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**CITY OF OAKLAND/REDEVELOPMENT AGENCY OF THE  
CITY OF OAKLAND  
CITY/AGENCY AGENDA REPORT**

**TO:** Office of the City Manager/Agency Administrator  
**ATTN:** Deborah Edgerly, Interim City Manager  
**FROM:** Community and Economic Development Agency  
**DATE:** October 28, 2003

**RE: CITY AND REDEVELOPMENT AGENCY RESOLUTIONS AUTHORIZING THE SALE OF REAL PROPERTY LOCATED AT 14TH STREET, 13TH STREET PEDESTRIAN WALK, JEFFERSON STREET AND MARTIN LUTHER KING, JR. WAY TO CAMDEN USA, INC., FOR THE CITY CENTER T-10 RESIDENTIAL PROJECT, AND AUTHORIZING A DISPOSITION AND DEVELOPMENT AGREEMENT FOR THE PROJECT**

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**SUMMARY**

Resolutions have been prepared authorizing the Redevelopment Agency to sell to Camden USA, Inc. ("Camden") Agency-owned real property located on the block bounded by 14<sup>th</sup> Street, 13<sup>th</sup> Street Pedestrian Walk, Jefferson Street and Martin Luther King, Jr. Way and known as the City Center T-10 Block for an initial purchase price of \$7,000,000, primarily for residential development, and authorizing the Agency Administrator to enter into a Disposition and Development Agreement ("DDA") with Camden for the T-10 Residential Project.

On January 13, 2003, the Agency entered into an Exclusive Negotiation Agreement ("ENA") with Camden to evaluate the feasibility of developing a residential project on the site and to negotiate the terms and conditions of the DDA. The Agency and Camden are prepared to conclude negotiations and enter into a DDA governing the terms and conditions for the sale and development of the site. Camden will develop 220 units of market rate rental condominiums, with 242 parking spaces, and approximately 3,000 square feet of retail (see Attachment A, Project Summary). The project will also include a leasing office, pool and a gym and other amenities.

**FISCAL IMPACTS**

Not approving the DDA will impact the Uptown Project because the Redevelopment Agency used funds appropriated to the Uptown Project to purchase the site from the City of Oakland, to aid the City in balancing its FY 2002-03 budget, and anticipated that the site would be sold to Camden and the funds would be available for the Uptown Project by 2004 when they are required. The Agency will receive an above market price of \$7,000,000 for the sale of the land. The \$7 million will be returned to the Uptown project (Fund 9532), the temporary source of funds used to purchase the T-10 site from the City, in early FY 2004-05.

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The Agency will rebate some of the sales proceeds if and to the extent required for the project to produce a cash-on-cash return of 8% for the developer starting in 2008. This rebate will be limited to the difference between the \$4,340,000 market price and the \$7,000,000 sale price (\$2.66 million) plus 5.5% percent interest. The total rebate will not exceed approximately \$3.5 million and will be limited to \$1.7 million in any calendar year.

The project will produce an estimated \$535,000 per year in tax increment revenue for the Redevelopment Agency in the first full tax year after completion, including \$135,000 per year for the Low and Moderate Income Housing Fund. Between 2004 when the site is sold and 2015, the project will generate approximately \$3.9 million in tax increment revenue for the Central District.

## **BACKGROUND**

In June of 2002, staff issued a Request for Proposals (“RFP”) to develop City-owned property located on the block bounded by 14” Street, 13” Street Pedestrian Walk, Jefferson Street and Martin Luther King, Jr. Way.

On October 8,2002, the Redevelopment Agency, pursuant to Resolution No. 02-75 C.M.S., authorized the execution of an ENA between the Agency and Camden to evaluate the feasibility of developing the proposed residential project on the subject site and to negotiate the terms and conditions of the DDA. The initial proposal offered to purchase the land for \$7,000,000, since Camden was interested in building a highly visible project in Oakland. A current appraisal of the site values the land in an as-is condition at \$4,340,000. Since 2002 when the proposal was made by Camden, residential rents have fallen. A San Francisco Chronicle article by Kelley Zito published July 17,2003, shows rents dropping 16.5% in the Bay Area over the last two years and rents in Alameda County dropping 4.8% in the last year. Given the current condition, the feasibility of the project has changed and Camden has had to make major modifications to their proposal.

