profit and not-for-profit housing and preservation organizations;</p> <p>b. Maintaining a log of all the good faith efforts and submitting that along with photos of the subject building showing the large signs (banners) to the Planning and Zoning Division;</p> <p>c. Maintaining the signs and advertising in place for a minimum of 90 days; and</p> <p>d. Making the building available at no or nominal cost (the amount to be reviewed by the Landmarks Preservation Advisory Board) until removal is necessary for construction of a replacement project, but in no case for less than a period of 90 days after such advertisement.</p>	<p>Prior to issuance of a demolition permit</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>
	<p>Standard Condition of Approval 57: Vibrations Adjacent to Historic Structures</p> <p>The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage other nearby historic structures, and design means and methods of construction that shall be utilized to not exceed the thresholds.</p>	<p>Prior to issuance of a demolition, grading or building permit.</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services</p>

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			Division, Zoning Inspection
	<p>Mitigation Measure CUL-1: Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures.</p> <ul style="list-style-type: none"> <i>Avoidance.</i> The City shall ensure, where feasible, that all future development activities allowable under the Specific Plan, including demolition, alteration, and new construction, would avoid historical resources (i.e., those listed on federal, state, and local registers). <i>Adaptive Reuse.</i> If avoidance is not feasible, adaptive reuse and rehabilitation of historical resources shall occur in accordance with the <i>Secretary of Interior's Standards for the Treatment of Historic Properties</i>. <i>Appropriate Relocation.</i> If avoidance or adaptive reuse <i>in situ</i> is not feasible, SCA 56, <i>Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition)</i>, shall be implemented, as required. Projects that relocate the affected historical property to a location consistent with its historic or architectural character could reduce the impact less than significant (Historic Preservation Element Action 3.8.1), unless the property's location is an integral part of its significance, e.g., a contributor to a historic district. <p>a) Future Site-specific Surveys and Evaluations.</p> <p>Although the Plan Area has been surveyed by the City of Oakland's OCHS and as part of the Broadway Valdez Specific Plan effort by ESA in 2009, evaluations and ratings may change with time and other conditions. There may be previously unidentified historical resources which would be affected by future development activities. For any future projects on or immediately adjacent to buildings 50 years old or older between 2013 and 2038, which is the build-out horizon for the Specific Plan (i.e., by the end of the Plan period, buildings constructed prior to 1988), the City shall require specific surveys and evaluations of such properties to determine their potential historical significance at the federal, state, and local levels. Intensive-level surveys and evaluations shall be completed by a qualified architectural historian who meets the <i>Secretary of the Interior's Standards</i>. For all historical resources identified as a result of site-specific surveys and evaluations, the City shall ensure that future development activities avoid, adaptively reuse and/or appropriately relocate such historical resources in accordance with measure "a" (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures), above. Site-specific surveys and evaluations that are more than 5 years old shall be updated to account for changes which may have occurred over time.</p> <p>b) Recordation and Public Interpretation.</p> <p>If measure "a" (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures) is determined infeasible as part of a future project, the City shall evaluate the feasibility and appropriateness of recordation and public interpretation of such resources prior to any construction activities which would directly affect them. Should City staff decide recordation and or public interpretation is required, the following activities would be performed:</p> <ul style="list-style-type: none"> <i>Recordation.</i> Recordation shall follow the standards provided in the National Park Service's Historic American Building Survey (HABS) program, which requires photo-documentation of historic structures, a written report, and/or measured drawings (or photo reproduction of original plans if available). The photographs and report would be archived at the Oakland Planning Department and local repositories, such as public libraries, historical societies, 	Prior to issuance of a demolition permit.	City of Oakland - Building Services Division, Zoning Inspection

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	<p>and/or the Northwest Information Center at Sonoma State University. The recordation efforts shall occur prior to demolition, alteration, or relocation of any historic resources identified in the Plan Area, including those that are relocated pursuant to measure "a" (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures). Additional recordation could include (as appropriate) oral history interviews or other documentation (e.g., video) of the resource.</p> <ul style="list-style-type: none"> • <i>Public Interpretation.</i> A public interpretation or art program would be developed by a qualified historic consultant or local artist in consultation with the Landmarks Preservation Advisory Board and City staff, based on a City-approved scope of work and submitted to the City for review and approval. The program could take the form of plaques, commemorative markers, or artistic or interpretive displays which explain the historical significance of the properties to the general public. Such displays would be incorporated into project plans as they are being developed, and would typically be located in a publicly accessible location on or near the site of the former historical resource(s). Public interpretation displays shall be installed prior to completion of any construction projects in the Plan Area. <p>Photographic recordation and public interpretation of historically significant properties does not typically mitigate the loss of resources to a less-than-significant level [CEQA Section 15126.4(b)(2)].</p> <p>c) Financial Contributions.</p> <p>If measure "a" (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures) and measure "b" (Future Site-specific Surveys and Evaluations) are not satisfied, the project applicant shall make a financial contribution to the City of Oakland, which can be used to fund other historic preservation projects within the Plan Area or in the immediate vicinity. Such programs include, without limitation, a Façade Improvement Program or a Property Relocation Assistance Program.</p> <p>This mitigation would conform to Action 3.8.1(9) of the Historic Preservation Element of the City of Oakland General Plan. Contributions to the fund(s) shall be determined by staff at the time of approval of site-specific project plans based on a formula to be determined by the Landmarks Preservation Advisory Board. However, such financial contribution, even in conjunction with measure "c" (Recordation and Public Interpretation), would not reduce the impacts to less-than-significant levels.</p> <p>Only avoidance of direct effects to historic resources, as would be achieved through measure "a" (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures), and measure "b" (Future Site-specific Surveys and Evaluations) would reduce the impacts to historic resources to a less-than-significant level. Therefore, if demolition or substantial alteration of historically significant resources is identified by the City as the only feasible option for development in the Plan Area, even with implementation of measure "c" (Recordation and Public Interpretation) and measure "d" (Financial Contributions), the impact of adoption of and development under the Specific Plan would be considered significant and unavoidable.</p>		
<p>Impact CUL-2: Adoption of and development under the Specific Plan could result in significant impacts to unknown archaeological resources</p>	<p>Standard Condition of Approval 52: <i>Archaeological Resource: Ongoing throughout demolition, grading, and/or construction</i></p> <p>a. Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique</p>	<p>Ongoing throughout demolition, grading, and/or construction</p>	<p>City of Oakland Planning and Building Department</p>

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(Criterion 2). (Less than Significant)	<p>archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.</p> <p>b. In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.</p> <p>c. Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.</p> <p>d. Archaeological Resources – Sensitive Areas. Prior to issuance of a demolition, grading, or building permit, the project applicant shall implement either Provision A (Intensive Pre-Construction Study) or Provision D (Construction ALERT Sheet). However, if in either case a high potential presence of historic-period archaeological resources on the project site is indicated, or a potential resource is discovered, the project applicant shall also implement all of the following provisions:</p> <ul style="list-style-type: none"> • Provision B (Construction-Period Monitoring), • Provision C (Avoidance and/or Find Recovery), and • Provision D (to establish a Construction ALERT Sheet if the Intensive Pre-Construction Study was originally implemented per Provision A, or to update and provide more specificity to the initial Construction ALERT Sheet if a Construction ALERT Sheet was originally implemented per Provision D). <p>Provision A through Provision D are detailed as follows:</p> <ul style="list-style-type: none"> • <i>Provision A: Intensive Pre-Construction Study</i> – The project applicant, upon approval from the City Planning and Zoning Division, may choose to complete a site-specific, intensive 		City of Oakland - Building Services Division, Zoning Inspection

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	<p>archaeological resources study prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. If that approach is selected, the study shall be conducted by a qualified archaeologist approved by the City Planning and Zoning Division. If prepared, at a minimum, the study shall include:</p> <ul style="list-style-type: none"> - An intensive cultural resources study of the project site, including subsurface presence/absence studies, of the project site. Field studies conducted by the approved archaeologist(s) may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources; - A report disseminating the results of this research; - Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources. <p>If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction (see Provision B, Construction-Period Monitoring, below), implement avoidance and/or find recovery measures (see Provision C, Avoidance and/or Find Recovery, below), and prepare an ALERT Sheet that details what could potentially be found at the project site (see Provision D, Construction ALERT Sheet, below).</p> <ul style="list-style-type: none"> • <i>Provision B: Construction-Period Monitoring</i> – Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT Sheet, require per Provision D, Construction ALERT Sheet, below) and the procedures to follow if any are encountered, field recording and sampling in accordance with the Secretary of Interior’s Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, or preparing a report to document negative findings after construction is completed. If a significant archaeological resource is discovered during the monitoring activities, adherence to Provision C, Avoidance and/or Find Recovery, discussed below), would be required to reduce the impact to less than significant. The project applicant shall hire a qualified archaeologist to monitor all ground-disturbing activities on the project site throughout construction. • <i>Provision C: Avoidance and/or Find Recovery</i> – If a significant archaeological resource is present that could be adversely impacted by the proposed project, the project applicant of the specific project site shall either: <ul style="list-style-type: none"> - Stop work and redesign the proposed project to avoid any adverse impacts on significant archaeological resource(s); or, - If avoidance is determined infeasible by the City, design and implement an Archaeological Research Design and Treatment Plan (ARDTP). The project applicant shall hire a qualified archaeologist who shall prepare a draft ARDTP that shall be submitted to the City Planning and Zoning Division for review and approval. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data 		

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	<p>classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical. The project applicant shall implement the ARDTP. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant.</p> <ul style="list-style-type: none"> • <i>Provision D: Construction ALERT Sheet</i> – The project applicant, upon approval from the City Planning and Zoning Division, may choose to prepare a construction ALERT sheet prior to soil-disturbing activities occurring on the project site, instead of conducting site-specific, intensive archaeological resources pursuant to Provision A, above. The project applicant shall submit for review and approval by the City prior to subsurface construction activity an “ALERT” sheet prepared by a qualified archaeologist with visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project’s prime contractor; any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving); and/or utilities firm involved in soil-disturbing activities within the project site. <p>The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, that in the event of discovery of the following cultural materials, all work must be stopped in the area and the City’s Environmental Review Officer contacted to evaluate the find: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones.</p> <p>Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel.</p> <p>If the project applicant chooses to implement Provision D, Construction ALERT Sheet, and a potential resource is discovered on the project site during ground disturbing activities during construction, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction (see Provision B, Construction-Period Monitoring, above), implement avoidance and/or find recovery measures (see Provision C, Avoidance and/or Find Recovery, above), and prepare an updated ALERT Sheet that addresses the potential resource(s) and other possible resources based on the discovered find found on the project site.</p>		
<p>Impact CUL-3: Adoption of and development under the Specific Plan could directly or indirectly destroy a</p>	<p>Standard Condition of Approval 54: <i>Paleontological Resources: Ongoing throughout demolition, grading, and/or construction.</i> In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be</p>	<p>Ongoing throughout demolition, grading, and/or construction.</p>	<p>City of Oakland Planning and Building</p>

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unique paleontological resource or site or unique geologic feature (Criterion 3).	temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.		Department City of Oakland - Building Services Division, Zoning Inspection
Impact CUL-4: Adoption of and development under the Specific Plan could disturb human remains, including those interred outside of formal cemeteries (Criterion 4).	Standard Condition of Approval 52: Archaeological Resources: Refer to Standard Condition of Approval 52 under Impact CUL-2.		
	Standard Condition of Approval 53: Human Remains: Ongoing throughout demolition, grading, and/or construction. In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.	Ongoing throughout demolition, grading, and/or construction.	City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection
Impact CUL-5: Adoption of and development under the Specific Plan, combined with cumulative development in the Plan Area and its vicinity, including past, present, existing, approved, pending, and reasonably foreseeable future development, would contribute considerably to a significant adverse cumulative impact to cultural resources.	Standard Condition of Approval 52: Archaeological Resources: Refer to Standard Condition of Approval 52 under Impact CUL-2.		
	Standard Condition of Approval 53: Human Remains: Refer to Standard Condition of Approval 53 under Impact CUL-4.		
	Standard Condition of Approval 54: Paleontological Resources: Refer to Standard Condition of Approval 54 under Impact CUL-3.		
	Standard Condition of Approval 56: Property Relocation Rather than Demolition: Refer to Standard Condition of Approval 56 under Impact CUL-1.		
	Standard Condition of Approval 57: Vibrations Adjacent to Historic Structures: Refer to		

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	Standard Condition of Approval 57 under Impact BIO-6.		
	Mitigation Measure CUL-5: Implement Mitigation Measure CUL-1.		
Geology, Soils and Geohazards			
<p>Impact GEO-1: Adoption and development under the Specific Plan could expose people or structures to seismic hazards such as ground shaking and seismic-related ground failure such as liquefaction, differential settlement, collapse, or lateral spread (Criterion 1).</p>	<p>Standard Condition of Approval 58: Soils Report: Required as part of the submittal of a Tentative Tract or Tentative Parcel Map. A preliminary soils report for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division. The soils reports shall be based, at least in part, on information obtained from on-site testing. Specifically the minimum contents of the report should include:</p> <ul style="list-style-type: none"> a) Logs of borings and/or profiles of test pits and trenches: <ul style="list-style-type: none"> 1) The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two (2), when in the opinion of the Soils Engineer such borings shall be sufficient to establish a soils profile suitable for the design of all the footings, foundations, and retaining structures. 2) The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures. 3) All boring logs shall be included in the soils report. b) Test pits and trenches <ul style="list-style-type: none"> 1) Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures. 2) Soils profiles of all test pits and trenches shall be included in the soils report. c) A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled. d) Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, sheer strength, active and passive pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit. e) A written Soils Report shall be submitted which shall include but is not limited to the following: <ul style="list-style-type: none"> 1) Site description 2) Local and site geology 3) Review of previous field and laboratory investigations for the site 4) Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Office of Planning and Building. 	Required as part of the submittal of a Tentative Tract or Tentative Parcel Map.	City of Oakland, Building Services Division

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	<p>5) Site stability shall be addressed with particular attention to existing conditions and proposed corrective actions at locations where land stability problems exist.</p> <p>6) Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required.</p> <p>7) Conclusions and recommendations for temporary and permanent erosion control and drainage. If not provided in a separate report they shall be appended to the required soils report.</p> <p>8) All other items which a Soils Engineer deems necessary.</p> <p>9) The signature and registration number of the Civil Engineer preparing the report.</p> <p>f) The Director of Planning and Building may reject a report that she/he believes is not sufficient. The Director of Planning and Building may refuse to accept a soils report if the certification date of the responsible soils engineer on said document is more than three years old. In this instance, the Director may require that the old soils report be recertified, that an addendum to the soils report be submitted, or that a new soils report be provided.</p>		
	<p>Standard Condition of Approval 60: Geotechnical Report: Required as part of the submittal of a tentative Tract Map or tentative Parcel Map.</p> <p>a) A site-specific, design level, Landslide or Liquefaction geotechnical investigation for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division. Specifically:</p> <p>1) Each investigation shall include an analysis of expected ground motions at the site from identified faults. The analyses shall be accordance with applicable City ordinances and polices, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults.</p> <p>2) The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots, and sidewalks).</p> <p>3) The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, shall be included in the final design, as approved by the City of Oakland.</p> <p>4) The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the "No Build" zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge.</p> <p>5) Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the projects design phase, shall be</p>	Required as part of the submittal of a tentative Tract Map or tentative Parcel Map.	City of Oakland, Building Services Division

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	<p>incorporated in the project.</p> <p>6) Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project.</p> <p>7) A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces.</p> <p>b) Tentative Tract or Parcel Map approvals shall require, but not be limited to, approval of the Geotechnical Report.</p>		
<p>Impact GEO-2: Adoption and development under the Specific Plan could be subjected to geologic hazards, including expansive soils, subsidence, seismically-induced settlement and differential settlement (Criterion 3).</p>	<p>Standard Condition of Approval 58: Soils Report: Refer to Standard Condition of Approval 58 under Impact GEO-1.</p>		
	<p>Standard Condition of Approval 60: Geotechnical Report: Refer to Standard Condition of Approval 60 under Impact GEO-1.</p>		
Greenhouse Gases and Climate Change			
<p>Impact GHG-1: Adoption and development under the Specific Plan would produce greenhouse gas emissions that exceed 1,100 metric tons of CO_{2e} per year that would exceed 4.6 metric tons of CO_{2e} per service population annually (Criterion 1).</p>	<p>Standard Condition of Approval F: GHG Reduction Plan: Prior to issuance of a construction-related permit and ongoing as specified. The project applicant shall retain a qualified air quality consultant to develop a Greenhouse Gas (GHG) Reduction Plan for City review and approval. The applicant shall implement the approved GHG Reduction Plan.</p> <p>The goal of the GHG Reduction Plan shall be to increase energy efficiency and reduce GHG emissions to below <u>at least one</u> of the City of Oakland's CEQA Thresholds of Significance (1,100 metric tons of CO_{2e} per year or 4.6 metric tons of CO_{2e} per year per service population) <u>AND</u> to reduce GHG emissions by 36 percent below the project's "adjusted" baseline GHG emissions (as explained below) to help achieve the City's goal of reducing GHG emissions. The GHG Reduction Plan shall include, at a minimum, (a) a detailed GHG emissions inventory for the project under a "business-as-usual" scenario with no consideration of project design features, or other energy efficiencies, (b) an "adjusted" baseline GHG emissions inventory for the project, taking into consideration energy efficiencies included as part of the project (including the City's Standard Conditions of Approval, proposed mitigation measures, project design features, and other City requirements), (c) a comprehensive set of quantified <u>additional</u> GHG reduction measures available to further reduce GHG emissions beyond the adjusted GHG emissions, and (d) requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. If the project is to be constructed in phases, the GHG Reduction Plan shall provide GHG emission scenarios by phase.</p> <p>Specifically, the applicant/sponsor shall adhere to the following:</p> <p>a) <i>GHG Reduction Measures Program.</i> Prepare and submit to the City Planning Director or his/her designee for review and approval a GHG Reduction Plan that specifies and</p>	<p>Prior to issuance of a construction-related permit and ongoing as specified.</p>	<p>City of Oakland, Building Services Division</p>

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	<p>quantifies GHG reduction measures that the project will implement by phase.</p> <p>Potential GHG reduction measures to be considered include, but are not be limited to, measures recommended in BAAQMD's latest CEQA Air Quality Guidelines, the California Air Resources Board Scoping Plan (December 2008, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures Document (August 2010, as may be revised), the California Attorney General's website, and Reference Guides on Leadership in Energy and Environmental Design (LEED) published by the U.S. Green Building Council.</p> <p>The proposed GHG reduction measures must be reviewed and approved by the City Planning Director or his/her designee. The types of allowable GHG reduction measures include the following (listed in order of City preference): (1) physical design features; (2) operational features; and (3) the payment of fees to fund GHG-reducing programs (i.e., the purchase of "offset carbon credits," pursuant to item "b" below).</p> <p>The allowable locations of the GHG reduction measures include the following (listed in order of City preference): (1) the project site; (2) off-site within the City of Oakland; (3) off-site within the San Francisco Bay Area Air Basin; (4) off-site within the State of California; then (5) elsewhere in the United States.</p> <p>b) <i>Offset Carbon Credits Guidelines.</i> For GHG reduction measures involving the purchase of offset carbon credits, evidence of the payment/purchase shall be submitted to the City Planning Director or his/her designee for review and approval prior to completion of the project (or prior to completion of the project phase, if the project includes more one phase).</p> <p>As with preferred locations for the implementation of all GHG reductions measures, the preference for offset carbon credit purchases include those that can be achieved as follows (listed in order of City preference): (1) within the City of Oakland; (2) within the San Francisco Bay Area Air Basin; (3) within the State of California; then (4) elsewhere in the United States. The cost of offset carbon credit purchases shall be based on current market value at the time purchased and shall be based on the Project's operational emissions estimated in the GHG Reduction Plan or subsequent approved emissions inventory, which may result in emissions that are higher or lower than those estimated in the GHG Reduction Plan.</p> <p>c) <i>Plan Implementation and Documentation.</i> For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits. For operational GHG reduction measures to be incorporated into the project, the measures shall be implemented on an indefinite and ongoing basis beginning at the time of project completion (or at the completion of the project phase for phased projects).</p> <p>For physical GHG reduction measures to be incorporated into off-site projects, the measures shall be included on drawings and submitted to the City Planning Director or his/her designee for review and approval and then installed prior to completion of the subject project (or prior to completion of the project phase for phased projects). For operational GHG reduction measures to be incorporated into off-site projects, the measures shall be implemented on an indefinite and ongoing basis beginning at the time of completion of the subject project (or at the completion of the project phase for phased projects).</p>		

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	<p>d) <i>Compliance, Monitoring and Reporting.</i> Upon City review and approval of the GHG Reduction Plan program by phase, the applicant/sponsor shall satisfy the following requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. The GHG Reduction Plan requires regular periodic evaluation over the life of the Project (generally estimated to be at least 40 years) to determine how the Plan is achieving required GHG emissions reductions over time, as well as the efficacy of the specific additional GHG reduction measures identified in the Plan.</p> <p>Implementation of the GHG reduction measures and related requirements shall be ensured through the project applicant/sponsor's compliance with Conditions of Approval adopted for the project. Generally, starting two years after the City issues the first Certificate of Occupancy for the project, the project applicant/sponsor shall prepare each year of the useful life of the project an Annual GHG Emissions Reduction Report (Annual Report), subject to the City Planning Director or his/her designee for review and approval. The Annual Report shall be submitted to an independent reviewer of the City Planning Director's or his/her designee's choosing, to be paid for by the project applicant/sponsor (see Funding, below), within two months of the anniversary of the Certificate of Occupancy.</p> <p>The Annual Report shall summarize the project's implementation of GHG reduction measures over the preceding year, intended upcoming changes, compliance with the conditions of the Plan, and include a brief summary of the previous year's Annual Report results (starting the second year). The Annual Report shall include a comparison of annual project emissions to the baseline emissions reported in the GHG Plan.</p> <p>The GHG Reduction Plan shall be considered fully attained when project emissions are less than either applicable numeric BAAQMD CEQA Thresholds AND GHG emissions are 35 percent below the project's "adjusted" baseline GHG emissions, as confirmed by the City Planning Director or his/her designee through an established monitoring program. Monitoring and reporting activities will continue at the City's discretion, as discussed below.</p> <p>e) <i>Funding.</i> Within two months after the Certificate of Occupancy, the project applicant/sponsor shall fund an escrow-type account or endowment fund to be used exclusively for preparation of Annual Reports and review and evaluation by the City Planning Director or his/her designee, or its selected peer reviewers. The escrow-type account shall be initially funded by the project applicant/sponsor in an amount determined by the City Planning Director or his/her designee and shall be replenished by the project applicant/sponsor so that the amount does not fall below an amount determined by the City Planning Director or his/her designee. The mechanism of this account shall be mutually agreed upon by the project applicant/sponsor and the City Planning Director or his/her designee, including the ability of the City to access the funds if the project applicant/sponsor is not complying with the GHG Reduction Plan requirements, and/or to reimburse the City for its monitoring and enforcement costs.</p> <p>f) <i>Corrective Procedure.</i> If the third Annual Report, or any report thereafter, indicates that, in spite of the implementation of the GHG Reduction Plan, the project is not achieving the GHG reduction goal, the project applicant/sponsor shall prepare a report for City review and approval, which proposes additional or revised GHG measures to better achieve the GHG emissions reduction goals, including without limitation, a discussion on the feasibility and effectiveness of the menu of other additional measures (Corrective GHG Action</p>		

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	<p>Plan). The project applicant/sponsor shall then implement the approved Corrective GHG Action Plan.</p> <p>If, one year after the Corrective GHG Action Plan is implemented, the required GHG emissions reduction target is still not being achieved, or if the project applicant/owner fails to submit a report at the times described above, or if the reports do not meet City requirements outlined above, the City Planning Director or his/her designee may, in addition to its other remedies, (a) assess the project applicant/sponsor a financial penalty based upon actual percentage reduction in GHG emissions as compared to the percent reduction in GHG emissions established in the GHG Reduction Plan; or (b) refer the matter to the City Planning Commission for scheduling of a compliance hearing to determine whether the project's approvals should be revoked, altered or additional conditions of approval imposed.</p> <p>The penalty as described in (a) above shall be determined by the City Planning Director or his/her designee and be commensurate with the percentage GHG emissions reduction not achieved (compared to the applicable numeric significance thresholds) or required percentage reduction from the "adjusted" baseline.</p> <p>In determining whether a financial penalty or other remedy is appropriate, the City shall not impose a penalty if the project applicant/sponsor has made a good faith effort to comply with the GHG Reduction Plan.</p> <p>The City would only have the ability to impose a monetary penalty after a reasonable cure period and in accordance with the enforcement process outlined in Planning Code Chapter 17.152. If a financial penalty is imposed, such penalty sums shall be used by the City solely toward the implementation of the GHG Reduction Plan.</p> <p>g) <i>Timeline Discretion and Summary.</i> The City Planning Director or his/her designee shall have the discretion to reasonably modify the timing of reporting, with reasonable notice and opportunity to comment by the applicant, to coincide with other related monitoring and reporting required for the project.</p> <ul style="list-style-type: none"> • Fund Escrow-type Account for City Review: Certificate of Occupancy plus 2 months • Submit Baseline Inventory of "Actual Adjusted Emissions": Certificate of Occupancy plus 1 year • Submit Annual Report #1: Certificate of Occupancy plus 2 years • Submit Corrective GHG Action Plan (if needed): Certificate of Occupancy plus 4 years (based on findings of Annual Report #3) • Post Attainment Annual Reports: Minimum every 3 years and at the City Planning Director's or his/her designee's reasonable discretion 		

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	<p>Standard Condition of Approval H: Green Building for Residential Structures and Non-residential Structures: SCA H applies to certain projects that would construct single or multi-family dwellings or modifications of existing uses. SCA H requires that the applicant comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the Green Building Ordinance. SCA H is initially presented in Section 4.14, Utilities and Service Systems. The Green Building Ordinance establishes checklist requirements for developers based on LEED or Build it Green. LEED certification requires a 10 percent reduction in the Title 24 energy standards which are reflected in Table 4.6-3.</p>	Prior to issuance of a construction-related permit and ongoing as specified.	City of Oakland, Building Services Division
	<p>Standard Condition of Approval I: Green Building for Building and Landscape Projects: SCA I applies to certain projects that would construct relatively small non-residential land uses or modification of existing uses. SCA I requires that the applicant comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the Green Building Ordinance. SCA I is initially presented in Section 4.14, Utilities and Service Systems. The City Program adjusted emissions in Table 4.6-3 reflect GHG savings from application of CALgreen mandatory measures.</p>	Prior to issuance of a construction-related permit and ongoing as specified.	City of Oakland, Building Services Division
	<p>Standard Condition of Approval 25: Parking and Transportation Demand Management: Refer to Standard Condition of Approval 25 under Impact AIR-2.</p>		
	<p>Standard Condition of Approval 36: Waste Reduction and Recycling: The project applicant will submit a Construction and Demolition WRRP and an Operational Diversion Plan (ODP) for review and approval by the Public Works Department.</p> <p>Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include:</p> <ul style="list-style-type: none"> - All New Construction; - All Alterations, Renovations, Repairs, or Modifications with construction value of \$50,000 or greater, excluding R-3; - All Demolition, including Soft Demo, and excluding R-3; <p>Applicants must complete a Waste Reduction and Recycling Plan (WRRP) as part of the Building Permit Application process to detail the plan for salvaging and recycling C&D debris generated during the course of the project. Standards current at the time of this writing call for salvage and/or recycling 100% of asphalt and concrete, and at least 65% of all remaining debris. These rates are subject to administrative adjustment and Applicants must follow the standards published at the time of building permit application. The City will not issue an affected permit without an approved WRRP on file.</p> <p>Upon approval of the WRRP and issuance of the permit(s), the Applicant shall execute the plan. Prior to the Final Inspection, Temporary Certificate of Occupancy or Certificate of Occupancy, the Applicant must complete and obtain approval of a Construction and Demolition Summary Report (CDSR). The CDSR documents the salvage, recycling and disposal activities that took place during the project. The CDSR must include documentation, such as scale tickets, that support the data provided in the CDSR. Additional information is available at: http://www2.oaklandnet.com/Government/o/PWA/o/FE/s/GAR/OAK024368.</p> <p>The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify</p>	Prior to issuance of a construction-related permit and ongoing as specified.	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspections</p> <p>City of Oakland, Public Works, Environmental Services</p>

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	the methods by which the development will meet the current City recycling standards for materials generated by operation of the proposed project. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility, and conform with the requirements of the Alameda County Mandatory Recycling Ordinance. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.		
	<p>Standard Condition of Approval 12: Required Landscape Plan for New Construction and Certain Additions to Residential Facilities: Prior to issuance of a building permit. Submittal and approval of a landscape plan for the entire site is required for the establishment of a new residential unit (excluding secondary units of five hundred (500) square feet or less), and for additions to Residential Facilities of over five hundred (500) square feet. The landscape plan and the plant materials installed pursuant to the approved plan shall conform to all provisions of Chapter 17.124 of the Oakland Planning Code, including the following:</p> <ul style="list-style-type: none"> a) Landscape plan shall include a detailed planting schedule showing the proposed location, sizes, quantities, and specific common botanical names of plant species. b) Landscape plans for projects involving grading, rear walls on downslope lots requiring conformity with the screening requirements in Section 17.124.040, or vegetation management prescriptions in the S-11 zone, shall show proposed landscape treatments for all graded areas, rear wall treatments, and vegetation management prescriptions. c) Landscape plan shall incorporate pest-resistant and drought-tolerant landscaping practices. Within the portions of Oakland northeast of the line formed by State Highway 13 and continued southerly by Interstate 580, south of its intersection with State Highway 13, all plant materials on submitted landscape plans shall be fire-resistant. The City Planning and Zoning Division shall maintain lists of plant materials and landscaping practices considered pest-resistant, fire-resistant, and drought-tolerant. d) All landscape plans shall show proposed methods of irrigation. The methods shall ensure adequate irrigation of all plant materials for at least one growing season. 	Prior to issuance of a building permit.	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspections</p> <p>City of Oakland, Public Works, Environmental Services</p>
	<p>Standard Condition of Approval 13: Landscape Requirements for Street Frontages:</p> <p><i>Prior to issuance of a final inspection of the building permit:</i></p> <ul style="list-style-type: none"> a) All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning. b) In addition to the general landscaping requirements set forth in Chapter 17.124, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet, the trees to be provided shall include street trees to the satisfaction of the Director of Parks and Recreation. 	Prior to issuance of a final inspection of the building permit	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspections</p> <p>City of Oakland, Public Works, Environmental Services</p>

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	Standard Condition of Approval 15: Landscape Maintenance (residential): Ongoing. All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences, walls and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.	Ongoing.	City of Oakland - Building Services Division, Zoning Inspections City of Oakland, Public Works, Environmental Services
	Standard Condition of Approval 17: Landscape Requirements for Street Frontages: Prior to issuance of a final inspection of the building permit, on streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet and does not interfere with access requirements, a minimum of one (1) twenty-four (24) inch box tree shall be provided for every twenty-five (25) feet of street frontage, unless a smaller size is recommended by the City arborist. The trees to be provided shall include species acceptable to the Tree Services Division.	Prior to issuance of a final inspection of the building permit	City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspections City of Oakland, Public Works, Environmental Services
	Standard Condition of Approval 18: Landscape Maintenance (new commercial and manufacturing): Ongoing. All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.	Ongoing	City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspections
	Standard Condition of Approval 46: Tree Replacement Plantings: Refer to Standard Condition of Approval 46 under Impact BIO-2.		
	Standard Condition of Approval 55: Erosion and Sedimentation Control Plan: Refer to Standard Condition of Approval 55 under Impact BIO-3.		
	Standard Condition of Approval 75: Stormwater Pollution Prevention Plan: Refer to Standard Condition of Approval 75 under Impact BIO-3.		
	Standard Condition of Approval 83: Creek Protection Plan: Refer to Standard Condition of Approval 83 under Impact BIO-6.		
Impact GHG-2: Adoption and development under the Specific Plan would not conflict with an applicable plan,	Standard Condition of Approval A: Construction-Related Air Pollution Controls: Refer to Standard Condition of Approval A under Impact AIR-1.		

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policy or regulation of an appropriate regulatory agency adopted for the purpose of reducing greenhouse gas emissions (Criterion 2).			
	Standard Condition of Approval F: GHG Reduction Plan: Refer to Standard Condition of Approval F under Impact GHG-1.		
	Standard Condition of Approval 12: Required Landscape Plan for New Construction and Certain Additions to Residential Facilities: Refer to Standard Condition of Approval 12 under Impact GHG-1.		
	Standard Condition of Approval 13: Landscape Requirements for Street Frontages: Refer to Standard Condition of Approval 13 under Impact GHG-1.		
	Standard Condition of Approval 15: Landscape Maintenance (residential): Refer to Standard Condition of Approval 15 under Impact GHG-1.		
	Standard Condition of Approval 17: Landscape Requirements for Street Frontages: Refer to Standard Condition of Approval 17 under Impact GHG-1.		
	Standard Condition of Approval 18: Landscape Maintenance (new commercial and manufacturing); 36: Waste Reduction and Recycling: Refer to Standard Condition of Approval 18 under Impact GHG-1.		
	Standard Condition of Approval 41: Asbestos Removal in Structures: Prior to issuance of a demolition permit. If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.	Prior to issuance of a demolition permit.	City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspections Oakland Fire Prevention Bureau, Hazardous Materials Unit
	Standard Condition of Approval 46: Tree Replacement Plantings: Refer to Standard Condition of Approval 41 under Impact BIO-2.		
	Standard Condition of Approval 55: Erosion and Sedimentation Control Plan: Refer to Standard Condition of Approval 55 under Impact BIO-3.		
	Standard Condition of Approval 75: Stormwater Pollution Prevention Plan: Refer to Standard Condition of Approval 75 under Impact BIO-3.		

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	Standard Condition of Approval 83: Creek Protection Plan: Refer to Standard Condition of Approval 83 under Impact BIO-6.		
Hazards and Hazardous Materials			
Impact HAZ-1: Adoption and development under the Specific Plan would result in an increase in the routine transportation, use, and storage of hazardous chemicals (Criteria 1 and 3).	Standard Condition of Approval 35: Hazards Best Management Practices: Refer to Standard Condition of Approval 35 under Impact BIO-3.		
Impact HAZ-2: Adoption and development under the Specific Plan would result in the accidental release of hazardous materials used during construction through improper handling or storage (Criterion 2).	Standard Condition of Approval 35: Hazards Best Management Practices: Refer to Standard Condition of Approval 35 under Impact BIO-3.		
	Standard Condition of Approval 63: Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment: Prior to issuance of any demolition, grading or building permit. The project applicant shall submit a comprehensive assessment report to the Fire Prevention Bureau, Hazardous Materials Unit, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.	Prior to issuance of any demolition, grading or building permit.	City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspections Oakland Fire Prevention Bureau, Hazardous Materials Unit
	Standard Condition of Approval 64: Environmental Site Assessment Reports Remediation: Prior to issuance of any demolition, grading or building permit. If the environmental site assessment reports recommend remedial action, the project applicant shall: a) Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps. b) Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency. c) Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater	Prior to issuance of any demolition, grading or building permit.	City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspections Oakland Fire Prevention Bureau, Hazardous Materials Unit

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	management plans.		
	Standard Condition of Approval 67: Health and Safety Plan per Assessment: Prior to issuance of any demolition, grading or building permit. If the required lead-based paint/coatings, asbestos, or PCB assessment finds presence of such materials, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal.	Prior to issuance of any demolition, grading or building permit.	City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection
Impact HAZ-3: Adoption and development under the Specific Plan would result in the exposure of hazardous materials in soil and ground water (Criteria 2 and 5).	<p>Standard Condition of Approval 68: Best Management Practices for Soil and Groundwater Hazards: The project applicant shall implement all of the following Best Management Practices (BMPs) regarding potential soil and groundwater hazards:</p> <ul style="list-style-type: none"> a) Soil generated by construction activities shall be stockpiled onsite in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state and federal agencies laws, in particular, the Regional Water Quality Control Board (RWQCB) and/or the Alameda County Department of Environmental Health (ACDEH) and policies of the City of Oakland. b) Groundwater pumped from the subsurface shall be contained onsite in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies of the City of Oakland, the RWQCB and/or the ACDEH. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building (pursuant to the Standard Condition of Approval regarding Radon or Vapor Intrusion from Soil and Groundwater Sources); c) Prior to issuance of any demolition, grading, or building permit, the applicant shall submit for review and approval by the City of Oakland, written verification that the appropriate federal, state or county oversight authorities, including but not limited to the RWQCB and/or the ACDEH, have granted all required clearances and confirmed that the all applicable standards, regulations and conditions for all previous contamination at the site. The applicant also shall provide evidence from the City's Fire Department, Office of Emergency Services, indicating compliance with the Standard Condition of Approval requiring a Site Review by the Fire Services Division pursuant to City Ordinance No. 12323, and compliance with the Standard Condition of Approval requiring a Phase I and/or Phase II Reports. 	Prior to issuance of any demolition, grading, or building permit, and ongoing.	City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection Oakland Fire Prevention Bureau, Office of Emergency Services
	Standard Condition of Approval 69: Radon or Vapor Intrusion from Soil or Groundwater Sources: Ongoing. The project applicant shall submit documentation to determine whether radon or vapor intrusion from the groundwater and soil is located on-site as part of the Phase I documents. The Phase I analysis shall be submitted to the Fire Prevention Bureau, Hazardous Materials Unit, for review and approval, along with a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if	Submittal with Phase I and/or Phase II documents, prior to issuance of a demolition, grading or building permit	City of Oakland Planning and Building Department City of Oakland - Building Services

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	appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer. Applicant shall implement the approved recommendations.	Ongoing if remediation actions are recommended.	Division, Zoning Inspection Oakland Fire Prevention Bureau, Hazardous Materials Unit
Impact HAZ-4: Adoption and development under the Specific Plan would result in the exposure of hazardous building materials during building demolition (Criterion 2).	Standard Condition of Approval 65: Lead-base Paint Remediation: Prior to issuance of any demolition, grading or building permit. If lead-based paint is present, the project applicant shall submit specifications to the Fire Prevention Bureau, Hazardous Materials Unit signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.	Prior to issuance of any demolition, grading or building permit.	City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection Oakland Fire Prevention Bureau, Hazardous Materials Unit
	Standard Condition of Approval 41: Asbestos Removal in Structures: Prior to issuance of a demolition permit. If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.	Prior to issuance of a demolition permit.	City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection Oakland Fire Prevention Bureau, Hazardous Materials Unit
Impact HAZ-5: Adoption and development under the Specific Plan would require use of hazardous materials within 0.25 mile of a school (Criterion 4).	Standard Condition of Approval 74: Hazardous Materials Business Plan: Prior to issuance of a business license. The project applicant shall submit a Hazardous Materials Business Plan for review and approval by Fire Prevention Bureau, Hazardous Materials Unit. Once approved this plan shall be kept on file with the City and will be updated as applicable. The purpose of the Hazardous Business Plan is to ensure that employees are adequately trained to handle the materials and provides information to the Fire Services Division should emergency response be required. The Hazardous Materials Business Plan shall include the following: a) The types of hazardous materials or chemicals stored and/or used on site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids. b) The location of such hazardous materials. c) An emergency response plan including employee training information. d) A plan that describes the manner in which these materials are handled, transported and disposed.	Prior to issuance of a business license	City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection Oakland Fire Prevention Bureau, Hazardous Materials Unit
Impact HAZ-7: Adoption and	Standard Condition of Approval 66: Other Materials Classified as Hazardous Waste: Prior to	Prior to issuance of any	City of Oakland