Camden’s initial proposal was for up to 480 units in an up to 30-story building of Type I construction. Camden has revised the proposal to an eight-story building with 220 units. The changes to the design have lowered the per unit construction costs, but the project is still not financially feasible. Camden’s underwriting requires an 8.0% cash-on-cash return for the project to be financially feasible. In order to make the project feasible, Camden has requested that the Agency rebate the difference from the appraised fair market value of the site (\$4.34 million) and the negotiated sale price (\$7.0 million) plus interest after the project is completed. Under the negotiated DDA, in each calendar year from the first full calendar year of operation, estimated as 2008, through 2013, the Agency will rebate a portion of the \$7 million purchase price, up to a total of \$2.7 million, plus interest at 5.5% (the current federal long term rate), if and to the extent Camden is receiving less than an eight percent (8%) cash-on-cash return for that year from the project. The rebate may not exceed \$1.7 million in any one year and if rental rates increase significantly, then all of the rebate will not be needed. Given that the initial purchase of the site

will be at a price that is \$2.7 million over its appraised fair market value, this transaction remains a market rate sale and the rebate would not constitute an Agency subsidy.

Camden has satisfied the requirements of the ENA and is prepared to enter into a DDA with the Agency for the sale of the property on these terms.

## **PROJECT DESCRIPTION**

### **Location**

The City Center T-10 Residential Project will be located on the parcel bound bounded by 14<sup>th</sup> Street, 13<sup>th</sup> Street Pedestrian Walk, Jefferson Street and Martin Luther King, Jr. Way. The site is located across the street from the Ronald Dellums Federal Building and Preservation Park, and adjacent to the City Center West Garage.

### **Project Scope**

The project will provide 220 units of market rate rental housing, consisting of 46 studio units, 111 one-bedroom units, and 63 two-bedroom units. The residential units range from 1,100 to 1,450 square feet in size (see Attachment B, Site Plan and Elevations). The ground floor units along the 13<sup>th</sup> Street Pedestrian Walk will have individual entries to activate the street level. The retail will further activate the street at the corner of 13<sup>th</sup> and Jefferson Streets. In addition, there will be 242 structured parking spaces along Martin Luther King Jr. Way.

### **The Developer**

Camden is an experienced developer that owns and operates approximately 150 properties containing 52,000 units nationally and is the fifth largest apartment REIT and the fifteenth largest apartment owner in the country according to the National Multi Housing Council ( "NMHC" ) 50 - 2002 report.

### **Project Budget and Financing**

Camden is estimating a total project cost of \$64.6 million, as shown in Table 1. This development budget equates to about \$261,201 per unit or \$273 per square foot, which is generally consistent with residential development of this type.

*Table 1. Developer's Estimated Costs for T-10 Residential Project*

Land Acquisition including closing costs	\$7,300,000
Construction Costs	\$40,500,000
Construction Contingency	\$4,500,000
Soft costs	\$6,700,000
Soft Cost Contingency	\$100,000
Financing Costs	\$5,500,000
<b>Total Project Costs</b>	<b>\$64,600,000</b>

Camden will use corporate equity and debt to finance the project and will therefore not require any outside project-based financing.

### **Project Schedule**

The predevelopment phase of the DDA is for nine months with the sale of the site taking place in September 2004. Camden has an approximately 90 day due diligence period after executing the DDA and receiving planning approvals, or until April 1, 2004. Completion of the design, construction documents and permits will take another year, until the spring or summer of 2005. Construction will require up to 22 months, with occupancy of the units starting in the winter or spring of 2006.

### **KEY ISSUES AND IMPACTS**

#### **CEQA Review**

**An** Environmental Impact Report (“EIR”) was prepared for the City Center project by Shorenstein, including the T-10 site and the three blocks between 11th Street, 12th Street, Martin Luther King Jr. Way and Broadway, and certified by the Planning Commission on April 26, 2000. An Addendum to the EIR has been prepared revising the project on the T-10 site and is being attached to this report for review and consideration by the City and Agency (see Attachment C, Oakland City Center Project Environmental Impact Report Addendum). Based on the initial EIR, the Planning Commission concluded that all adverse environmental effects of the project, with the exception of increased demand for off-street parking in Downtown, would be less than significant or reduced to less-than-significant levels after implementation of the mitigation measures identified in the EIR. The Planning Commission also adopted a Statement of Overriding Considerations finding that the benefits of the project outweigh **this** one unavoidable adverse impact of the project.

The Addendum compares the original City Center project proposed by Shorenstein Realty Investors, the modified residential project on the T-10 block as proposed by Camden, and surrounding circumstances. The Addendum analyzes a 400 unit project, as originally proposed by Camden, rather than the 220 unit project now proposed by Camden. Even with the larger project, the Addendum concludes that there is no substantial change proposed that would require major revisions to the previous EIR; that there is no substantial change in circumstances as a result of project modifications that would cause new or more intense significant impacts; and that there is no new information of substantial importance that identifies new or more intense significant impacts (CEQA Guidelines Section 15162). The EIR and the Addendum both showed that four of the impacts were significant and unavoidable, including: increase in traffic delays in the downtown; cumulative contribution to regional air pollutant problems, cumulative noise impacts; and potential incidents of winds exceeding 36-mph “wind hazard” speed. No new or more severe impacts were identified by the Addendum.

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**Environmental Remediation**

The City and Redevelopment Agency completed investigations and environmental remediation actions on the site and received a Remedial Action Completion Certification, a “no further action” letter, from the Alameda County Department of Environmental Health. Although the site received a “no further action” letter, there are still toxic materials in the soil and groundwater and any development of the site will have additional costs associated with these contaminants. The Agency is selling the site in an “as is” condition and has discounted the fair market value of the site by the estimated cost of removing, treating and disposing of the hazardous materials as required to construct a residential project of Type I concrete construction covering the entire site. The estimated cost of the removal and disposal of the toxic materials is \$860,000 per analysis by Public Works, Environmental Services Division.

**ENVIRONMENTAL OPPORTUNITIES**

The proposed project will take an underutilized site and convert it to better economic use. Generally, developing this type of “infill” high-density residential project in the urban core reduces suburban sprawl by reducing development pressures on communities at the Bay Area’s periphery. As a result, the natural environment and open space are preserved. Moreover, the project’s location next to mass transit will reduce the reliance on automobiles and decrease pollution from cars.

In addition, the DDA requires Camden to use good faith efforts to utilize green building techniques such as energy-efficient design, use of water conserving fixtures, application of less toxic building materials and use of recycled-content building materials, when economically feasible.

**DISABILITY AND SENIOR CITIZEN ACCESS**

All housing development projects are required to construct and set aside units to be occupied by persons with disabilities as required by Federal ADA Accessibility Guidelines, the Fair Housing Act and the State of California’s Title 24 accessibility regulations. This means that at least 5 percent of the newly constructed units will be available to people with disabilities. Also the use of “green building” materials may reduce any incidence of environmental illness disabilities.

**RECOMMENDATION(S) AND RATIONALE**

It is recommended that the Agency and City Council authorize the sale of the subject property for a price of \$7,000,000 (subject to a partial rebate) to Camden for the purpose of developing the T-10 Residential Project. The proposed project meets many objectives of the Central District redevelopment plan:

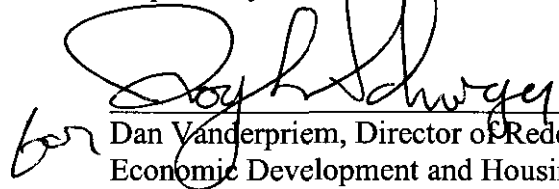
1. The project will increase the stock of rental housing in the Central District, and reestablish residential areas for all economic levels within the Central District;

- 2. The project will create a stable 24-hour residential community which will enhance the viability of retail businesses in the area;
- 3. The project will redevelop a key underutilized site in the Central District;
- 4. The Project will improve environmental design within the Central District; and
- 5. The Project, once developed, will enhance depreciated and stagnant residential and commercial property values in the surrounding Old Oakland and City Center areas, and will encourage efforts to alleviate economic and physical blight conditions in the area by enhancing the development potential and overall economic viability of neighboring properties.