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development under the Specific Plan, when combined with other past, present, existing, approved, pending and reasonably foreseeable development in the vicinity, would result in cumulative hazards.	<i>issuance of any demolition, grading or building permit.</i> If other materials classified as hazardous waste by State or federal law are present, the project applicant shall submit written confirmation to Fire Prevention Bureau, Hazardous Materials Unit that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.	demolition, grading or building permit.	Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection Oakland Fire Prevention Bureau, Hazardous Materials Unit
	Standard Condition of Approval 74: Hazardous Materials Business Plan: Refer to Standard Condition of Approval 74 under Impact HAZ-5.	See Impact HAZ-5 above.	See Impact HAZ-5 above.
	Standard Condition of Approval 61: Site Review by Fire Services Division: <i>Prior to the issuance of demolition, grading or building permit.</i> The project applicant shall submit plans for site review and approval to the Fire Prevention Bureau Hazardous Materials Unit. Property owner may be required to obtain or perform a Phase II hazard assessment.	Prior to issuance of any demolition, grading or building permit.	Oakland Fire Prevention Bureau, Hazardous Materials Unit
Hydrology and Water Quality			
Impact HYD-1: Adoption and development under the Specific Plan would alter drainage patterns and increase the volume of stormwater, or the level of contamination or siltation in stormwater flowing from the Plan Area (Criteria 1 and 3 through 7).	Standard Condition of Approval 55: Erosion and Sedimentation Control Plan: Refer to Standard Condition of Approval 55 under Impact BIO-3.	See Impact BIO-3 above.	See Impact BIO-3 above.
	Standard Condition of Approval 34: Erosion and Sedimentation Control Plan: <i>Ongoing throughout demolition, grading, and/or construction activities.</i> The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. Plans demonstrating the Best Management Practices shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.	Ongoing throughout demolition, grading, and/or construction activities	City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection
	Standard Condition of Approval 75: Stormwater Pollution Prevention Plan: Refer to Standard Condition of Approval 75 under Impact BIO-3.	See Impact BIO-3 above.	See Impact BIO-3 above.
	Standard Condition of Approval 78: Site Design Measures for Post-Construction Stormwater Management: <i>Prior to issuance of building permit (or other construction-related permit).</i> The project drawings submitted for a building permit (or other construction-related permit) shall contain a final site plan to be reviewed and approved by Planning and Zoning. The final site plan shall incorporate appropriate site design measures to manage stormwater runoff and minimize impacts to water quality after the construction of the project. These measures may	Prior to issuance of building permit (or other construction-related permit) Implementation:	City of Oakland Planning and Building Department City of Oakland -

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	<p>include, but are not limited to, the following:</p> <ul style="list-style-type: none"> a) Minimize impervious surfaces, especially directly connected impervious surfaces; b) Utilize permeable paving in place of impervious paving where appropriate; c) Cluster buildings; d) Preserve quality open space; and e) Establish vegetated buffer areas. <p><i>Ongoing.</i> The approved plan shall be implemented and the site design measures shown on the plan shall be permanently maintained.</p>	Ongoing	Building Services Division, Zoning Inspection
	<p>Standard Condition of Approval 79: Source Control Measures to Limit Stormwater Pollution: <i>Prior to issuance of building permit (or other construction-related permit).</i> The applicant shall implement and maintain all structural source control measures imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.</p> <p><i>Ongoing.</i> The applicant, or his or her successor, shall implement all operational Best Management Practices (BMPs) imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.</p>	Prior to issuance of building permit (or other construction-related permit)	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>
	<p>Standard Condition of Approval 80: Post-construction Stormwater Pollution Management Plan: Refer to Standard Condition of Approval 80 under Impact BIO-3.</p>		
	<p>Standard Condition of Approval 81: Maintenance Agreement for Stormwater Treatment Measures: <i>Prior to final zoning inspection.</i> For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following: The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and</p> <p>Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.</p>	Prior to final zoning inspection	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland – Public Works Department, Sewer and Stormwater Division</p>
	<p>Standard Condition of Approval 82: Erosion, Sedimentation, and Debris Control Measures: <i>Prior to issuance of demolition, grading, or construction-related permit:</i> The project applicant shall submit an erosion and sedimentation control plan for review and approval by the Building Services Division. All work shall incorporate all applicable "Best Management Practices (BMPs)" for the construction industry, and as outlined in the Alameda Countywide Clean Water Program pamphlets, including BMP's for dust, erosion and sedimentation abatement per Chapter Section 15.04 of the Oakland Municipal Code. The measures shall include, but are not limited to, the following:</p> <ul style="list-style-type: none"> a) On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to 	Prior to issuance of demolition, grading, or construction-related permit	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring:	
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	<p>the contours of the slope (at a constant elevation) to prevent erosion into the creek.</p> <p>b) In accordance with an approved erosion control plan, the project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent degradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.</p> <p>c) Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.</p> <p>d) All work in or near creek channels must be performed with hand tools and by a minimum number of people. Immediately upon completion of this work, soil must be repacked and native vegetation planted.</p> <p>e) Install filter materials (such as sandbags, filter fabric, etc.) acceptable to the Engineering Division at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.</p> <p>f) Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.</p> <p>g) Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek.</p> <p>h) Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.</p> <p>i) Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.</p> <p>j) Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.</p> <p>k) Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the creek, street, gutter, stormdrains.</p> <p>l) All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the RWQCB.</p>		

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	<p>m) Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction (or both sides of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of Planning and Zoning.</p> <p>n) All erosion and sedimentation control measures shall be monitored regularly by the project applicant. The City may require erosion and sedimentation control measures to be inspected by a qualified environmental consultant (paid for by the project applicant) during or after rain events. If measures are insufficient to control sedimentation and erosion then the project applicant shall develop and implement additional and more effective measures immediately.</p>		
	<p>Standard Condition of Approval 85: Creek Monitoring: Prior to issuance of a demolition, grading, or building permit within vicinity of the creek. A qualified geotechnical engineer and/or environmental consultant shall be retained and paid for by the project applicant to make site visits during all grading activities; and as a follow-up, submit to the Building Services Division a letter certifying that the erosion and sedimentation control measures set forth in the Creek Protection Permit submittal material have been instituted during the grading activities.</p>	<p>Prior to issuance of a demolition, grading, or building permit within vicinity of the creek</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Public Works Department, Engineering and Construction Division</p>
	<p>Standard Condition of Approval 86: Creek Landscaping Plan: Prior to issuance of a demolition, grading, or building permit within vicinity of the creek. The project applicant shall develop a final detailed landscaping and irrigation plan for review and approval by the Planning and Zoning Division prepared by a licensed landscape architect or other qualified person. Such a plan shall include a planting schedule, detailing plant types and locations, and a system for temporary irrigation of plantings.</p> <p>a) Plant and maintain only drought-tolerant plants on the site where appropriate as well as native and riparian plants in and adjacent to riparian corridors. Along the riparian corridor, native plants shall not be disturbed to the maximum extent feasible. Any areas disturbed along the riparian corridor shall be replanted with mature native riparian vegetation and be maintained to ensure survival.</p> <p>b) All landscaping indicated on the approved landscape plan shall be installed prior to the issuance of a Final Inspection of the building permit, unless bonded pursuant to the provisions of Section 17.124.50 of the Oakland Planning Code.</p> <p>c) All landscaping areas shown on the approved plans shall be maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All paving or impervious surfaces shall occur only on approved areas.</p>	<p>Prior to issuance of a demolition, grading, or building permit within vicinity of the creek.</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Public Works Department, Engineering and Construction Division</p>

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	Standard Condition of Approval 83: Creek Protection Plan: Refer to Standard Condition of Approval 83 under Impact BIO-6.		
Impact HYD-2: Adoption and development under the Specific Plan could be susceptible to flooding hazards as a result of being placed in a 100-year flood zone as mapped by FEMA (Criteria 8 through 10).	Standard Condition of Approval 89: Regulatory Permits and Authorizations: Prior to issuance of a demolition, grading, or building permit. Prior to construction within the floodway or floodplain, the project applicant shall obtain all necessary regulatory permits and authorizations from the Alameda County Flood Control and Water Conservation District and shall comply with all conditions issued by that agency.	Prior to issuance of a demolition, grading, or building permit.	City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection City of Oakland Public Works Department, Engineering and Construction Division
	Standard Condition of Approval 90: Structures within a Floodplain: Prior to issuance of a demolition, grading, or building permit. a) The project applicant shall retain the civil engineer of record to ensure that the project's development plans and design contain finished site grades and floor elevations that are elevated above the Base Flood Elevation (BFE) if established within a 100-year flood event. b) The project applicant shall submit final hydrological calculations that ensure that the structure will not interfere with the flow of water or increase flooding.	Prior to issuance of a demolition, grading, or building permit.	City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection City of Oakland Public Works Department, Engineering and Construction Division
Impact HYD-4: Adoption and development under the Specific Plan could be susceptible to inundation in the event of sea-level rise (Criterion 10).	Standard Condition of Approval 84: Regulatory Permits and Authorizations: Prior to issuance of a demolition, grading, or building permit within vicinity of the creek. Prior to construction within the vicinity of the creek, the project applicant shall obtain all necessary regulatory permits and authorizations from the U.S. Army Corps of Engineers (Corps), RWQCB, California Department of Fish and Game, and the City of Oakland, and shall comply with all conditions issued by applicable agencies. Required permit approvals and certifications may include, but not be limited to the following: a) U.S. Army Corps of Engineers (Corps): Section 404. Permit approval from the Corps shall be obtained for the placement of dredge or fill material in Waters of the U.S., if any, within the interior of the project site, pursuant to Section 404 of the federal Clean Water Act. b) Regional Water Quality Control Board (RWQCB): Section 401 Water Quality Certification. Certification that the project will not violate state water quality standards is required before	Prior to issuance of a demolition, grading, or building permit within vicinity of the creek.	City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection City of Oakland Public Works Department, Engineering and Construction

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Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
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	<p>the Corps can issue a 404 permit, above.</p> <p>c) California Department of Fish and Game (CDFG): Section 1602 Lake and Streambed Alteration Agreement. Work that will alter the bed or bank of a stream requires authorization from CDFG.</p>		Division
Noise			
<p>Impact NOI-1: Adoption and development under the Specific Plan would not result in substantial temporary or periodic increases in ambient noise levels in the Plan Area above existing levels without the Specific Plan and in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (Criteria 1, 2 and 8).</p>	<p>Standard Condition of Approval 28: Days/Hours of Construction Operation: Ongoing throughout demolition, grading, and/or construction. The project applicant shall require construction contractors to limit standard construction activities as follows:</p> <p>a) Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.</p> <p>b) Any construction activity proposed to occur outside of the standard hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.</p> <p>c) Construction activity shall not occur on Saturdays, with the following possible exceptions:</p> <p>i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.</p> <p>ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.</p> <p>d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.</p> <p>e) No construction activity shall take place on Sundays or federal holidays.</p> <p>f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.</p> <p>g) Applicant shall use temporary power poles instead of generators where feasible.</p>	Ongoing throughout demolition, grading, and/or construction.	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>
	<p>Standard Condition of Approval 29: Noise Control: Ongoing throughout demolition, grading, and/or construction. To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to</p>	Control: Ongoing throughout demolition, grading, and/or	City of Oakland Planning and Building

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	<p>the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures:</p> <ul style="list-style-type: none"> a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible). b) Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures. c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures as determined by the City to provide equivalent noise reduction. d) The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determined an extension is necessary and all available noise reduction controls are implemented. 	construction.	<p>Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>
	<p>Standard Condition of Approval 30: Noise Complaint Procedures: Ongoing throughout demolition, grading, and/or construction. Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:</p> <ul style="list-style-type: none"> a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours); b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours); c) The designation of an on-site construction complaint and enforcement manager for the project; d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are 	Ongoing throughout demolition, grading, and/or construction.	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>

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	completed.		
	<p>Standard Condition of Approval 39: Pile Driving and Other Extreme Noise Generators: Ongoing throughout demolition, grading, and/or construction. To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:</p> <ul style="list-style-type: none"> a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings; b) Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions; c) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site; d) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example; and e) Monitor the effectiveness of noise attenuation measures by taking noise measurements. 	Ongoing throughout demolition, grading, and/or construction.	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>
	<p>Standard Condition of Approval 57: Vibrations Adjacent to Historic Structures: Refer to Standard Condition of Approval 57 under Impact BIO-6.</p>		
<p>Impact NOI-2: Adoption and development under the Specific Plan would not increase operational noise levels in the Plan Area to levels in excess of standards established in the Oakland Noise Ordinance and Planning Code (Criterion 3).</p>	<p>Standard Condition of Approval 31: Interior Noise: Prior to issuance of a building permit. If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval. Final recommendations for sound-rated assemblies would depend on the specific building designs and layout of buildings on the site and shall be determined during the design phases. Written confirmation by the acoustical consultant, HVAC or HERS specialist, shall be submitted for City review and approval, prior to Certificate of Occupancy (or equivalent) that:</p> <ul style="list-style-type: none"> a) Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and b) Demonstrates compliance with interior noise standards based upon performance testing 	Prior to issuance of a building permit	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>

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	<p>of a sample unit.</p> <p>c) Inclusion of a Statement of Disclosure Notice in the CC&R's on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity and the single event noise occurrences. Potential features/measures to reduce interior noise could include, but are not limited to, the following:</p> <p>i. Installation of an alternative form of ventilation in all units identified in the acoustical analysis as not being able to meet the interior noise requirements due to adjacency to a noise generating activity, filtration of ambient make-up air in each unit and analysis of ventilation noise if ventilation is included in the recommendations by the acoustical analysis.</p> <p>ii. Prohibition of Z-duct construction.</p>		
	<p>Standard Condition of Approval 32: Operational Noise (General): Ongoing. Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.</p>	Ongoing during Project operations	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>
<p>Impact NOI-3: Adoption and development under the Specific Plan would not expose persons to exterior noise levels in conflict with the land use compatibility guidelines of the Oakland General Plan after incorporation of all applicable Standard Conditions of Approval (Criterion 6).</p>	<p>Standard Condition of Approval 31: Interior Noise: Refer to Standard Condition of Approval 31 under Impact NOI-2.</p>		
<p>Impact NOI-4: Adoption and development under the Specific Plan would not expose persons to interior Ldn or CNEL greater than 45 dBA for multi-family dwellings, hotels, motels, dormitories and long-term care facilities in the Plan Area to noise levels in excess of standards established in the Oakland Noise Ordinance and Planning Code (Criterion 5).</p>	<p>Standard Condition of Approval 31: Interior Noise: Refer to Standard Condition of Approval 31 under Impact NOI-2.</p>		

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Transportation and Circulation²			
<p>Impact TRANS-1: The development under the Specific Plan would degrade the <i>MacArthur Boulevard/Piedmont Avenue</i> intersection (Intersection #13) from LOS D to LOS E (Significance Threshold #1) during the weekday PM peak hour under Existing Plus Project conditions.</p>	<p>Mitigation Measure TRANS-1: Implement the following measures at the MacArthur Boulevard/Piedmont Avenue intersection:</p> <ul style="list-style-type: none"> • Provide an additional through lane on the eastbound MacArthur Boulevard approach (currently temporarily closed for construction of Kaiser Hospital; expected to open in 2014 after completion of that construction). • Modify northbound approach from the current configuration which provides one right-turn lane and one shared through/left lane to provide one right-turn lane, one through lane, and one left-turn lane. • Upgrade intersection signal equipment, optimize signal timing at this intersection, and coordinate signal timing changes with the adjacent intersections that are in the same signal coordination group. <p>The project sponsor shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate the impact to less than significant.</p> <p>A straight line interpolation of intersection traffic volume between Existing and Existing Plus Project conditions indicates that mitigation at this intersection may be required when about 55 percent of the Development Program is developed.</p> <p>Investigation of the need for this mitigation shall be studied at the time when this threshold is reached and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p> <p>After implementation of this measure, the intersection would operate at LOS D during the weekday AM and PM peak hours and LOS C during the Saturday peak hour. No secondary impacts would result from the implementation of this measure.</p>	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, at the time when about 55 percent of the Development Program is operational and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first. The City of Oakland will notify the Project Sponsor when this threshold is reached.</p> <p>If investigations at the required intervals show this mitigation is still required, the Project Sponsor will submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Transportation Services Division</p>

² Mitigation Measures for impacts that occur for the Existing Plus Project scenario are required when a percentage of the Development Program has been developed while MMs for the 2020 Plus Project and 2035 Plus Project scenarios are required in specific years; the reason for this is because the analysis conducted for years 2020 and 2035 assume certain amounts of growth as part of the Specific Plan and also in background conditions (i.e., development not included in the Specific Plan occurring in rest of Oakland and beyond). However, it is not certain when the growth in both Specific Plan and background conditions would specifically occur. Since the need for the mitigation measures for the 2020 Plus Project and 2035 Plus Project scenarios is triggered by a combination of both Specific Plan developments and background growth, this EIR assumes a linear growth between Existing and future conditions in both Specific Plan and background growth and identifies a specific year when the MM may potentially be needed. However, to account for the uncertainty in when the MM is needed, the EIR also requires studies prior to implementation of the MM to ensure the need for it.

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
<p>Impact TRANS-2: The development under the Specific Plan would degrade the <i>Perry Place/I-580 Eastbound Ramps/Oakland Avenue</i> intersection (Intersection #15) from LOS E to LOS F and increase intersection average delay by four seconds or more (Significance Threshold #2) during the weekday PM peak hour under Existing Plus Project conditions.</p>	<p>Mitigation Measure TRANS-2: Implement the following measures at the Perry Place / I-580 Eastbound Ramps/Oakland Avenue intersection:</p> <ul style="list-style-type: none"> • Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) for the PM peak hour • Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. This intersection is under the jurisdiction of Caltrans so any equipment or facility upgrades must be approved by Caltrans prior to installation. <p>To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division and Caltrans for review and approval:</p> <ul style="list-style-type: none"> • Plans, Specifications, and Estimates (PS&E) to modify intersection. All elements shall be designed to City and Caltrans standards in effect at the time of construction and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and Americans with Disabilities Act (ADA) standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: <ul style="list-style-type: none"> - 2070L Type Controller with cabinet assembly - GPS communications (clock) - Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile) - Countdown pedestrian head module switch out - City standard ADA wheelchair ramps - Video detection on existing (or new, if required) - Mast arm poles, full actuation (where applicable) - Polara push buttons (full actuation) - Bicycle detection (full actuation) - Pull boxes - Signal interconnect and communication with trenching (where applicable), or through (E) conduit (where applicable) - 600 feet maximum - Conduit replacement contingency - Fiber Switch - PTZ Camera (where applicable) - Transit Signal Priority (TSP) equipment consistent with other signals along corridor • Signal timing plans for the signals in the coordination group. <p>The project sponsor shall fund the cost of preparing and implementing these plans. However, if</p>	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, at the time when about 15 percent of the Development Program is operational and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p> <p>The City of Oakland will notify the Project Sponsor when this threshold is reached.</p> <p>If investigations at the required intervals show this mitigation is still required, the Project Sponsor will submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Transportation Services Division</p> <p>Caltrans</p>

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		Schedule	Responsibility
	<p>the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall be considered the equivalent of implementing the mitigation measure, which would still result in significant unavoidable impacts.</p> <p>A straight line interpolation of intersection traffic volume between Existing and Existing Plus Project conditions indicates that mitigation at this intersection may be required when about 15 percent of the Development Program is developed. Investigation of the need for this mitigation shall be studied at the time when this threshold is reached and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p>		
<p>Impact TRANS-3: The development under the Specific Plan would degrade overall intersection operations from LOS E to LOS F and increase intersection average delay by four seconds or more (Significance Threshold #2) at the <i>Lake Park Avenue/Lakeshore Avenue</i> intersection (Intersection #17) during the weekday PM peak hour under Existing Plus Project conditions.</p>	<p>Mitigation Measure TRANS-3: Implement the following measures at the Lake Park Avenue/Lakeshore Avenue intersection:</p> <ul style="list-style-type: none"> • Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection). • Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • Plans, Specifications, and Estimates (PS&E) to modify intersection as detailed in Mitigation Measure TRANS-2. • Signal timing plans for the signals in the coordination group. <p>The project sponsor shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate the impact to less than significant.</p> <p>A straight line interpolation of intersection traffic volume between Existing and Existing Plus Project conditions indicates that mitigation at this intersection may be required when about 80 percent of the Development Program is developed. Investigation of the need for this mitigation shall be studied at the time when this threshold is reached and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p>	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, at the time when about 80 percent of the Development Program is developed and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p> <p>The City of Oakland will notify the Project Sponsor when this threshold is reached.</p> <p>If investigations at the required intervals show this mitigation is still required, the Project Sponsor will submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Transportation Services Division</p>

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
<p>Impact TRANS-4: The development under the Specific Plan Project would add more than 10 peak-hour trips to 24th Street/Broadway intersection (Intersection #36) which would meet peak-hour signal warrant (Significance Threshold #6) under Existing Plus Project conditions.</p>	<p>Mitigation Measure TRANS-4: Implement the following measures at the 24th Street/ Broadway intersection.</p> <ul style="list-style-type: none"> • Signalize the intersection providing actuated operations, with permitted left turns on all movements, • Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • PS&E to modify intersection as detailed in Mitigation Measure TRANS-2. • Signal timing plans for the signals in the coordination group. <p>The project sponsor shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate the impact to less than significant.</p> <p>A straight line interpolation of intersection traffic volume between Existing and Existing Plus Project conditions indicates that mitigation at this intersection may be required when about 75 percent of the Development Program in Subdistrict 1, 2, and 3 are developed. Investigation of the need for this mitigation shall be studied at the time when this threshold is reached and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p>	<p>determined by the City.</p> <p>Investigation of the need for this mitigation shall be studied at the time when this threshold is reached about 75 percent of the Development Program in Subdistrict 1, 2, and 3 are developed and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p> <p>The City of Oakland will notify the Project Sponsor when this threshold is reached.</p> <p>If investigations at the required intervals show this mitigation is still required, the Project Sponsor will submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Transportation Services Division</p>
<p>Impact TRANS-5: The development under the Specific Plan Project would add more than 10 peak-hour trips to 23rd Street/Broadway intersection (Intersection #39) which would meet peak-hour signal warrant (Significance Threshold #6) under Existing Plus Project conditions.</p>	<p>Mitigation Measure TRANS-5: Implement the following measures at the 23rd Street/ Broadway intersection.</p> <ul style="list-style-type: none"> • Signalize the intersection providing actuated operations, with permitted left turns on all movements, • Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p>	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, when about 65 percent of the Development Program in Subdistrict 1, 2, and 3 are developed and</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
	<ul style="list-style-type: none"> • PS&E to modify intersection as detailed in Mitigation Measure TRANS-2. • Signal timing plans for the signals in the coordination group. <p>The project sponsor shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate the impact to less than significant.</p> <p>A straight line interpolation of intersection traffic volume between Existing and Existing Plus Project conditions indicates that mitigation at this intersection may be required when about 65 percent of the Development Program in Subdistrict 1, 2, and 3 are developed. Investigation of the need for this mitigation shall be studied at the time when this threshold is reached and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p>	<p>every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p> <p>The City of Oakland will notify the Project Sponsor when this threshold is reached.</p> <p>If investigations at the required intervals show this mitigation is still required, the Project Sponsor will submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.</p>	<p>City of Oakland - Transportation Services Division</p>
<p>Impact TRANS-6: The development under the Specific Plan Project would add more than 10 peak-hour trips to 23rd Street/Harrison Street intersection (Intersection #40) which would meet peak-hour signal warrant (Significance Threshold #6) under Existing Plus Project conditions.</p>	<p>Mitigation Measure TRANS-6: This impact can be mitigated to less than significant level by signalizing the intersection. Signalizing the 23rd Street/ Harrison Street intersection would also improve pedestrian and bicyclist access and circulation by providing a protected crossing of Harrison Street. However, the signalization may result in secondary impacts.</p> <p>This intersection is about 150 feet north of the Grand Avenue/Harrison Street intersection (Intersection #52). Considering the proximity of the two intersections, signalization of the 23rd Street/Harrison Street intersection may adversely affect traffic operations and pedestrian and bicycle circulation at the Grand Avenue/Harrison Street intersection (As shown in Table 4.13-24, Queuing Summary, later in this chapter, signalization of 23rd Street/ Harrison Street intersection would result in queues on northbound Harrison Street at 23rd Street to spill back to Grand Avenue during the weekday PM peak hour).</p> <p>Thus, installing a signal at this intersection may not be desirable. Depending on the specific location, type, and amount of development that would have vehicular and pedestrian access at this intersection and timing of other mitigation measures in the area (such as Mitigation Measure TRANS-5 at the 23rd Street/Broadway intersection and Mitigation Measure TRANS-10 at the 27th Street/24th Street/Bay Place/Harrison Street intersection), other improvements, such as prohibiting turns at this intersection, may mitigate the impact without degrading overall access in the area.</p> <p>Specifically, to implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p>	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, when about 85 percent of the Development Program in Subdistrict 2 is developed and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p> <p>The City of Oakland will notify the Project Sponsor when this threshold is reached.</p> <p>If investigations at the</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Transportation Services Division</p>

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
	<ul style="list-style-type: none"> A Traffic Study Report providing detailed analysis of signalizing the intersection and potential impacts on traffic operations and pedestrian and bicycle circulation at the Grand Avenue/Harrison Street intersection. The report shall study various design options such as turn prohibitions, various signal timing and phasing, signal cycle lengths, and signal coordination to determine the feasibility of signalizing the intersection. In addition to traffic operations, the report shall also address safety, access, and circulation for motorists, bicyclists, and pedestrians under different options explored. <p>If the Traffic Study Report recommends signalization of the study, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> PS&E to modify intersection as detailed in Mitigation Measure TRANS-2. Signal timing plans for the signals in the coordination group. Design plans for other intersection improvements, if recommended by the Traffic Study Report. <p>The project sponsor shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall be considered the equivalent of implementing the mitigation measure, which would still result in significant unavoidable impacts.</p> <p>A straight line interpolation of intersection traffic volume between Existing and Existing Plus Project conditions indicates that mitigation at this intersection may be required when about 85 percent of the Development Program in Subdistrict 2 is developed. Investigation of the need for this mitigation shall be studied at the time when this threshold is reached and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p>	<p>required intervals show this mitigation is still required, the Project Sponsor will submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.</p>	
<p>Impact TRANS-9: The development under the Specific Plan Project would add more than 10 peak-hour trips to 24th Street/Broadway intersection (Intersection #36) which would meet peak-hour signal warrant (Significance Threshold #6) under 2020 Plus Project conditions.</p>	<p>Mitigation Measure TRANS-9: Implement Mitigation Measure TRANS-4.</p>		
<p>Impact TRANS-10: The development under the Specific Plan would increase the total intersection v/c ratio by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more (Significance Threshold #5) at an intersection operating at LOS F during the weekday AM and PM peak hours at the 27th Street/24th Street/Bay Place/Harrison Street intersection (Intersection #37) under 2020 conditions.</p>	<p>Mitigation Measure TRANS-10: Implement the following measures at the 27th Street/24th Street/Bay Place/Harrison Street intersection:</p> <ul style="list-style-type: none"> Reconfigure the 24th Street approach at the intersection to restrict access to 24th Street to right turns only from 27th Street and create a pedestrian plaza at the intersection approach. Convert 24th Street between Valdez and Harrison Streets to two-way circulation and allow right turns from 24th Street to southbound Harrison Street south of the intersection, which would require acquisition of private property in the southwest corner of the intersection. Modify eastbound 27th Street approach from the current configuration (one right-turn lane, two through lanes, and one left-turn lane) to provide one right-turn lane, one through lane, and two left-turn lanes. 	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, in 2016 (one year prior to the horizon date) and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Transportation</p>

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	<ul style="list-style-type: none"> • Realign pedestrian crosswalks to shorten pedestrian crossing distances. • Reduce signal cycle length from 160 to 120 seconds, and optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection). • Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • PS&E to modify intersection as detailed in Mitigation Measure TRANS-2. • Signal timing plans for the signals in the coordination group. <p>The project sponsor shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall be considered the equivalent of implementing the mitigation measure, which would still result in significant unavoidable impacts.</p> <p>A straight line interpolation of intersection traffic volume between Existing and 2020 Plus Project conditions indicates that mitigation at this intersection may be required by 2017. Investigation of the need for this mitigation shall be studied at that time and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p>	<p>occurs first.</p> <p>If investigations in 2016, or subsequent years, as stipulated above, show this mitigation is still required, submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.</p>	<p>Services Division</p>
<p>Impact TRANS-11: The development under the Specific Plan Project would add more than 10 peak-hour trips to 23rd Street/Broadway intersection (Intersection #39) which would meet peak-hour signal warrant (Significance Threshold #6) under 2020 Plus Project conditions.</p>	<p>Mitigation Measure TRANS-11: Implement Mitigation Measure TRANS-5.</p>		
<p>Impact TRANS-12: The development under the Specific Plan Project would add more than 10 peak-hour trips to 23rd Street/Harrison Street intersection (Intersection #40) which would meet peak-hour signal warrant (Significance Threshold #6) under 2020 Plus Project conditions.</p>	<p>Mitigation Measure TRANS-12: Implement Mitigation Measure TRANS-6.</p>		
<p>Impact TRANS-14: The development under the Specific Plan would increase the v/c ratio for a critical movement by 0.05 or more (Significance Threshold #5) during the weekday PM and Saturday peak hours at the 51st Street/Pleasant</p>	<p>Mitigation Measure TRANS-14: Implement the following measures at the 51st Street / Pleasanton Valley Avenue/Broadway intersection:</p> <ul style="list-style-type: none"> • Modify southbound approach to provide two left-turn lanes, one through lane, and one shared through/right lane. • Modify northbound approach to provide one left-turn lane, one through lane, and one shared 	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, in 2030 (one</p>	<p>City of Oakland Planning and Building Department City of Oakland - Building Services</p>

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		Schedule	Responsibility
<p>Valley Avenue/Broadway intersection (Intersection #7) under 2035 conditions. (Significant and Unavoidable)</p>	<p>through/right lane.</p> <ul style="list-style-type: none"> Upgrade signal equipment to replace the existing split phasing in the north/south direction with protected left turns. Eliminate the existing northbound and southbound slip right-turn lanes and "pork chop" islands. Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> PS&E to modify intersection as detailed in Mitigation Measure TRANS-2. Signal timing plans for the signals in the coordination group. <p>The project sponsor shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall be considered the equivalent of implementing the mitigation measure, which would still result in significant unavoidable impacts.</p> <p>A straight line interpolation of intersection traffic volume between Existing and 2035 Plus Project conditions indicates that mitigation at this intersection may be required by 2031. Investigation of the need for this mitigation shall be studied at that time and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p>	<p>year prior to the horizon date), 2033 and 2035 until the mitigation measure is implemented, whichever occurs first. If investigations in 2030, or subsequent years, as stipulated above, show this mitigation is still required, submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.</p>	<p>Division, Zoning Inspection</p> <p>City of Oakland Transportation Services Division</p>
<p>Impact TRANS-15: The development under the Specific Plan would increase the total intersection v/c ratio by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more (Significance Threshold #5) during the weekday PM peak hour at the 40th Street/Telegraph Avenue intersection (Intersection #8) under 2035 conditions.</p>	<p>Mitigation Measure TRANS-15: Implement the following measures at the 40th Street / Telegraph Avenue intersection:</p> <ul style="list-style-type: none"> Provide permitted-protected operations on the eastbound and westbound approaches Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection). Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> PS&E to modify intersection as detailed in Mitigation Measure TRANS-2. Signal timing plans for the signals in the coordination group. <p>The project sponsor shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate the impact to less than significant.</p> <p>A straight line interpolation of intersection traffic volume between Existing and 2035 Plus Project conditions indicates that mitigation at this intersection may be required by 2034. Investigation of</p>	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, in 2033 (one year prior to the horizon date), and 2035 or until the mitigation measure is implemented, whichever occurs first. If investigations in 2033 or 2035 show this mitigation is still required, submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Transportation Services Division</p>

2014 BROADWAY VALDEZ DISTRICT SPECIFIC PLAN SCAMMRP

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
	the need for this mitigation shall be studied at that time and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.	earlier date than listed if the improvements are needed as reasonably determined by the City.	
<p>Impact TRANS-16: The development under the Specific Plan would increase the total intersection v/c ratio by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more (Significance Threshold #5) at an intersection operating at LOS F during the weekday PM peak hour at the <i>West MacArthur Boulevard/Telegraph Avenue</i> intersection (Intersection #11) under 2035 conditions.</p>	<p>Mitigation Measure TRANS-16: Implement the following measures at the West MacArthur Boulevard/Telegraph Avenue intersection:</p> <ul style="list-style-type: none"> • Provide protected left-turn phase(s) for the northbound and southbound approaches. • Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection). • Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • PS&E to modify intersection as detailed in Mitigation Measure TRANS-2. Signal timing plans for the signals in the coordination group. <p>The project sponsor shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate the impact to less than significant.</p> <p>A straight line interpolation of intersection traffic volume between Existing and 2035 Plus Project conditions indicates that mitigation at this intersection may be required by 2030. Investigation of the need for this mitigation shall be studied at that time and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p>	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, in 2029 (one year prior to the horizon date), and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p> <p>If investigations in 2029, or subsequent years as stipulated above, show this mitigation is still required, submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Transportation Services Division</p>
<p>Impact TRANS-21: The development under the Specific Plan would increase the v/c ratio for the total intersection by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more (Significance Threshold #5) at the <i>27th Street/Telegraph Avenue</i> intersection (Intersection #29) which would operate at LOS F during the weekday PM peak hour under 2035 conditions.</p>	<p>Mitigation Measure TRANS-21: Implement the following measures at the 27th Street/ Telegraph Avenue intersection:</p> <ul style="list-style-type: none"> • Provide protected left-turn phases for the northbound and southbound approaches. • Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection). • Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • PS&E to modify intersection as detailed in Mitigation Measure TRANS-2. 	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, in 2028 (one year prior to the horizon date), and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p> <p>If investigations in 2028,</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Transportation Services Division</p>

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Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
		Schedule	Responsibility
	<ul style="list-style-type: none"> Signal timing plans for the signals in the coordination group. <p>The project sponsor shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall be considered the equivalent of implementing the mitigation measure, which would still result in significant unavoidable impacts.</p> <p>A straight line interpolation of intersection traffic volume between Existing and 2035 Plus Project conditions indicates that mitigation at this intersection may be required by 2029. Investigation of the need for this mitigation shall be studied at that time and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p>	<p>or subsequent years as stipulated above, show this mitigation is still required, submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.</p>	
<p>Impact TRANS-22: The development under the Specific Plan would degrade overall intersection operations from LOS E to LOS F and increase intersection average delay by four seconds or more (Significance Threshold #2) during the weekday PM peak hour and at the 27th Street/ Broadway intersection (Intersection #30) under 2035 conditions.</p>	<p>Mitigation Measure TRANS-22: Implement the following measures at the 27th Street / Broadway intersection:</p> <ul style="list-style-type: none"> Upgrade traffic signal operations at the intersection to actuated-coordinated operations Reconfigure westbound 27th Street approach to provide a 150-foot left-turn pocket, one through lane, and one shared through/right-turn lane. Provide protected left-turn phase(s) for the northbound and southbound approaches. Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection). Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> PS&E to modify intersection as detailed in Mitigation Measure TRANS-2. Signal timing plans for the signals in the coordination group. <p>The project sponsor shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall be considered the equivalent of implementing the mitigation measure, which would still result in significant unavoidable impacts.</p> <p>A straight line interpolation of intersection traffic volume between Existing and 2035 Plus Project conditions indicates that mitigation at this intersection may be required by 2024. Investigation of the need for this mitigation shall be studied at that time and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p>	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, in 2023 (one year prior to the horizon date), and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p> <p>If investigations in 2023, or subsequent years as stipulated above, show this mitigation is still required, submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Transportation Services Division</p>
<p>Impact TRANS-23: The development under the Specific Plan Project would add more than 10 peak-hour trips to 24th</p>	<p>Mitigation Measure TRANS-23: Implement Mitigation Measure TRANS-4.</p>		

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Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
<p><i>Street/Broadway intersection (Intersection #36) which would meet peak-hour signal warrant (Significance Threshold #6) under 2035 Plus Project conditions.</i></p>			
<p>Impact TRANS-24: The development under the Specific Plan would increase the total intersection v/c ratio by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more (Significance Threshold #5) at an intersection operating at LOS F during the weekday AM and PM peak hours and degrade overall intersection operations from LOS E to LOS F and increase intersection average delay by four seconds or more (Significant Threshold #2) during the Saturday peak hour at the <i>27th Street/24th Street/Bay Place/Harrison Street intersection (Intersection #37) under 2035 conditions.</i></p>	<p>Mitigation Measure TRANS-24: Implement Mitigation Measure TRANS-10.</p>		
<p>Impact TRANS-25: The development under the Specific Plan Project would add more than 10 peak-hour trips to <i>23rd Street/Broadway intersection (Intersection #39) which would meet peak-hour signal warrant (Significance Threshold #6) under 2035 Plus Project conditions.</i></p>	<p>Mitigation Measure TRANS-25: Implement Mitigation Measure TRANS-5.</p>		
<p>Impact TRANS-26: The development under the Specific Plan Project would add more than 10 peak-hour trips to <i>23rd Street/Harrison Street intersection (Intersection #40) which would meet peak-hour signal warrant (Significance Threshold #6) under 2035 Plus Project conditions.</i></p>	<p>Mitigation Measure TRANS-26: Implement Mitigation Measure TRANS-6.</p>		
<p>Impact TRANS-28: The development under the Specific Plan would degrade intersection operations from LOS D to LOS F and increase intersection average delay by four seconds or more (Significance Threshold #2) during the weekday PM peak hour at the <i>Grand Avenue/Broadway intersection (Intersection #49) in 2035.</i></p>	<p>Mitigation Measure TRANS-28: Implement the following measures at the Grand Avenue/Broadway intersection:</p> <ul style="list-style-type: none"> • Provide permitted-protected left-turn phasing for the northbound and southbound approaches. • Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection). • Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. 	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, in 2030 (one year prior to the horizon date), 2033 and 2035 or until the mitigation measure is implemented.</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>

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Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
	<p>To implement this measure, the project sponsor shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> PS&E to modify intersection as detailed in Mitigation Measure TRANS-2. Signal timing plans for the signals in the coordination group. <p>The project sponsor shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the project sponsor shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall be considered the equivalent of implementing the mitigation measure, which would still result in significant unavoidable impacts.</p> <p>A straight line interpolation of intersection traffic volume between Existing and 2035 Plus Project conditions indicates that mitigation at this intersection may be required by 2031. Investigation of the need for this mitigation shall be studied at that time and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p>	<p>whichever occurs first. If investigations in 2030, or subsequent years as stipulated above, show this mitigation is still required, submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.</p>	<p>City of Oakland Transportation Services Division</p>
<p>Impact TRANS-29: The development under the Specific Plan would degrade from LOS E or better to LOS F or increase the v/c ratio by 0.03 or more for segments operating at LOS F on the following CMP or MTS roadway segments:</p> <ul style="list-style-type: none"> MacArthur Boulevard in both eastbound and westbound directions between Piedmont Avenue and I-580 in 2020 and 2035. Grand Avenue in the eastbound direction from Adeline Street to MacArthur Boulevard, and in westbound direction from Harrison Street to San Pablo Avenue in 2035. Broadway in the northbound direction from 27th Street to College Avenue, and in the southbound direction from Piedmont Avenue to 27th Street in 2035. <p>Telegraph Avenue in the northbound direction from MacArthur Boulevard to Shattuck Avenue in 2035.</p> <ul style="list-style-type: none"> San Pablo Avenue in the southbound direction from Market Street to 27th 	<p>Mitigation Measure TRANS-29: Implement Mitigation Measures TRANS-1, TRANS-10, TRANS-13, TRANS-14, TRANS-15, TRANS-16, TRANS-20, TRANS 22, TRANS-24, TRANS-27, and TRANS-28.</p>	<p>See above for each applicable measure</p>	<p>City of Oakland Planning and Building Department</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Transportation Services Division</p>

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Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
		Schedule	Responsibility
<p>Street in 2035.</p> <ul style="list-style-type: none"> Harrison Street in the northbound direction from 27th Street to Oakland Avenue in 2035. 			
Utilities and Service Systems			
<p>Impact UTIL-2: Adoption and development under the Specific Plan would not exceed the wastewater treatment requirements of the San Francisco Regional Water Quality Control Board or result in a determination that new or expanded wastewater treatment facilities would be required (Criteria 1 and 4).</p>	<p>Standard Condition of Approval 91: Stormwater and Sewer: Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.</p>	<p>Prior to issuance of a demolition, grading, or building permit within vicinity of the creek.</p>	<p>City of Oakland Planning and Building Department City of Oakland - Building Services Division, Zoning Inspection</p>
<p>Impact UTIL-3: Adoption and development under the Specific Plan would not require or result in construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects (Criteria 2).</p>	<p>Standard Condition of Approval 91: Stormwater and Sewer: Refer to Standard Condition of Approval 91 under Impact UTIL-2.</p>		
	<p>Standard Condition of Approval 80: Post-construction Stormwater Pollution Prevention Plan: Refer to Standard Condition of Approval 80 under Impact BIO-3.</p>		
	<p>Standard Condition of Approval 75: Stormwater Pollution Prevention Plan: Refer to Standard Condition of Approval 75 under Impact BIO-3.</p>		
<p>Impact UTIL-4: Adoption and development under the Specific Plan would not violate applicable federal, state, and local statutes and regulations related to solid waste; nor generate solid waste that would exceed the permitted capacity of the landfills serving the area (Criteria 5 and 6).</p>	<p>Standard Condition of Approval 36: Waste Reduction and Recycling: Refer to Standard Condition of Approval 36 under Impact GHG-1.</p>		

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Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring:	
		Schedule	Responsibility
<p>Impact UTIL-5: Adoption and development under the Specific Plan would not violate applicable federal, state and local statutes and regulations relating to energy standards; nor result in a determination by the energy provider which serves or may serve the area that it does not have adequate capacity to serve projected demand in addition to the providers' existing commitments and require or result in construction of new energy facilities or expansion of existing facilities (Criteria 7 and 8).</p>	<p>Standard Condition of Approval H: Green Building for Residential Structures and Non-residential Structures: Refer to Standard Condition of Approval H under Impact GHG-1.</p>		
	<p>Standard Condition of Approval I: Green Building for Building and Landscape Projects: Refer to Standard Condition of Approval I under Impact GHG-1.</p>		
<p>Impact UTIL-6: Adoption and development under the Specific Plan in combination with other past, present, existing, approved, pending, and reasonably foreseeable future projects within and around the Plan Area, would result in an increased demand for utilities services.</p>	<p>Standard Condition of Approval 36: Waste Reduction and Recycling: Refer to Standard Condition of Approval 36 under Impact GHG-2.</p>		
	<p>Standard Condition of Approval 91: Stormwater and Sewer: Refer to Standard Condition of Approval 91 under Impact UTIL-2.</p>		
	<p>Standard Condition of Approval 75: Stormwater Pollution Prevention Plan: Refer to Standard Condition of Approval 75 under Impact BIO-3.</p>		
	<p>Standard Condition of Approval 80: Post-construction Stormwater Pollution Prevention Plan: Refer to Standard Condition of Approval 80 under Impact BIO-3.</p>		

The following provides additional changes made to the Broadway Valdez District Specific Plan (BVDSP) that were approved by the Planning Commission at their May 21, 2014 meeting. Changes are shown in underline/~~strikeout~~.