**ACTIONS REQUESTED OF THE AGENCY/CITY**

It is recommended that the Agency and the City approve the resolutions authorizing the sale of Agency-owned property located on the block bounded by 14<sup>th</sup> Street, 13<sup>th</sup> Street Pedestrian Walk, Jefferson Street and Martin Luther King, Jr. Way in the Central District Redevelopment Project Area for \$7,000,000 to Camden, and authorizing the execution of the DDA with Camden for this project.

Respectfully submitted

  
 Dan Vanderprieem, Director of Redevelopment,  
 Economic Development and Housing

Prepared by:  
Patrick Lane  
Project Manager

APPROVED AND FORWARDED TO  
THE COMMUNITY AND ECONOMIC  
DEVELOPMENT COMMITTEE

  
 OFFICE OF THE CITY MANAGER/  
 AGENCY ADMINISTRATOR

**ATTACHMENT A  
PROJECT SUMMARY**

<b>Project Name:</b>	City Center T-10 Residential Project
<b>Project Type:</b>	Residential with commercial and parking
<b>Address/Location:</b>	613-617 14 <sup>th</sup> Street, 1307-1335 Jefferson Street and 1308-1330 Martin Luther King Jr. Way, in the City Center Activity Area of the Central District Redevelopment Project Area
<b>Developer:</b>	Camden USA, Inc.
<b>Architect:</b>	Ai
<b>Contractor:</b>	Negotiating with Pankow
<b>Type of Construction:</b>	New construction-Type I, eight-story residential buildings with structured parking wrapped by micro-lofts on three sides located between City Center and historic Preservation Park.
<b>Number of Units:</b>	220 units ranging from 520 to 1,450sf 46 studios units (520-600sf), 111 1-bedroom units (720 to 930sf), 63 2-bedroom units (1,100 to 1,450sf).
<b>Retail Area:</b>	3,000 sf
<b>Parking Garage:</b>	242 spaces
<b>Project Tenure:</b>	Market rate rental
<b>Total Development Costs:</b>	\$64,516,173
<b>Cost per Unit:</b>	\$93,255

**Camden USA, Inc.:**

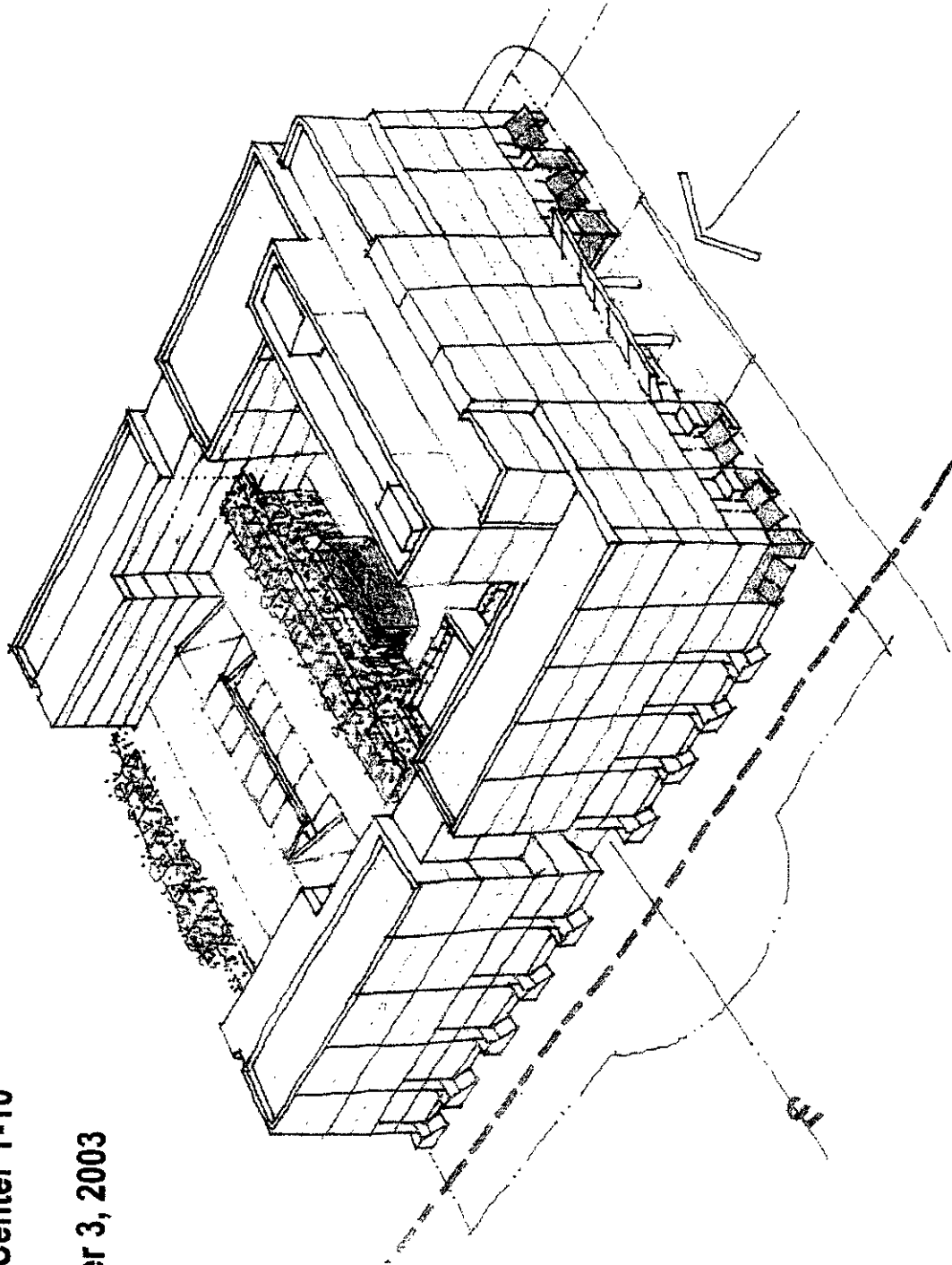
Camden USA, Inc., is a Delaware corporation and wholly-owned subsidiary of Camden Property Trust a publicly owned Real Estate Investment Trust (“REIT”) that is traded on the New York Stock Exchange (collectively “Camden”). Camden is a developer of multi-family rental housing throughout the United States. Camden owns and operates approximately 150 properties containing 52,000 units nationally and is the fifth largest apartment REIT and the fifteenth largest apartment owner in the country according to the National Multi Housing Council (“NMHC”) 50 - 2002 report. Currently Camden has almost \$400 million in construction in California.