1. New policy introduced by the Planning Commission (which will be added to Chapter 8, Section 8.4.3 Affordable Housing Implementation Strategy, Potential Funding Sources, Incentives and Strategies):

Policy IMP-4.4: Develop programs to support residents who are displaced as a result of development in the Plan Area.

2. New policies and text relating to jobs introduced by Staff at the May 21, 2014 Planning Commission meeting (to be added to Chapter 4: Land Use under Goal LU-4: “Enhanced economic potential of the Plan Area resulting from the revitalization and redevelopment of existing underutilized areas” (see Section 4.2.4, p.93-94)):

Policy LU-4.3: Encourage infill development along Broadway that will improve the corridor’s economic vitality, enhance the definition and character of the corridor, and create better pedestrian scale and orientation.

Policy LU-4.4: Encourage a mix of land uses and development that will generate a range of job and career opportunities, including permanent, well-paying, and green jobs (including short-term, prevailing wage construction jobs and living wage-permanent jobs) that could provide work for local residents.

Policy LU-4.5: Support the provision of local job training opportunities for jobs being developed both in the Planning Area and the region, particularly those accessible via the transit network.

Policy LU-4.6: Support local and/or targeted hiring for contracting and construction jobs, including pathways to apprenticeships for local residents, for implementation of the Plan (i.e., construction of infrastructure).

Policy LU-4.7: Continue to support job training and readiness services through the Workforce Investment Board by providing information about resources that are available, and encourage that these services are publicized and in a manner that is accessible to Planning Area Oakland residents.

Policy LU-4.8: Encourage local businesses to offer internship, mentoring and apprenticeship programs to high school and college students.

Policy LU-4.9: Encourage consideration of Project Labor Agreements (PLAs) for projects that involve City subsidy.

New development on vacant and underutilized lots, and redevelopment of currently developed parcels, should be used to incrementally reconfigure and revitalize the Broadway street frontage.

These changes involve a transition from the predominantly automobile-oriented uses that currently characterize the corridor to a more diverse mix of uses. The intent is to both diversify the economic base and to add uses that will attract people to the area on a regular basis, rather than just on the occasion of purchasing or repairing one's car.

Encouraging a mix of land uses that will generate a range of jobs—retail, medical, office and other professional service uses, as well as short term construction jobs—and a range of housing types is a key component of the Plan. The City imposes a number of employment and contracting programs and requirements on City public works projects, as well as private development projects that receive a City subsidy. These include the Local and Small Local Business Enterprise Program, the Local Employment/ Apprenticeship Program, Living Wage requirements, and prevailing wage requirements. However, the City of Oakland's programs do not apply to private projects, including sites sold by the City for fair market value, or public works-type projects funded by private parties, including street or sidewalk improvements built as part of a new development. The City has very limited legal authority to impose its employment and contracting programs and requirements on such projects that do not involve City funding and/or other City participation. As such, the Plan supports continuing to provide private developers and business owners with information about workforce development programs, including those administered by the City or other organizations, in order to encourage opportunities for the creation of high quality, local jobs and job training programs.

3. New policies and text relating to affordable housing introduced by Staff at the May 21, 2014 Planning Commission meeting (to be added to Chapter 4: Land Use (see Section 4.4.7 Development Incentives, p.117)):

- **Affordable Housing:** The City of Oakland Planning Code already includes a California Government Code-mandated bonus and incentive program for the production of housing affordable to a range of incomes, as well as a bonus and incentive program for the creation of senior housing and for the provision of day care facilities. Changes in the Broadway Valdez District zoning will add to these incentives by no longer requiring a Conditional Use Permit (CUP) to have reduced parking for senior housing and allow for reduced parking for affordable housing. A new reduction of open space requirements by right for both senior and affordable housing is included in the zoning as well. The City is exploring zoning incentives for the Retail Priority Sites that would grant an additional residential bonus to projects providing a certain percentage of affordable housing as part of their overall project or on another Retail Priority Site. In the North End, in the Height Area Map there are two Height Areas that have been put in place of 85/135 and 135/200 where a Conditional Use Permit is required to obtain the higher height. This has been put in place to allow for future findings and conditions of approval for the higher height only if community benefits and/or affordable housing are provided. This future requirement will be added once a Citywide program has been analyzed and established.

~~In addition, as a continuation of all of the Specific Plans, a Citywide bonus and incentive program is being worked on for:~~

- **Affordable Housing and Community Benefits:** The City will analyze, as part of a citywide policy, to require large developments in The City is exploring the feasibility of developing a Housing Overlay Zone (HOZ) that would target those areas throughout the city that are most prime for development, such as Priority Development Areas (PDAs), to make contributions to assist in the development of affordable housing and other community benefits, such as open space. Options that may be included, but not limited to, are: impact fees, land dedication, and a Housing Overlay Zone (HOZ). and could most likely provide affordable housing and other

~~community benefits, such as open space. Among other actions, the City will conduct a nexus study and an economic feasibility study to evaluate new programs to achieve this objective, including inclusionary zoning and impact fees for new housing development. The analysis process will identify an appropriate method for allowing additional heights or density in exchange for the provision of affordable housing and other community benefits.~~ Criteria to consider as part of this analysis are:

- Study and selection of appropriate policy mechanism(s) to provide the public benefits. The City will conduct a nexus study, ~~if necessary~~, for the target public benefits mechanism.
- Quantification of the costs of providing the desired benefits as well as the value of corresponding bonuses and incentives.
- Creating a potential system of “tiers” of bonuses and incentives given and benefits provided, that could effectively phase requirements, prioritize benefits, and create effective evaluation criteria to improve the program delivery over time.
- Increasing benefit to developer as more benefits and amenities are added.
- Numerically linking the financial value of the bonus or incentive given (defined by value of gross floor area added) to the cost of benefit or amenity provided.
- Establishing a potential “points” system to link incentives and benefits. For example, the City may devise a menu of community benefits and amenities and assign points to each item. The points earned then determine the amount of bonus and/or incentive a development may claim.
- Identifying the economic feasibility of development to inform the amount of community benefits and amenities to be provided by a particular project in exchange for additional height or density.
- Clear direction on the relationship between city-wide mechanisms and the implementation in specific plans, such as the BVDSP.

SUMMARY OF RESPONSES TO SPECIFIC PLAN COMMENTS UP UNTIL PUBLICATION OF PLANNING COMMISSION STAFF REPORT (5-16-14)

The following are a summary of major comments the City has received on the Draft Broadway Valdez Specific Plan and Draft Environmental Impact Report and the City responses. The comments/responses are organized by category, as shown below. The City has considered all comments received even though they might not be specifically listed here. Also, CEQA-related comments are separately addressed in the Final EIR/Response to Comment document. Comments from the Landmarks Preservation Advisory Board from their May 12, 2014 meeting are included below in shaded, underline and ~~strikeout~~ text in comments 3.7 and 13.9, as are further responses to comment 11.2 relating to jobs.

1. Introduction and Planning Context
2. Housing
3. Historic Preservation
4. Retail Priority Sites
5. Large Opportunity Sites and North End
6. Auto Dealerships
7. Transportation
8. Parking
9. Bicycle, Pedestrian, and Transit
10. Open Space
11. Jobs/Workforce Housing Development
12. Infrastructure and Utilities
13. Design Guidelines

1. Introduction and Planning Context

Comment 1.1: Update the market study to reflect the significant changes in the economy since the release of the "Upper Broadway Strategy" in 2007 (also known as "the Conley Report").

Response: A "Market Demand Analysis" was done for the Specific Plan in June 2009/January 2010, that addresses future market potentials for new development for the Plan Area and focuses on the demand for comparison goods retailing with consideration also given to other, related retail/commercial uses, and to residential, office, and hotel uses that could help support the retail development and provide a mix of new uses and activities in the Plan Area. Aspects of the retail analysis were updated in 2010-2013, focusing on retail expenditures, retail sales, and sales leakage, and on auto-related retail sales in the Plan Area. This follow up analysis shows that the conditions found in earlier studies continue to occur, with nearly two-thirds of comparison goods expenditures by Oakland residents being made outside of Oakland because of a lack of shopping opportunities in the city. The Specific Plan was revised to reflect to the update-- See Sections 1.3 Planning Context and Section 2.3 Market Condition.

2. Housing

Comment 2.1: Policies should ensure goal of 15% affordable housing.

Response: Section 4.2.5 Housing includes a statement to "Encourage 15 percent of all new housing units in the Plan Area to be affordable including both units in mixed income developments and units

in 100 percent affordable housing developments.” Section 8.4.1 Affordable Housing Objective states “To continue Oakland’s track record of providing affordable housing for its residents, the affordable housing objective of the Specific Plan is to target 15 percent of new units built in the Plan Area for low and moderate income households.”

Given the dissolution of the Oakland Redevelopment Agency, previously the primary generator of financing for affordable housing, the financing method for new affordable units is uncertain. To address this funding uncertainty, the City is exploring the feasibility of new funding mechanisms to produce affordable housing in the Plan Area and Citywide. The Specific Plan includes recommendations to explore developing new funding sources and other methods to provide affordable housing, such as studying the feasibility of developing a housing impact fee (as well as potential impact fees for transportation and infrastructure), and developing a bonus and incentive system to encourage developers to provide community amenities (discussed in response to Comment 2.2 below).

The Specific Plan and related Planning Code amendments have been revised to strengthen policies relating to affordable housing as detailed in the response to Comment 2.2 below. However, the Plan does not include an inclusionary housing policy for affordable housing in just the Broadway Valdez District Specific Plan Area because this would create a burden in the Plan Area relative to the rest of the City, and would effectively act as a disincentive to build within the Plan Area. Also in the Planning Code changes, within the Retail Priority Sites an additional residential bonus of 35% is granted if 15% affordable housing is provided as part of the project, either within that Retail Priority Site or on another Retail Priority Site.

Comment 2.2: Include a detailed “menu of creative options” to create affordable housing that could include strategies like an affordable housing overlay zone.

Response: *The Specific Plan and related Planning Code amendments have been revised to strengthen policies relating to affordable housing. The following incentives for affordable housing are included in the Draft Specific Plan in Chapter 4 Policy LU-10.9 below. Language that was added is shown in underline text. Further discussion of these implementation strategies is discussed in Chapter 8, Section 8.4 Affordable Housing Implementation Strategy and additional sites were added to Figure 8.5 Potentially Competitive Sites for Low Income Housing Tax Credits to further correspond with the City’s Housing Element update.*

Policy LU-10.9 Develop a variety of bonuses and incentives to attract new businesses and desirable development to the Plan Area, while incorporating clear measurable criteria that ensure community benefits and amenities are delivered to the City.

The Plan recommends the creation of a development bonus and incentive program, which would allow a developer to receive additional development rights (via height, FAR, density bonus, residential bonus, or relaxation of other requirements) in exchange for the provision of certain identified benefits or amenities.

Providing a “bonus and incentive” program is one of several tools for achieving community-identified benefits or amenities. Providing a development bonus and/or incentive is intended to make the provision of community benefits economically feasible, and incentivize private development to include such benefits. In order for such a program to be implemented immediately, it would have to be voluntary. In order for a program to require the provision of amenities, a nexus study would need to be conducted, which is described in greater detail in Chapter 8, Implementation.

The City is currently developing citywide policy on how to fund affordable housing. Among other actions, the City will explore conducting a nexus study, if required, and an economic feasibility study to evaluate new programs to achieve this objective, including, but not limited to, incentive zoning and impact fees for new housing development.

It is important that the City develop a carefully crafted bonus and incentive program that results in clear benefits for the community. The program must offer bonuses and incentives that make sense in the marketplace so that developers actually make use of them and the desired benefits or amenities are attained. For this reason, the economic feasibility of development must be a determining factor in arriving at the trade-off between development bonuses and incentives, and the amount of community benefits to be provided by a project.

Development incentives are already used in Oakland. For instance, the Central Business District (CBD) zoning incentivizes public plazas by relaxing private open space standards, and incentivizes the provision of additional bicycle parking beyond the minimum required by relaxing auto parking.

The zoning regulations for the Broadway Valdez District, in the separate but related document to the Specific Plan, provide for a number of different types of bonuses and incentives for the Broadway Valdez District. These include:

- Affordable Housing: The City of Oakland Planning Code already includes a California Government Code-mandated bonus and incentive program for the production of housing affordable to a range of incomes, as well as a bonus and incentive program for the creation of senior housing and for the provision of day care facilities. Changes in the Broadway Valdez District zoning will add to these incentives by no longer requiring a Conditional Use Permit (CUP) to have reduced parking for senior housing and allow for reduced parking for affordable housing. A new reduction of open space requirements by right for both senior and affordable housing is included in the zoning as well. The City is exploring zoning incentives for the Retail Priority Sites that would grant an additional residential bonus to projects providing a certain percentage of affordable housing as part of their overall project or on another Retail Priority Site.

In addition, as part of implementation of all of the Specific Plan efforts, the City will explore developing a bonus and incentive program as a way to attain desired community benefits:

- Affordable Housing and Community Benefits: The City is exploring the feasibility of developing a Housing Overlay Zone (HOZ) that would target those areas throughout the city that are most prime for development and could most likely provide affordable housing and other community benefits, such as open space. The analysis process will identify an appropriate method for allowing additional heights or density in exchange for the provision of affordable housing and other community benefits. Criteria to consider as part of this analysis are:
 - Study and selection of appropriate policy mechanism(s) to provide the public benefits. The City will conduct a nexus study, if necessary, for the target public benefits mechanism.
 - Quantification of the costs of providing the desired benefits as well as the value of corresponding bonuses and incentives.
 - Creating a potential system of "tiers" of bonuses and incentives given and benefits provided, that could effectively phase requirements, prioritize benefits, and create effective evaluation criteria to improve the program delivery over time.

- *Increasing benefit to developer as more benefits and amenities are added.*
- *Numerically linking the financial value of the bonus or incentive given (defined by value of gross floor area added) to the cost of benefit or amenity provided.*
- *Establishing a potential "points" system to link incentives and benefits. For example, the City may devise a menu of community benefits and amenities and assign points to each item. The points earned then determine the amount of bonus and/or incentive a development may claim.*
- *Identifying the economic feasibility of development to inform the amount of community benefits and amenities to be provided by a particular project in exchange for additional height or density.*
- *Clear direction on the relationship between city-wide mechanisms and the implementation in specific plans, such as the BVDSP.*

Comment 2.3: The Final Plan should revise Policy LU-10.10 to require community stakeholder involvement in the development of the bonus and incentive program.

Response: *The next steps for the City will be working on this bonus and incentive initiative as part of the Housing Element update, which includes a public process for input, and then further study for programs to be implemented which will also involve even more public input. Adoption of formal enabling legislation will also involve a public process.*

Comment 2.4: Provide a more robust exploration of the housing displacement impacts of the plan and relevant mitigations for those impacts.

Response:

Regarding the issue of potential displacement, as noted in the BVDSP EIR, there are approximately 94 residential units (some currently vacant) in areas identified as Retail Priority Sites in the Specific Plan. While not a CEQA issue, concern over the socio-economic effects of potential displacement of these existing residential units, and affordable housing in general, is a policy issue that is addressed in the Specific Plan and proposed Planning Code amendments, as well as in the process underway to update the City's Housing Element.¹

In addressing displacement relative to the Broadway Valdez District, a balancing of Plan objectives must be considered. For example, there are many areas in the City, including areas just outside the Plan Area boundaries (which were rezoned as part of the Citywide Zoning Update to allow for higher density housing) that are suitable for residential development. In contrast, there is less flexibility in terms of sites that are suitable for the type and critical mass of destination retail development that would contribute to significantly addressing retail sales leakage. Necessary attributes for comparison goods retail development include: large sites that are located in proximity to "proven" activity generators (e.g. Whole Foods) and/or have good visibility; and spaces with high floor-to-ceiling heights that have few supporting columns breaking up the space (which are needed for residential development and thus it is difficult to have residential directly above this type of retail space). The BVDSP identified several potential Retail Priority Sites for several reasons: the City has limited land

¹ CEQA only requires analysis and mitigation of potentially substantial adverse changes in the physical environment (Public Resources Code §§ 21151, 21060.5, 21068). Adoption and development under the BVDSP is considered less-than-significant with respect to potential displacement of housing units and residents and the construction of associated replacement housing. See BVDSP FEIR, Chapter 5, Master Response 5.2 for more detail.

control in the Valdez Triangle, the BVDSP identified that a critical mass of at least 700,000 square feet of retail development was needed to sustain a retail district, and the City cannot predict what development will actually occur. The BVDSP does not mandate development of any properties in the Plan Area; development could occur with or without the specific plan. However, the BVDSP has been revised to include stronger policies and incentives to preserve or adaptively reuse existing buildings located in Retail Priority Sites, and to provide affordable housing (described in more detail in the responses to Comments 2.1 and 2.2 above). Furthermore, proposed zoning changes for the Broadway Valdez District (BVD) include adding to existing incentives in the Planning Code for the production of housing for a range of incomes, for seniors, as well as for the provision of day care facilities. Specifically, the proposed BVD zoning:

- No longer requires a Conditional Use Permit (CUP) to have reduced parking for senior housing;
- Reduces parking requirements for the provision of affordable housing;
- Reduces open space requirements for both senior and affordable housing;
- New zoning incentives for the Retail Priority Sites will grant an additional residential bonus to projects providing a certain percentage of affordable housing as part of their overall project or on another Retail Priority Site.

Thus, any new development that does occur could potentially provide new affordable housing, in addition to market rate housing, sales tax-generating retail development and jobs.

The Specific Plan lists several existing City programs that provide various forms of assistance including: Jobs/Housing Impact Fee and Affordable Housing Trust, Condominium Conversion Ordinance and Residential Rental Adjustment Program. In addition, some other programs that the City is involved in are: City of Oakland Housing Programs that utilize funding support from federal HOME funds and Community Development Block Grant funds, First Time Homebuyer Assistance, tenant protection ordinances that include Rent Adjustment and Just Cause for Eviction, and City staff implements the City's annual Notice of Funding Availability (NOFA) process to make competitive funding awards for affordable housing projects and monitors the City's portfolio.

The Specific Plan is not intended to, nor can it, provide all of the answers to the difficulties associated with providing an adequate supply of affordable housing, ensuring economic equity and improving community-wide health. These goals can only be achieved through diligent, cooperative implementation efforts between existing residents, City staff and elected officials, and developers of the projects envisioned under this Plan.

Comment 2.5: Explore "value recapture" as a method to encourage development of affordable housing through developer incentives – in particular through changes to the proposed height limits that better reflect the market and the need for height and density incentives.

Response: In the North End of the Plan Area, the height areas on the west side of Broadway north of 30th Street have been modified to have a lower permitted height and allow for the formerly proposed maximum height only with a Conditional Use Permit (CUP). There will be findings that have to be made to allow for the higher height. In the future, when a Citywide affordable housing and community benefits program is developed (see response to Comment 2.2 above), an additional CUP finding will be required to provide for a community benefit/affordable housing depending on what is decided for the program. This could be through a Housing Overlay Zone and/or other type of "value recapture."

Comment 2.6: Add specific policies to incentivize development on the sites identified as competitive for Low-Income Housing Tax Credits; and provide a fuller explanation of how those sites correspond (or do not correspond) to the city's Housing Element opportunity sites.

Response: Sites were added to Figure 8.5 Potentially Competitive Sites for Low Income Housing Tax Credits to further correspond with the city's Housing Element update.

3. Historic Preservation

Comment 3.1: Would like to preserve Biff's building, retain historic resources in the Valdez Triangle, and retain the homes on Waverly Street, Harrison Street, and the Newsom Apartments.

Response: The Specific Plan and zoning regulations have been revised to now allow for existing buildings to count towards the minimum required square footage of retail before residential is allowed; also, a CEQA Historic Resource's square footage can now be counted as double towards obtaining residential (see Policy LU-10.9). Further changes to the zoning regulations allow for if a CEQA Historic Resource is maintained and not used for retail, the square feet of its footprint can be deducted from the overall square footage of the Retail Priority Site in determining the square footage of retail required. The Specific Plan does not mandate the demolition, destruction, relocation, or alteration of any properties, historic or otherwise in the Plan Area. Because these properties are owned by private owners and not owned by the City, the City cannot absolutely require the buildings to be preserved or prevent them from being demolished. However, there are special, stringent regulations already contained in the City's Planning Code (Section 17.136.075) which regulate the demolition and/or removal of designated historic properties and potentially designated historic properties.

Comment 3.2: Create incentives for historic preservation and prioritize reuse of commercial auto-related and residential buildings.

Response: There are a variety of incentives that have been added to Policy LU-10.9 of the Specific Plan and included in the zoning regulations, these include among others: existing buildings to count towards the minimal required square footage of retail before residential is allowed; a CEQA Historic Resource's square footage can be counted as double towards obtaining residential or if it is maintained and not used for retail, the square feet of its footprint can be deducted from the overall square footage of the Retail Priority Site in determining the square footage of retail required; and no parking or open space requirements when converting from commercial to residential use or vice versa when it is a Potential Designated Historic Property (PDHP) or CEQA Historic Resource. Also, if a PDHP or a CEQA Historic Resource is incorporated as part of a larger project the area that is incorporated will be exempt from parking and open space requirements.

Comment 3.3: Policies LU-11.2 and CD-3.15 contradict the historic preservation goals. Support current efforts to establish a state historic tax credit.

Response: The original Policy LU-11.2 of the Specific Plan has been eliminated and replaced with the new Policy LU-11.2 Support current efforts to establish a state historic tax credit program and related Policy IMP 5-1. Policy CD-3.15 is now CD-3.16 and was modified as shown below.

The below policy was deleted:

Policy LU-11.2

~~On Retail Priority Sites, new development that furthers Specific Plan goals to provide destination retail uses will take precedence over adaptive reuse.~~

~~While the Plan encourages the preservation and adaptive reuse of buildings of historic and architectural merit, some buildings in the Plan Area are likely to be substantially modified or replaced in order to meet Plan objectives to create destination retail in the Valdez Triangle. In such cases, the City will require developers to explore the feasibility of relocating the resource to an acceptable site consistent with Policy 3.7 in the City's Historic Preservation Element.~~

Former policy CD-3.15, now Policy CD-3.16, was revised as shown below:

Policy CD-3.16

~~New development will be encouraged to protect and re-use many of the area's distinctive historic buildings, as long as such preservation does not impede achievement of the City's primary objective to establish destination retail in the Triangle.~~

The Triangle has a quite diverse collection of older buildings, some that are designated historic resources, some that contribute to a designated Area of Secondary Importance (ASI), and some that have distinctive character but do not qualify as historic or contributing resources. These buildings include churches, small multi-family buildings, Victorian and bungalow style residential buildings, and automotive garages and showrooms. In addition to designated resources (Figure 2.4), the Triangle also includes two Adaptive Reuse Priority Areas, one along 24th Street and the other along Harrison Street.

~~While all of these buildings have the potential to make positive contributions to the Triangle's design character, the biggest design challenge will be how to integrate desired retail development and uses with these older buildings. Some, such as the former Biff's coffee shop at 27th and Valdez and the Newsom Apartments at 24th and Valdez, may be difficult to adapt to retail uses or the desired district character due to limitations presented by their built form. Others, including Biff's and the residential units along Waverly, are located in designated Retail Priority Sites where retail development will be given priority over adaptive reuse if the two objectives are in conflict.~~

The urban design strategy in the Triangle will be a balancing act that promotes the protection and re-use of many of the area's historic building resources, but also does not sacrifice the Specific Plan's primary objective to establish major new destination retail in the Triangle. ~~The Plan recognizes that trade-offs will need to be made to realize the vision for the Triangle, and that those trade-offs are likely to include some impacts to historic resources and loss of some of the historic building fabric.~~ The precedent photos on the facing page illustrate a number of different examples of how to adapt and reuse older buildings for new uses. Figures 5.16-5.19 illustrate two fundamental approaches to adaptive reuse, using the existing garage at 24th and Webster streets as an example. The first approach works primarily with the existing structure with a focus on restoring historic character and details and making modest changes to accommodate proposed uses (e.g., replacing garage doors with pedestrian entries, removing signage to expose original windows, etc.). The second approach incorporates the first, but also explores how to add onto the existing building by developing vertically to expand the range of uses and site capacity.

Comment 3.4: The exemption from the Dark Skies in the Entertainment Overlay should be eliminated.

Response: Discussion of a potential Entertainment Overlay has been eliminated from the Plan and therefore the exemption from the Dark Skies requirement is also eliminated from the Specific Plan.

Comment 3.5: Harrison Street is not a strong retail street, and has never been one; retail should be concentrated along Broadway, not Harrison Street.

Response: There already is a significant amount of retail at the intersection of Harrison, 24th Street, 27th Street, and Bay Place. The Specific Plan is proposing to build upon the success of retail of the Whole Foods at Harrison Street and Bay Place, as well as the Acura Dealership on the opposite side of the street. And, currently there is a 7-11 across the street from Whole Foods on Harrison Street with several more commercial buildings as well as Wheel Works across the street on the other side of Harrison where the Retail Priority Site is proposed. Also see Response 4.2 under Retail Priority Sites below.

Comment 3.6: Remove Richmond Avenue from the Specific Plan Area.

Response: The existing zoning of Mixed Housing Type Residential-3 (RM-3) is not changing, so there will be no changes for Richmond Avenue.

Comment 3.7: The LPAB, at its May 12, 2014 meeting, recommended using more proactive and affirmative language for the Policy and strategies of IMP-5.1 (not "consider" or "could establish" but "will establish" or "will pursue" etc.).

Response: The following in Policy IMP-5.1 will be changed, additions are underlined and deletions are in ~~strikeout~~:

Policy IMP-5.1

~~Consider~~ The City will pursue developing a package of incentives that will encourage landowners and developers to renovate and/or adaptively reuse historic buildings especially in the designated Adaptive Reuse Priority Areas. Potential preservation strategies to be considered should include the following: Facade Improvement Grants, Facade Easements, Transfer of Development Rights (TDR), Extension of the California State Historical Building Code (SHBC), Reduced Fees and Expedited Development Review, Federal Historic Tax Credits, Recognition of Plan Area historic resources that promotes broad community awareness (e.g., plaque program), Mills Act (Property Tax Abatements), and Relief from Code Requirements.

~~The following represent some programs and strategies that will be pursued; might be considered.~~

FACADE IMPROVEMENT GRANTS

~~The City could~~ will pursue reestablishment of a Façade Improvement Grant Program to encourage the reuse of eligible buildings, specifically for commercial uses that are consistent with the Specific Plan (e.g., ground-floor, active retail).

FACADE EASEMENTS

~~The City could~~ will pursue establishment of a Façade Easement Program to encourage the preservation of building facades in perpetuity.

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

~~The City could~~ will explore establishment of a Transfer of Development Rights (TDR) Program to encourage the reuse of historically significant buildings within the Plan Area.

REDUCED FEES AND EXPEDITED DEVELOPMENT REVIEW

The City could will pursue the granting of expedited development review and reduce Planning Department fees for developments including and/or reusing eligible historic resources.

DEVELOPMENT INCENTIVES AND RELIEF FROM CODE REQUIREMENTS

Eligible properties could be granted relief from potentially financially burdensome requirements as required in the Oakland development code. These might include parking, open space, and impact fees. The City might also consider will pursue development incentives which could include, but not be limited to, flexibility in development standards, and height and density bonuses.

4. Retail Priority Sites

Comment 4.1: Add more fine-grained mapping of Retail Priority Sites.

Response: The Retail Priority Sites were broken up into smaller sub areas: for Retail Priority Site 3 from the previous (a) and (b) to now (a), (b), and (c); Retail Priority Site 4 now has an (a) and (b); and Retail Priority Site 5 from the previous (a) and (b) to now (a), (b), and (c). After publication of the Specific Plan on May 1, 2014, Retail Priority Site 5 was also further subdivided from the previous (a) and (b) to now (a), (b), and (c), see the main part of the Staff Report, the Overview section, item #5 for a more detailed discussion of the Retail Priority Sites.

Comment 4.2: Concentrate retail and/or Retail Priority Sites along Broadway.

Response: One of the primary objectives of the Plan is to support the viability of retail along Broadway by enlivening a series of activity nodes, such as the Valdez Triangle, directly adjacent to the corridor. Retail along Broadway will also benefit from the envisioned secondary retail corridors connecting to it, such as 24th Street.

In addition, the Plan includes a combination of Retail Priority Sites along Broadway with active retail/commercial use requirements on the ground floor of buildings fronting on the corridor. Sites along Broadway that already had limitations on them, such as the YMCA and the First Presbyterian Church or that are too small, are not included as Retail Priority Sites, but still have an active retail/commercial use requirement on the ground floor.

Comment 4.3: Eliminate the Waverly Block from the Retail Priority Sites.

Response: Retail Priority Site 5b (the Waverly Block) is a key Retail Priority Site because of its direct proximity to the existing Whole Foods market at the intersection of Harrison, 24th Street, 27th Street, and Bay Place. There is demonstrated precedent in the real estate market that retailers want to be located in close proximity to a Whole Foods market to benefit from their customers. The Harrison /27th Street intersection is also along a main corridor for access to and from downtown, which brings large visibility to the site that retailers demand. The Plan envisions increased pedestrian activity along 24th Street between Whole Foods and the new Hive project (Retail Priority Site 1) at Broadway and 24th Street. The Waverly block adjacent to the Harrison /27th Street intersection is therefore envisioned as an important retail site that will help anchor the Valdez Triangle.

Comment 4.4: Add the east side of Webster as a Retail Priority Site.

Response: This block does not have good visibility to a major thoroughfare, such as Broadway or 27th Street, and it is already entitled for a large residential project. The block also has a deed restriction that requires approximately 240 parking spaces be maintained on the site for use by the Ordway

Building. Retail or more active type uses such as restaurants will still be required on the ground floor with the zoning regulations.

Comment 4.5: Keep the Waverly Block as a Retail Priority Site, but only have it develop after all of the other sites have been developed.

Response: *The City of Oakland has limited legal authority to determine when private property can be developed. Such a restriction is legally problematic as it may be considered a taking of property without just compensation.*

Comment 4.6: The Retail Priority Sites standards of square footage are not being evenly applied.

Response: *Table 17.101C.05 Retail Priority Sites Minimum Square Footage of Retail Area for Residential Facilities Bonus has been revised to require an equal percentage of retail for all of the Retail Priority Sites in order to receive residential units as a bonus. The "residential as bonus" provision has been proposed for the Plan's Retail Priority Sites because residential typically out-prices retail, and most of the City of Oakland already allows for either residential only or residential and retail together by right. Because of this liberal allowance of residential in almost every commercial zone within the City of Oakland, it has put Oakland at a disadvantage for obtaining retail. Other options explored were creating a commercial zone that would not allow residential at all, so the retail would not be out-priced by residential. It was decided that residential would be desired to help complement the retail and excluding residential all together within this zone would not be advantageous for the retail development that would take place. Therefore a unique zone was created to still allow residential within the Retail Priority Sites zone, but only when a minimum retail square footage is provided as an overall project, then a residential bonus is permitted. This will eliminate the problem of residential out-pricing the retail.*

Comment 4.7: Concerned that the retail requirement before residential in the Retail Priority Sites will delay housing sites that are near transit, think there should be a 3 year sunset clause on the regulations.

Response: *There are only five Retail Priority Sites in the Plan Area that include this type of requirement. The rest of the sites in the Plan Area will continue to allow residential without this restriction. The "residential as bonus" provision has been proposed for the Plan's Retail Priority Sites because residential typically out-prices retail, and most of the City of Oakland already allows for either residential only or residential and retail together by right. Also, the Retail Priority Sites are still allowing for residential - the residential will actually be the incentive for the retail to be built. If there is a sunset clause, property owners are likely to just wait for the 3-year time frame to end, which would only further delay development in the area. In order to help ensure that a project can be built, the Zoning code will potentially allow for an exception of providing less than the minimum retail square footage required through a CUP process. Various findings will need to be met including, but not limited to, an architectural study, prepared by a qualified architectural firm, that demonstrates at least one or more alternatives would be physically infeasible due to operational and/or site constraints if it were to meet the minimum retail square footage specified.*

Comment 4.8: Add how retail in the Broadway Valdez District will relate to retail in the Uptown and downtown.

Response: *The following policy has been added to the Specific Plan: Policy LU-3.2 Ensure close coordination of City revitalization efforts in the Uptown Entertainment District, the area between the existing Downtown core and the Broadway Valdez Plan Area. The Specific Plan had already included former Policy IMP-1.3, now Policy IMP-1.7 Ensure close coordination of City revitalization efforts in the Uptown Entertainment District (approximately bound by 19th Street, Grand Avenue,*

Telegraph Avenue and Broadway) with similar efforts in the Broadway Valdez District Specific Plan Area.

5. Large Opportunity Sites and North End

Comment 5.1: Should allow more flexibility of activities allowed on the ground floor.

Response: *In the zoning regulations and Policy LU-10.6 for the Large Opportunity Sites, the North Large Development Site Combining Zone, the active use requirements and exclusion of residential has been modified to only include the front 60 feet of frontage along Broadway. Because these parcels are very deep and in some cases have frontages on more than one street, residential and other uses are allowed on the ground floor beyond the 60' of frontage along Broadway.*

Comment 5.2: Recommend ensuring neighborhood-serving retail in the North End, such as a grocery store and pharmacy.

Response: *In Chapter 4 at the end of Policy LU 2.1, the sentence has been added "The Broadway Valdez District will include not only destination retail, but neighborhood-serving options such as grocery stores and pharmacies, to serve residential development." And in Policy 9.3 that addresses the North End the sentence was added "Retail development in the North End will allow for neighborhood-serving uses, potentially including grocery stores and pharmacies, which will allow residents to obtain options for healthy food and daily needs."*

6. Auto Dealerships

Comment 6.1: Plan is vague on policies for auto dealerships, include more of a conceptual explanation as to how they will be relocated.

Response: *The following policies are in the plan that addresses auto dealerships: Policy IMP-1.15 Allow existing auto dealerships to remain in the Plan Area to the north of 27th Street and retain branding as Broadway Auto Row. Policy IMP-1.16 Develop a strategy for relocating active dealerships from the Valdez Triangle as needed to facilitate comparison goods shopping in the retail district. Policy IMP-1.17 Develop a citywide strategy for auto-related retailing in Oakland. In Table 8.6 the action of these items are to be addressed in the short timeframe.*

7. Transportation

Comment 7.1: Does the current design of the Harrison/24th Street, 27th Street, Bay Place intersection result in a taking of the parcel at the southwest corner and are other options considered.

Response: *If any portion of private property is needed for improvements to the Harrison/24th Street, 27th Street, Bay Place intersection, it would be because of required mitigations in the EIR to allow 24th Street to return to two-way travel. A second option is provided where instead of 24th Street becoming a two-way street, it remains a one way street and the extra right-of-way area is not required; see Section 6.5.8 Intersection Changes and Final EIR at page 4.13-68.*

Comment 7.2: To preserve neighborhoods that surround the development area, route traffic along 27th to the 980 freeway, not to and from 580 on the Harrison/Oakland corridor, and steer traffic away from the lake as much as possible.

Response: The following two policies in the Plan address this comment: Policy C-4.4 Minimize cut-through traffic on residential streets by implementing traffic calming and Policy CD-2.3 Work with Caltrans to establish a signage program that identifies 27th Street, Broadway and Webster Street as the primary vehicular entrance points to the Valdez Triangle retail district and the north end of Downtown from nearby freeways (i.e., 580, 24, and 980). See also page 6-170 of the BVDSP FEIR.

8. Parking

Comment 8.1: Create an “in-lieu” parking program where developers can pay a reduced fee rather than the full cost of a parking space, which incentivizes development, reduces parking ratios and use of land for cars, and creates an additional funding source for the City to use for increased parking supply.

Response: The proposed Planning Code amendments allow for the option of paying an in-lieu fee instead of building parking in Section 17.116.110 of the parking section of the code. And in Chapter 6 of the Specific Plan there was added: Policy C-6.9 Establish a parking in-lieu fee program so that developers have the option of either constructing off-street parking consistent with City of Oakland Zoning Code or paying the parking in-lieu fee.

Comment 8.2: Requiring unbundled parking and offering free transit passes, among other strategies, serve the many goals of the plan, including the City’s transit first policy, and are being implemented as requirements throughout the region.

Response: The proposed Planning Code amendments require the unbundling of parking in Section 17.116.110. And in Chapter 6 of the Specific Plan there was added: Policy C-6.8 Require residential developments to unbundle the cost of parking from the cost of housing.

Offering transit passes is mentioned in three different Policies in Chapter 6, which include: Policy C-7.3 for residences, Policy C-7.4 for transit validation for shoppers, and Policy C-7.5 for employers to provide transit passes for employees.

Comment 8.3: Allow for more flexibility in the minimum parking ratios for residential units.

Response: The proposed Planning Code amendments in Sections 17.116.060 and 17.116.082 reduce the minimum parking requirements for residential and commercial. And in Chapter 6 of the Specific Plan there was added: Policy C-6.10 Reduce the amount of parking required by the Planning Code.

Comment 8.4: Concern about funding and triggers for parking garage construction.