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ATTACHMENT B  
SITE PLAN AND ELEVATIONS

Camden City Center T-10  
Oakland, CA  
Draft: October 3, 2003

AI

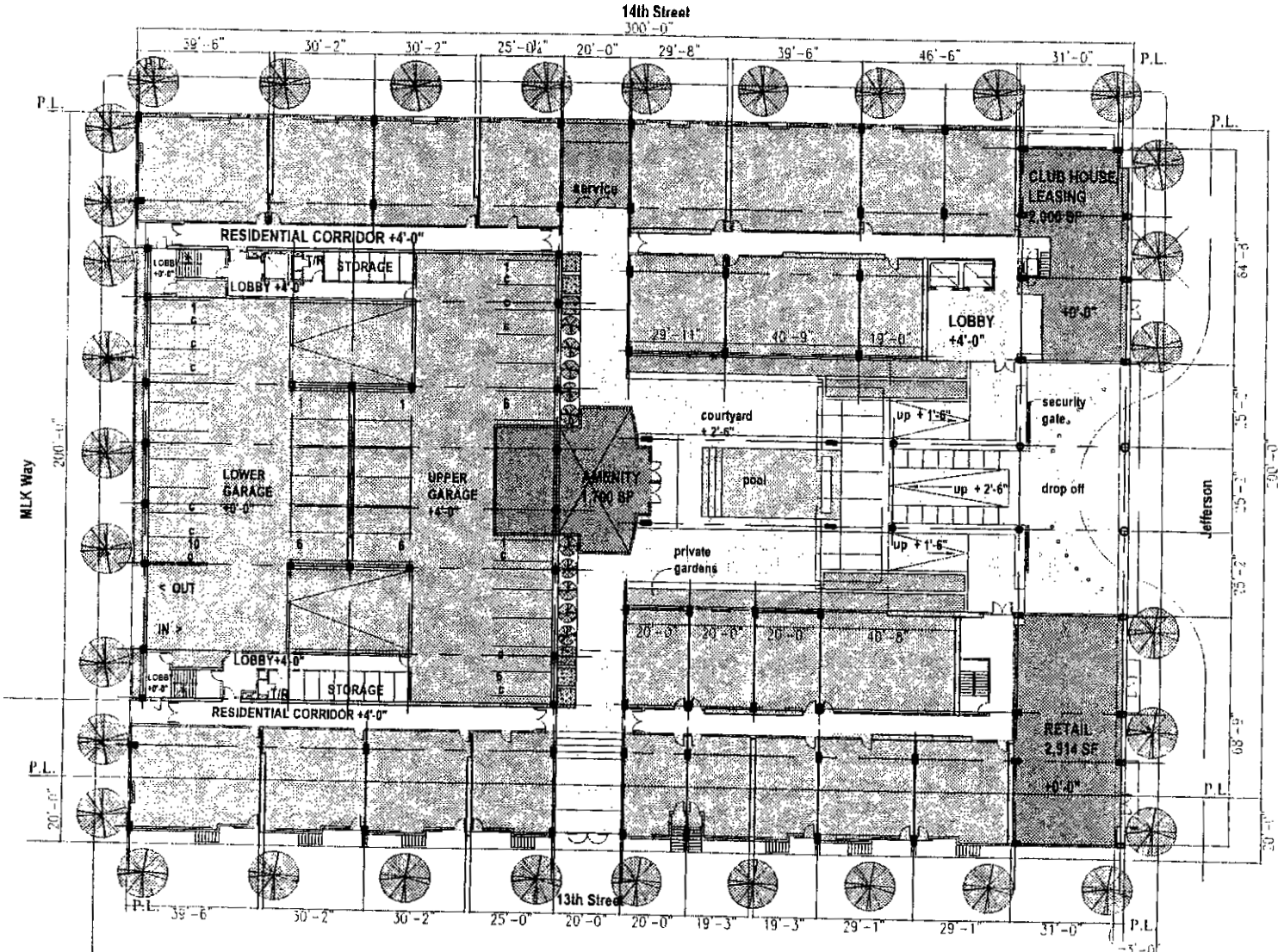


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Community and Economic Development Committee  
October 28, 2003



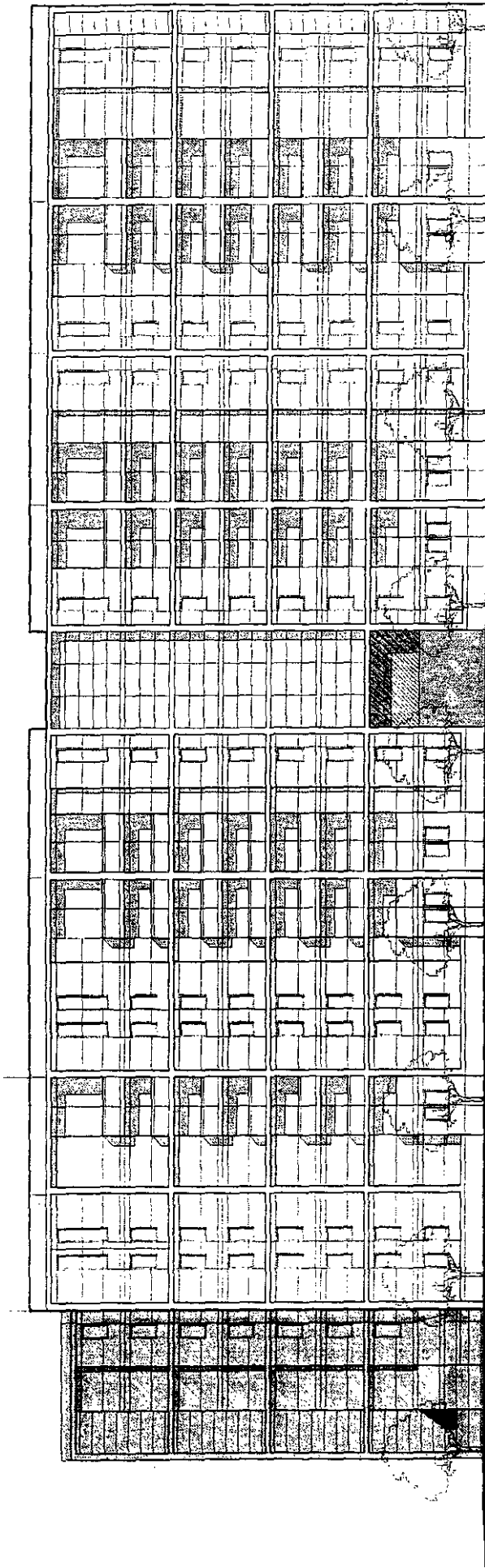
Camden City Center T-10  
 Oakland, CA  
 Draft: October 3, 2003