Response: Tables 8.5 and 8.6 originally included an estimated cost for parking garage(s) that was misleading; it was not the intent of the table to indicate the garage cost was to be borne by the City. The Plan does include a policy that says that the City should consider providing funding assistance for comparison goods retail parking. And if a parking structure is built, it is to only be in conjunction with a retail project (see policy below).

Policy IMP-1.12 Provide public funding assistance for comparison goods retail parking.

Paying for structured parking can be significant hurdle for destination retail development and in the past has been typically funded by the public sector. The 2007 Upper Broadway Strategy identified the need for the City to fund parking development for new comparison goods shopping, as did the feasibility analysis prepared for this Specific Plan. Particularly in the early phases, parking availability is critical for attracting retailers and shoppers. Retail parking needs to be conveniently

located within or close to the retail development, and dedicated to supporting retail shopping. The area's central, urban location and the availability of public transit reduce the amount of parking otherwise needed, but do not replace the need for parking to support destination retail shopping.

The recommended approach is to provide funding assistance for the development of parking as part of, or near to, larger-scale, retail development(s) with multiple comparison goods tenants. A public garage could be developed and operated as a freestanding garage or as part of a large retail project.

Larger-scale retail development with multiple comparison goods tenants is the type that will require the most public funding for building structured parking, and is the type most needed to achieve the necessary critical mass of comparison goods shopping in the Valdez Triangle. Public funding for parking may be less critical for development of a freestanding retail tenant or a smaller project, so that the use of public funding for building parking should take into account market and development feasibility considerations specific to the project and types of retail tenants. Given the differences in development feasibility and the City's objective of establishing comparison goods shopping, public funding for parking in conjunction with, and at the same as, retail development will need to be prioritized to support a mix of comparison goods retail tenants.

Comment 8.5: Concern about timing and implementation of transportation and parking demand strategies.

Response: This is included in the short- to mid- timeframe in Table 8.6 Broadway Valdez District Action Plan.

Comment 8.6: Make use of existing parking first before building additional parking.

Response: This is discussed in the Specific Plan in Policy C-6.3 Encourage the use of existing parking facilities in the Broadway Valdez District and vicinity. And the proposed Planning Code amendments for Automotive Fee Parking allow it as an accessory use to an allowed principal use to encourage use of existing parking facilities. And the proposed Planning Code amendments allow for the option of paying an in-lieu fee instead of building parking in Section 17.116.110.

9. Bicycle, Pedestrian, and Transit

Comment 9.1: Because there will be more people coming to shop in the area more bicycle parking should be provided to encourage more bicycling to the area instead of driving.

Response: The proposed Planning Code amendments in Chapter 17.117 increase the minimum bicycle parking requirements for residential, retail, restaurants, office, and other commercial uses. And in Chapter 6 of the Specific Plan there was added: Policy C-3.4 Increase bicycle parking supply in the public realm.

Comment 9.2: The Broadway Valdez District should be part of a bike sharing program.

Response: The Specific Plan already listed Policy C-7.2 (formerly C-6.3) Provide bicycle support facilities such as attendant bicycle parking/bike station, and/or bike sharing/rental program. Additional language was added in Policy C-3.4 for increasing bicycle parking, to encourage participation in Oakland's proposed Bike Share program as an additional alternative for transportation to and from the Broadway Valdez District.

Comment 9.3: Pedestrian connections to BART and Uptown should be prioritized.

Response: *Policy C-5.3 Revitalization efforts in the Plan Area shall be coordinated with additional efforts to enhance Broadway between the Plan Area and the 19th Street BART station to provide a seamless and welcoming pedestrian connection to and from the BART Station. This policy is listed in the short timeframe in Table 8.6 Broadway Valdez District Action Plan as part of the Destination Retail Strategy.*

Comment 9.4: Medians should be removed to protect pedestrians, with the resulting extra lane space dedicated to walking and biking, including Class I (protected) bike lanes.

Response: *Removal of the medians along Broadway would cause the elimination of existing left turn lanes, causing safety concerns and increased congestion through the blocking traffic in the left lane. In turn, this could also result in delays for AC Transit buses along Broadway. The left turn pockets are also important to cyclists (particularly at 29th St). It's not practical to keep the left turn pockets at the intersections and remove the medians mid-block. The intersections are too close together for transitioning back and forth between these two cross-sections. The potential removal of the medians along Broadway was evaluated and staff determined that it wouldn't provide an improvement over the existing configuration.*

Comment 9.5: Retain focus on sustainable, compact, and historically appropriate development and aggressively pursue planning and funding for public spaces in the Plan Area. Ensure that streetscape improvements create complete streets throughout the district and focus transportation investments on enhancing existing services and modes.

Response: *Numerous policies deal with streetscape improvements and transportation investments in transit, bicycle, and pedestrian modes. In Table 8.6 under C. Destination Retail Strategy, item #10 there is an action to make funding applications to regional agencies to fund public realm improvements in the Valdez Triangle and North End starting in the short time frame and continuing into the mid and long time frame.*

Comment 9.6: Include all elements of the Bicycle Master Plan.

Response: *Included in the Specific Plan is Policy C-3.1 Complete the bicycle network in the Plan Area and surrounding areas as envisioned in City of Oakland's 2007 Bicycle Master Plan. And in Table 8.6 Broadway Valdez District Action Plan, under Streets, Streetscape, and Plazas, item #12 has this action to happen in the short (2014 – 2020) timeframe.*

Comment 9.7: Should prioritize funding of low-cost public realm improvements that encourage non-auto transportation.

Response: *In Table 8.6 Broadway Valdez District Action Plan, numerous public improvements that encourage non-auto transportation fall within the short (2014 – 2020) to mid (2021 -2025) timeframe to occur, including, but not limited to, under F. Streets, Streetscape and Plazas item #12 Bicycle Improvements that has the following action from Policy C-3.2 to happen in the short to mid timeframe: Enhance bicycle facilities (e.g., bicycle signal actuation, bicycle boxes, two-stage turn queue boxes, etc.) at key intersections with high bicycle and automobile traffic. Some other items listed under F. for the short time frame include plaza improvements at 24th Street and Harrison; Streetscape improvements to 24th Street that include street lights, tree plantings, and street furniture, traffic calming elements and sidewalk reconstruction.*

Comment 9.8: Add note in Policy CD-2.23 that 20th St BART is a natural gateway into the plan area.

Response: *In Policy CD-2.23 the following was added "An additional gateway is the 20th Street entrance/exit to the 19th Street BART Station, which is an existing, established gateway into the Plan Area just south of the Valdez Triangle."*

Comment 9.9: There should be a policy that any streetscape improvements should not preclude a streetcar.

Response: *Policy C-5.6 Ensure that all improvements, including streetscape, to Broadway will not preclude the possibility of future enhanced transit service along the corridor.*

Comment 9.10: The plan should identify that the streetcar may need a dedicated right-of-way.

Response: *The plan did not include this because there is a separate study that is being conducted on the details of a streetcar or other potential that would analyze the different possibilities. Also, this would require a separate traffic study.*

Comment 9.11: Add policy about promoting to shoppers outside of the Plan Area taking transit to the destination retail of the plan.

Response: *The following policy was added to the Specific Plan: Policy C-5.4 Work with BART on their proposal to update and "rebrand" the 19th Street BART station, including providing signage to provide information about the Broadway Valdez retail district area and other nearby destinations while passengers are on the train and at the station.*

Comment 9.12: Policy 6.2 the wayfinding signage program should also emphasize transit.

Response: *Transit was added to the former Policy 6.2, now Policy C-7.1 Implement a comprehensive wayfinding signage program in the Plan Area with an emphasis on pedestrian, bicycle, transit, and parking facilities.*

Comment 9.13: Recommends removing streetcar alignment and stops in all graphics because premature.

Response: *Added a footnote to the graphics "For illustrative purposes only. Options for enhanced transit on Broadway are currently being studied by the City."*

10. Open Space

Comment 10.1: More open space should be created, a central gathering space should be provided.

Response: *The Specific Plan proposes to improve the existing plazas that the City already owns in the Plan Area to allow them to better serve as open space. These plazas are currently being used to display cars by the auto dealerships, rather than serving as plazas for people to use. The Specific Plan also proposes utilizing reclaimed public right-of-way in several locations to create new public plazas. In addition, it is assumed that larger retail projects will provide open space for shoppers to have space to gather and relax while they are shopping.*

The following incentives in Policy LU-10.9 pertain to Public Open Space: in the Retail Priority Sites, publicly accessible plazas and open space can be counted toward the minimum square footage of retail that is required in order to build residential; a similar open space requirement is allowed as in the Central Business District, where plaza space can count towards a residential development's open space requirement; an in-lieu fee can be paid in a residential project instead of building on site open

space, this fee could be used to enhance existing plazas that are currently being used to display auto dealership cars, and to enhance existing open space in the Plan Area.

11. Jobs/Workforce Housing Development

Comment 11.1: First and foremost, the City should consider the value of retaining existing quality jobs in the plan area and workers in the Kaiser and Alta Bates medical districts. It is vitally important that the Final Plan make the jobs/housing connection between the Plan Area's current workforce, opportunities for new quality jobs, and housing opportunities that people can afford.

Response: *The jobs/housing connection is in the Specific Plan in Policy LU-9.4 Uses that complement and support the adjoining Alta Bates Summit and Kaiser Permanente medical centers, such as professional and medical office uses, medical supplies outlets, and visitor and workforce housing, are strongly recommended.*

The City of Oakland already has a "Jobs/Housing Impact Fee," which was established to ensure that certain commercial development projects compensate and mitigate for the increased demand for affordable housing generated by such development projects within the City of Oakland. A fee of \$4.60 per square foot is assessed on new office and warehouse/distribution developments to offset the cost of providing additional affordable housing for new lower-income resident employees who choose to reside in Oakland. Fees go into a Housing Trust Fund which is then made available to nonprofits to build affordable housing.

The Specific Plan and related Planning Code amendments have been revised to strengthen policies relating to affordable housing as detailed in the response to Comment 2.2 above. Also see detailed response to Comment 6.1 above about retaining auto-dealerships in the area. Chapter 8 of the Specific Plan includes a section on an Emphasis Workforce Housing that includes language that states: "Creative ways to finance housing for workforce households is essential to maintaining the diversity of the Plan Area, as well as the entire city. A citywide workforce housing strategy is necessary to address this issue."

Comment 11.2: In order to ensure that the economic development benefits from the Specific Plan benefit Oakland residents, developers of projects within the plan area should: (1) provide career opportunities for area youth in the construction industry by employing local apprentices enrolled in a California State Certified Labor-Management apprenticeship program; (2) pay area standard wages to construction workers employed on projects enabled by the Specific Plan; and 3) strive toward a goal of a minimum of 50% of the construction workforce from the City of Oakland.

Response: *The City imposes a number of employment and contracting programs and requirements on City public works projects, as well as private development projects that receive a City subsidy. These include the Local and Small Local Business Enterprise Program, the Local Employment/Apprenticeship Program, Living Wage requirements, and prevailing wage requirements. However, the City of Oakland's programs do not apply to private projects, including sites sold by the City for fair market value, or public works-type projects funded by private parties, including street or sidewalk improvements built as part of a new development. The City has very limited legal authority to impose its employment and contracting programs and requirements on such "private projects."*

The BVDSP Development Program, an estimate of what potentially could occur in the Plan Area within the 25-year Plan horizon, is anticipated to provide a mix of uses that would accommodate as many as 4,000 new residents and over 5,000 new jobs. This mix of uses would provide a range of job types (retail, medical, office, etc.) and a range of housing types. An overarching concept of the

Specific Plan relates to achieving “a ‘complete’ neighborhood and balanced land uses: mixed-use neighborhood that is economically and socially sustainable—providing quality jobs, diverse housing opportunities, and a complementary mix of retail, dining, entertainment, and medical uses” (BVDSF, Chapter 3). This concept is supported by goals and policies in Chapter 4 of the BVDSF that focus on enhancing the economic potential of the Plan Area through revitalizing and redeveloping underutilized areas with a mix of uses, including new businesses that provide high-quality jobs (Goals LU-2, LU-4, Policy LU-2.1). Notwithstanding, the BVDSF will be revised to include additional policies to elaborate upon the Plan’s support of high quality, local permanent and short-term construction jobs and job training. See Attachment G, p.2 for the text of the new policies.

12. Infrastructure and Utilities

Comment 12.1: There were numerous comments from East Bay Municipal Utilities District (EBMUD) about coordinating with them for their requirements.

Response: *Several policies were added to coordinate with EBMUD including: Policies I-1.2, I-1.5, I-2.1, I-2.2, I-2.5, and I-3.1.*

13. Design Guidelines

Comment 13.1: Replace the word “landscaping” with “planting.”

Response: *The word “landscaping” has been replaced with “planting” in the Design Guidelines and throughout the whole Specific Plan where appropriate.*

Comment 13.2: Remove tree grates.

Response: *In order to create a uniform streetscape appearance, as well as allowing for easier maneuverability of pedestrians around trees, the tree grate requirement was kept in, but recommendations that the Community Benefits District maintain the grates has been added.*

Comment 13.3: On design guidelines 6 should add to the guidelines that developers really think about how buildings look from the I-580 freeway.

Response: *DG 6. Sites Adjacent to I-580: the text “buildings that are visible from I-580 should take into account the Scenic Corridor designation for the interstate, and include aesthetic roof and façade elements” has been added to address views from I-580.*

Comment 13.4: In the design guideline about rooftop open space wording should be added for roof top open space on top of parking garages as well.

Response: *DG 85 Rooftop Open Space: text has been added to also encourage roof top open space on top of parking garages.*

Comment 13.5: Should add in Section 3.1.3 about site furnishings and should incorporate the words “high quality” into the guidelines.

Response: *Design Guidelines DG 161 Unified Design Identity, DG 164 Seating, DG 166 Movable Chairs, and DG 168 Café Furniture: all added that these items should be of high quality.*

Comment 13.6: Design guideline 169 about bus stop, I would like to add the word transparency.

Response: DG 170 Shelter Design: added that transit shelters should be transparent.

Comment 13.7: Former Design guideline 178, now DG 180 should add to use the self-compacting solar powered trash containers.

Response: DG 180 Trash Receptacles Design: for trash receptacles it was added that they should be self-compacting where feasible.

Comment 13.8: Require Silva Cells or equivalent beneath all planted materials.

Response: In both Design Guideline 193 and 195, language was added about using Silva Cells or a similar brand.

Comment 13.9: The LPAB, at its May 12, 2014 meeting, recommended that language in DG 124 should shift from “consider” and made more “proactive” and “affirmative”, as well as include additional information about preserving architectural materials and features, etc. Also, in DG 128 the LPAB requested that a photo be added of the Waverly Street Residential ASI District.

Response: The following will be changed in the BVDSP Design Guidelines to reflect the LPAB recommendations, additions are underlined and deletions are in ~~strikeout~~:

• DG 124 Adaptive Reuse:

When adapting or altering historic resources, ~~consider~~ the following is recommended:

- Avoid removal of Retain and Repair historic materials or covering historic architectural details with cladding, awnings, or signage.
- Identify, retain, and preserve architectural materials and features that are important in identifying historic character.

• DG 128 Waverly Street Residential Area of Secondary Importance (ASI) District: a photo will be added to the Design Guidelines of the Waverly Street Residential ASI District.

Summary of Changes to the Broadway Valdez District Specific Plan and Associated General Plan Amendments, Municipal Code and Planning Code Amendments, Zoning Maps, Height Maps and Design Guidelines Up Until Publication of Planning Commission Staff Report (5-16-14)

The following summarizes changes made to the Broadway Valdez District Specific Plan and Associated General Plan Amendments, Municipal Code and Planning Code Amendments, Zoning Maps, Height Maps and Design Guidelines since they were previously reviewed by advisory boards and the Planning Commission, and, as indicated, since the May 1, 2014 publication of the Final Specific Plan and the May 12, 2014 Landmarks Preservation Advisory Staff Report (which are generally denoted by shaded text).

A. Changes to the BVDSP:

- **Chapter 1 Introduction.** Aspects of the retail analysis have been updated, focusing on retail expenditures, retail sales, and sales leakage, and on auto-related retail sales in the Plan Area. This follow up analysis shows that the conditions found in earlier studies continue to occur, with nearly two-thirds of comparison goods expenditures by Oakland residents being made outside of Oakland because of a lack of shopping opportunities in the city. See Section 1.3 Planning Context.
- **Chapter 2: Planning Context.** Statistics of trade area demographics, household income, per capita income, employment rates, and other localized economic statistics presented in this chapter have been updated. Ultimately, the updated statistics and discussion regarding the comparison goods retail market analysis continue to highlight strong market support for new comparison goods shopping development in the Plan and elsewhere in Oakland, including other parts of Downtown and the Broadway Corridor. See Sections 2.3 Market Condition.
- **Chapter 3 Vision and Goals.** The Vision and Goals chapter has been updated to present modified Plan goals and policies as presented in the other chapters of Final Specific Plan.
- **Chapter 4 Land Use**
 - *Leveraging Existing Assets.* Policy LU-3.2 has been revised to indicate that revitalization efforts in the Plan Area are meant to link not just with those of Downtown Oakland but of the Uptown Entertainment District as well, and referenced the implementation policies related to the Uptown Coordination Area depicted in the Final Specific Plan Figure 8.2 and its associated discussion.
 - *Retail.* More language has been added for the Specific Plan's encouragement of neighborhood-serving retail and independent retail in addition to destination retail. At the end of Policy LU 2.1, the following sentence has been added: "The Broadway Valdez District will include not only destination retail, but neighborhood-serving options such as grocery stores and pharmacies, to serve residential development." And in Policy 9.3 that addresses the North End the following sentence has been added: "Retail development in the North End will allow for neighborhood-serving uses, potentially including grocery stores and pharmacies, which will allow residents to obtain options for healthy food and daily needs."
 - *Active Ground Floor Uses.* In the zoning regulations and Policy LU-10.6 for the Large Opportunity Sites, the North Large Development Site Combining Zone, the active use requirements and exclusion of residential have been modified to only include the front 60 feet of frontage along Broadway. Because these parcels are very deep and in some cases

have frontages on more than one street, residential and other uses are allowed on the ground floor beyond the 60' of frontage along Broadway.

- *Retail Priority Sites.* Figure 4.4 Some of the Retail Priority Sites were broken up into smaller sub areas: for Retail Priority Site 3 from the previous (a) and (b) to now (a), (b), and (c) and Retail Priority Site 4 now has an (a) and (b). After publication of the Specific Plan on May 1, 2014, Retail Priority Site 5 was also further subdivided from the previous (a) and (b) to now (a), (b), and (c), see the main part of the Staff Report, the Overview section, item #5.
- *Entertainment Overlay.* Discussion of a potential Entertainment Overlay has been eliminated from the Plan and therefore the exemption from the Dark Skies requirement is also eliminated.
- *Open Space.* The following incentives in Policy LU-10.9 pertain to Public Open Space: in the Retail Priority Sites, publicly accessible plazas and open space can be counted toward the minimum square footage of retail that is required in order to build residential; a similar open space requirement is allowed as in the Central Business District, where plaza space can count towards a residential development's open space requirement; an in-lieu fee can be paid in a residential project instead of building on site open space, this fee could be used to enhance existing plazas that are currently being used to display auto dealership cars, and to enhance existing open space in the Plan Area.
- *Housing.* More detailed strategies for affordable housing are included in Policy LU-10.9. These include: changes in the Broadway Valdez District zoning will add to these incentives by no longer requiring a Conditional Use Permit (CUP) to have reduced parking for senior housing and allow for reduced parking for affordable housing. A new reduction of open space requirements by right for both senior and affordable housing is included in the zoning as well. The plan calls for new zoning incentives for the Retail Priority Sites that will grant an additional residential bonus to projects providing a certain percentage of affordable housing as part of their overall project or on another Retail Priority Site.

The City is exploring the feasibility of developing a Housing Overlay Zone (HOZ) that would target those areas throughout the city that are most prime for development and could most likely provide community benefits, such as affordable housing or open space. The analysis process will identify an appropriate method for allowing additional heights or density in exchange for the provision of affordable housing or other community benefits.

Further discussion of these implementation strategies is discussed in Chapter 8, Section 8.4 Affordable Housing Implementation Strategy. Additional Sites were added to Figure 8.5 Potentially Competitive Sites for Low Income Housing Tax Credits to further correspond with the city's Housing Element update.

- *Jobs.* In response to comments received after publication of the BVDSP on May 1, 2014 and after the May 12, 2014 LPAB meeting (see Attachment F, Comment 11.2) the following policies will be added to Chapter 4: Land Use under Goal LU-4: "Enhanced economic potential of the Plan Area resulting from the revitalization and redevelopment of existing underutilized areas" (additions/deletions are shown in underline and ~~strikeout~~ text:

Policy LU-4.3: Encourage infill development along Broadway that will improve the corridor's economic vitality, enhance the definition and character of the corridor, and create better pedestrian scale and orientation.

Policy LU-4.4: Encourage a mix of land uses and development that will generate a range of job and career opportunities, including permanent, well-paying, and green jobs that could provide work for local residents.

Policy LU-4.5: Support the provision of local job training opportunities for jobs being developed both in the Planning Area and the region, particularly those accessible via the transit network.

Policy LU-4.6: Support local and/or targeted hiring for contracting and construction jobs for implementation of the Plan (i.e., construction of infrastructure).

Policy LU-4.7: Continue to support job training and readiness services through the Workforce Investment Board by providing information about resources that are available, and encourage that these services are publicized and in a manner that is accessible to Planning Area Oakland residents.

Policy LU-4.8: Encourage local businesses to offer internship, mentoring and apprenticeship programs to high school and college students.

New development on vacant and underutilized lots, and redevelopment of currently developed parcels, should be used to incrementally reconfigure and revitalize the Broadway street frontage. These changes involve a transition from the predominantly automobile-oriented uses that currently characterize the corridor to a more diverse mix of uses. The intent is to both diversify the economic base and to add uses that will attract people to the area on a regular basis, rather than just on the occasion of purchasing or repairing one's car.

Encouraging a mix of land uses that will generate a range of jobs—retail, medical, office and other professional service uses, as well as short term construction jobs—and a range of housing types is a key component of the Plan. The City imposes a number of employment and contracting programs and requirements on City public works projects, as well as private development projects that receive a City subsidy. These include the Local and Small Local Business Enterprise Program, the Local Employment/Apprenticeship Program, Living Wage requirements, and prevailing wage requirements. However, the City of Oakland's programs do not apply to private projects, including sites sold by the City for fair market value, or public works-type projects funded by private parties, including street or sidewalk improvements built as part of a new development. The City has very limited legal authority to impose its employment and contracting programs and requirements on such "private projects." As such, the Plan supports continuing to provide private developers and business owners with information about workforce development programs, including those administered by the City or other organizations, in order to encourage opportunities for the creation of high quality, local jobs and job training programs.

- *Historic Preservation.* A more robust set of policies and incentives to preserve and enhance existing buildings, including those that are not deemed to be CEQA historic resources were added. There are a variety of incentives that have been added in Policy LU-10.9 of the Specific Plan and included in the revised zoning regulations, these include among others: existing buildings to count towards the minimal required square footage of retail before residential is allowed as well as a CEQA Historic Resource's square footage can be counted as double towards obtaining residential, no parking or open space requirements when converting from commercial to residential use or vice versa when it is a Potential Designated Historic Property (PDHP) or CEQA Historic Resource. Also, if a PDHP or a CEQA Historic Resource is incorporated as part of a larger project the area that is incorporated will be exempt from parking and open space requirements.

The original Policy LU-11.2 of the Specific Plan has been eliminated to reduce the emphasis on destination retail taking a priority over adaptive reuse of existing buildings and replaced with the new Policy LU-11.2 Support current efforts to establish a state historic tax credit program and related Policy IMP 5-1. Policy CD-3.15 is now CD-3.16 and was revised to reduce the emphasis on destination retail taking a priority over adaptive reuse of existing buildings and CEQA historic resources, and to help balance these competing goals.

- **Chapter 5 Community Design.** The majority of modifications within this chapter intend to bring more of a balance of destination retail in the Specific Plan and to encourage the protection and reuse of the Plan Area's historic buildings. The language in Policy CD-3.8 is revised to reflect greater flexibility in the Retail Priority Site proposed on the blocks on either side of Waverly Street and to reduce the emphasis on redevelopment of these parcels as a whole.

In Policy CD-2.23 the following has been added: "An additional gateway is the 20th Street entrance/exit to the 19th Street BART Station, which is an existing, established gateway into the Plan Area just south of the Valdez Triangle."

The following text has been added under Neighborhood Streets for 28th Street: "28th Street represents an important pedestrian connection for seniors living in the area. To enhance the pedestrian environment and safety, the stairway that connects 28th Street to Hamilton Place should include landscape and lighting improvements and street trees should be planted along both sides of 28th Street."

The following policy has been added:

Policy CD-3.10: Ensure that development on the Retail Priority Site on the west side of Broadway between 24th and 25th streets creates an active, ground-level facade that supports pedestrian activity and further contributes to the creation of a continuous retail frontage along Broadway.

The primary objective on this opportunity site will be to activate the Broadway frontage and further extend northward the strong pedestrian-oriented streetscape that currently exists to the south. The existing Historic Resource, Pacific Kissel Kar salesroom and garage, on half of the Broadway frontage at 24th Street could be incorporated with a new development next door to fill in the vacant parking lot on the half of the Broadway frontage and 25th Street. This will further allow for a continuous retail frontage and pedestrian environment along Broadway.

- **Chapter 6 Circulation.** The following Policies have been added:

- Policy C-3.4 Increase bicycle parking supply in the public realm.
 - In Policy C-5.1 a bullet was added to “Work with businesses to display the next bus arrival times for their customers.”
 - Policy C-5.4 Work with BART on their proposal to update and “rebrand” the 19th Street BART station, including providing signage to provide information about the Broadway Valdez retail district area and other nearby destinations while passengers are on the train and at the station.
 - Policy C-5.5 Work with business-owners to display the next BART arrival times within their businesses.
 - Policy C-6.8 Require residential developments to unbundle the cost of parking from the cost of housing.
 - Policy C-6.9 Establish a parking in-lieu fee program so that developers have the option of either constructing off-street parking consistent with City of Oakland Zoning Code or paying the parking in-lieu fee.
 - Policy C-6.10 Reduce the amount of parking required by the Planning Code.
- **Chapter 7 Infrastructure and Utilities.** Several policies have been added to coordinate with EBMUD including: Policies I-1.2, I-1.5, I-2.1, I-2.2, I-2.5, I-3.1.
 - **Chapter 8 Implementation.** Modifications to this chapter have involved a reorganized presentation of the data, and revisions to the components necessary to implement the Specific Plan. For instance, what was originally referred to as ‘phasing tiers’ in the Implementation chapter have been renamed ‘priority tiers’, in order to emphasize that since the Plan is intended to happen organically, it is hard to predict the exact order or phase in which each implementation item will occur. The Plan instead now has a list of priorities to implement when different sites develop. Public Realm infrastructure are the only items that are now listed and streetscape and bicycle and pedestrian improvements have been moved to higher priorities, along with utilizing existing parking first. A new parking structure would only be considered as part of a larger retail project and the city will consider the potential for some portion of a contribution to the structure if needed to help bring in the first catalyst retail project.

- The following in Policy IMP-5.1 will be changed to reflect recommendations from the LPAB at its May 12, 2014 meeting, additions are underlined and deletions are in ~~strikeout~~:

Policy IMP-5.1

~~Consider. The City will pursue developing a package of incentives that will encourage landowners and developers to renovate and/or adaptively reuse historic buildings, especially in the designated Adaptive Reuse Priority Areas. Potential preservation strategies to be considered should include the following: Facade Improvement Grants; Facade Easements; Transfer of Development Rights (TDR); Extension of the California State Historical Building Code (SHBC); Reduced Fees and Expedited Development Review; Federal Historic Tax Credits; Recognition of Plan Area historic resources that promotes broad community awareness (e.g., plaque program); Mills Act (Property Tax Abatements), and Relief from Code Requirements.~~

The following represent some programs and strategies that will be pursued, might be considered:

FACADE IMPROVEMENT GRANTS

The City could will pursue reestablishment of a Façade Improvement Grant Program to encourage the reuse of eligible buildings specifically for commercial uses that are consistent with the Specific Plan (e.g., ground-floor, active retail).

FACADE EASEMENTS

The City could will pursue establishment of a Façade Easement Program to encourage the preservation of building facades in perpetuity.

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

The City could will explore establishment of a Transfer of Development Rights (TDR) Program to encourage the reuse of historically significant buildings within the Plan Area.

REDUCED FEES AND EXPEDITED DEVELOPMENT REVIEW

The City could will pursue the granting of expedited development review and reduce Planning Department fees for developments including and/or reusing eligible historic resources.

DEVELOPMENT INCENTIVES AND RELIEF FROM CODE REQUIREMENTS

Eligible properties could be granted relief from potentially financially burdensome requirements as required in the Oakland development code. These might include parking, open space, and impact fees. The City might also consider will pursue development incentives which could include, but not be limited to, flexibility in development standards, and height and density bonuses.

B. Changes to the General Plan (Specific Plan Appendix A)

Two parcels along the east side of Brook Street have been changed from Mixed Housing Type Residential to Community Commercial. The two parcels are on the northern portion of Brook just below the triangle shaped parcel. The two parcels are vacant and adjacent to the vacant triangle shaped parcel which is adjacent to a commercial use; therefore these parcels are seen as an opportunity site to develop with a commercial use on the ground floor.

C. Changes to the Zoning and Height Area Maps (Specific Plan Appendix B)

- Two parcels along the east side of Brook Street have been changed from their existing height limit of 35' and added to the adjacent 45' height limit, as well as changed from the D-BV-4 to D-BV-3 zone. These are the same two parcels that were mentioned above in the General Plan Amendments to Community Commercial and the reasoning was the same, the two parcels are vacant and adjacent to the vacant triangle-shaped parcel which is adjacent to a commercial use, so the parcels were seen as an opportunity site to develop with a commercial use on the ground floor. The added height will allow for an additional floor of residential to be built above the commercial.
- The triangle-shaped block between Broadway, Piedmont, and I-580 has been changed from Height Area 65' to 85'. The 85' height limit is more compatible with the existing "Saw Mill" building adjacent to I-580 and goes along with the concept on the west side of Broadway allowing for taller buildings as they get closer to the freeway.
- In the North End of the Plan Area, the height areas on the west side of Broadway north of 30th Street have been modified to have a lower permitted height and allow for the formerly proposed maximum height only with a Conditional Use Permit (CUP). The former 135' height area has been changed to 85'

permitted (135' with a CUP), and the former 200' height area has been changed to 135' permitted (200' with a CUP). There will be findings that have to be made to allow for the higher height. In the future, additional CUP findings could be added to require a community benefit/affordable housing in return for the additional height if a Citywide affordable housing and community benefits program is developed. This could be through a Housing Overlay Zone and/or other type of "value capture."

- The parcel along the southeast corner of Webster and Hawthorne was changed from D-BV-3 zone with the N Combining Zone to D-BV-3 with no combining zone in order to allow for greater uses on the ground floor since Webster is not considered a commercial street in this area.
- The parcels just north of 30th Street between Broadway and Brook Street have been changed from height area 65' to height area 85' to allow for a development that could potentially incorporate the existing buildings at the northeast corner of 30th Street and Broadway.
- The two parcels on the south side of 30th Street just behind the historic Firestone Tire & Rubber Service Station, soon to be a CVS Pharmacy, were changed from D-BV-4 to D-BV-3 zone to continue commercial uses a little further past the future CVS.
- Within the Retail Priority Sites Retail Priority Site 3 (a) and (b) was further divided into 3 (a), (b), and (c) in order to allow for more flexibility because of the smaller lots on the southern portion of the Priority Site. And two parcels were removed from Priority Site 3 on the southern portion that faces Valdez Street because one will have the approved Micro Living Unit project and the other is a very small parcel with an existing duplex. The zoning has been changed for this area from D-BV-1 to D-BV-2 and the height area to 85'. After publication of the Specific Plan on May 1, 2014, Retail Priority Site 5 was also further subdivided from the previous (a) and (b) to now (a), (b), and (c), see the main part of the Staff Report, the Overview section, item #5.
- Retail Priority Site 4 has been divided into two parts, (a) and (b) in order to allow for development to occur separately for the parcels that face Valdez because the Acura dealership is thriving right now and it may be a while before it is redeveloped. Therefore it was important that the west side of the site along Valdez Street be able to develop independent of the Acura site.
- Within Retail Priority Site 5(a), the tall parking structure at the northwest corner of 23rd and Waverly has been removed from the Priority Site and changed to the D-BV-2 zone and height area 250'. Because the parking structure will be needed for any new retail that is built there it would not be used for retail in and of itself, so it was removed from the Retail Priority Site.

D. Changes to Design Guidelines (Appendix C)

The word "landscaping" has been replaced with "planting" in the Design Guidelines and throughout the whole Specific Plan where it was appropriate.

The following Design Guidelines were changed:

- DG 6. Sites Adjacent to I-580: the text "buildings that are visible from I-580 should take into account the Scenic Corridor designation for the interstate, and include aesthetic roof and façade elements" has been added to address views from I-580.
- DG 85 Rooftop Open Space: text has been added to also encourage roof top open space on top of parking garages.
- DG 128 Waverly Street Residential ASI District: has been added.
- DG 161 Unified Design Identity, DG 164 Seating, DG 166 Movable Chairs, and DG 168 Café Furniture: all added that these items should be of high quality.
- DG 170 Shelter Design: added that transit shelters should be transparent.
- DG 180 Trash Receptacles Design: for trash receptacles it was added that they should be self-compacting where feasible.

- DG 192 Tree Grates: it has been added that the existing or future Community Benefit Districts in the Plan Area be directed to help maintain the trees within the grates.
- DG 194 Canopy Clearance and DG 196 Deciduous Trees: language has been added about using Silva Cells or a similar brand to help ensure that new street trees will thrive.

The following will be changed to reflect recommendations from the LPAB at its May 12, 2014 meeting, additions are underlined and deletions are in ~~strikeout~~:

- DG 124 Adaptive Reuse: Change as below:
When adapting or altering historic resources, ~~consider~~ the following is recommended:
 - ~~Avoid removal of~~ Retain and Repair historic materials or covering historic architectural details with cladding, awnings, or signage.
 - Identify, retain, and preserve architectural materials and features that are important in identifying historic character.
- DG 128 Waverly Street Residential ASI District: a photo will be added to the Design Guidelines of the Waverly Street ASI District.

E. Changes to the Planning Code

A full draft chapter of the 17.101C D-BV zone was presented at the Zoning Update Committee (ZUC) meeting in December of 2013, which was after the release of the Draft Broadway Valdez District Specific Plan. Further changes have been made since the full draft chapter of the 17.101C D-BV zone was presented at the ZUC. (See Attachment E6 for Chapter 17.101C D-BV zone with substantive changes shown in ~~strike-out~~ and underline after the ZUC meeting; see Attachment E5 for a "Clean" version of the proposed zoning regulations);.

Below are a summary of the more substantive changes:

- In Table 17.101C.01 Permitted and Conditionally Permitted Activities: Automobile and Other Light Vehicle Gas Station and Servicing as well as Automobile and Other Light Vehicle Repair and Cleaning in the D-BV-3 zone is now permitted with a Conditional Use Permit where they were prohibited before.
- The Parking and Bicycle regulations were moved to their proper chapters in the Planning Code, Chapters 17.116 Off-Street Parking and Loading Requirements and 17.117 Bicycle Parking Requirements.
- In Table 17.101C.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations: the former 135' height area has been changed to 85' permitted (135' with a CUP), and the former 200' height area has been changed to 135' permitted (200' with a CUP). CUP findings that have to be made to allow for the higher height. In the future, additional CUP findings could be added to require a community benefit/affordable housing in return for the additional height if a Citywide affordable housing and community benefits program is developed. This could be through a Housing Overlay Zone and/or other type of "value capture."
- Tables 17.101C.05 and 17.101C.06 have been revised that address the minimum square footages required for the Retail Priority Sites and the bonuses received. The minimum square footage of retail area for a residential bonus has been revised to require an equal percentage of retail for all of the Retail Priority Sites. As well as the minimums required for retail on each Retail Priority Site was reduced and the residential bonus was increased in order to help further incentivize the retail to be built. There are now two tiers of minimum percentages that are required. Height, FAR and residential bonus are based on the provision of certain minimum thresholds of retail square footage equal to a percentage of the total area of each Retail Priority Site, which may contain multiple parcels with different owners. As shown in Table 17.101C.05, if 50% of the Retail Priority Site is provided as retail square footage in a project,

then a height, FAR, and residential bonus are established; if 60% of the Retail Priority Site is provided as retail square footage, then a larger residential bonus will be permitted, as well as the right to transfer development rights for those residential units to another parcel or parcels within a Retail Priority Site that could not meet the minimum retail square footage requirements on its/their own. The amount of residential units as a bonus is now tied to the amount of square footage of retail provided, instead of determined by the lot size as in the previous proposal. This allows a clear bonus system tied directly to retail, the more retail square footage that is provided the more housing units that are permitted. Also added is an additional 35% residential bonus is provided if 15% affordable housing is included in the project or built within another Retail Priority Site. An exception is now provided if one cannot meet the minimum retail square footage through a conditional use permit (CUP) with criteria that include, but not limited to; if demonstrated through architectural studies of at least one or more alternative, that a project would be physically infeasible due to operational and/or site constraints if it were to meet the minimum retail square footage specified.

- What counts as retail and what doesn't count has also been slightly modified. Existing buildings can count towards the minimal required square footage of retail before residential is allowed; a CEQA Historic Resource's square footage can be counted as double towards obtaining residential or if it is maintained and not used for retail, the square feet of its footprint can be deducted from the overall square footage of the Retail Priority Site in determining the square footage of retail required. Ground floor public plaza/open space(s) that is on site or adjacent offsite can also count towards the minimum retail square footage to help incentivize providing plaza/open space that can be used by the public.
- And some of the Retail Priority Sites were broken up into smaller sub areas: for Retail Priority Site 3 from the previous (a) and (b) to now (a), (b), and (c) and Retail Priority Site 4 now has an (a) and (b). After publication of the Specific Plan on May 1, 2014, Retail Priority Site 5 was also further subdivided from the previous (a) and (b) to now (a), (b), and (c), see the main part of the Staff Report, the Overview section, item #5.

Substantive revisions from the May 12, 2014 version submitted to the Landmarks Preservation Advisory Board are summarized below. See Attachment E6 for actual revisions.

- In Table 17.101C.01 Permitted and Conditionally Permitted Activities, the following limitation was added to General Food Sales, Full Service Restaurants, Limited Service Restaurant and Café, Fast Food Restaurant, Alcoholic Beverage Sales, General Retail Sales, Group Assembly, Automobile and Other Light Vehicle Sales and Rental:

L11. Only these activities can be counted towards the retail floor area that is required in order to build residential as a bonus. For General Food Sales Commercial, no more than 5,000 square feet can be counted toward the residential bonus threshold; for Group Assembly Commercial, only a movie theatre that is above the ground floor can be counted toward the residential bonus threshold; for Automobile and Other Light Vehicle Sales and Rental, only the interior showroom space can be counted toward the residential bonus threshold (space for auto repair, interior/outdoor inventory storage, and outdoor sales is **not** included).

- In Table 17.101C.05 and Table 17.101C.06 the following was added that is shown in underline:
 - *The following contribute to the retail square footage minimums:
 - o Retail floor area (see Limitation L11 in Table 17.101C.01 for all of the complementary activities that count as retail floor area)
- In Table 17.101C.04 and Table 17.101C.06 in the Additional Regulation 8 and 6 respectively, there was language added that open space in-lieu fees shall be deposited with the City of Oakland prior to issuance of a building permit and when fees can be refunded.

**LIST AND MAP OF CEQA RESOURCES IN THE
BROADWAY VALDEZ DISTRICT SPECIFIC PLAN AREA**

**SUMMARY TABLE OF CEQA HISTORIC RESOURCES WITHIN PLAN AREA
(BVDSP DEIR: TABLE 4.4-1)**

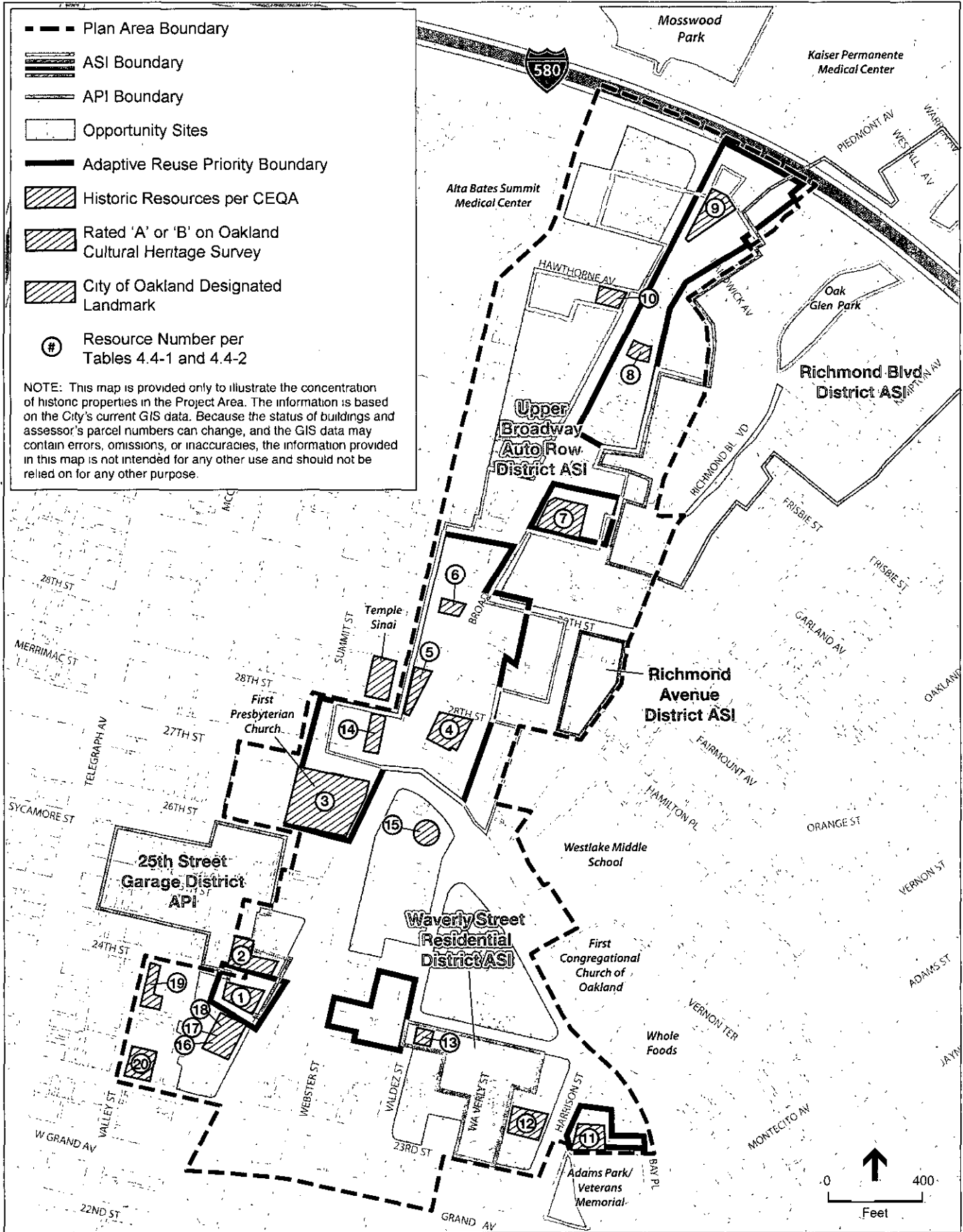
Key #	Street Address	Year Built	Historic Name/Current Name	OCHS Rating/Survey Type
1	2355 Broadway	1913-14	Packard & Maxwell Don Lee Western Auto Bldg / Packard Lofts	B+1+, Study List, API contributor / Intensive Survey
2	2401 Broadway	1913-14	Pacific Kissel Kar salesroom and garage/Oakland Mitsubishi	Eb-1*, API contingency contributor (restoration potential)/ Intensive Survey
3	2601-19 Broadway	1913-14	First Presbyterian Church/same	A3, Study List/ Intensive Survey
4	2740 Broadway	1929	Pacific Nash Co. auto sales and garage/Volkswagen of Oakland	Cb+2+, proposed B rating in 2009 Survey/ Intensive Survey
5	2801-25 Broadway	1916	Arnstein-Field & Lee Star showroom/none	Cb+2+, proposed B-rating in 2009 Survey/ Intensive Survey
6	2863-69 Broadway	1892	Scherman building/none	B*2+/ Intensive Survey
7	2946-64 Broadway	1930	Firestone Tire & Rubber service station/Mercedes Benz of Oakland	B-2+/ Intensive Survey
8	3074 Broadway	1917	Grandjean Burman GM Co-Alzina garage / Window Tinting Plus	B-2+/ Intensive Survey
9	3330-60 Broadway	1917	Eisenback (Leo)-Strough (Val) showroom/Honda of Oakland	B*2+/ Intensive Survey
10	3093 Broadway	1947	Connell GMC Pontiac Cadillac/Bay City Chevrolet	Cb+2+, proposed B rating in 2009 Survey/ Intensive Survey
11	2332 Harrison St	1925-26	YWCA Blue Triangle Club/Lake Merritt Lodge	A3/ Intensive Survey
12	2333 Harrison St	1915-18	Seventh Church of Christ Scientist/unoccupied	A3/ Intensive Survey
13	2346 Valdez St	1909-10	Newsom Apartments/same	B+2+/ Intensive Survey
14	2735 Webster St	1924	Howard Automobile-Dahl Chevrolet showroom /Infiniti of Oakland	Cb+2+, proposed B-rating in 2009 Survey/ Intensive Survey
15	315 27th St	1962-64	Biff's II Coffee Shop/JJ's - /unoccupied	*b+3, Heritage Property, determined eligible as a Landmark status on 1/13/97 / Intensive Survey
25th Street Garage District (existing API)				

CEQA HISTORIC RESOURCES WITHIN PLAN AREA IDENTIFIED IN A PREVIOUS EIR
(BVDSP DEIR: TABLE 4.4-2)

	Street Address	Year Built	Historic Name/Current Name	OCHS Rating and Notes
16	2335 Broadway	1920	Dinsmore Brothers Auto Accessories Building/Unoccupied	Eb+3. Heavily altered but with rehabilitation potential. Designed by renowned California architect Julia Morgan / Intensive Survey
17	2343 Broadway	1924-25	Kiel (Arthur) auto showroom/ Unoccupied	Ec3. Heavily altered but with rehabilitation potential / Intensive Survey
18	2345 Broadway	1920	J E. French Dodge showroom/ Unoccupied	Eb-3 Heavily altered but with rehabilitation potential / Intensive Survey
19	2366-2398 Valley Street	1936	Art Deco warehouse/none	Cb-2+. Rehabilitation potential / Intensive Survey
20	440-448 23rd Street	1919	Elliot (C.T.) Shop-Valley Auto Garage/Unoccupied	Cb+2+. Rehabilitation potential / Intensive Survey

CEQA HISTORIC DISTRICT WITHIN THE PLAN AREA
(BVDSP DEIR: TABLE 4.4-3)

District Name	District Contributor Name and Address
25th Street Garage District API	Packard & Maxwell Don Lee Western Auto Bldg / Packard Lofts – 2355 Broadway



SOURCE ESA

Broadway Valdez District Specific Plan . 208522
Figure 4.4-2
 Historic Resources in the Plan Area

Proposed Voluntary Parking In-lieu Fee for the Broadway Valdez District

Chapter 17.116 Off-Street Parking and Loading Requirements of the Oakland Planning Code establishes requirements for the number of parking spaces that must be provided based on the type of activity proposed. In addition to the new Zoning Chapter for the Broadway Valdez Specific Plan, there are also changes proposed to Chapter 17.116 Off-Street Parking and Loading Requirements, as part of the Broadway Valdez District Specific Plan. Among other changes mainly related to reductions in required parking for residential and commercial uses, and for reusing historic resources, a voluntary parking in-lieu fee is also proposed. Staff received many comments from the public workshops and meetings with stakeholders supporting the creation of a parking in-lieu fee.

The proposed new BVD Zoning Regulations (Chapter 17.101C) allow for the parking space requirements for both residential and commercial activities to be reduced or waived with a conditional use permit (CUP) and with the payment of an in-lieu fee to be used for increasing parking supply or decreasing the demand for parking in the BVDSP Area. As a result, no variances will be allowed for reduced parking.

A. Purpose

The purpose of the in-lieu fee is to provide a mechanism that will allow for flexibility to increase parking supply and decrease parking demand in multiple ways in the BVDSP Area. Developers may elect to provide on-site parking (or not) as dictated by the market/financial feasibility and/or site constraints, and pay into the fee for some portion or all of the required spaces. This could facilitate some smaller infill projects to occur that would otherwise not go forward due to site constraints to provide required parking. The in-lieu fee option would also help avoid having decentralized parking (and multiple curb-cuts for entrances/exits to garages) spread across multiple sites by encouraging shared parking (since the in-lieu fee could be used to pay/lease spaces in existing garage facilities) and/or concentrating resources in a centralized parking facility.

The in-lieu fee would provide funding to support the transportation policies, projects, and programs called for in the LUTE of the Oakland General Plan to improve public health, economic and community development, equity of access, and environmental sustainability; this is discussed in further detail in the proposed in-lieu fee components below. It is important to emphasize that the purpose of the new in-lieu fee is not to generate all of the revenue required to replace parking on a "one-to-one" basis. Cities that set their fee in this manner have had little success in generating revenue, as it offers no financial incentive to developers to participate in the program and pay the in-lieu fee.

B. Proposed In-Lieu Fee Components

1. Voluntary Parking In-Lieu Fee - The proposed in-lieu fee would be a voluntary fee for those developments that choose not to provide code-required parking onsite (because of site constraints, financial feasibility, or both)
2. Fee Structure Based on Parking Spaces - The new parking in-lieu fee would be calculated on the number of code-required parking spaces that are not provided onsite. The number of required parking spaces would be based on the proposed new zoning regulations for the Broadway Valdez District.

3. Fee Amount – Based on a review of typical parking structure costs, staff is recommending that the initial fee level be set at \$20,000 per space for all land uses or projects within the proposed BVDSP Area. Cost to construct either above- or below-grade structured parking ranges from \$30,000 to \$50,000 (see examples of costs to construct a parking space provided at the end of this Attachment). The fee would be adjusted based on a construction cost index so that the fee would not decline in value over time.
 - The fee of \$20,000 per space is recommended because it would be an amount that is less than a private developer's cost to construct either above- or below-grade structured parking (which ranges from \$30,000 to \$50,000), and thus would be an inducement for a developer to participate.
 - A lower fee would encourage developers to opt to pay the in-lieu fee and result in less new parking being built; however it would also raise less revenue for new parking/leasing existing spaces/TDM programs; a higher fee could have the potential to raise more revenue but that could be also influence developers to choose to provide their own parking instead of paying the fee.
 - Another option could be to set a lower fee initially and then increase it over time.
4. Payment Options - Payment options could be a one-time upfront payment or an equal installment plan over a short duration (e.g. equal installment basis over 4 years with the first payment due prior to the first certificate of occupancy being issued; subsequent payments could be secured via a financial guarantee acceptable to the City (including bonds, certificates of deposit, a letter of credit and/or a deed of trust). Payment shall be deposited with the City of Oakland prior to issuance of a building permit. A parking in-lieu fee may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional off-street parking spaces are provided for such building or use, by others than the City so as to satisfy the parking requirement for which the in-lieu payment was made. To obtain a refund, the required off-street parking spaces must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.
5. Applicable Area – Broadway Valdez District Specific Plan Area.
6. Change of Use – all uses (e.g. retail, commercial or residential) and changes of use (including additions or renovations) would be eligible for the parking in-lieu fee.
7. Percent of Required Parking – Within the applicable geography, up to 100% of the parking requirement for new development, additional renovations or change of use may be satisfied by the payment of in-lieu fees.
8. Use of Proposed Parking In-Lieu Fee Program Revenue – Fees would be allocated for improvements in the BVDSP Area that increase the supply or reduce the demand for public parking, which could cover a range of items such as funding additional parking facilities (very costly) as well as the (lower cost, more cost effective) transit, bike and pedestrian infrastructure improvements and transportation demand management (TDM) programs; leasing of available private spaces; and improved parking management of existing supply, as discussed in policies in the BVDSP in Chapter 6: Circulation, under Goals C-2, C-3, C-5, C-6 and C-7.

9. Payers Rights and Obligations –

- In combination with the spaces provided on-site, payment of the fee shall be considered full satisfaction of the off-street parking requirement, as determined by Chapter 17.116.
- Payment of the fee does not represent an obligation of the City to provide parking spaces through the construction of a new garage or any other particular means.
- Payment of the fee does not represent an obligation of the City to make available parking spaces within any particular amount of time.
- Payment of the fee does not entitle the applicant, his/her tenants, or his/her clients to free use of any public parking spaces.
- Payment of the fee does not entitle the applicant, his/her tenants, or his/her clients to exclusive or private use of any public parking spaces.

10. Administration

- A dedicated fund, separate from the General Fund would be created that would be managed by the Planning and Building Department (in the longer-term, we could consider that the fund would be managed by *(a newly created)* Transportation Parking Management Agency).
- As a best practice, staff proposes to provide regular public reporting on the program, including but not limited to information such as program goals, expenditure plan, utilization rate, amounts collected and expended and documentation of how program goals have been achieved.

11. To Establish In-Lieu Fee

- Amendments to Planning Code and Master Fee Schedule are proposed.

Proposed Voluntary Open Space In-lieu Fee for the Broadway Valdez District

Oakland requires a minimum square footage of open space be provided per residential unit that is constructed; this amount varies per zone/height area and typically requires more square footage per unit for lower density zone/height areas and less square footage per unit for higher density zones. In the proposed Zoning Regulations (Chapter 17.101C D-BR Broadway Valdez District Commercial Zone in Tables 17.101C.04 and Table 17.101C.06), the minimum square footage of open space that is required per Height Area is listed along with the types of open space that are acceptable including; Private Open Space (accessible from a single unit); Rooftop; Courtyard; Private Group Community Room; and Public Ground-Floor Plaza.

The proposed Zoning Regulations (Additional Regulations for Tables 17.101C.04 and 17.101C.06) allow for the open space requirements to be reduced or waived upon the granting of a Conditional Use Permit and payment of an in-lieu fee to be used to pay for new public open space/plaza(s) or existing public open space/plaza(s) improvements. As a result, and to encourage payment of the in-lieu fee, no variances will be granted for reduced open space. Staff received comments from the public workshops and meetings with stakeholders supporting the creation of an open space in-lieu fee. The in-lieu fee can help with the improvements called for in the Specific Plan in the action Table 8.6 as mentioned below.

A. Purpose

The purpose of the in-lieu fee is to provide a mechanism that will allow for flexibility to increase open space/plaza(s) or to pay for existing public open space/plaza(s) improvements in the BVDSP Area. Developers may elect to provide on-site open space (or not) as dictated by the market/financial feasibility and/or site constraints, and/or pay into the fee for some portion or all of the required open space. This could facilitate some smaller infill projects to occur that would otherwise not go forward due to site constraints to provide open space and/or could allow for additional units on both smaller and larger lots to help maximize a site's density. It is important to emphasize that the purpose of the new in-lieu fee is not to generate all of the revenue the developer would require to build the open space, but to charge slightly lower than anticipated costs in order to incentivize developers to participate in the program and pay the in-lieu fee.

The in-lieu fee would provide funding to support the policies and projects called for in the OSCAR of the Oakland General Plan to improve parks and open space in the Central Planning Area, such as extending Oak Glen park with a creekside trail south to 29th Street and making provisions for sunlit plazas, pedestrian spaces and "pocket" parks as Downtown redevelopment occurs. Also, there are a number of actions in Table 8.6: Broadway Valdez District Action Plan of the Specific Plan under action F. Streets, Streetscape and Plazas that the in-lieu fees collected could be used for including, but not limited to; #1.b. Plaza Improvements at 24th Street and Harrison, #5.e. Plaza Improvements at Broadway and 27th, #5.f. Plaza Improvements at Broadway and 25th, #5.h. Plaza/Pedestrian Street between 20th and Hawthorne, #6.d. Plaza Improvements at Valdez and 27th, #8.a. Plaza at Piedmont and Broadway, 8.g. Plaza Improvements at Hawthorne and Webster Streets, #9.a. I-580 underpass improvements, and #10.a. and b. Creekside Linear Park Improvements along Glen Echo Creek.

B. Proposed In-Lieu Fee Components

1. Voluntary Open Space In-Lieu Fee - The proposed in-lieu fee would be a voluntary fee for those developments that choose not to provide code-required open space onsite (because of site constraints, financial feasibility, or both)
2. Fee Structure Based on Open Space square footage - The new open space in-lieu fee would be calculated on the square footage of open space that is not provided onsite. The square footage of required open space would be based on the proposed new zoning regulations for the Broadway Valdez District.
3. Fee Amount – Based on a review of average land value and cost to construct open space, staff is recommending that the initial fee level be set at \$30 per square foot of open space for all residential projects within the proposed BVDSF Area. The fee would automatically adjust annually based on a construction cost index so that the fee would not decline in value over time.
 - The fee of \$30 per square footage is recommended because it would be an amount that is less than a private developer's cost to construct open space and average land value, which ranges from \$34 to \$50 a square foot (see details in Section C below), and thus would be an inducement for a developer to participate.
4. Payment Options - Payment shall be deposited with the City of Oakland prior to issuance of a building permit. An open space in-lieu fee may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional open space is provided for such building so as to satisfy the open space requirement for which the in-lieu payment was made. To obtain a refund, the required open space must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.
5. Applicable Area – Broadway Valdez District Specific Plan Area.
6. Change of Use – From commercial to residential and additions of units would be eligible for the open space in-lieu fee.
7. Percent of Open Space – Within the applicable geography, up to 100% of the open space requirement for new development, additional renovations or change of use may be satisfied by the payment of in-lieu fees.
8. Use of Proposed Open Space In-Lieu Fee Program Revenue – Fees would be allocated for new public open space/plaza(s) or existing public open space/plaza(s) improvements and used for the Action items in Table 8.6 listed above.
9. Payers, Rights and Obligations – Payment of the fee does not entitle the applicant, his/her tenants, or his/her clients to exclusive or private use of any public open space/plaza(s).
10. Administration
 - Creation of a dedicated fund, separate from the General Fund that would be managed by the Planning and Building Department.
 - As a best practice, staff proposes to provide regular public reporting on the program, including but not limited to information such as program goals, expenditure plan, utilization rate, amounts collected and expended and documentation of how program goals have been achieved.
11. To Establish In-Lieu Fee
 - Amendments to Planning Code and Master Fee Schedule (Ordinance No. 13184, C.M.S., as amended) are proposed.

C. Proposed In-Lieu Fee Background

The fee charged per square feet of open space waived is often based on land value, which can vary per City. For example, the City of Emeryville charges \$125 per square foot of required open space not provided.¹ As detailed below, staff is proposing \$30 per square foot, based upon an average land cost of \$50 per square foot as well as actual costs to construct open space from information provided by developers of recent projects which is estimated at \$35 a square foot.

The City of Oakland recently commissioned a Downtown Oakland Development Feasibility Study, dated November 25, 2013, by AECOM. In that study, land cost was determined to average about \$50 per square foot in the Lake Merritt Station Plan Area (Table 5, page 44) which is considered representative of the Broadway Valdez Specific Plan Area, but could be as high as \$100 per square foot for "premium" locations (page 60).

Information provided by developers have shown that for recent projects the actual costs to construct open space came out to around \$35 a square foot for on top of podiums and around \$5,000 for providing an individual balcony for a unit.

Therefore, the fee per square footage charged for not providing open space should be based on a combination of the land value that the open space would have cost, \$50 per square foot and the actual construction cost to build open space. The decision has been made to charge a fee slightly lower than the land cost and construction cost in order to make it more advantageous for developers to take advantage of the in-lieu fee and therefore provide money to be used to pay for either new public open space/plaza(s) or existing public open space/plaza(s) improvements within the Broadway Valdez District.

The amount of open space required per regular unit in the D-BR zone is either 100 square foot per unit in the 45 and 65 foot height areas and 75 square foot per unit in all other height areas. If the City were to charge \$50 per square foot this would either equal \$5,000 per unit in the 45 and 65 foot height areas and \$3,750 per unit in all other height areas. An alternative could be to charge slightly lower at \$30 per square foot, which would equal \$3,000 per unit in the 45 and 65 foot height areas and \$2,250 per unit in all other height areas.

Staff recommends that because this is a new program that the in-lieu fee for open space charge the lower amount of \$30 per square foot of open space a developer does not provide, in order to make it more attractive for developers to take advantage of the program.

¹ Emeryville Code EMC Section 9-4.303(a)(3)b

CITY OF OAKLAND



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Planning and Building Department
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Landmarks Preservation Advisory Board

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May 13, 2014

City Planning Commission:

At its regular meeting of May 12, 2014, the Landmarks Preservation Advisory Board held a public hearing and commented on the Broadway Valdez District-Specific Plan and FEIR. Public speakers addressed the Waverly neighborhood (“family friendly” buildings currently home to 92 households; residential character of Harrison Street); potential for Biff’s as a restored 24-hour diner in the arts district surrounded by housing; and pedestrian and vehicle traffic patterns and business turnover in a central business district.

Board members Valerie Garry (chair), Chris Andrews (vice chair), Eleanor Casson, and Stafford Buckley offered the following comments and unanimously voted to forward them to the Planning Commission. (Mary MacDonald was absent, Peter Birkholz and Frank Flores were recused.)

The board **supports** the removal of the policy that had allowed new development to take precedence over adaptive reuse.

The board **supports** Historic Preservation Sub-Alternative B, which favors a robust set of policies and incentives to encourage the preservation and reuse of existing historic buildings, including those not deemed CEQA historic resources. The board suggested that these incentives must be marketed vigorously, with language that promotes the benefits of reuse of historic resources.

The board **supports** incentives to reuse existing buildings as part of the proposed Retail Development Project in order to attain a bonus of the right to build residential units.

The board **recommends** adoption of more proactive and affirmative language for the Policy and strategies of IMP-5.1 (not “consider” or “could establish” but “will establish” or “will pursue” etc.). The Strategic Plan should actively promote this policy.

Since adaptive reuse is incentivized and made a more prominent part of the Plan, the Board **recommends** that the Design Guidelines further articulate and outline Adaptive Reuse guidelines (Appendix C Design Guidelines: DG 124), for instance adding the word “preserve,” and insuring that reused buildings retain their character and identity, not just a token existence remodeled beyond recognition, when adapted or incorporated into larger projects. Language of the guidelines should shift from “*consider* the following” to “the following is recommended.” Guidelines should include “identify, retain and preserve architectural materials and features that are important in identifying historic character.” Should not read “*avoid* removal of historic materials” but instead “retain and repair,” etc.

The Board commented on the use of the phrase “where feasible,” and **requested assurance** that concrete explanations would be required for claims that it is “not feasible” to retain a historic resource – the type of detailed architectural and economic documentation required in the Demolition Findings in the Planning Code (17.136.075).

The Waverly Street Residential ASI (DG 128) **should be included** in a photo, to show its potential as the photos in the Plan do for other resources.

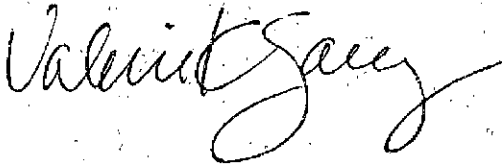
Residential developments should be oriented to the street, not gated and inward-looking, so that residents interact with the greater neighborhood.

In addition to disincentives to demolition and incentives for reuse, there is a third force, the market: Oakland’s remarkable stock of historic buildings is a strong attraction to entrepreneurs, a major economic resource for developers and businesspeople.

The new incentives – parking and open space concessions, elimination of the language about retail overriding adaptive reuse, support for a State preservation tax credit – can help the area retain the organic, cultural and historic quality that attracts businesses and customers and can make the difference between, in Chair Garry’s words, “whether it becomes an asset to the city or just a bunch of retail dropped in.”

Follow-up will be needed on implementation and results: in Vice Chair Andrews’s words, “The Plan is so ambitious and far-reaching, how will we know if it is working?”

Thank you for your attention,

A handwritten signature in black ink, appearing to read "Valerie Garry". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Valerie Garry, Chair
Landmarks Preservation Advisory Board

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Mark F. Wall
City Attorney

2014 MAY 29 AM 9:54 **RESOLUTION No. _____ C.M.S.**

Introduced by Councilmember _____

A RESOLUTION, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, (A) CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND MAKING RELATED CEQA FINDINGS; AND (B) ADOPTING THE BROADWAY VALDEZ DISTRICT SPECIFIC PLAN AND RELATED GENERAL PLAN AMENDMENTS AND DESIGN GUIDELINES

WHEREAS, the Conley Consulting Group authored the Upper Broadway Strategy – A Component of the Oakland Retail Enhancement Plan in September 2007 as part of a citywide retail enhancement strategy to address \$1 billion in sales leakage to neighboring communities; and

WHEREAS, on November 3, 2008, the Oakland City Council adopted Resolution No. 81642 C.M.S. which authorized the City Administrator to enter into a Professional Services contract with Wallace Roberts & Todd LLC to prepare a Specific Plan and Environmental Impact Report for the Broadway Valdez District; and

WHEREAS, as part of the public outreach effort, seven community workshops were held between May 2009 and October 2013, as well as eight Community Stakeholder Group (CSG) meetings, four Technical Advisory Committee (TAC) meetings, and two combined SCG and TAC meetings; and

WHEREAS, the Broadway Valdez District Specific Plan (BVDSPP) includes (a) amendments to the 1998 General Plan to increase the allowable Floor Area Ratios and to update the land use map to accommodate compatible uses; (b) new design guidelines to ensure that future development contributes to the creation of an attractive, pedestrian-oriented district characterized by high quality design and a distinctive sense of place; and

WHEREAS, City Planning staff have proposed (a) four new Broadway Valdez District Commercial zones and one combining zone to replace the existing zoning in the area to implement the BVDSPP, as well as make changes associated to the new Broadway Valdez Commercial zones throughout the Planning Code, as well as related changes to the Zoning and Height Maps; (b) amendments to the Off-Street Parking and the Bicycle Parking Chapters of the Planning Code to have specific parking regulations for the Broadway Valdez District Commercial zones to implement the BVDSPP; and

WHEREAS, the Oakland Master Fee Schedule is proposed to be amended to add a Parking In-Lieu Fee and Open Space In-Lieu fee for the Broadway Valdez District Commercial D-BV zones for the Broadway Valdez District; and

WHEREAS, between October 2013 and December 2013, the Draft Specific Plan and Draft EIR, as well as General Plan Amendments, Zoning Maps, Height Area Maps, Draft Zoning Concepts, and Design Guidelines were presented to the full Planning Commission and various advisory boards, including the Zoning Update and Design Review Committees of the Planning Commission, the Landmarks Preservation Advisory Board, as well as the Bicycle and Pedestrian Advisory Committee, and Parks and Recreation Advisory Committee, each of which provided comments unique to their topic area. At that time, a complete draft of the proposed new Chapter 17.101C D-BV Broadway Valdez District Commercial Zones Regulations was only presented to the Zoning Update Committee at its December 11, 2013 meeting.

WHEREAS, on April 30, 2012, a Notice of Preparation of a Draft Environmental Impact Report (Draft EIR) for the BVDSP was published; and

WHEREAS, two duly noticed Draft EIR scoping hearings were held, one before the LPAB on May 14, 2012 and the second before the City Planning Commission on May 16, 2012, to receive comments on the scope and content of the Draft EIR for the BVDSP; and

WHEREAS, a Notice of Availability/Notice of Release of a Draft EIR was issued on September 20, 2013, along with publication of Draft EIR itself, both of which were made available to the public/governmental agencies for review and comment; and

WHEREAS, three duly noticed public hearings on the Draft EIR were held including: a LPAB public hearing on October 14, 2013, and two City of Oakland Planning Commission hearings on October 16, 2013 and on October 30, 2013; and

WHEREAS, on April 24, 2014, a Notice of Availability/Release of a Final EIR and Specific Plan was issued, and a Final EIR and Specific Plan were published on May 1, 2014, both of which were made available for public review and comment; and

WHEREAS, on May 12, 2014 a duly noticed public hearing was held before the LPAB to consider the Final Draft BVDSP, Related Documents and EIR and the LPAB recommended approval, with minor revisions; and

WHEREAS, on May 21, 2014 a duly noticed public hearing was held before the City Planning Commission to consider the Final Draft BVDSP, Related Documents and EIR; and

WHEREAS, the City Planning Commission, after conducting and closing the public hearing, (a) adopted the required California Environmental Quality Act (CEQA) findings, including certifying the EIR, rejecting alternatives as infeasible, and adopting a Statement of Overriding Considerations; (b) adopted the BVDSP Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP); (c) recommended the City Council adopt, as revised at the Planning Commission, the BVDSP, new Design Guidelines and General Plan and Planning Code Amendments based, in part, upon the BVDSP Adoption Findings; and (d) recommended that City Council authorize the City Administrator or designee to make minor ongoing revisions to the adopted Design Guidelines (with major changes to be made by the Planning Commission) and ongoing revisions to Table 8.6 in Chapter 8 of the BVDSP, 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 Broadway Valdez District Commercial Zones Regulations (which are essentially correction of typographical and/or clerical errors); and

WHEREAS, the BVDSP, Related Documents and EIR was considered at a regular, duly noticed, meeting of the Community and Economic Development Committee of the City Council on June 10, 2014, and the Committee recommended adoption of the Plan, and Related Documents; and

WHEREAS, the BVDSP, Related Documents and EIR were considered at a regular, duly noticed, public hearing of the City Council on June 17, 2014; now, therefore be it

RESOLVED, that the City Council, as the final decision-making body for the lead agency, has independently reviewed, considered and analyzed the BVDSP EIR and the CEQA findings of the City Planning Commission contained in the approved May 21, 2014, City Planning Commission Report; and be it

FURTHER RESOLVED, that the City Council, as the final decision-making body for the lead agency, hereby confirms, adopts and incorporates by reference into this Resolution (as if fully set forth herein) all the CEQA findings contained in the approved May 21, 2014, City Planning Commission Report prior to taking action in approving the BVDSP; and be it

FURTHER RESOLVED, that the City Council adopts and incorporates by reference into this Resolution (as if fully set forth herein), as conditions of approval of the BVDSP, the Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP) contained in the approved May 21, 2014, City Planning Commission Report; and be it

FURTHER RESOLVED, that the City Council, hereby adopts the BVDSP and Design Guidelines, based, in part, upon the BVDSP Adoption Findings (incorporated by reference into this Resolution as if fully set forth herein); and further finds and determines that the public safety, health, convenience, comfort, prosperity and general welfare will be furthered by the adoption of the BVDSP; and be it

FURTHER RESOLVED, that the City Council hereby adopts the General Plan amendments as detailed in *Exhibit A* and *Exhibit B*, attached hereto and hereby incorporated by reference, based, in part, upon the BVDSP Adoption Findings (incorporated by reference into this Resolution as if fully set forth herein); and further finds and determines that the public safety, health, convenience, comfort, prosperity and general welfare will be furthered by the adoption of these amendments; and be it

FURTHER RESOLVED, that the City Council hereby authorizes the City Administrator or designee to make (1) minor ongoing revisions to the adopted Design Guidelines for the BVDSP consistent with the BVDSP, General Plan and Oakland Planning Code, but with major revisions to be made by the Planning Commission; (2) ongoing revisions to Table 8.6 in Chapter 8 of the BVDSP ("Action Plan"), to reflect changes in market conditions (e.g., what private development actually occurs) and the availability of City and other funding sources, which could potentially affect timeframes, responsibilities and potential funding mechanisms, without returning to the City Council or Planning Commission; and (3) non-substantive, technical conforming changes (essentially correction of typographical and clerical errors and minor clarifications) to the

BVDSP prior to formal publication, without returning to the City Council or City Planning Commission; and be it

FURTHER RESOLVED, that nothing in this Resolution shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law; and be it

FURTHER RESOLVED, that the provisions of this Resolution are severable. If a court of competent jurisdiction determines that a word, phrase, clause, sentence, paragraph, subsection, section, Chapter or other provision is invalid, or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions of this Resolution [that can be given effect without the invalid provision or application] and the application of those provisions to other persons or circumstances are not affected by that decision. The City Council declares that the City Council would have adopted this resolution irrespective of the invalidity of any particular portion of this Resolution; and be it

FURTHER RESOLVED, that the Environmental Review Officer, or designee, is directed to cause to be filed a Notice of Determination with the appropriate agencies; and be it

FURTHER RESOLVED, that the record before this Council relating to these actions include, without limitation, the following:

1. The BVDSP, Design Guidelines, General Plan and Planning Code Amendments including all accompanying maps, papers and appendices as well as Master Fee Schedule Amendments;
2. all final staff reports, final decision letters and other final documentation and information produced by or on behalf of the City, including without limitation the Environmental Impact Report and supporting technical studies and appendices, and all related/supporting final materials, and all final notices relating to the BVDSP and attendant hearings;
3. all oral and written evidence received by the LPAB, City Planning Commission and City Council during the public hearings on the BVDSP; and all written evidence received by the relevant City Staff before and during the public hearings on the BVDSP;
4. all matters of common knowledge and all official enactments and acts of the City, such as: (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations and Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and (e) all applicable state and federal laws, rules and regulations; and be it

FURTHER RESOLVED, that the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based, are respectively: (a) Planning and Building Department – Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; and (b) Office of the City Clerk, One Frank H. Ogawa Plaza, 1st Floor, Oakland California; and be it

FURTHER RESOLVED, that the recitals contained in this resolution are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____

AMENDMENTS TO CITY of OAKLAND GENERAL PLAN, LAND USE &
TRANSPORTATION ELEMENT (LUTE)

The following are text amendments to the General Plan, Land Use & Transportation Element. Additions to the Plan are underlined; deletions are in ~~strikeout~~. Maps showing the General Plan Land Use Map for the Broadway Valdez District Specific Plan Area are provided on *Exhibit B*.

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.

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.


Legend

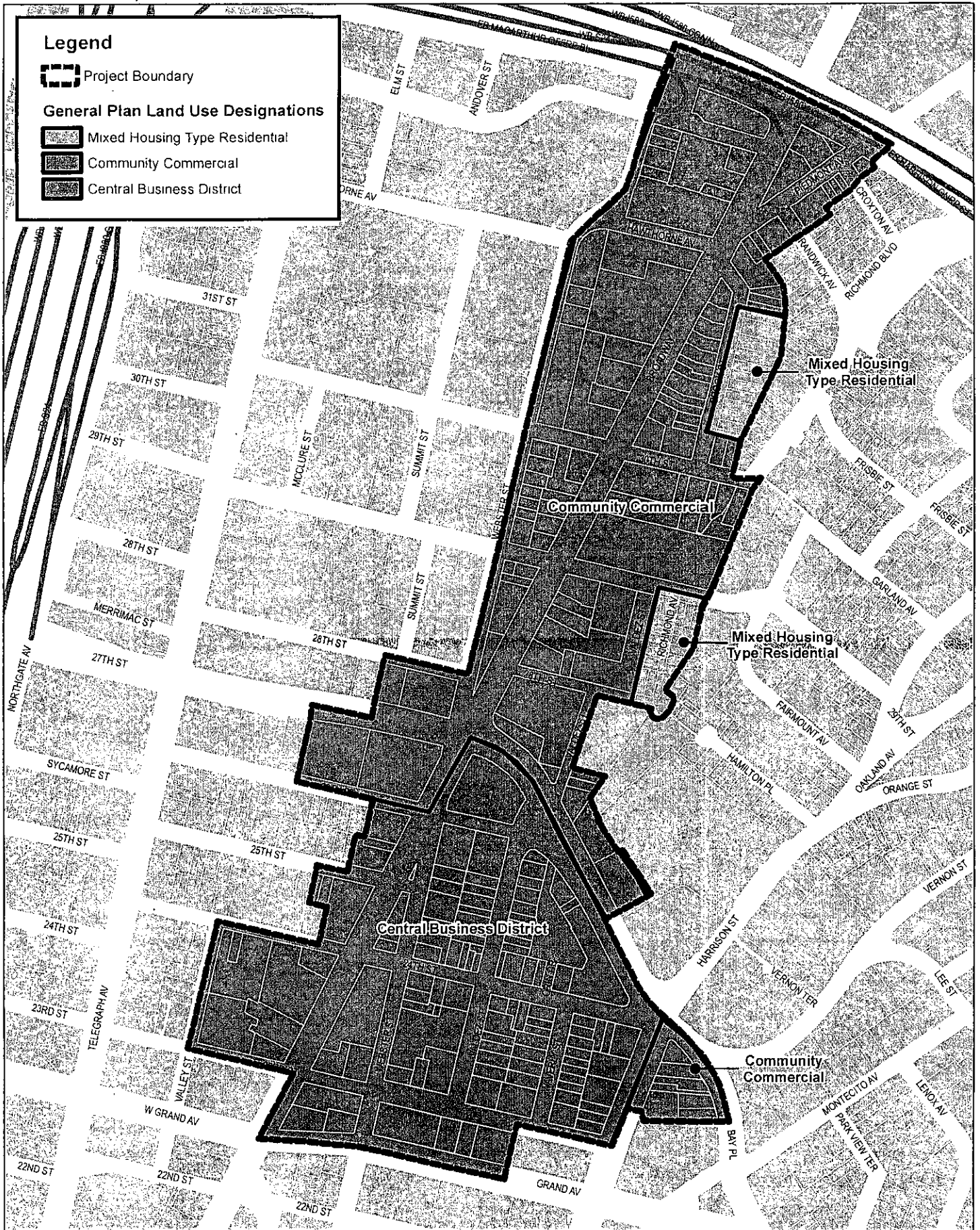
 Project Boundary

General Plan Land Use Designations

 Mixed Housing Type Residential

 Community Commercial

 Central Business District

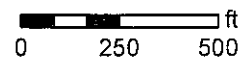


Planning and Building Department June 10, 2014



Broadway Valdez District Specific Plan

General Plan



INTRODUCED BY COUNCIL MEMBER _____

OFFICE OF THE CITY CLERK
OAKLAND*Mark P. Wald*

City Attorney

2014 MAY 29 AM 9:41

OAKLAND CITY COUNCIL**ORDINANCE NO. _____ C.M.S.**

AN ORDINANCE, AS RECOMMENDED BY THE CITY PLANNING COMMISSION, AMENDING THE (A) OAKLAND PLANNING CODE TO CREATE THE D-BV BROADWAY VALDEZ DISTRICT COMMERCIAL ZONE REGULATIONS AND MAKE CONFORMING CHANGES TO OTHER PLANNING CODE SECTIONS, AS WELL AS ADOPTING ZONING AND HEIGHT AREA MAPS; AND (B) OAKLAND MASTER FEE SCHEDULE (ORDINANCE NO. 13184 C.M.S., AS AMENDED) TO ESTABLISH A PARKING IN-LIEU FEE AND OPEN SPACE IN-LIEU FEE.