1 GROUND FLOOR PLAN  
 SCALE 1" = 5'-0" Copyright 2003 A

Camden City Center T-10  
Oakland, CA  
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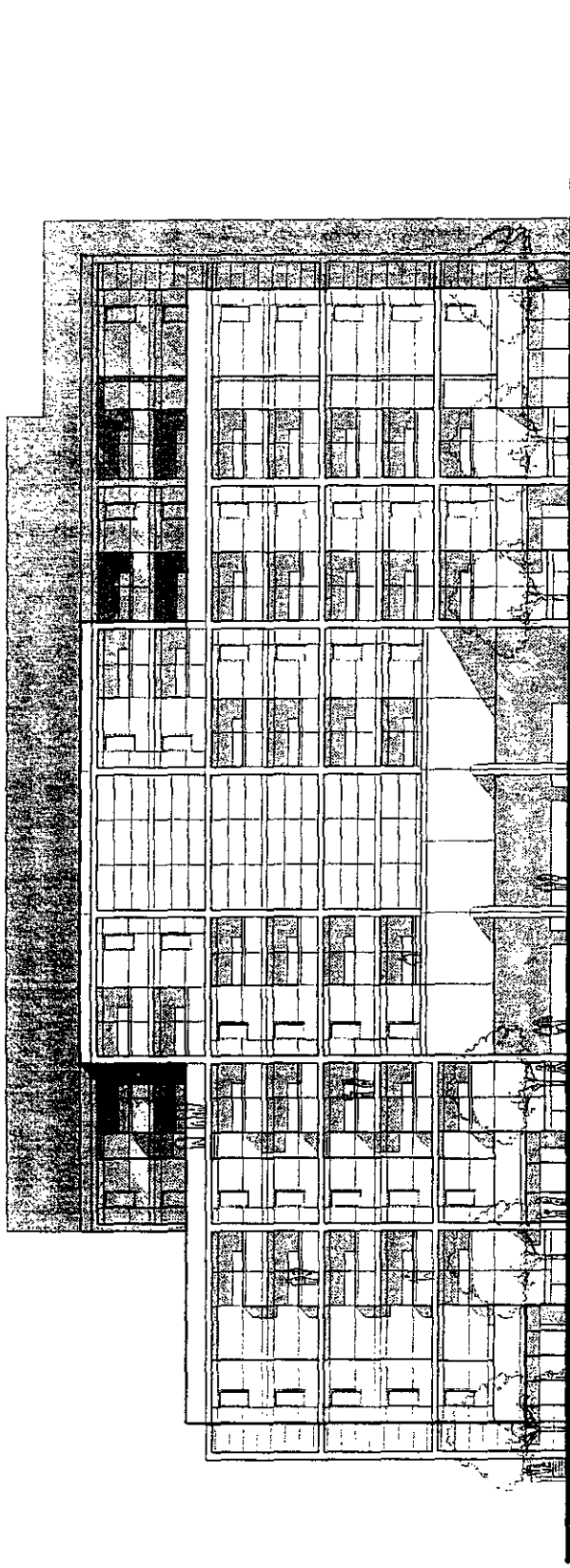