WHEREAS, the Conley Consulting Group authored the Upper Broadway Strategy – A Component of the Oakland Retail Enhancement Plan in September 2007 as part of a citywide retail enhancement strategy to address \$1 billion in sales leakage to neighboring communities; and

WHEREAS, on November 3, 2008, the Oakland City Council adopted Resolution No. 81642 C.M.S. which authorized the City Administrator to enter into a Professional Services contract with Wallace Roberts & Todd LLC to prepare a Specific Plan and Environmental Impact Report for the Broadway Valdez District; and

WHEREAS, as part of the public outreach effort, seven community workshops were held between May 2009 and October 2013, as well as eight Community Stakeholder Group (CSG) meetings, four Technical Advisory Committee (TAC) meetings, and two combined SCG and TAC meetings; and

WHEREAS, the Broadway Valdez District Specific Plan (BVDSP) includes (a) amendments to the 1998 General Plan to increase the allowable Floor Area Ratios and to update the land use map to accommodate compatible uses; (b) new design guidelines to ensure that future development contributes to the creation of an attractive, pedestrian-oriented district characterized by high quality design and a distinctive sense of place; and

WHEREAS, City Planning staff have proposed (a) four new Broadway Valdez District Commercial zones and one combining zone to replace the existing zoning in the area to implement the BVDSP, as well as make changes associated to the new Broadway Valdez Commercial zones throughout the Planning Code, as well as related changes to the Zoning and Height Maps; (b) amendments to the Off-Street Parking and the Bicycle Parking Chapters of the Planning Code to have specific parking regulations for the Broadway Valdez District Commercial zones to implement the BVDSP; and

WHEREAS, the Oakland Master Fee Schedule is proposed to be amended to add a Parking In-Lieu Fee and Open Space In-Lieu fee for the Broadway Valdez District Commercial D-BV zones for the Broadway Valdez District; and

WHEREAS, between October 2013 and December 2013, the Draft Specific Plan and Draft EIR, as well as General Plan Amendments, Zoning Maps, Height Area Maps, Draft Zoning Concepts, and Design Guidelines were presented to the full Planning Commission and various advisory boards, including the Zoning Update and Design Review Committees of the Planning Commission, the Landmarks Preservation Advisory Board, as well as the Bicycle and Pedestrian Advisory Committee, and Parks and Recreation Advisory Committee, each of which provided comments unique to their topic area. At that time, a complete draft of the proposed new Chapter 17.101C D-BV Broadway Valdez District Commercial Zones Regulations was only presented to the Zoning Update Committee at its December 11, 2013 meeting.

WHEREAS, on April 30, 2012, a Notice of Preparation of a Draft Environmental Impact Report (Draft EIR) for the BVDSP was published; and

WHEREAS, two duly noticed Draft EIR scoping hearings were held, one before the LPAB on May 14, 2012 and the second before the City Planning Commission on May 16, 2012, to receive comments on the scope and content of the Draft EIR for the BVDSP; and

WHEREAS, a Notice of Availability/Notice of Release of a Draft EIR was issued on September 20, 2013, along with publication of Draft EIR itself, both of which were made available to the public/governmental agencies for review and comment; and

WHEREAS, three duly noticed public hearings on the Draft EIR were held including: a LPAB public hearing on October 14, 2013, and two City of Oakland Planning Commission hearings on October 16, 2013 and on October 30, 2013; and

WHEREAS, on April 24, 2014, a Notice of Availability/Release of a Final EIR and Specific Plan was issued, and a Final EIR and Specific Plan were published on May 1, 2014, both of which were made available for public review and comment; and

WHEREAS, on May 12, 2014 a duly noticed public hearing was held before the LPAB to consider the Final Draft BVDSP, Related Documents and EIR and the LPAB recommended approval, with minor revisions; and

WHEREAS, on May 21, 2014 a duly noticed public hearing was held before the City Planning Commission to consider the Final Draft BVDSP, Related Documents and EIR; and

WHEREAS, the City Planning Commission, after conducting and closing the public hearing, (a) adopted the required California Environmental Quality Act (CEQA) findings, including certifying the EIR, rejecting alternatives as infeasible, and adopting a Statement of Overriding Considerations; (b) adopted the BVDSP Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP); (c) recommended the City Council adopt, as revised at the Planning Commission, the BVDSP, new Design Guidelines and General Plan and Planning Code Amendments based, in part, upon the BVDSP Adoption Findings; and (d) recommended that City Council authorize the City Administrator or designee to make minor ongoing revisions to the adopted Design Guidelines, (with major changes to be made by the Planning Commission), ongoing revisions to Table 8.6 in Chapter 8 of the BVDSP ("Action Plan") 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 Broadway Valdez District

Commercial Zones Regulations (which are essentially correction of typographical and/or clerical errors); and

WHEREAS, the BVDSP, Related Documents and EIR was considered at a regular, duly noticed, meeting of the Community and Economic Development Committee of the City Council on June 10, 2014, and the Committee recommended adoption of the Plan, and Related Documents; and

WHEREAS, the BVDSP, Related Documents and EIR were considered at a regular, duly noticed, public hearing of the City Council on June 17, 2014; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds and determines the forgoing recitals to be true and correct and hereby makes them a part of this Ordinance.

Section 2. The City Council, as the final decision-making body for the lead agency, has independently reviewed, considered and analyzed the BVDSP EIR and the CEQA findings of the City Planning Commission contained in the approved May 21, 2014, City Planning Commission Report.

Section 3. The City Council, as the final decision-making body for the lead agency, hereby confirms, adopts and incorporates by reference into this Ordinance (as if fully set forth herein) all the CEQA findings contained in the approved May 21, 2014, City Planning Commission Report prior to taking action in approving the amendments to Planning Code, Oakland Zoning Map and Height Area Map, and Master Fee Schedule.

Section 4. The City Council adopts and incorporates by reference into this Ordinance (as if fully set forth herein), as conditions of approval of the BVDSP, the Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP) contained in the approved May 21, 2014, City Planning Commission Report.

Section 5. Title 17 of the Oakland Planning Code is hereby amended to (a) create new zones for the Broadway Valdez District, as detailed in *Exhibit C*; (b) make related text amendments to the Off-Street Parking Chapter (*Exhibit D*); (c) make related text amendments to the Bicycle Parking Chapter (*Exhibit E*); and (d) delete existing Chapter 17.101CD-BR Broadway Retail Frontage District Interim Combining Zone (*Exhibit F*), all attached hereto and hereby incorporated by reference.

Section 6. The City Council hereby authorizes the City Administrator or designee to make non-substantive, technical conforming changes (essentially correction of typographical and clerical errors), including omnibus cross-referencing conforming changes through-out the Planning Code, prior to formal publication of the Amendments in the Oakland Planning Code.

Section 7. The Oakland Zoning Map and Height Area Maps are hereby amended to map the new commercial zones and Height Areas as indicated in *Exhibit A* and *Exhibit B* respectively, attached hereto and hereby incorporated herein by reference.

Section 8a) The Master Fee Schedule (Ordinance No. 13184 C.M.S., as amended) is amended to establish new Open Space and Parking In-lieu fees as detailed in *Exhibit G*, attached hereto and hereby incorporated herein by reference. The City Council hereby authorizes the City Administrator or designee to take any and all steps necessary to implement Open Space and Parking In-Lieu Fee program that are consistent with this Ordinance, the BVDSF and Related Documents, including without limitation, developing and promulgating administrative regulations, procedures and guidance documents and designating a City Department to manage the funds.

b) Amounts collected from the new in-lieu fees shall be deposited and appropriated in the Special Revenue Development Services Fund (2415), Planning Organization (84211), Other Fees (45419), project to be determined, General Plan, zoning update and strategic analysis (SC09).

c) The in-lieu fees shall be adjusted based on changes in the Construction Cost Index.

d) Any amendments to the in-lieu Fees through the Master Fee Schedule will not require amendments to this Ordinance.

e) The In-Lieu Fees for Parking and for Open Space are exempt from the Technology Enhancement Fee and Records Management Fee because the Technology Enhancement Fee and Records Management Fee are already charged as part of the Conditional Use Permit fee that is required to process the In-Lieu Parking and Open Space Fees.

Section 9. This Ordinance shall be effective 30 days from the date of final passage by the City Council, but shall not apply to (a) building/construction related permits already issued and not yet expired; (b) to zoning applications approved by the City and not yet expired; or to (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code amendments if the applicant chooses to do so.

Section 10. Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

Section 11. The provisions of this Ordinance are severable. If a court of competent jurisdiction determines that a word, phrase, clause, sentence, paragraph, subsection, section, Chapter or other provision is invalid, or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions of this Ordinance [that can be given effect without the invalid provision or application] and the application of those provisions to other persons or circumstances are not affected by that decision. The City Council declares that the City Council would have adopted this Ordinance irrespective of the invalidity of any particular portion of this Ordinance.

Section 12. The City Council adopts and incorporates by reference into this Ordinance (as if fully set forth herein), the Adoption Findings contained in the approved May 21, 2014, City Planning Commission Report, including without limitation finding and determining that the existing zoning for the Broadway Valdez District is inadequate and contrary to public interest and that the proposed zoning will implement the policies presented in the Broadway Valdez District Specific Plan (as amended by this planning process) and create certainty for the developers and the public regarding the City's expectations for new development.

Section 13. That the record before this Council relating to this Ordinance includes, without limitation, the following:

1. the BVDSP, Design Guidelines, General Plan and Planning Code Amendments including all accompanying maps, papers and appendices as well as Master Fee Schedule Amendments;
2. all final staff reports, final decision letters and other final documentation and information produced by or on behalf of the City, including without limitation the Environmental Impact Report and supporting technical studies and appendices, and all related/supporting final materials, and all final notices relating to the BVDSP and attendant hearings;
3. all oral and written evidence received by the LPAB, City Planning Commission and City Council during the public hearings on the BVDSP; and all written evidence received by the relevant City Staff before and during the public hearings on the BVDSP;
4. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations and Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and (e) all applicable state and federal laws, rules and regulations;

Section 14. That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based, are respectively: (a) Planning and Building Department –Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; and (b) Office of the City Clerk, One Frank H. Ogawa Plaza, 1st Floor, Oakland California.

Section 15. The Environmental Review Officer, or designee, is directed to cause to be filed a Notice of Determination with the appropriate agencies.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN

NOES-

ABSENT-




ABSTENTION-

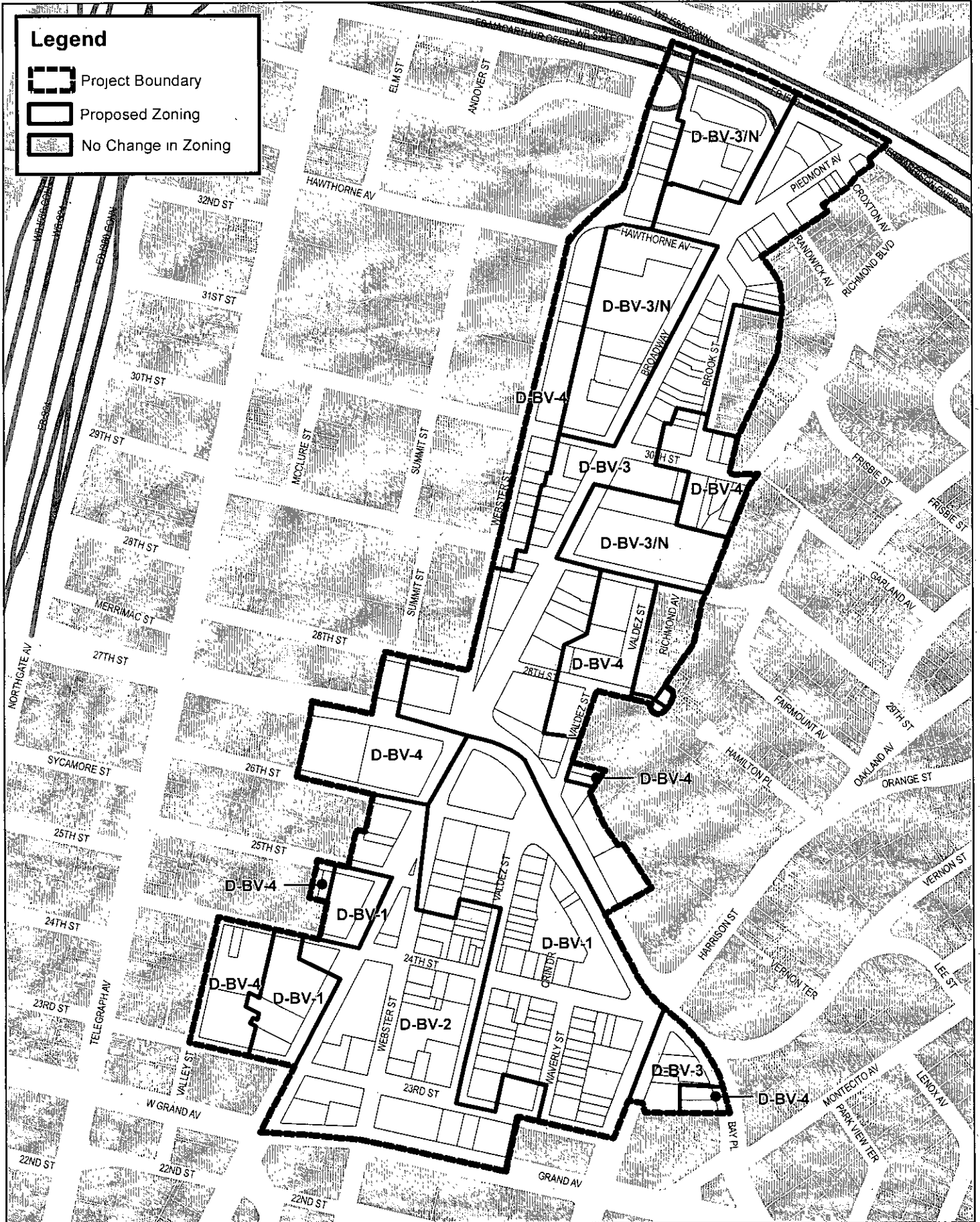
ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____

Legend

-  Project Boundary
-  Proposed Zoning
-  No Change in Zoning

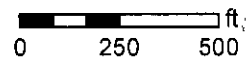


Planning and Building Department June 10, 2014








Broadway Valdez District Specific Plan

Zoning Map

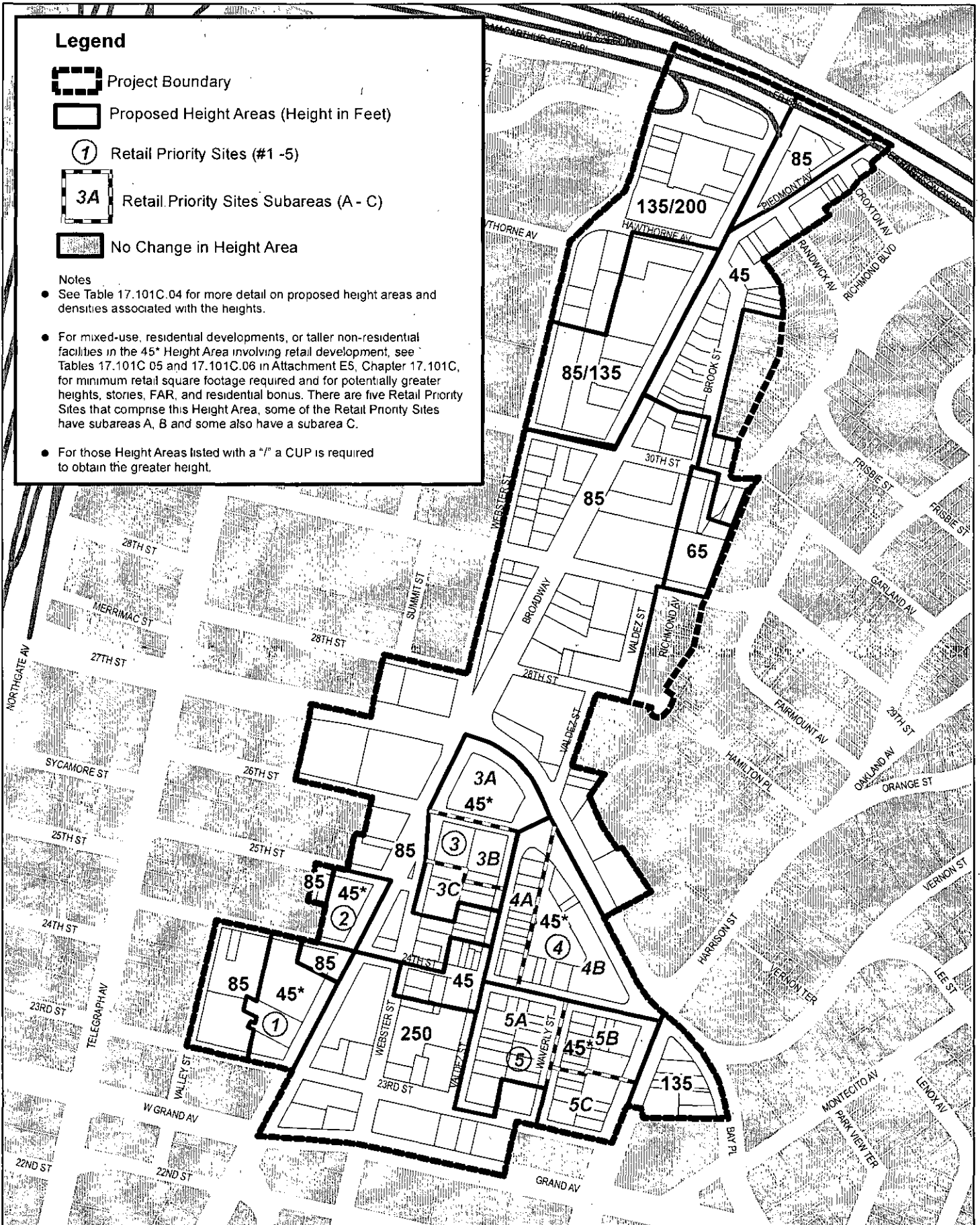


Legend

-  Project Boundary
-  Proposed Height Areas (Height in Feet)
-  Retail Priority Sites (#1 - 5)
-  Retail Priority Sites Subareas (A - C)
-  No Change in Height Area

Notes

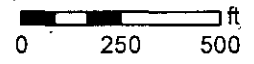
- See Table 17.101C.04 for more detail on proposed height areas and densities associated with the heights.
- For mixed-use, residential developments, or taller non-residential facilities in the 45* Height Area involving retail development, see Tables 17.101C.05 and 17.101C.06 in Attachment E5, Chapter 17.101C, for minimum retail square footage required and for potentially greater heights, stories, FAR, and residential bonus. There are five Retail Priority Sites that comprise this Height Area, some of the Retail Priority Sites have subareas A, B and some also have a subarea C.
- For those Height Areas listed with a "*" a CUP is required to obtain the greater height.



Planning and Building Department June 10, 2014



Broadway Valdez District Specific Plan
Height Area Map



(New) Planning Code Chapter 17.101.C. D-BV Broadway Valdez Commercial Zones Regulations to replace Chapter 17.101.C. D-BR Broadway Retail Frontage District Interim Combining Zone Regulations.

Title 17 - PLANNING

Chapter 17.101C- D-BV BROADWAY VALDEZ DISTRICT COMMERCIAL ZONES REGULATIONS

Sections:

- 17.101C.010 - Title, intent, and description.
- 17.101C.020 - Required design review process.
- 17.101C.030 - Permitted and conditionally permitted activities.
- 17.101C.040 - Permitted and conditionally permitted facilities.
- 17.101C.050 - Property development standards.
- 17.101C.055 - Micro Living Quarters
- 17.101C.060 - Special regulations for mini-lot and planned unit developments.
- 17.101C.070 - Other zoning provisions.

17.101C.010 - Title, intent, and description.

A. Title and Intent. The intent of the Broadway Valdez District Commercial (D-BV) Zones is to implement the Broadway Valdez District Specific Plan (BVDSP). The Specific Plan area is divided into two subareas: the Valdez Triangle and the North End. These regulations shall apply to the D-BV zones.

1. The intent for the Valdez Triangle regulations is to:

- a. Create a recognized Oakland destination that provides a mix of uses that contributes to around-the-clock activity with people present both day and night, and on weekdays and weekends.
- b. Create a destination retail district that addresses the City's need for comparison goods shopping complemented with local-serving retail, dining, entertainment, office, and service uses.
- c. Encourage, support, and enhance a mix of small, medium, and large scale retail, commercial, dining, entertainment, arts, cultural, office, residential, service, public plaza, and visitor uses.
- d. Encourage and enhance a pedestrian-oriented streetscape with street-fronting retail and complementary dining and entertainment uses.
- e. Establish a pedestrian, bicycle, and transit oriented district that accommodates vehicular access.

2. The intent for the North End regulations is to:

- a. Create an attractive, mixed-use boulevard that links the Downtown and Valdez Triangle areas to the Pill Hill, Piedmont, and North Broadway areas, and is integrated with the adjoining residential and health care-oriented neighborhoods.
- b. Encourage horizontally or vertically mixed use development that complements the Valdez Triangle and addresses the needs of adjoining and nearby neighborhoods with the potential of serving some regional needs close to Interstate 580.

- c. Encourage uses that complement and support the adjoining medical centers, such as professional and medical office uses, medical supplies outlets, and visitor and workforce housing.
- d. Encourage existing and new automotive sales that incorporate an urban format with a showroom and repair shop providing car storage either in a structured garage or in an off-site location.

B. Description of Zones. This Chapter establishes land use regulations for the following four zones:

1. **D-BV-1 Broadway Valdez District Retail Priority Sites Commercial Zone - 1.** The intent of the D-BV-1 zone is to establish Retail Priority Sites in the Broadway Valdez District Specific Plan Area in order to encourage a core of comparison goods retail with a combination of small, medium, and large scale retail stores. Priority Sites 3 and 5 are further divided into subareas a, b, and c and Priority Site 4 into subareas a and b as shown in the Height Area Map. Each Retail Priority Site and subarea will have a specified minimum square footage of retail required prior to residential or transient habitation activities and facilities being permitted.
2. **D-BV-2 Broadway Valdez District Retail Commercial Zone - 2.** The intent of the D-BV-2 zone is to create, maintain, and enhance areas of the Broadway Valdez District Specific Plan Area for ground-level retail, restaurants, entertainment, and art activities with pedestrian-oriented, active storefront uses. Upper-story spaces are intended to be available for a wide range of office and residential activities.
3. **D-BV-3 Broadway Valdez District Mixed Use Boulevard Commercial Zone - 3.** The D-BV-3 zone is intended to create, maintain, and enhance areas with direct frontage and access along Broadway, 27th Street, Piedmont Avenue, and Harrison Street. A wider range of ground-floor office and other commercial activities are allowed than permitted in the D-BV-2 zone with upper-story spaces intended to be available for a broad range of residential, office, or other commercial activities. Mixed uses could either be vertical and/or horizontal.
4. **D-BV-4 Broadway Valdez District Mixed Use Commercial Zone - 4.** The D-BV-4 zone is intended to create, maintain, and enhance areas that do not front Broadway, 27th Street, Piedmont Avenue, or Harrison Street, and allows the widest range of uses on the ground floor including both residential and commercial businesses. Upper-story spaces are intended to be available for a broad range of residential or commercial activities.

C. Description of Combining Zone. This Chapter establishes land use regulations for the following combining zone:

1. **N North Large Development Site Combining Zone.** The intent of the N combining zone is to encourage more active commercial uses on those sites that have deeper lots that front along Broadway. Incentives for large developments are included. When a primary zone is combined with the N combining zone, the N Combining Zone permitted uses supersede those of the primary zone.

17.101C.020 - Required design review process.

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, 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.

17.101C.030 - Permitted and conditionally permitted activities.

Table 17.101C.01 lists the permitted, conditionally permitted, and prohibited activities in the D-BV zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

"C" designates activities that are permitted only upon the granting of a Conditional Use permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

"L" designates activities subject to certain limitations or notes listed at the bottom of the table.

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.101C.01: Permitted and Conditionally Permitted Activities

Activities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Residential Activities						
Permanent	C(L2)(L3)	P(L1)(L3)(L4)	P(L1)(L3)(L5)	P(L1)	P(L1)(L3)(L6)	
Residential Care	—	C(L1)(L3)(L4)	C(L1)(L3)(L5)	C(L1)	C(L1)(L3)(L6)	17.103.010
Service-Enriched Permanent Housing	—	C(L1)(L3)(L4)	C(L1)(L3)(L5)	C(L1)	C(L1)(L3)(L6)	17.103.010
Transitional Housing	—	C(L1)(L3)(L4)	C(L1)(L3)(L5)	C(L1)	C(L1)(L3)(L6)	17.103.010
Emergency Shelter	—	—	—	—	—	17.103.010
Semi-Transient	—	—	—	—	—	
Bed and Breakfast	—	C	C	C	C	17.10.125
Civic Activities						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P(L4)	P(L6)	P(L5)	P	P(L6)	
Community Assembly	C(L4)	C	C	C	C	
Recreational Assembly	P	P	P	P	P	
Community Education	P(L4)	P(L7)	P(L5)	P	P	
Nonassembly Cultural	P	P	P	P	P	
Administrative	P(L4)	P(L6)	P(L5)	P	P(L6)	
Health Care	C(L4)	P(L6)	P(L5)	P	P(L6)	
Special Health Care	—	—	C(L8)(L9)	C(L8)	C(L8)(L9)	17.103.020
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
Commercial Activities						
General Food Sales	P(L10)(L11)	P	P	P	P	
Full Service Restaurants	P(L11)	P	P	P	P	
Limited Service Restaurant and Cafe	P(L11)	P	P	P	P	
Fast-Food Restaurant	C(L11)	C	C	C	C	17.103.030 and 8.09

Activities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Convenience Market	—	C	C	C	—	17.103.030
Alcoholic Beverage Sales	C(L11)	C	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	—	—	—	—	
Medical Service	C(L4)	P(L6)	P(L5)	P	P(L6)	
General Retail Sales	P(L11)	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	C(L10)(L12)	P(L7)(L12)	P(L12)	P(L12)(L13)	P	
Consultative and Financial Service	P(L4)	P(L6)	P	P	P(L5)	
Check Cashier and Check Cashing	—	—	—	—	—	
Consumer Cleaning and Repair Service	P(L7)	P(L13)	P(L13)	P(L13)	P(L5)	
Consumer Dry Cleaning Plant	—	—	—	—	—	
Group Assembly	C(L4)(L11)(L14)	C(L14)	C(L14)	C(L14)	C(L14)	
Personal Instruction and Improvement Services	P(L7)	P(L7)	P	P	P(L5)	
Administrative	P(L4)	P(L6)	P(L5)	P	P(L6)	
Business, Communication, and Media Services	P(L4)	P(L7)	P	P	P(L5)	
Broadcasting and Recording Services	P(L4)	P(L6)	P(L5)	P	P(L6)	
Research Service	C(L4)	P(L6)	P(L5)	P	P(L6)	
General Wholesale Sales	—	—	—	—	—	
Transient Habitation	C(L2)	C	C	—	C	
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	C(L11)(L15)	C(L15)	C(L15)	C(L15)	C(L15)	
Automobile and Other Light Vehicle Gas Station and Servicing	—(L16)	—(L16)	C(L5)	—(L16)	—(L16)	
Automobile and Other Light Vehicle Repair and Cleaning	—(L16)	—(L16)	C(L5)	—(L16)	—(L16)	
Taxi and Light Fleet-Based Services	—	—	—	—	—	
Automotive Fee Parking	P(L17)	P(L17)	P(L17)	P(L17)	P(L17)	
Animal Boarding	—	—	—	C	—	
Animal Care	—	C(L9)	P(L5)	P	P(L6)	
Undertaking Service	—	—	—	—	—	
Industrial Activities						
Custom Manufacturing	C(L10)	C	P(L5)	P(L7)	C	17.120
Light Manufacturing	—	—	—	—	—	
General Manufacturing	—	—	—	—	—	
Heavy/High Impact	—	—	—	—	—	

Activities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N*	
Research and Development	—	—	—	—	—	
Construction Operations	—	—	—	—	—	
Warehousing, Storage, and Distribution						
A. General Warehousing, Storage and Distribution	—	—	—	—	—	
B. General Outdoor Storage	—	—	—	—	—	
C. Self-or Mini Storage	—	—	—	—	—	
D. Container Storage	—	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	—	
Regional Freight Transportation	—	—	—	—	—	
Trucking and Truck-Related	—	—	—	—	—	
Recycling and Waste-Related						
A. Satellite Recycling Collection Centers	—	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management	—	—	—	—	—	
Agriculture and Extractive Activities						
Crop and animal raising	—	—	—	C(L18)	—	
Plant nursery	—	—	C(L5)	C	—	
Mining and Quarrying	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	C(L7)	C(L7)	C(L5)	C	C(L5)	17.116.075
Activities that are listed as prohibited or conditionally permitted on nearby lots in an adjacent zone	C(L7)	C(L7)	C(L5)	C	C(L5)	17.102.110

*If the N Combining Zone, the N regulations supersede the primary zone.

Limitations on Table 17.101C.01:

L1. Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.103.010 for other regulations regarding these activities.

L2. These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050 these activities must meet each of the following additional criteria:

- a. A minimum square footage of retail area is part of the overall project, in accordance with Section 17.101C.050C and Section 17.101C.050D; and
- b. The retail area encompasses a significant portion of the first floor but can also be part of the second floor and third floor. Incidental pedestrian entrances that lead to other activities in the building are permitted.

L3. See Section 17.101C.040 for limitations on the construction of new Residential Facilities.

L4. These activities are not permitted if located on the ground floor of a building and within fifty (50) feet of any street-abutting property line; incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this restriction.

L5. If located on the ground floor of a building and within sixty (60) feet from any street-abutting property line facing Broadway, 27th Street, or Piedmont Avenue, these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the CUP criteria contained in Section 17.134.050 these ground-floor activities must also meet each of the following additional criteria:

1. The proposal will not detract from the character desired for the area;
2. The proposal will not impair a generally continuous wall of building facades;
3. The proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;
4. The proposal will not interfere with the movement of people along an important pedestrian street; and
5. The proposal will conform in all significant respects with the Broadway Valdez District Specific Plan.

L6. These activities are prohibited if located on the ground floor of a building and within sixty (60) feet from any street-abutting property line facing Broadway. Incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are exempt from this restriction.

L7. These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when located on the ground floor of a street-fronting building. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground-floor activities must also meet each of the additional criteria contained in L5.

L8. These activities are limited to areas north of Hawthorne Street and west of Broadway. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L9. These activities are prohibited if located on the ground floor of a building and within sixty (60) feet from any street-abutting property line facing Broadway. Incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are exempt from this restriction. If these activities are located above the ground floor or beyond sixty (60) feet of Broadway they are only permitted upon the granting of a Conditional Use Permit (CUP) (see Chapter 17.134 for the CUP procedure), and shall conform to the CUP criteria contained in Section 17.134.050.

L10. If greater than 5,000 square feet of floor area, these activities are not allowed in new construction, unless combined within a retail project that meets the requirements of Section 17.101C.050C and Section 17.101C.050D.

L11. Only these activities can be counted towards the minimum retail floor area that is required in order to develop Residential Facilities pursuant to Section 17.101C.050C and Section 17.101C.050D. For General Food Sales Commercial Activities, no more than 5,000 square feet can be counted toward the

minimum retail area; for Group Assembly Commercial Activities, only a movie theatre that is above the ground floor can be counted toward the minimum retail area; for Automobile and Other Light Vehicle Sales and Rental Commercial Activities, only the interior showroom space can be counted toward the residential bonus threshold (space for auto repair, interior/outdoor inventory storage, and outdoor sales is not included).

L12. See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L13. The total floor area devoted to these activities on the ground floor by any single establishment may only exceed five thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet the additional criteria contained in L5.

L14. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

L15. Showrooms associated with these activities must be enclosed. Auto service is only allowed as an accessory activity. These activities are only permitted upon the granting of a Conditional Use Permit. In addition to the CUP criteria in Section 17.134.050, these activities must meet each of the following additional criteria:

1. That there will be no outside inventory lots;
2. That auto inventory will be stored either:
 - a. inside or on top of the dealership building; or
 - b. located at an offsite location that is outside of the D-BV-1, D-BV-2, or D-BV-3 zones; or
 - c. within an existing structured parking facility that is within the D-BV-1, D-BV-2, or D-BV-3 zones; or within a new structured parking facility that is within the D-BV-3 zone;
3. That the proposal will not detract from the character desired for the area;
4. That the proposal will not impair a generally continuous wall of building facades;
5. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;
6. That the proposal will not interfere with the movement of people along an important pedestrian street; and
7. That the proposal will conform in all significant respects with the Broadway Valdez District Specific Plan.

L16. Reestablishment of a discontinued, legal non-conforming Automobile and Other Light Vehicle Gas Station and Servicing activity and/or an Automotive and Other Light Vehicle Repair and Cleaning activity may only occur no later than six (6) months after discontinuation of such a activity, per Section 17.114.050(A).

L17. Automotive Fee Parking is permitted when located on a lot containing a principle facility. Automotive Fee Parking is also permitted in a multi-story parking garage to serve nearby businesses upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition

to the CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor activities must also meet each of the additional criteria contained in L5.

L18. Crop and Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet each of the following additional criteria:

1. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and
3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.101C.040 - Permitted and conditionally permitted facilities.

Table 17.101C.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-BV zones. The descriptions of these facilities are contained in Chapter 17.10.

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

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

"—" designates facilities that are prohibited.

Table 17.101C.02: Permitted and Conditionally Permitted Facilities

Facilities	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
Residential Facilities						
One-Family Dwelling	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	
One-Family Dwelling with Secondary Unit	—(L1)	—(L1)	—(L1)	—(L1)	—(L1)	17.103.080
Two-Family Dwelling	—(L1)	—(L1)	—(L1)	P(L3)	—(L1)	
Multifamily Dwelling	C(L2)	P(L3)	P(L4)	P	P(L5)	
Rooming House	C(L2)	P(L3)	P(L4)	P	P(L5)	
Micro Living Quarters		C(L3)(L7)	C(L4)(L6)(L7)	—	—	17.101C.055
Mobile Home	—	—	—	—	—	
Nonresidential Facilities						
Enclosed Nonresidential	P	P	P	P	P	
Open Nonresidential	C(L8)	C(L8)	C(L8)	C(L8)	C(L8)	
Sidewalk Cafe	P	P	P	P	P	17.103.090
Drive-In	—	—	—	—	—	
Drive-Through	—	—	C(L9)	—	—	17.103.100
Telecommunications Facilities						
Micro Telecommunications	P(L10)	P(L10)	P(L10)	P(L10)	P(L10)	17.128
Mini Telecommunications	P(L10)	P(L10)	P(L10)	P(L10)	P(L10)	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	—	—	—	—	—	17.128
Tower Telecommunications	—	—	—	—	—	17.128
Sign Facilities						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	17.104
Advertising Signs	—	—	—	—	—	17.104

*In the N Combining Zone, the N regulations supersede the primary zone.

Limitations on Table 17.101C.02:

- L1.** See Chapter 17.114 — Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.
- L2.** When located in a Retail Priority Site, construction of new Residential Facilities is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and when part of a larger project with a minimum square footage of retail area, in accordance with Section 17.101C.050C and Section 17.101C.050D.
- L3.** Construction of new ground-floor Residential Facilities is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement.
- L4.** Construction of new ground-floor Residential Facilities within sixty (60) feet from any street-abutting property line facing Broadway 27th Street, or Piedmont, is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement.
- L5.** Construction of new ground-floor Residential Facilities within sixty (60) feet from any street-abutting property line facing Broadway is prohibited. Incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are exempt from this restriction.
- L6.** In the D-BV-3 zone, Micro Living Quarters may only be located southeast of Harrison Street and Bay Place.
- L7.** Micro Living Quarters may only be permitted upon the granting of a Conditional Use Permit (CUP) pursuant to the Conditional Use Permit procedure in Chapter 17.134. See Section 17.101C.055 for the definition and requirements of Micro Living Quarters.
- L8.** No conditional use permit is required for Open Nonresidential Facilities to accommodate either seasonal sales or special event activities.
- L9.** A Drive Through Nonresidential Facility is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and is not permitted to enter or exit onto Broadway, 27th Street, Harrison Street, or Piedmont Avenue. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.
- L10.** See Section 17.128.025 for restrictions on Telecommunication Facilities near residential or HBX zones.

17.101C.050 - Property development standards.

A. **Zone Specific Standards.** Table 17.101C.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "—" indicates that a standard is not required in the specified zone.

Table 17.101C.03: Property Development Standards

Development Standards	Zones				Combining Zone*	Additional Regulations
	D-BV-1	D-BV-2	D-BV-3	D-BV-4	N	
Minimum Lot Dimensions						
Width mean	100 ft	50 ft	25 ft	25 ft	100ft	1
Frontage	100 ft	50 ft	25 ft	25 ft	100 ft	1
Lot area	10,000 sf	7,500 sf	4,000 sf	4,000	10,000 sf	1
Minimum/Maximum Setbacks						
Minimum front	0 ft	0 ft	0 ft	0 ft	0-4 ft	2, 3
Maximum front	5 ft	5 ft	10 ft	N/A	5ft	4
Minimum interior side	0 ft	0 ft	0 ft	0 ft	0 ft	5, 6
Minimum street side	0 ft	0 ft	0 ft	0 ft	0 ft	7
Rear (Residential Facilities)	10/15 ft	10/15 ft	10/15 ft	10/15 ft	10/15 ft	8, 9
Rear (Nonresidential Facilities)	0/10/15 ft	0/10/15 ft	0/10/15 ft	0/10/15 ft	0/10/15 ft	9
Design Regulations						
Minimum ground floor nonresidential facade transparency	55%	55%	55%	N/A	55%	10
Minimum height of ground floor nonresidential facilities	15 ft	15 ft	15 ft	15 ft	15 ft	11
Parking and driveway location requirements	Yes	Yes	Yes	No	Yes	12
Ground floor active space requirement	Yes	Yes	Yes	No	Yes	13
Height, Floor Area Ratio, Density, and Open Space Regulations	See Tables 17.101C.05 and 17.101C.06	See Table 17.101C.04				
Minimum Required Parking	See Chapter 17.116 for automobile parking. See Sections 17.116.080, 17.116.082, and 17.116.110 for additional parking regulations for the D-BV zone and Chapter 17.117 for bicycle parking					
Courtyard Regulations	See Section 17.108.120					

*In the N Combining Zone, the N regulations supersede the primary zone.

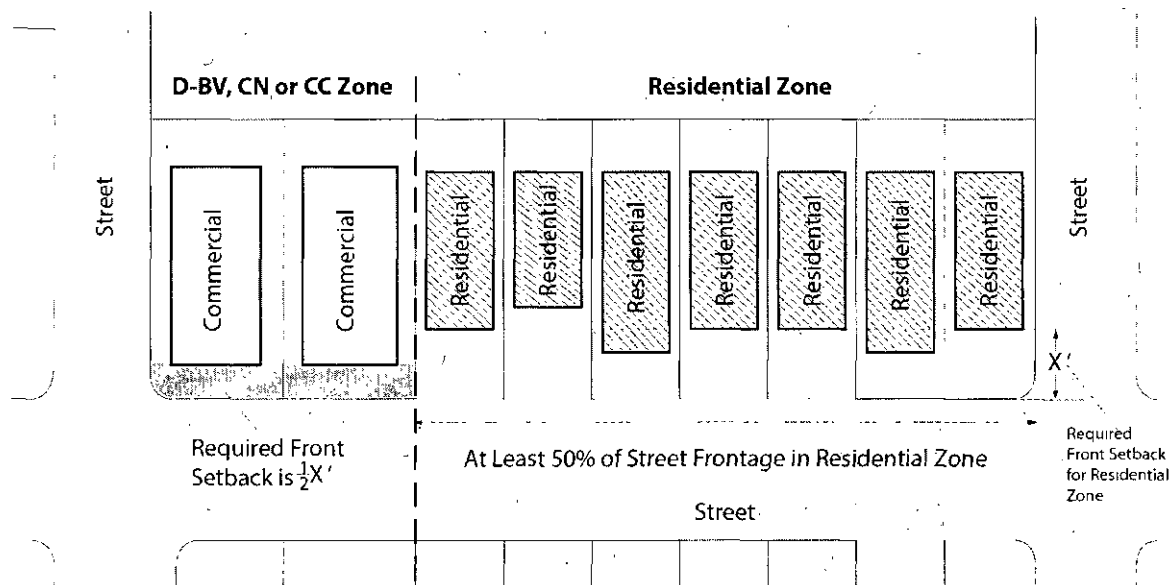
Additional Regulations for Table 17.101C.03:

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, width mean, and street frontage regulations.

2. If fifty percent (50%) or more of the frontage on one side of the street between two intersecting streets is in any residential zone and all or part of the remaining frontage is in any commercial or industrial zone, the required front setback of the commercially or industrially zoned lots is one-half of the minimum front setback required in the residential zone. If fifty percent (50%) or more of the total frontage is in more than one residential zone, then the minimum front setback on the commercially or industrially zoned lots is

one-half of that required in the residential zone with the lesser front setback (see Illustration for Table 17.101C.03 [Additional Regulation 2], below).

Illustration for Table 17.101C.03 [Additional Regulation 2]
*for illustration purposes only



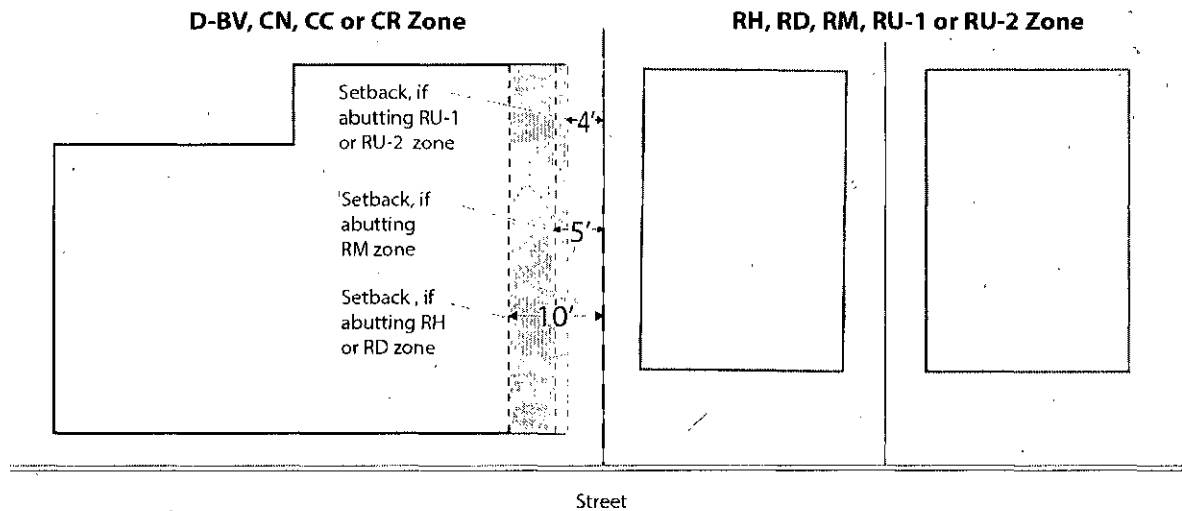
3. The minimum front yard required in the N combining zone is four (4) feet from Broadway if the rest of the block fronting Broadway is either vacant or has at least a four (4) foot front setback. Otherwise the front setback shall equal the setback of the existing building on the adjacent lot.

4. The following notes apply to the maximum front yard requirement:

- a. The requirements only apply to the construction of new principal buildings.
- b. The requirements do not apply to lots containing Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
- c. Maximum yards apply to seventy-five percent (75%) of the street frontage on the principal street and fifty percent (50%) on other streets, if any. All percentages, however, may be reduced to fifty percent (50%) upon the granting of Regular Design Review approval (see Chapter 17.136 for the design review procedure). In addition to the Regular Design Review criteria contained in Section 17.136.035, the proposal to reduce to fifty percent (50%) must also meet each of the following additional criteria:
 - i. The additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, cafes, or restaurants;
 - ii. The proposal will not impair a generally continuous wall of building facades;
 - iii. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
 - iv. The proposal will not interfere with the movement of people along an important pedestrian street.

5. Wherever an interior side lot line abuts an interior side lot line of any lot located in an RH or RD zone, the setback of the abutting portion of its side lot line is ten (10) feet. In the case where an interior side lot line abuts an interior side lot line in an RM zone, the setback of the abutting portion of its side lot line is five (5) feet. In the case where an interior side lot line abuts a side yard of an RU-1 or RU-2 lot, a side setback of four (4) feet is required (see Illustration for Table 17.101C.03 [Additional Regulation 5], below). Also, see Section 17.108.130 for allowed projections into setbacks.

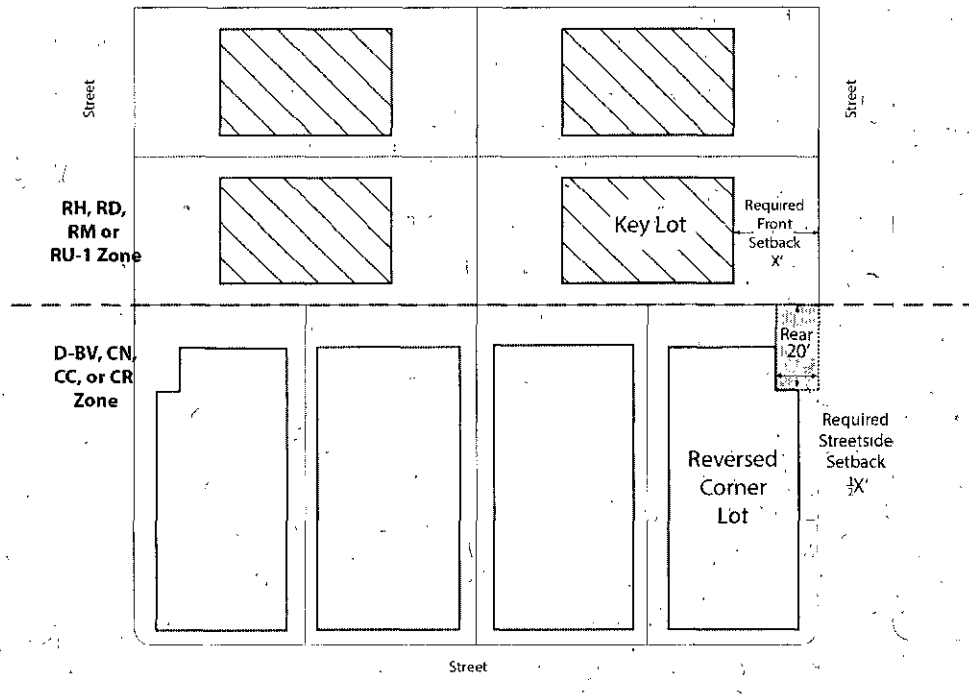
Illustration for Table 17.101C.03 [Additional Regulation 5]
*for illustration purposes only



6. See Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two (2) or more living units and opposite a legally required living room window.

7. When the rear yard of a reversed corner lot abuts a key lot that is in an RH, RD, or RM zone or the RU-1 zone, the required street side yard setback in the rear twenty (20) feet of the reversed corner lot is one-half (1/2) of the minimum front yard required on the key lot (see Illustration for Table 17.101C.03 [Additional Regulation 7], below). Also, see Section 17.108.130 for allowed projections into the setbacks.

Illustration for Table 17.101C.03 [Additional Regulation 7]
*for illustration purposes only

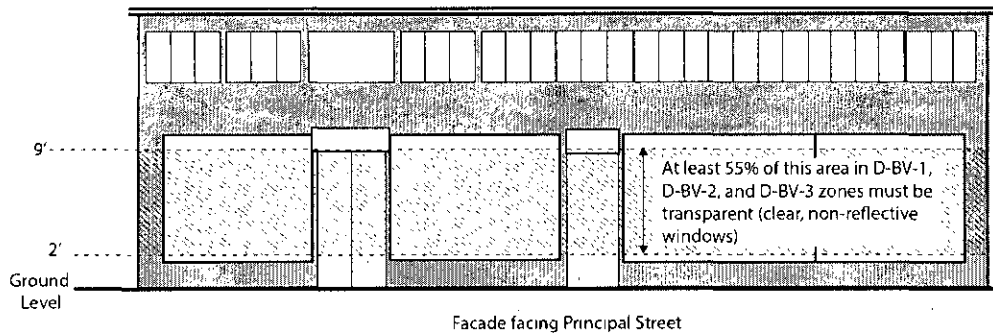


8. Wherever a rear lot line abuts an alley, one-half (1/2) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided, however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.

9. When a rear lot line is adjacent to an RH, RD, or RM zone or the RU-1 zone, the required rear setback for both residential and nonresidential facilities is ten (10) feet if the lot depth is one-hundred (100) feet or less and fifteen (15) feet if the lot depth is more than one-hundred (100) feet. When a rear lot line is not adjacent to an RH, RD, or RM zone or the RU-1 zone, the required rear setback is ten (10) feet for residential facilities and there is no required setback for nonresidential facilities.

10. This percentage of transparency is only required for principal buildings that include ground-floor Nonresidential Facilities and only apply to the facade facing the principal street. The regulations only apply to facades located within twenty (20) feet of a street frontage. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor activity space or lobbies (see Illustration for Table 17.101C.03 [Additional Regulation 10], below). Areas required for garage doors shall not be included in the calculation of facade area (see Note 12 for limitations on the location of parking access). Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters, and other similar facilities.

Illustration for Table 17.101C.03 [Additional Regulation 10]
*for illustration purposes only



11. This height is required for all new principal buildings and is measured from the sidewalk grade to the second story floor.

12. For the new construction of principal buildings in the D-BV-1, D-BV-2, D-BV-3 zone, and N combining zone, access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is available from another location such as a secondary frontage or an alley. Where this is not feasible, every reasonable effort shall be made to share means of vehicular access with abutting properties. Open parking areas shall not be located between the sidewalk and a principal building.

13. For the new construction of principal buildings in the D-BV-1, D-BV-2, D-BV-3 zone, and N combining zone, ground level parking spaces, locker areas, mechanical rooms, and other non-active spaces shall not be located within 30 feet from the front of the principal building except for incidental entrances to such activities elsewhere in the building. Exceptions to this regulation may be permitted by the Planning Director for utilities and trash enclosures that cannot be feasibly placed in other locations of the building. Driveways, garage entrances, or other access to parking and loading facilities may be located on the ground floor of this area as regulated by Note 12, above.

B. Height, Floor Area Ratio (FAR), Density, and Open Space. Table 17.101C.04 below prescribes height, Floor Area Ratio (FAR), density, and open space standards associated with the Height Areas described in the Zoning Maps. The number designations in the "Additional Regulations" column refer to regulations below the table.

Table 17.101C.04 Height, Floor Area Ratio (FAR), Density, and Open Space Regulations

Regulation	Height Area								Additional Regulations
	45	45*	65	85	85/135	135	135/200	250	
Maximum Height									
Building Base Max. Height	N/A	N/A	N/A	N/A	N/A /65 ft	65 ft	65/85ft	85 ft	1, 2, 3
Maximum Height Total	45 ft	45 ft	65 ft	85 ft	85/135 ft	135 ft	135/ 200 ft	250 ft	1, 2, 3
Maximum number of stories (not including underground construction)	4	4	6	8	8/13	13	13/19	24	3
Minimum Height									
Minimum number of stories (not including underground construction)	2	N/A	2	3	3	3	3	3	2, 4
Conditionally permitted minimum number of stories (not including underground construction)	N/A	N/A	N/A	2	2	2	2	2	2
Maximum Residential Density (square feet of lot area required per dwelling unit)									
Regular units	450	N/A	375	275	275/200	200	200/ 150	90	3, 5, 6
Rooming units	225	N/A	185	135	135/100	100	100/75	45	3, 5, 6
Maximum Micro Living Quarters FAR	2.5	N/A	N/A	4.5	N/A	6.0	N/A	8.0	5, 6
Maximum Nonresidential FAR (excluding Micro Living Quarters)	2.5	2.5	3.5	4.5	4.5/6.0	6.0	6.0/8.0	10.0	3, 6
Minimum Usable Open Space									
Area: on each lot containing residential facilities of two or more units, usable open space shall be provided for such facilities at a rate stated per dwelling unit	100 sf	N/A	100 sf	75 sf	75 sf	75 sf	75 sf	75 sf	7, 8, 9
Area: on each lot containing residential facilities of two or more units, usable open space shall be provided for such facilities at a rate stated per rooming unit	50 sf	N/A	50 sf	38 sf	38 sf	38 sf	38 sf	38 sf	7, 8, 9
Area: on each lot containing senior of affordable housing units, usable open space shall be provided for such facilities at a rate stated per dwelling unit or rooming unit	30 sf	N/A	30 sf	30 sf	30 sf	30 sf	30 sf	30 sf	7, 8, 9
Area: Conversion of Historic Resource building from commercial to residential, usable open space shall be provided for such facilities at a rate stated per dwelling or rooming unit	0 sf	N/A	0 sf	0 sf	0 sf	0 sf	0 sf	0 sf	9, 9
Size and shape of open space: An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown below:									
Private Open Space: is accessible from a single unit	10 ft for space on the ground floor and 4 ft on other floors								7, 8, 9
Rooftop: a type of group open space, includes decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants	15 ft								7, 8, 9

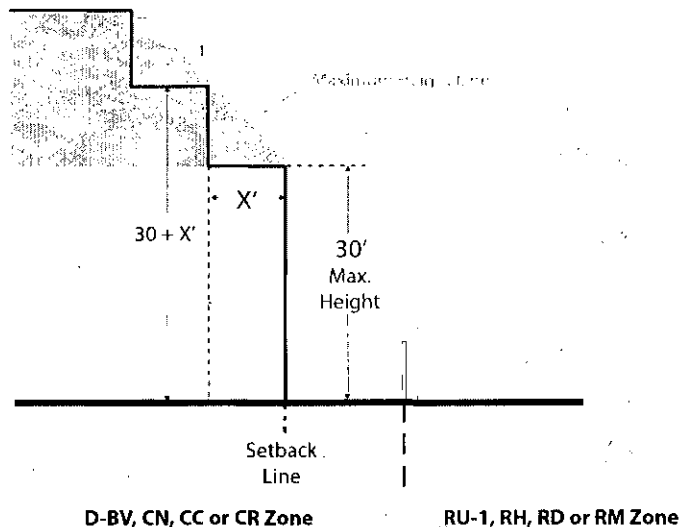
Regulation	Height Area								Additional Regulations
	45	45*	65	85	85/135	135	135/200	250	
Courtyard: a type of group open space that can be located anywhere within the subject property	15 ft								7, 8, 9
Private Group Community Room: a type of interior group space that could include a movie room, kitchen, and/or gym	10 ft (1/3 of the required usable open space can be used for this type)								7, 8, 9
Public Ground-Floor Plaza: a type of group open space (see Section 17.127.030) located at street level and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving	10 ft								7, 8, 9

See Tables 17.101C.05 and 17.101C.06 for minimum retail square footage required and for potentially greater heights, stories, FAR, and residential bonus for mixed use, residential developments, or taller non-residential facilities in the Height Area 45 when part of a large project that involves major retail development.

Additional Regulations for Table 17.101C.04:

1. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any rear or interior side lot line that abut a lot in an RH, RD, RM or RU-1 zone; this maximum height shall increase one foot for every foot of distance away from this setback line (see Illustration for Table 17.101C.04 [Additional Regulation 1], below). Also, see Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

Illustration for Table 17.101C.04 [Additional Regulation 1]
*for illustration purposes only



2. See Tables 17.101C.05 and 17.101C.06 for minimum retail square footage required and for potentially greater heights, stories, FAR, and residential bonus for mixed use, residential developments, or taller non-residential facilities in the Height Area 45* when part of a large project that involves major retail development. There are five (5) Retail Priority Sites that comprise Height Area 45*. Priority Sites 3 and 5 are further divided into subareas a, b, and c, and Priority Site 4 is divided into subareas a and b.

Each Priority Site and subarea has a specified minimum square footage of retail required prior to residential activities and facilities being permitted as well as taller non-residential facilities.

3. The numbers to the right of the slash (/) are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

4. The allowed projections into the height limits contained in Section 17.108.030 are not counted towards the height minimum.

5. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.103.080. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.

6. For mixed use projects 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.

7. The following apply to open space standards:

- a. Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the listed dimension.
- b. Openness. There shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.
- c. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dust free surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than four (4) feet high.
- d. Accessibility. Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five feet of an interior side lot line. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
- e. Landscaping requirements. At least fifty percent (50%) of rooftop or courtyard usable open space area shall include landscaping enhancements. At least thirty percent (30%) of public ground floor plaza shall include landscaping enhancements. Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc.) The remainder of the space shall include user amenities such as seating, decorative paving, sidewalk cafes, or playground structures.

8. In-Lieu Fee: The open space requirements of this Section may be reduced or waived upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and payment of an in-lieu fee to the City of Oakland to be used to pay for new public open space/plaza(s) or existing public open space/plaza(s) improvements. The open space in-lieu fee shall be as set forth in the Master Fee

Schedule. Open space in-lieu fees shall be deposited with the City of Oakland prior to issuance of a building permit. An open space in-lieu fee may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional open space is provided for such building so as to satisfy the open space requirement for which the in-lieu payment was made. To obtain a refund, the required open space must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.

9. Notwithstanding anything to the contrary contained in the Planning Code, variances may not be granted relating to (a) a reduction and/or elimination of any open space; or (b) a reduction and/or elimination of any open space serving any activity, or if already less than currently required open space, shall not be reduced further below the requirements prescribed for such activity in this Chapter, as the granting of a CUP (see Chapter 17.134 for the CUP procedure) and payment of the in-lieu fee shall be the sole means of reducing or eliminating open space.

C. Retail Priority Sites Minimum Square Footage of Retail Area for Residential Facilities Bonus. Table 17.101C.05 below prescribes the minimum square footage of retail area required for each Retail Priority Site before a residential or transient habitation activity or facility, or taller non-residential or mixed use facility is allowed. The number designations in the "Additional Regulations" column refer to regulations below the table.

Table 17.101C.05 Retail Priority Sites Minimum Square Footage of Retail Area for Residential Facilities Bonus					
Regulation	Minimum Retail Area (SF) Required to Develop Residential Facilities Bonus				Additional Regulations
	50% of Retail Priority Site Area	Retail SF/ Residential Unit Bonus	60% of Retail Priority Site Area	Retail SF/ Residential Unit Bonus	
Retail Priority Site 1	38,706 sf	125 Retail SF	46,447 sf	100 Retail SF	1, 2, 3, 4, 5, 6
Retail Priority Site 2	15,572 sf	125 Retail SF	18,686 sf	100 Retail SF	1, 2, 3, 4, 5, 6
Retail Priority Site 3					
3 (a)	22,745 sf	125 Retail SF	27,293 sf	100 Retail SF	1, 2, 3, 4, 5, 6
3 (b)	22,388sf	125 Retail SF	26,865 sf	100 Retail SF	1, 2, 3, 4, 5, 6
3 (c)	17,738sf	125 Retail SF	21,285 sf	100 Retail SF	1, 2, 3, 4, 5, 6
3 (a) and (b)	45,133 sf	125 Retail SF	54,158 sf	100 Retail SF	1, 2, 3, 4, 5, 6
3 (b) and (c)	40,126 sf	125 Retail SF	48,150 sf	100 Retail SF	1, 2, 3, 4, 5, 6
Retail Priority Site 4					
4 (a)	23,465 sf	125 Retail SF	28,157 sf	100 Retail SF	1, 2, 3, 4, 5, 6
4 (b)	54,567 sf	125 Retail SF	65,480 sf	100 Retail SF	1, 2, 3, 4, 5, 6
4 (a) and (b)	78,032 sf	125 Retail SF	93,637 sf	100 Retail SF	1, 2, 3, 4, 5, 6
Retail Priority Site 5					
5 (a)	43,905 sf	125 Retail SF	55,086 sf	100 Retail SF	1, 2, 3, 4, 5, 6
5 (b)	26,769 sf	125 Retail SF	32,122 sf	100 Retail SF	1, 2, 3, 4, 5, 6
5 (c)	21,905 sf	125 Retail SF	26,322 sf	100 Retail SF	1, 2, 3, 4, 5, 6
5 (a) and (b)	72,674 sf	125 Retail SF	87,208 sf	100 Retail SF	1, 2, 3, 4, 5, 6
5 (b) and (c)	48,704 sf	125 Retail SF	58,444 sf	100 Retail SF	1, 2, 3, 4, 5, 6
5 (a), (b), and (c)	94,609 sf	125 Retail SF	113,530 sf	100 Retail SF	1, 2, 3, 4, 5, 6

Additional Regulations for Table 17.101C.05:

1. See additional regulations in Table 17.101C.06: Retail Priority Sites: Height, Floor Area Ratio (FAR), Residential Bonus, and Open Space.

2. The following are regulations for retail square footage minimums:
 - a. The following contribute to the retail square footage minimums:
 - i. Retail floor area (see Limitation L11. in Table 17.101C.01 for all of the complementary activities that count as retail floor area)
 - ii. Internal pedestrian stairs, corridors, and circulation
 - iii. Ground-floor public plaza/open space located on-site or adjacent off-site
 - b. Utilization of existing buildings towards new retail floor area can count toward the retail square footage. In the case of a CEQA Historic Resource:
 - i. New retail square footage in a CEQA Historic Resource can count double towards the retail square footage required to obtain a residential bonus; or
 - ii. If a CEQA Historic Resource is maintained and not used for retail, the area of its footprint can be deducted from the overall square footage of the Retail Priority Site in determining the square footage of retail required.
 - c. Square footage of the following do not count towards the retail square footage minimum:
 - i. Loading dock
 - ii. Parking
 - iii. Driveways, ramps, and circulation for cars and trucks

3. If a project is phased, the minimum retail portion must be built first or concurrently with any residential portion. Any additional residential bonus units that are dependent on additional retail square footage may also only be built after the retail project or concurrently. If determined by the Director of City Planning, an applicant may be required to submit a financial guarantee, in a form and manner acceptable to the City, that the retail space will be built as part of the conditions of approval of the project.

4. An applicant that provides a retail project that equals at least 60% of the square footage of the Retail Priority Site may transfer the development rights of residential bonus units and height from one retail priority site to a different lot within the same retail priority site or to a lot within a different retail priority site upon the granting of a Conditional Use Permit (CUP). A CUP to transfer development rights of residential bonus units may be granted only upon determination that the proposal conforms to the general use permit criteria contained in Section 17.134.050 and to each of the following additional criteria:

- a. The applicant has acquired development rights from the owner(s) of lots within a Retail Priority Site zone, restricting the number of residential units which may be developed thereon so long as the facilities proposed by the applicant are in existence;
- b. The owners of all such lots shall prepare and execute an agreement, approved as to form and legality by the City Attorney and filed with the Alameda County Recorder, incorporating such restriction;
- c. The proposed location and site planning of any transferred residential bonus units will not make infeasible future construction of the minimum retail square footage required at that Retail Priority Site;
- d. Residential bonus units can only be transferred to a lot that cannot meet the minimum retail square footage required in that Retail Priority Site to build residential;
- e. The site receiving the transferred residential units must include retail area on the ground floor pursuant to the requirements of the D-BV-1 Broadway Retail Priority Sites Zone; and
- f. Retail floor area that existed prior to the effective date of this chapter (month/day, 2014) cannot count towards the retail square footage needed for transfer of development rights for residential bonus units to other Retail Priority Sites.

5. For a bonus of residential units, the State Density Bonus can be applied by providing affordable housing units (see California Government Code, Section 65915-65918, as implemented by Chapter 17.101 of the Oakland Planning Code) or an applicant can utilize the following residential bonus within a Retail Priority Zone. However, these bonuses cannot be combined. The affordable units can be built on site or on another site within any D-BV zone. The residential bonus shall not be included when determining the number of target units that must be affordable to the relevant income group. If 15% of the total Dwelling Units of a Residential Housing Development are affordable, an additional residential bonus of thirty-five percent (35%) will be granted when an applicant for a Residential Housing Development seeks, and agrees to construct, at least any one of the following categories (which are defined in Section 17.107.020 (K), the following definitions in Section 17.107.020 (A)(B)(J)(M) also apply, and all of the provisions of Sections 17.107.110 – 17.107.114 must be met):

- a. Lower Income Households; or
- b. Very Low Income Households; or
- c. A common interest development as defined in Section 1351 of the California Civil Code, for persons and families of Moderate Income, provided that all units in the development are offered to the public for purchase.

6. In the Retail Priority Areas, an exception to the minimum retail square footage required to receive the bonus right to residential units may be granted only upon determination that the proposal conforms to the general use permit criteria contained in Section 17.134.050, to any applicable use permit criteria set forth in Table 17.101C.01 L2, and to each of the following additional criteria:

- a. The applicant submits an architectural study, prepared by a qualified architectural firm, that demonstrates at least one or more alternatives would be physically infeasible due to operational and/or site constraints if it were to meet the minimum retail square footage specified;
- b. Strict compliance with the minimum retail square footage would preclude an effective design solution improving livability, operational efficiency, or appearance; and
- c. The project will remain consistent with the Broadway Valdez District Specific Plan goals and policies related to retail development as well as its Design Guidelines.

D. Retail Priority Sites: Height, Floor Area Ratio (FAR), Residential Bonus, and Open Space. Table 17.101C.06 below prescribes height, FAR, residential bonus, and open space, standards associated with the minimum retail area required in the Retail Priority Sites described in Table 17.101C.05 above. The number designations in the "Additional Regulations" column refer to regulations below the table.

Table 17.101C.06: Retail Priority Sites: Height, Floor Area Ratio (FAR), Residential Bonus, and Open Space			
Regulation	Percentage (%) of Retail Area Equals the Square Footage of Retail Required from Table 17.101C.05 to Develop Residential Facilities or Taller Non-Residential Facilities		
	50% of Retail Priority Site	60% of Retail Priority Site	Additional Regulations
Maximum Height			
Building Base Max. Height	85 ft	85 ft	
Maximum Height Total	200 ft	200/250ft	1, 2
Maximum number of stories (not including underground construction)	19	19/24	1, 2
Height Minimum	N/A	N/A	
Maximum Residential Bonus (retail square feet required per dwelling unit)			
Regular Units	125	100	2, 3, 4
Rooming Units	100	75	2, 3
Maximum Nonresidential FAR	8.0	8.0/10.0	1, 2
Minimum Usable Open Space			
Area: on each lot containing residential facilities of two or more units, usable open space shall be provided for such facilities at a rate stated per dwelling unit	75 sf	75 sf	5, 6, 7
Area: on each lot containing residential facilities of two or more units, usable open space shall be provided for such facilities at a rate stated per rooming unit	38 sf	38 sf	5, 6, 7
Area: on each lot containing senior or affordable housing units, usable open space shall be provided for such facilities at a rate stated per dwelling unit or rooming unit	30 sf	30 sf	5, 6, 7
Area: Conversion of Historic Resource building from commercial to residential, usable open space shall be provided for such facilities at a rate stated per dwelling or rooming unit	0 sf	0 sf	7
Size and shape of open space: An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown below:			
Private Open Space: is accessible from a single unit	10 ft for space on the ground floor and 4 ft on other floors		5, 6, 7
Rooftop: a type of group open space, includes decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants	15 ft		5, 6, 7
Courtyard: a type of group open space that can be located anywhere within the subject property	15 ft		5, 6, 7
Private Group Community Room: a type of interior group space that could include a movie room, kitchen, and/or gym	10 ft (1/3 of the required usable open space can be used for this type)		5, 6, 7
Public Ground-Floor Plaza: a type of group open space (see Section 17.127.030) located at street level and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving	10 ft		5, 6, 7

Additional Regulations for Table 17.101C.06:

1. An applicant that provides a retail project that equals at least 60% of the square footage of the Retail Priority Site shall also be granted a maximum height of 200 feet and an FAR of 8.0, or if within 100' of 23rd Street the maximum height can go up to 250 feet and a FAR of 10.0.
2. See additional regulations in Table 17.101C.05 numbers 2 – 6.
3. See Chapter 17.107 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.103.080. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five (5) or more bedrooms.
4. The overall number of residential units cannot exceed the General Plan density allowance of 87 square feet of lot area per principal unit.
5. The following apply to open space standards:
 - a. Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the listed dimension.
 - b. Openness. There shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.
 - c. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dust free surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than four (4) feet high.
 - d. Accessibility. Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five feet of an interior side lot line. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
 - e. Landscaping requirements. At least fifty percent (50%) of rooftop or courtyard usable open space area shall include landscaping enhancements. At least thirty percent (30%) of public ground floor plaza shall include landscaping enhancements. Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc.) The remainder of the space shall include user amenities such as seating, decorative paving, sidewalk cafes, or playground structures.
6. In-Lieu Fee: The open space requirements of this Section may be reduced or waived upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and payment of an in-lieu fee to the City of Oakland. The open space in-lieu fee shall be as set forth in the Master Fee Schedule. Open space in-lieu fees shall be deposited with the City of Oakland prior to issuance of a building permit. An open space in-lieu fee may be refunded, without interest, to the person who made

such payment, or his assignee or designee, if additional open space is provided for such building so as to satisfy the open space requirement for which the in-lieu payment was made. To obtain a refund, the required open space must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.

7. Notwithstanding anything to the contrary contained in the Planning Code, variances may not be granted relating to (a) a reduction and/or elimination of any open space; or (b) a reduction and/or elimination of any open space serving any activity, or if already less than currently required open space, shall not be reduced further below the requirements prescribed for such activity in this Chapter, as the granting of a CUP (see Chapter 17.134 for the CUP procedure) and payment of the in-lieu fee shall be the sole means of reducing or eliminating open space.

17.101C.055 – Micro Living Quarters.

A. Definition. For the purposes of the D-BV zone chapter only, the following definition is added as a facility type. Definitions for other facility types are contained in the Oakland Planning Code Chapter 17.10.

1. **“Micro Living Quarters”** mean one or more rooms located in a multiple-tenant building having an average net floor area of one hundred seventy-five (175) square feet, but a minimum size of one hundred fifty (150) square feet of net floor area, and occupied by a permanent residential activity. Bathroom facilities, which include toilet and sink, as well as shower and/or bathtub, are required to be located within each individual Micro Living Quarter. Cooking facilities are not allowed to be located within each individual Micro Living Quarter, and shared kitchen facilities are required within close proximity on the same building floor. The maximum number of Micro Living Quarters within a building shall not be regulated by residential density limits in the corresponding zone, but instead shall be established through the application of the Micro Living Quarters required average size (one hundred seventy five (175) square feet); the Floor Area Ratio (FAR) limits specified in the corresponding zone; all other applicable development regulations establishing the buildable envelope in the corresponding zone including, but not limited to, maximum height and minimum setbacks; and the requirements of the Building and Fire Codes.

B. Requirements. The following are requirements for Micro Living Quarters.

1. The number of off-street parking spaces, bicycle parking, and amount of open space required for Micro Living Quarters shall be based on the requirements for a Roaming House Residential Facility type in the corresponding zone.
2. Micro Living Quarters shall only be allowed as part of an application for new construction of a multi-tenant building, or alteration of an existing Potentially Designated Historic Property (PDHP) or property listed in the City of Oakland’s Local Register of Historical Resources as defined in Policy 3.8 of Oakland’s General Plan Historic Preservation Element that is a Nonresidential Facility or Multifamily Dwelling Residential Facility.
3. Shared recreational area, with seating or other similar amenities, shall be required in the interior of the Micro Living Quarter building equaling a minimum of five (5) square feet per individual Micro Living Quarter or two hundred fifty (250) square feet whichever is greater. A shared kitchen may be open to shared recreation area if it is adjacent to and directly accessible from such shared kitchen facilities. Kitchen counters, cabinets, sinks, and appliances; and the floor area that encompasses an assemblage of these items, shall not be included in the calculation of minimum required shared recreational area. Shared laundry facilities or other similar utilitarian spaces shall also not be included in the calculation of minimum required shared recreational area. The minimum width in this shared recreational area shall be twelve (12) feet. The interior shared recreational area shall be accessible to all tenants of the Micro Living Quarter building.

4. All common space including but not limited to shared kitchens, interior recreational area, and outdoor open space, shall be maintained by the building management.
5. Demolition of a property listed in the City of Oakland's Local Register of Historical Resources as defined in Policy 3.8 of Oakland's General Plan Historic Preservation Element is not allowed in order to build Micro Living Quarters.
6. Use Permit Criteria. A Conditional Use Permit for Micro Living Quarters may only be granted 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 each of the following additional use permit criteria:
 - a. The proposal will not detract from the character desired for the area;
 - b. The proposal will not impair a generally continuous wall of building facades;
 - c. The proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;
 - d. The proposal will not interfere with the movement of people along an important pedestrian street; and
 - e. The proposal will conform in all significant respects with the Broadway Valdez District Specific Plan.

17.101C.060 - Special regulations for mini-lot and planned unit developments.

- A. **Mini-Lot Developments.** In mini-lot developments, certain regulations that apply to individual lots in the D-BV zones may be waived or modified when and as prescribed in Section 17.142
- B. **Planned Unit Developments.** Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the D-BV zones, and certain of the other regulations applying in said zone may be waived or modified.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011)

17.101C.070 - Other zoning provisions.

- A. **Home Occupations.** Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112
- B. **Nonconforming Uses.** Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114
- C. **General Provisions.** The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the D-BV zones.
- D. **Recycling Space Allocation Requirements.** The regulations set forth in Chapter 17.118 shall apply in the D-BV zones.
- E. **Landscaping and Screening Standards.** The regulations set forth in Chapter 17.124 shall apply in the D-BV zones.
- F. **Buffering.** All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011)

The following are amendments to Chapter 17.116. Additions to the chapter are underlined; deletions are in ~~strikeout~~.

Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

Article I - General Provisions

Article II - Off-Street Parking Requirements

Article III - Off-Street Loading Requirements

Article IV - Standards for Required Parking and Loading Facilities

Article II Off-Street Parking Requirements

17.116.020 Effect on new and existing uses.

17.116.060 Off-street parking—Residential Activities.

17.116.070 Off-street parking—Civic Activities.

17.116.080 Off-street parking—Commercial Activities.

17.116.082 Off-street parking in the D-BV Zones—Commercial Activities.

17.116.090 Off-street parking—Industrial Activities.

17.116.100 Off-street parking—Agricultural and Extractive Activities.

17.116.110 Special exemptions to parking requirements.

17.116.020 Effect on new and existing uses.

(See illustrations I-19a, b.)

- A. New Parking and Loading to Be Provided for New Facilities and Additions to Existing Facilities. Except as otherwise provided in Sections 17.114.030 and Chapter 17.138, new off-street parking and loading as prescribed hereafter shall be provided for activities occupying facilities, or portions thereof, which are constructed, established, wholly reconstructed, or moved onto a new lot after the effective date of the zoning regulations, or of a subsequent rezoning or other amendment thereto establishing or increasing parking or loading requirements for such activities, except to the extent that existing parking or loading exceeds such requirements for any existing facilities. The required amount of new parking and loading shall be based on the cumulative increase in floor area, or other applicable unit of measurement prescribed hereafter, after said effective date; provided, however, that for an activity occupying a facility existing on said effective date, new parking shall be required for said increase to the extent that the total of such existing facility and the added facilities exceeds any minimum size hereafter prescribed for which any parking is required for such activity.
- B. New Parking to Be Provided for New Living Units in Existing Facilities. Except as provided in Section 17.116.110(D)(3) for the conversion of historic buildings in the D-BV zones, if any facility, or portion thereof, which is in existence on the effective date of the zoning regulations, or of a subsequent rezoning or other amendment thereto establishing or increasing parking or loading requirements for an activity therein, is altered or changed in occupancy so as to result in

an increase in the number of residential living units therein, new off-street parking as prescribed hereafter shall be provided for the added units. However, such new parking need be provided only in the amount by which the requirement prescribed hereafter for the facility after said alteration or change exceeds the requirement prescribed hereafter for the facility as it existed prior to such alteration or change; and such new parking need not be provided to the extent that existing parking exceeds the latter requirement. Other alterations and substitutions or other changes in activities may be made in any facility or portion thereof existing on said date without regard for the parking and loading requirements prescribed hereafter, and new parking and loading shall not be required therefor, except as otherwise provided in subsection A of this section with respect to additions and in subsection C of this section.

- C. Existing Parking and Loading to Be Maintained. No existing parking or loading serving any activity shall be reduced in amount or changed in design, location, or maintenance below, or if already less than shall not be reduced further below, the requirements prescribed hereafter for such activity unless equivalent substitute facilities are provided.
- D. Parking to be Provided for Existing Residential Facilities. When a conditional use permit is required by for the alteration of, or addition to, an existing Residential Facility in order to create a total of five 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.

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:

Residential Facility Type	Zone	Requirement
One-Family Dwelling.	RH and RD zones, except when combined with the S-12 zone.	Two (2) spaces for each dwelling unit; however, in the S-11 zone, the requirement shall be one space per bedroom with a minimum of two (2) spaces per dwelling unit and a maximum requirement of four (4) spaces per dwelling unit.
	RM-1, except when combined with the S-12 zone.	One and one-half (1½) spaces for each dwelling unit.
	RM-2 zone	One (1) space for each dwelling unit when lot is less than 4,000 square feet in size and/or 45 feet in width, except when combined with the S-12 zone. One and one-half (1½) spaces for each dwelling unit when lot is 4,000 square feet or more in size and/or 45 feet in width, except when combined with the S-12 zone.

	CBD-P zone (when combined with the S-7 zone), except when combined with the S-12 zone.	No spaces required.
	S-15 zone, except when combined with the S-12 zone.	One-half (½)-space for dwelling unit.
	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
One-Family Dwelling with Secondary Unit.	RH, RD, RM-1, and RM-2 zones, except when combined with the S-12 zone.	One (1) space for the secondary unit unless the lot already contains a total of at least three (3) spaces; however, in the S-11 zone the requirement shall be one (1) space for each bedroom in any secondary unit, up to a maximum requirement of two (2) spaces per secondary unit. See Section 17.103.080
	All other zones, except when combined with the S-12 zone.	One (1) space for the secondary unit unless the lot already contains a total of at least two (2) spaces; however, in the S-11 zone the requirement shall be one (1) space for each bedroom in any secondary unit, up to a maximum requirement of two (2) spaces per secondary unit. See Section 17.103.080
	Any zone combined with the S-12 zone.	See Section 17.94.040
Two-Family Dwelling, 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.
	CBD-P zone (when combined with the S-7	No spaces required.

	zone), except when combined with the S-12 zone.	
	S-15 zone, except when combined with the S-12 zone.	One-half (½) space for each dwelling unit.
	<u>D-BV-1 and D-BV-2 zones.</u>	<u>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.</u>
	<u>D-BV-3 and D-BV-4 zones.</u>	<u>Three-quarters (3/4) 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.</u>
	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
Rooming House.	CBD-P zone (when combined with the S-7 zone).	No spaces required.
	<u>D-BV-1 and D-BV-2 zones</u>	<u>One (1) space for each four rooming units.</u>
	Any other zone.	One (1) space for each two rooming units.
Mobile Home.	CBD-P zone (when combined with the S-7 zone).	No spaces required.
	Any other zone.	One (1) space for each living unit plus one (1) additional space for each four living units.
Bed and	Any zone.	One (1) space for each two units plus the required parking for

Breakfast		a One-Family dwelling in the underlying zone.
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17.116.080 Off-street parking—Commercial Activities.

Except as otherwise provided in Sections ~~17.44.200, 17.101.090, 17.116.020, 17.116.030,~~ and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for the specified Commercial Activities when located in the indicated 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, S-15.	—	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.
	<u>D-BV zones</u>	<u>See Section 17.116.082</u>	<u>See Section 17.116.082</u>
	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	CBD-P, CBD-C, CBD-X, 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.

appliances.	<u>D-BV zones</u>	<u>See Section 17.116.082</u>	<u>See Section 17.116.082</u>
Consumer Service.	Any other zone.	3,000 square feet of floor area.	One (1) space for each 400 square feet of floor area.
Consumer Cleaning and Repair Service, except when services consists primarily of repair or cleaning of large items such as furniture or carpets.			
General Wholesale Sales, whenever 50 percent or more of all sales on the lot are at retail.			
Undertaking Service.			
C. Consultative and Financial Service.	CBD-P, CBD-C, CBD-X, and S-15 zones.	—	No spaces required.
Administrative.			
Business, Communication and Media Service.	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.
Broadcasting and Recording Service	CN zones.	3,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
Research Service.	<u>D-BV zones</u>	<u>See Section 17.116.082</u>	<u>See Section 17.116.082</u>
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
D. General Wholesale Sales, whenever less than 50percent of all sales on the lot are at retail.	S-15 zone.	—	No spaces required.
	C-45, CBD-P, CBD-C, CBD-X, 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.

Building Material Sales	<u>D-BV zones</u>	<u>See Section 17.116.082</u>	<u>See Section 17.116.082</u>
Automotive Sales and Service.	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.
Automobile and Other Light Vehicle Sales and Rental.			
E. Group Assembly, Personal Instruction and Improvement Services.	CBD-P, CBD-C, CBD-X, and S-15 zones.	—	No spaces required.
and Small Scale Entertainment.	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.
	<u>D-BV zones</u>	<u>See Section 17.116.082</u>	<u>See Section 17.116.082</u>
	Any other zone.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance	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

		halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	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), and S-15 zones.	—	No spaces required.
	CBD-P, CBD-C, and 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.
	<u>D-BV zones</u>	<u>See Section 17.116.082</u>	<u>See Section 17.116.082</u>
	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, whenever services consist primarily of repair or cleaning of large items such as furniture or carpets. Animal care and Animal boarding.	CBD-P, CBD-C, CBD-X, 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.
	<u>D-BV zones</u>	<u>See Section 17.116.082</u>	<u>See Section 17.116.082</u>
	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.	CBD-P, CBD-C, CBD-X, and S-15 zones.	—	No spaces required.
Automotive and Other Light Vehicle Repair and Cleaning.	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.
Automotive Fee Parking.	<u>D-BV zones</u>	<u>See Section 17.116.082</u>	<u>See Section 17.116.082</u>
	Any other zone.	No minimum.	One (1) space for each 1,000 square feet of floor area.
I. Transport and Warehousing.	CBD-P, CBD-C, CBD-X.	—	No spaces required.
Taxi and Light Fleet-based Service.	<u>D-BV zones</u>	<u>See Section 17.116.082</u>	<u>See Section 17.116.082</u>
	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, and CBD-X zones.	—	No spaces required.
	<u>D-BV zones</u>	<u>See Section 17.116.082</u>	<u>See Section 17.116.082</u>
	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, 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.
	<u>D-BV zones</u>	<u>See Section 17.116.082</u>	<u>See Section 17.116.082</u>
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 200 square feet of floor area.

17.116.082 Off-street parking in the D-BV Zones—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 Commercial Activities when located in the D-BV zones and occupying facilities of the specified sizes. The required parking spaces shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

<u>Location of Commercial Activity</u>	<u>Minimum Total Size for Which Parking Required</u>	<u>Requirement</u>
<u>A. Commercial Activities on the ground floor, except for Transient Habitation (see Table 17.116.080).</u>	<u>10,000 square feet of floor area.</u>	<u>One (1) space for each 500 square feet of floor area.</u>
<u>B. Commercial Activities not on the ground floor, except for Transient Habitation (see Table 17.116.080).</u>	<u>10,000 square feet of floor area.</u>	<u>One (1) space for each 1,000 square feet of floor area.</u>

17.116.110 Special exemptions to parking requirements.

The provisions of this section shall apply to all activities in all zones except Residential Activities occupying One-Family, Two-Family or Multifamily Residential Facilities located within the S-12 residential parking combining zone, where the provisions of Section 17.94.040 shall apply.

- A. **Discretionary Reduction for Senior Citizen Housing and Dormitories.** In senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, or in a dormitory, fraternity, or similar facility, the number of parking spaces prescribed in Section 17.116.060 may be reduced by not to exceed seventy-five percent (75%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the proposal conforms to the use permit criteria set forth in subsections A or B, and C of this section:
1. In the case of senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, that such occupancy is guaranteed, for a period of not less than fifty (50) years, by appropriate conditions incorporated into the permit;
 2. In the case of a dormitory, fraternity, or similar facility, that the occupants are prevented from operating a motor vehicle because they are not of driving age or by other special restriction, which limitation of occupancy by nonqualifying drivers is assured by appropriate conditions incorporated into the permit;
 3. That due to the special conditions referred to above, and considering the availability, if any, of public transportation within convenient walking distance, the reduced amount of parking will be adequate for the activities served, and that the reduction will not contribute to traffic congestion or impair the efficiency of on-street parking.
- B. **Discretionary Reduction of Total Requirements with Shared Parking Area.** For a joint off-street parking area which serves two or more nonresidential activities in any zone, or Residential Activities in the CN, C-45, -or CBD zones, and which meets the conditions set forth in Section 17.116.180, the total parking requirement for the sharing activities may be reduced by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that the typical utilization of the parking area would be staggered to such an extent that the reduced number of spaces would be adequate to serve all such activities.
- C. **Discretionary Waiver or Reduction in Districts Providing Common Parking Areas.** The off-street parking requirements specified above for nonresidential activities in any zone, or for Residential Activities in the CN, C-45, or CBD zones, may be waived or reduced by the Director of City Planning when said activities are located within a municipal parking district or assessment district the function of which is to provide off-street parking, upon a finding that, in consideration of existing or prospective municipal parking facilities, such waiver or reduction would not substantially contribute to traffic congestion or impair the efficiency of on-street parking. Any determination on such waiver or reduction shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132
- D. **Each of the following provisions shall apply in the D-BV zones only:**
1. In-Lieu Fee. The parking space requirements of this section for the D-BV zones may be reduced or waived upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and payment of an in-lieu fee to the City of Oakland. The parking in-lieu fee shall be as set forth in the Master Fee Schedule. Parking in-lieu fees shall be deposited with the City of Oakland prior to issuance of a building permit. A parking in-lieu fee may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional off-street parking spaces are provided for such building or use by others than the City so as to satisfy the parking requirement for which the in-lieu payment was made.

To obtain a refund, the required off-street parking spaces must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.

2. Narrow Lots. Lots with a mean width of less than fifty (50) feet and fronting Broadway or 27th Street are not required to provide parking on-site unless alternative driveway access is available from an alternative location, such as a shared access driveway from an adjoining parcel or from an alley.
3. Conversion of Historic Buildings. No additional parking spaces are required for the conversion of a Nonresidential Facility to a Residential Facility or vice versa if the Nonresidential or Residential Facility is either a Potentially Designated Historic Property (PDHP) or a property listed in the City of Oakland's Local Register of Historical Resources (see Policy 3.8 of Historic Preservation Element of the Oakland General Plan). If the number of existing parking spaces on the lot is less than required, then that number of parking spaces must be preserved with the conversion. If there are more parking spaces on the lot than required, then the number of spaces can be reduced to the minimum required. Parking spaces shall not be further reduced below the requirement unless payment of an in-lieu fee, as set forth in the Master Fee Schedule, to the City of Oakland is provided.
4. Affordable Housing. Parking requirements applicable to affordable housing for moderate, low, and very low income households, (as defined in California Government Code Section 50052.5 and in Oakland Planning Code Section 17.107.020), shall be one-quarter (1/4) spaces per dwelling unit. In Subsection 17.116.110(A) of this chapter, Senior Citizen Housing and Dormitories requirements apply but do not require a Conditional Use Permit and the reduced parking requirement is one-quarter (1/4) spaces per dwelling unit.
5. Unbundled Parking. The following rules shall apply to new Multifamily Dwelling Residential Facilities of ten (10) or more units:
 - a. Off-street parking spaces shall be leased or sold separately from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space(s).
 - b. Off-street parking spaces serving affordable units as defined in Section 17.107.020 shall be offered to potential buyers and renters at a price proportional to the sale or rental price of the affordable units as compared to the price proportional to comparable market rate units, except when offered to non-residents pursuant to Subsection (c) below.
 - c. Parking spaces shall be offered only to residents of the dwelling units served by the off-street parking, except that any surplus spaces that are not rented or sold may be rented to non-residents with the provision that such spaces must be vacated on 30 days notice if requested by residents to be made available to them.
6. No Variances. Notwithstanding anything to the contrary contained in the Planning Code, variances may not be granted relating to (a) a reduction and/or elimination of any required parking; or (b) a reduction and/or elimination of any parking spaces serving any activity, or if already less than currently required parking, shall not be reduced further below the requirements prescribed for such activity in this Chapter, as the granting of a CUP (see Chapter 17.134 for the CUP procedure) and payment of the in-lieu fee shall be the sole means of reducing or eliminating such parking.

The following are amendments to Chapter 17.117. Additions to the chapter are underlined; deletions are in ~~strikeout~~.

Chapter 17.117 BICYCLE PARKING REQUIREMENTS

Sections:

Article I. - General Provisions

Article II. - Standards for Required Bicycle Parking

Article III. - Minimum Number of Required Bicycle Parking Spaces

Article I. General Provisions

17.117.010 Title, purpose, and applicability.

17.117.020 Bicycle parking required for new and existing uses.

17.117.030 More than one activity on a lot.

17.117.040 Determination by Director of City Planning.

(Ord. 12884 § 2 (part), 2008)

Article II. Standards for Required Bicycle Parking

17.117.050 Types of required bicycle parking.

17.117.060 Minimum specifications for required bicycle parking.

17.117.070 Location and design of required bicycle parking.

17.117.050 Types of required bicycle parking.

- A. Long-term Bicycle Parking. Each long-term bicycle parking space shall consist of a locker or locked enclosure providing protection for each bicycle from theft, vandalism and weather. Long-term bicycle parking is meant to accommodate employees, students, residents, commuters, and others expected to park more than two hours.
- B. Short-term Bicycle Parking. Short-term bi-cycle parking shall consist of a bicycle rack or racks and is meant to accommodate visitors, customers, messengers, and others expected to park not more than two hours.

(Ord. 12884 § 2 (part), 2008)

17.117.060 Minimum specifications for required bicycle parking.

- A. All bicycle parking facilities shall be dedicated for the exclusive use of bicycle parking.
- B. All required short-term bicycle parking spaces shall permit the locking of the bicycle frame and one wheel with a U-type lock, support the bicycle in a stable position without damage to wheels, frame, or components, and provide two (2) points of contact with the bicycle's frame.

- C. All required long-term bicycle parking spaces, with the exception of bicycle lockers, shall permit the locking of the bicycle frame and one wheel with a U-type lock, and support the bicycle in a stable position without damage to wheels, frame, or components.
- D. Bicycle parking facilities shall be securely anchored so they cannot be easily removed and shall be of sufficient strength and design to resist vandalism and theft.
- E. The overall design and spacing of such facilities shall meet the standards of Section 17.117.070 or as may be modified.

(Ord. 12884 § 2 (part), 2008)

17.117.070 Location and design of required bicycle parking.

Required bicycle parking shall be placed on site(s) as set forth below:

- A. A bicycle parking space shall be at least two and a half (2.5) feet in width by six (6) feet in length to allow sufficient space between parked bicycles.
- B. An encroachment permit may be required from the City to install bicycle parking in the public right-of-way.
- C. Bicycle parking facilities shall not impede pedestrian or vehicular circulation.
 - 1. Bicycle parking racks located on sidewalks should maintain a minimum of five and one half (5.5) feet of unobstructed pedestrian right-of-way outside the bicycle parking space. For sidewalks with heavy pedestrian traffic, at least seven (7) feet of unobstructed right-of-way is required.
- D. Bicycle parking facilities are subject to the following standards:
 - 1. Racks shall be located with at least thirty (30) inches in all directions from any vertical obstruction, including but not limited to other racks, walls, and landscaping. General Food Sales, Full Service Restaurant, Limited Service Restaurant and Cafe, and Large Scale Combined Retail and Grocery Sales Activities are encouraged to locate racks with a thirty-six (36) inch clearance in all directions from any vertical obstruction, including but not limited to other racks, walls, and landscaping.
 - 2. A minimum four (4) foot wide aisle of unobstructed space behind all required bicycle parking shall be provided to allow for adequate bicycle maneuvering.
- E. Bicycle parking facilities within auto parking facilities shall be protected from damage by cars by a physical barrier such as curbs, wheel stops, poles, bollards, or other similar features capable of preventing automobiles from entering the bicycle facility.
- F. Bicycle parking facilities shall be located in highly visible well-lighted areas. In order to maximize security, whenever possible short-term bicycle parking facilities shall be located in areas highly visible from the street and from the interior of the building they serve (i.e. placed adjacent to windows).
- G. The location and design of required bicycle parking shall be of a quality, character and color that harmonize with adjoining land uses. Required bicycle parking shall be incorporated whenever possible into building design or street furniture.
- H. Long-term bicycle parking shall be covered and shall be located on site or within five hundred (500) feet of the main building entrance unless approved by the Director of City Planning with a written Discretionary Waiver. The main building entrance excludes garage entrances, trash room entrances, and other building entrances that are not publicly accessible.
- I. Discretionary Waiver. The long-term bicycle parking location requirement of five hundred (500) feet may be waived in writing by the Director of City Planning when said activities are located within one thousand (1000) feet of a proposed or existing bike station or similar high-capacity

bicycle parking facility. Any determination on such waiver shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132

- J. Whenever any required bicycle parking is proposed to be provided on a lot other than the lot containing the activity served, the owner or owners of both lots shall prepare and execute to the satisfaction of the City Attorney, and file with the Alameda County Recorder, an agreement guaranteeing that such facilities will be maintained and reserved for the activity served, for the duration of said activity.
- K. Short-term bicycle parking shall be placed within fifty (50) feet of the main entrance to the building or commercial use and should be in a well trafficked location visible from the entrance. When the main entrance fronts the sidewalk, the installer may obtain an encroachment permit from the City to install the bicycle parking in the public right-of-way. The main building entrance excludes garage entrances, trash room entrances, and other building entrances that are not publicly accessible.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12884 § 2 (part), 2008)

Article III. Minimum Number of Required Bicycle Parking Spaces

17.117.080 Calculation Rules.

17.117.090 Required bicycle parking—Residential activities.

17.117.100 Required bicycle parking—Civic activities.

17.117.110 Required bicycle parking—Commercial activities.

17.117.120 Required bicycle parking—Industrial and all other activities.

17.117.130 Required shower and locker facilities.

17.117.140 Additional considerations for variance determination.

17.117.150 Automobile parking credit.

17.117.080 Calculation Rules.

- A. If after calculating the number of required bicycle parking spaces a quotient is obtained containing a fraction of one-half ($\frac{1}{2}$) or more, an additional space shall be required; if such fraction is less than one-half ($\frac{1}{2}$), it may be disregarded.
- B. When the bicycle parking requirement is based on number of employees, the number of spaces shall be based on the number of working persons on the lot during the largest shift of the peak season. If the Director of City Planning determines that this number is difficult to verify for a specific facility, then the number of required long-term bicycle parking spaces shall be a minimum of two (2) spaces or five percent (5%) of the amount of required automobile spaces for the proposed facility, whichever is greater.
- C. When the bicycle parking requirement is based on number of seats, in the case of pews or similar facilities, each twenty (20) inches shall be counted as one seat.
- D. The calculation of short-term bicycle parking may include existing racks that are in the public right-of-way and are within fifty (50) feet of the main entrance.

(Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12884 § 2 (part), 2008)

17.117.090 Required bicycle parking—Residential activities.

Subject to the calculation rules set forth in Section 17.117.080, the following minimum amounts of bicycle parking are required for all Residential Activities and shall be developed and maintained pursuant to the provisions of Article II of this chapter:

Type of Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
Permanent and Semi-Transient Residential Activities occupying the specified facilities:		
1) One-Family Dwelling.	No spaces required.	No spaces required.
2) One-Family Dwelling with Secondary Unit.	No spaces required.	No spaces required.
3) Two-Family Dwelling.	No spaces required.	No spaces required.
4) Multifamily Dwelling.		
a) With private garage for each unit.	No spaces required.	1 space for each 20 dwelling units. <u>For D-BV zones, 1 space for each 15 dwelling units. Minimum citywide requirement is 2 spaces.</u>
b) Without private garage for each unit.	1 space for each 4 dwelling units. <u>For D-BV zones, 1 space for each 2 dwelling units. Minimum citywide requirement is 2 spaces.</u>	1 space for each 20 dwelling units. <u>For D-BV zones, 1 space for each 15 dwelling units. Minimum citywide requirement is 2 spaces.</u>
c) Senior Housing.	1 space for each 10 dwelling units. Minimum requirement is 2 spaces.	1 space for each 20 dwelling units. Minimum requirement is 2 spaces.
5) Rooming House.	1 space for each 8 residents. Minimum requirement is 2 spaces.	No spaces required.
6) Mobile Home.	1 per 20 units.	No spaces required.

Residential Care, Service-Enriched Permanent, Transitional Housing, and Emergency Shelter
Residential Activities occupying the specified facilities:

7) Residential Care.	1 space for each 20 employees or 1 space for each 70,000 square feet, whichever is greater. Minimum requirement is 2 spaces.	2 spaces.
8) Service-Enriched Permanent Housing.	1 space for each 20 employees or 1 space for each 70,000 square feet, whichever is greater. Minimum requirement is 2 spaces.	2 spaces.
9) Transitional Housing.	1 space for each 8 residents. Minimum requirement is 2 spaces.	1 space for each 20 dwelling units. Minimum requirement is 2 spaces.
10) Emergency Shelter Residential.	1 space for each 20 employees or 1 space for each 70,000 square feet, whichever is greater. Minimum requirement is 2 spaces.	1 space for each 5,000 square feet of floor area. Minimum requirement is 2 spaces.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12884 § 2 (part), 2008)

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12884 § 2 (part), 2008)

17.117.110 Required bicycle parking—Commercial activities.

Subject to the calculation rules set forth in Section 17.117.080, the following amounts of bicycle parking are required for the specified Commercial Activities and shall be developed and maintained pursuant to the provisions of Article II of this chapter:

Commercial Activity	Long-term Bicycle Parking Requirement	Short-term Bicycle Parking Requirement
Retail		
1. General Food Sales.	1 space for each 12,000 square feet	1 space for each 2,000 square feet of

<p>2. Full Service Restaurant</p>	<p>of floor area. For D-BV zones, <u>1 space for each 8,000 square feet of floor area.</u> Minimum citywide</p>	<p>floor area. Minimum requirement is 2 spaces.</p>
<p>3. Limited Service Restaurant and Cafe</p>	<p>requirement is 2 spaces</p>	
<p>4. Fast-Food Restaurant.</p>	<p>1 space for each 12,000 square feet of floor area. For D-BV zones, <u>1</u></p>	<p>1 space for each 5,000 square feet of floor area. For D-BV zones, <u>1 space</u></p>
<p>5. Convenience Market</p>	<p><u>space for each 8,000 square feet of floor area.</u> Minimum citywide</p>	<p><u>for each 3,000 square feet of floor area.</u> Minimum citywide</p>
<p>6. Alcoholic Beverage Sales.</p>	<p>requirement is 2 spaces.</p>	<p>requirement is 2 spaces.</p>
<p>7. Mechanical or Electronic Games.</p>		
<p>8. General Retail Sales.</p>		
<p>9. Large-scale combined retail and grocery sales.</p>		
<p>10. Consumer Service.</p>		
<p>11. Consumer Cleaning and Repair Service.</p>		
<p>12. Consumer Dry Cleaning Plant.</p>		
<p>13. Check Cashier and Check Cashing.</p>		
<p>14. General Wholesale Sales.</p>	<p>1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.</p>	<p>1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.</p>
<p>15. Building Material Sales.</p>		
<p>Office</p>		

1. Consultative and Financial Service.	1 space for each 10,000 square feet of floor area. For D-BV zones, 1 space for each 8,000 square feet of floor area. Minimum citywide requirement is 2 spaces.	1 space for each 20,000 square feet of floor area. For D-BV zones, 1 space for each 15,000 square feet of floor area. Minimum citywide requirement is 2 spaces.
2. Administrative Commercial.		
3. Business, Communication, and Media Service.		
4. Broadcasting and Recording Service.		
Medical		
1. Medical Service.	1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 5,000 square feet of floor area. Minimum requirement is 2 spaces.
2. Animal Care.		
Auto Related		
1. Automobile and Other Light Vehicle Sales and Rental.	1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 20,000 square feet of floor area. Minimum requirement is 2 spaces.
2. Automobile and Other Light Vehicle Gas Station and Servicing.	1 space for each 20 employees. Minimum requirement is 2 spaces.	No spaces required.
3. Automotive Repair and Cleaning.		
Other Commercial		
1. Group Assembly.	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040	Number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.117.040
2. Personal Instruction and Improvement and	Number of spaces to be prescribed by the Director of City Planning	Number of spaces to be prescribed by the Director of City Planning pursuant

Small Scale Entertainment	pursuant to Section 17.117.040	to Section 17.117.040
3. Research Service.	1 space for each 10,000 square feet of floor area. Minimum requirement is 2 spaces.	1 space for each 40,000 square feet of floor area. Minimum requirement is 2 spaces.
4. Transient Habitation.	1 space for each 20 rentable rooms. Minimum requirement is 2 spaces.	1 space for each 20 rentable rooms. Minimum requirement is 2 spaces.
5. Automotive Fee Parking.	1 space for each 20 automobile spaces. Minimum requirement is 2 spaces.	Minimum of 6 spaces or 1 per 20 auto spaces (parking lots excepted)
6. Undertaking Service.	1 space for each 12,000 square feet of floor area. Minimum requirement is 2 spaces.	2 spaces.
7. Animal Boarding.		

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12884 § 2 (part), 2008)

Deletion of Chapter 17.101.C. D-BR Broadway Retail Frontage District Interim Combining Zone Regulations (to be replaced with *Exhibit C*)

Deletions to the chapter are in ~~strikeout~~.

~~Chapter 17.101C D-BR BROADWAY RETAIL FRONTAGE DISTRICT INTERIM COMBINING ZONE REGULATIONS~~

~~Sections:~~

~~17.101C.010 Title, purpose, and applicability.~~

~~17.101C.020 Expiration for D-BR zone.~~

~~17.101C.030 Zones with which the D-BR zone may be combined.~~

~~17.101C.040 Relationship to base zone.~~

~~17.101C.050 Required design review process.~~

~~17.101C.060 Permitted and conditionally permitted activities.~~

~~17.101C.065 Micro living quarters.~~

~~17.101C.070 Special regulations regarding facilities on the ground level of principal facilities.~~

~~17.101C.080 Special ground floor height regulation.~~

~~17.101C.090 Building location.~~

~~17.101C.100 Special regulations applying to new construction over 10,000 square feet.~~

~~17.101C.010 Title, purpose, and applicability.~~

~~The provisions of this chapter shall be known as the D-BR Broadway Retail Frontage District Interim Combining Zone Regulations. The D-BR Zone is intended to create, preserve, and enhance ground-level retail opportunities within the Broadway/Valdez Retail District area north of the Central Business District. These interim regulations anticipate the adoption of more comprehensive and detailed regulations and a plan to attract retail opportunities within the Broadway/Valdez Retail District area.~~

~~(Ord. No. 13059, § 2(Exh. A), 3-1-2011)~~

~~17.101C.020 Expiration for D-BR zone.~~

~~The regulations contained in the D-BR Zone shall remain in place and be effective until the City Council adopts a specific plan and new zoning regulations for the Broadway/Valdez Retail District.~~

~~(Ord. No. 13451, § 2(Exh. A), 2-5-2013; Ord. No. 13059, § 2(Exh. A), 3-1-2011)~~

~~17.101C.030 Zones with which the D-BR zone may be combined.~~

~~The D-BR Zone may be combined with any other zone.~~

~~(Ord. No. 13059, § 2(Exh. A), 3-1-2011)~~

17.101C.040 Relationship to base zone.

The regulations in the D-BR Zone are supplementary to the regulations applying in the zone or zones with which the D-BR Zone is combined. Whenever any provision of the D-BR Zone imposes overlapping or contradictory regulations with those contained in the applicable base zone, or contains restrictions covering any of the same subject matter, the provision within the D-BR Zone shall control, except as otherwise expressly provided in the zoning regulations.

(Ord. No. 13059, § 2(Exh. A), 3-1-2011)

17.101C.050 Required design review process.

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, 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.

(Ord. No. 13151, § 2(Exh. A), 2-5-2013; Ord. No. 13059, § 2(Exh. A), 3-1-2011)

17.101C.060 Permitted and conditionally permitted activities.

Table 17.101C.01 lists activities permitted, conditionally permitted, and prohibited in the D-BR Zone. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

"P" designates permitted activities in the corresponding zone.

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

"L" designates activities subject to certain limitations or notes listed at the bottom of the table.

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.101C.01 Permitted and Conditionally Permitted Activities

Activities	D-BR-Zone	Additional Regulations
Residential Activities		
Permanent Residential	C(L1)	
Residential Care	P(L1)(L2)	<u>17.103.010</u>
Service-Enriched Permanent Housing	C(L1)	<u>17.103.010</u>
Transitional Housing	C(L1)	<u>17.103.010</u>

—Emergency Shelter	—	<u>17.103.010</u>
—Semi-Transient Residential	—	<u>17.103.010</u>
—Bed and Breakfast		
Civic Activities		
—Essential Service	P	
—Limited Child Care	C(L1)	
—Community Assembly	C(L1)	
—Recreational Assembly	C(L1)	
—Community Education	P(L1)	
—Nonassembly Cultural	P	
—Administrative	P(L1)	
—Health Care	C	
—Special Health Care	—	<u>17.103.020</u>
—Utility and Vehicular	—	
—Extensive Impact	—	
Commercial Activities		
—General Food Sales	P	
—Full Service Restaurant	P	
—Limited Service Restaurant and Cafe	P	
—Convenience Market	C	<u>17.103.030</u>

—Fast Food Restaurant	E	
—Alcoholic Beverage Sales	E	<u>17.103.030</u> and <u>17.114.030</u>
—Mechanical or Electronic Games	—	
—Medical Service	P(L3)	
—General Retail Sales	P	
—Large Scale Combined Retail and Grocery Sales	—	
—Consumer Service	P(L4)	
—Consultative and Financial Service	P	
—Check Cashier and Check Cashing	—	
—Consumer Cleaning and Repair Service	P	
—Consumer Dry Cleaning Plant	E	
—Group Assembly	C(L5)	
—Personal Instruction and Improvement and Small Scale Entertainment	E	
—Administrative	P(L1)	
—Business, Communication, and Media Service	P	
—Broadcasting and Recording Service	P	
—Retail Business Activity	E	
—Research Center	—	
—General Wholesale Sales	—	

—Transient Habitation	—	<u>17.103.050</u>
—Building Material Sales	—	
—Automobile and Other Light Vehicle Sales and Rental	€	
—Automobile and Other Light Vehicle Gas Station and Servicing	—(L6)	<u>17.114.050 (A)</u>
—Automotive and Other Light Vehicle Repair and Cleaning	—(L6)	<u>17.114.050 (A)</u>
—Taxi and Light Fleet-Based Service	—	
—Automotive Fee Parking	€	
—Animal Care	€	
—Animal Boarding	€	
—Undertaking Service	—	
—Scrap Operation	—	
Industrial Activities	All Industrial Activities prohibited in these zones	
Agricultural and Extractive Activities	All Agricultural and Extractive Activities prohibited in these zones	
Off-street parking serving activities other than those listed above or in Section 17.74.030, subject to the conditions set forth in Section 17.116.075	€	<u>17.116.075</u>
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	€	<u>17.102.110</u>

Limitations:

~~L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.~~

~~L2. Residential Care is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility.~~

~~L3. These activities may only be located on the ground floor of a building on a lot that has a property line abutting the Broadway or 27th Street right-of-way upon the granting of a conditional use permit (see Chapter 17.134), and shall conform to the additional criteria contained in Section 17.25.030. However, incidental pedestrian entrances that lead to one of these activities in stories above the ground floor are permitted without the granting of a conditional use permit.~~

~~L4. See Section 17.102.170 for special regulations relating to massage services. Also no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.~~

~~L5. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.~~

~~L6. Reestablishment of a discontinued, legal non-conforming Automobile and Other Light Vehicle Gas Station and Servicing activity and/or an Automotive and Other Light Vehicle Repair and Cleaning activity may only occur no later than six (6) months after discontinuation of such a activity, per Subsection 17.114.050.A.~~

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13151, § 2(Exh. A), 2-5-2013; Ord. No. 13059, § 2(Exh. A), 3-1-2011)

17.101C.065 Micro living quarters.

A. Definition. For the purposes of the D-BR interim combining zone chapter only, the following definition is added as a facility type. Definitions for other facility types are contained in Chapter 17.10

1. "Micro Living Quarters" mean one or more rooms located in a multiple-tenant building having an average net floor area of one hundred seventy five (175) square feet, but a minimum size of one hundred fifty (150) square feet of net floor area, and occupied by a permanent residential activity. Bathroom facilities, which include toilet and sink, as well as shower and/or bathtub, are required to be located within each individual Micro Living Quarter. Cooking facilities are not required to be located within each individual Micro Living Quarter, as long as shared kitchen facilities are provided within close proximity on the same building floor. The maximum number of Micro Living Quarters within a building shall not be regulated by residential density limits in the corresponding zone, but instead shall be established through the application of the Micro Living Quarters required average size (one hundred seventy five (175) square feet); the Floor Area Ratio (FAR) limits specified in the corresponding zone that normally apply only to non-residential facilities; all other applicable development regulations establishing the buildable envelope in the corresponding zone including, but not limited to, maximum height and minimum setbacks; and the requirements of the Building and Fire Codes.

a. As an exception to the regulations specified elsewhere in the Planning Code, including but not limited to Section 17.102.190, and to the special regulations in Section 17.101C.070 regarding facilities on the ground level of principal facilities, new "work/live" units may be permitted as an accessory facility on the ground floor only of a principal facility containing

~~Micro Living Quarters upon the granting of a conditional use permit for such Micro Living Quarters facility. Such accessory ground floor "work/live" units must meet all applicable regulations contained in this subsection.~~

- ~~i. Work/Live space shall be considered Commercially Oriented Joint Living and Working Quarters under the Building Code. Any building permit plans for the construction or establishment of Work/Live units shall: (1) clearly state that the proposal includes Commercially Oriented Joint Living and Working Quarters, and (2) label the units intended to be these units as Commercially Oriented Joint Living and Working Quarters. This requirement is to assure the City applies building codes that allow commercial activities in Work/Live units.~~
- ~~ii. Work/Live units are nonresidential facilities and count towards the nonresidential floor area ratio (FAR), not the residential density.~~
- ~~iii. The Work/Live units on the ground floor level of a building shall have a business presence on the street. This includes, but is not necessarily limited to, providing storefront-style windows that allow interior space to be visible from the street, a business door that is oriented towards the street, a sign or other means that identifies the business on the door and elsewhere, a prominent ground floor height, or other techniques.~~
- ~~iv. Each Work/Live unit shall have at least one public entrance that is directly adjacent to nonresidential floor area. A visitor entering this business entrance shall not be required to pass through any residential floor area in order to enter into the nonresidential area of the work/live unit.~~
- ~~v. The layout of each Work/Live unit shall have a maximum of one-third (1/3) residential floor area (which is considered areas containing bedrooms, sleeping areas, kitchen areas, bathrooms, and hallways serving such areas), and two-thirds (2/3) non-residential floor area (which is considered areas designated for working). Non-residential floor area and residential floor area shall be separated by an interior wall, or a partition that can be opened and closed.~~
- ~~vi. Each Work/Live unit shall contain at least one tenant that operates a business within that unit. That tenant shall possess a valid and active City of Oakland Business Tax Certificate to operate a business out of the unit.~~

~~B. General Provisions. Micro Living Quarters may only be permitted upon the granting of a Conditional Use Permit (CUP) pursuant to the Conditional Use Permit procedure in Chapter 17.134; and may only be located in the Micro Living Quarters Pilot Program Area, which is defined for the purposes of this chapter only as the portion of D-BR interim combining zone area bound by the Broadway, 26th Street, Valdez Street, and 23rd Street rights-of-way.~~

- ~~1. The number of off-street parking spaces, bicycle parking, and amount of open space required for Micro Living Quarters shall be based on the requirements for a comparative rooming house residential facility type in the corresponding zone.~~
 - ~~a. Due to the location of the Micro Living Quarters Pilot Program Area within a one quarter (1/4) mile of a BART station, an AC Transit trunk line, the B on Broadway shuttle, as well as park and publicly accessible open space areas, the parking and open space requirements for Micro Living Quarters may be reduced, modified, or waived by the Director of City Planning or approving body, subject to the provisions in Subsection 2b below.~~
 - ~~b. Any determination on a waiver or reduction in the parking requirement; or reduction or modification to the open space requirement, including but not limited to allowing any amount of the open space to be located on the roof, shall be based upon finding as part of the conditional use permit procedure specified in Subsection C below that:~~
 - ~~i. Any waiver or reduction in off-street parking requirements would not substantially contribute to traffic congestion or impair the efficiency of on-street parking; and~~

- ii. ~~One or more of the following substitutions for car parking or combination thereof may be used, as prescribed by the Director of City Planning or approving body:~~
 - aa. ~~Bicycle parking above existing City requirements;~~
 - bb. ~~Assistance with public transportation passes for residents;~~
 - cc. ~~Providing access to car share on site or nearby;~~
 - dd. ~~Other transit-oriented measures to support alternative modes of travel other than by car; and~~
 - iii. ~~The provision for sunlight, fresh air, and usable open space on site or in close vicinity would be sufficient to ensure a desirable living arrangement.~~
2. ~~Micro Living Quarters shall only be allowed as part of an application for new construction of a multi-tenant building, or alteration of an existing Potentially Designated Historic Property (PDHP) or property listed in the City of Oakland's Local Register of Historical Resources as defined in Policy 3.8 of Oakland's General Plan Historic Preservation Element that is a nonresidential facility or multifamily dwelling residential facility.~~
3. ~~Shared recreational area, with seating or other similar amenities, shall be required in the interior of the Micro Living Quarter building equaling a minimum of five (5) square feet per individual Micro Living Quarter or two hundred fifty (250) square feet, whichever is greater. A shared kitchen may be open to shared recreation area if it is adjacent to and directly accessible from such shared kitchen facilities. Kitchen counters, cabinets, sinks and appliances, and the floor area that encompasses an assemblage of these items shall not be included in the calculation of minimum required shared recreational area. Shared laundry facilities or other similar utilitarian spaces shall also not be included in the calculation of minimum required shared recreational area. The minimum width in this shared recreational area shall be twelve (12) feet. The interior shared recreational area shall be accessible to all tenants of the Micro Living Quarter building.~~
4. ~~All common space including but not limited to shared kitchens, interior recreational area, and outdoor open space, shall be maintained by the building management company.~~
5. ~~Demolition of a property listed in the City of Oakland's Local Register of Historical Resources as defined in Policy 3.8 of Oakland's General Plan Historic Preservation Element is not allowed in order to build Micro Living Quarters.~~
- C. ~~Use Permit Criteria. A conditional use permit for Micro Living Quarters may only be granted 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:~~
- 1. ~~That the proposal will not detract from the character desired for the area;~~
 - 2. ~~That the proposal will not impair a generally continuous wall of building facades;~~
 - 3. ~~That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;~~
 - 4. ~~That the proposal will not interfere with the movement of people along an important pedestrian street; and~~
 - 5. ~~That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council.~~
- (Ord. No. 13151, § 2(Exh. A), 2-5-2013)

17.101C.070 Special regulations regarding facilities on the ground level of principal facilities.

- A. ~~This section shall only apply to lots that have a property line abutting either the Broadway, Valdez Street, 23rd Street, 24th Street, 26th Street, 27th Street, or Bay Place right-of-way.~~
- B. ~~For the purposes of this section, the front of a building on lots abutting more than one street shall be that side facing the most prominent street. The following is a ranking of the prominence of streets in the D-BR Zone, from most prominent to least prominent: Broadway, 27th Street, Bay Place, Valdez Street, 24th Street, Webster Street, Harrison Street, 23rd Street, 26th Street, and then all other streets.~~
- C. ~~Except upon the granting of a conditional use permit (see Subsection E of this section), only principal nonresidential facilities (excluding joint living and working quarters) shall be located within the front thirty (30) feet of the ground floor of any new principal facility located on a corner lot that abuts the Broadway right-of-way.~~
- D. ~~Except upon the granting of a conditional use permit (see Subsection E), only principal non-residential facilities (excluding joint living and working quarters) and a maximum one driveway shall be located within the front thirty (30) feet of the ground floor of any new principal facility located on an interior lot that abuts the Broadway right-of-way. This driveway shall be a maximum nineteen (19) feet in width and lead to parking that is at least thirty (30) feet from the front of the building.~~
- E. ~~Upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, twenty percent (20%) of the width of the front thirty (30) feet of the ground floor of a new principal facility may contain required parking. This 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 additional criterion:~~
- ~~1. That the requirements contained in subsections C or D of this section are infeasible due to lot dimensions, topographic features, or other site constraints.~~
- F. ~~The ground level of Broadway facing facades of new principal facilities shall have a store front appearance defined by at least the following design elements:~~
- ~~1. An ample amount of street facing ground level building facade comprised of clear, non-reflective windows that allow views of indoor commercial space. This includes:
 - ~~a. A minimum of sixty percent (60%) of the front building facade between three and one-half (3½) feet and ten (10) feet in height comprised of clear, non-reflective windows that allow views of indoor commercial space or product display areas. The total area of the front building facade shall not include the area with the driveway;~~
 - ~~b. The bottom of any window or product display window being no more than four (4) feet above the abutting sidewalk; and~~
 - ~~c. Product display windows used to satisfy that are a minimum height of four and one-half (4½) feet and internally lighted.~~~~
 - ~~2. A prominent and primary entrance feature facing Broadway; and~~
 - ~~3. An area designated for signage.~~

~~(Ord. No. 13151, § 2(Exh. A), 2-5-2013; Ord. No. 13059, § 2(Exh. A), 3-1-2011)~~

17.101C.080 Special ground floor height regulation.

~~The minimum height from the sidewalk grade to the ground floor ceiling of newly constructed principal facilities shall be fourteen (14) feet. This regulation does not apply to additions to existing buildings.~~

(Ord. No. 13151, § 2(Exh. A), 2-5-2013; Ord. No. 13059, § 2(Exh. A), 3-1-2011)

17.101C.090 Building location.

The entire building facade that faces Broadway shall be located within five (5) feet of the sidewalk. This standard shall not apply to plazas, recessed entrances, parks, or space designed to accommodate sidewalk seating areas for restaurants, cafes, and similar businesses. No more than fifty percent (50%) of a building frontage shall qualify for the exception for plazas, recessed entrances, or sidewalk seating areas.

(Ord. No. 13059, § 2(Exh. A), 3-1-2011)

17.101C.100 Special regulations applying to new construction over 10,000 square feet.

New construction shall only exceed ten thousand (10,000) square feet upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

(Ord. No. 13059, § 2(Exh. A), 3-1-2011)

FOOTNOTE(S):

~~(39)~~

Editor's note— Ord. No. 13059, § 2(Exh. A), adopted March 1, 2011, amended Chapter 17.101C in its entirety to read as herein set out. Formerly, Chapter 17.101C pertained to D-BR Broadway retail frontage interim combining district zone regulations and derived from Ord. No. 12999, § 4(Exh. A), adopted March 16, 2010, and Ord. No. 13028, § 2(Exh. A), adopted July 20, 2010. ([Back](#))

The following are amendments to the Master Fee Schedule (Ordinance No. 13184 C.M.S., as amended).
Additions are shown in underline



City of Oakland
Master Fee Schedule
Effective July 1, 2013

PLANNING & BUILDING

FEE DESCRIPTION

FEE UNIT

PLANNING & ZONING

A. APPLICATIONS UNDER THE OAKLAND ZONING REGULATIONS

18 Application Notification Fee	
n. Planned Unit Development: Final Planning Commission Action	917.00 Report
o. S-11 Site Development and Design Review: No Public	917.00 Report
p. Appeals to Planning Commission	524.00 Report
q. Regular Design Review (Except for Landmarks)	917.00 Report
r. Accessory Signage for Civic Activities	131.00 Report
s. Challenge to Negative Declaration/Environmental	524.00 Report
t. Appeal of Director's Determination that EIR/EIS is Required	524.00 Report
u. Category III Creek Permit	524.00 Report
v. Category IV Creek Permit	917.00 Report
19 DTRAC Surcharge for scheduled items	655.00 Report
20 NO - Show fee for Zoning Intake	66.00 Occurrence
<u>21 In-Lieu Fee for Parking¹</u>	<u>20,000.00 Per Space</u>
<u>22 In-Lieu Fee for Open Space in a Residential Project¹</u>	<u>30.00 Per Square Foot</u>

¹The In-Lieu Fees for Parking and for Open Space are exempt from the Technology Enhancement Fee and Records Management Fee because the Technology Enhancement Fee and Records Management Fee are already charged as part of the Conditional Use Permit fee that is required to process the In-Lieu Parking and Open Space Fees.