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REF. 2

Camden City Center T-10  
Oakland, CA  
Draft: October 3, 2003

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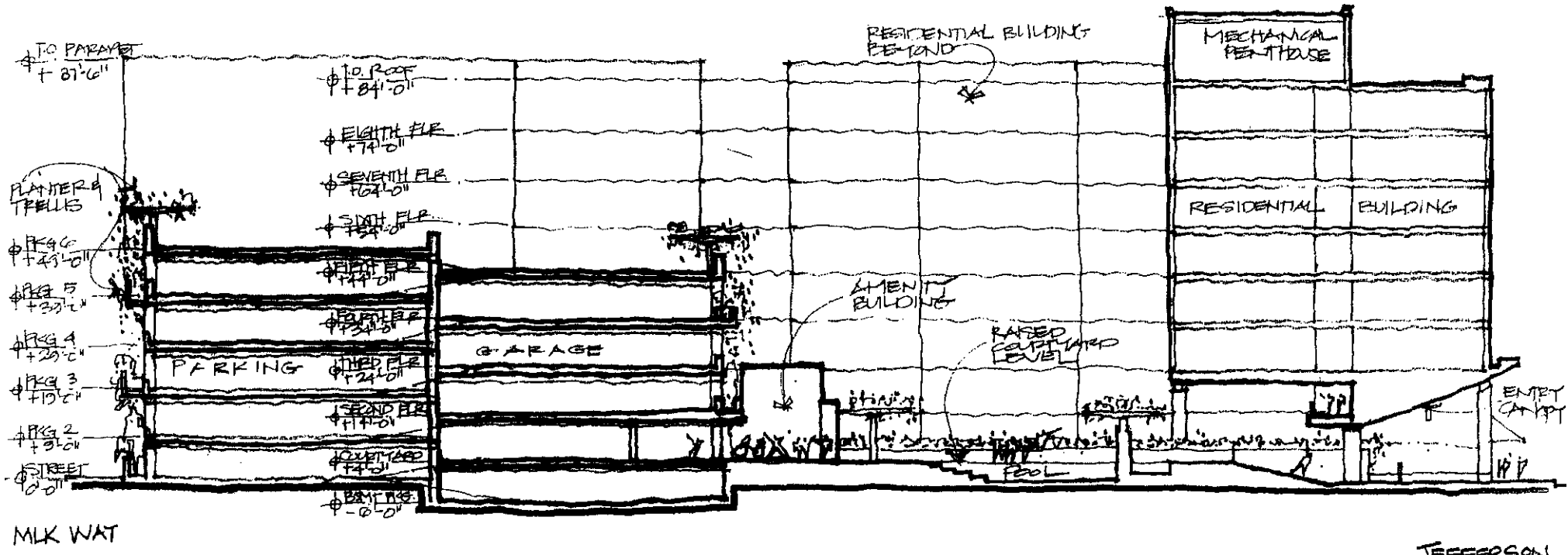
2 Jefferson  
SCALE: 1/32"=1'-0"

Camden City Center T-10  
Oakland, CA  
Draft: October 3, 2003



1 JEFFERSON STREET VIGNETTE  
SCALE N/A

CCP/RS-T-03



1 SECTION  
SCALE: 1/32" = 1'-0"

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**ATTACHMENT C  
OAKLAND CITY CENTER PROJECT  
ENVIRONMENTAL. IMPACT REPORT ADDENDUM**

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OCT 28 2003

# OAKLAND CITY CENTER PROJECT

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## *Environmental Impact Report Addendum #1*

*October 13.2003*

*Prepared for  
City of Oakland  
Community and Economic  
Development Agency*

# OAKLAND CITY CENTER PROJECT

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## *Environmental Impact Report Addendum #1*

*October 13, 2003*

*Prepared for  
City of Oakland  
Community and Economic  
Development Agency*

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# SECTION 1

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## BACKGROUND

### INTRODUCTION

On April 26, 2000, the City of Oakland Planning Commission certified an environmental impact report (EIR) and approved the Oakland City Center Project (the “Approved Project”). The Approved Project included four separate high-rise buildings on four downtown locations, identified as Blocks T5/6, T9, T10, and T12 (see Figures 1-1 and 1-2). Located in the Central District Urban Renewal Area, the City Center Project was to be developed by the Shorenstein Company, in partnership with the Oakland Redevelopment Agency. All four high-rise buildings consisted primarily of office space, with some residential use included as part of the development proposed for Block T10, bounded by the former 13th Street right-of-way (now the City Center West Garage), Martin Luther King Jr. Way, 14th Street, and Jefferson Street. One high-rise office building has since been built (Block T9, bounded by 11th, Jefferson, 12th, and Clay Streets), while the other three sites (Blocks T10, T5/6 and T12) remain undeveloped.’

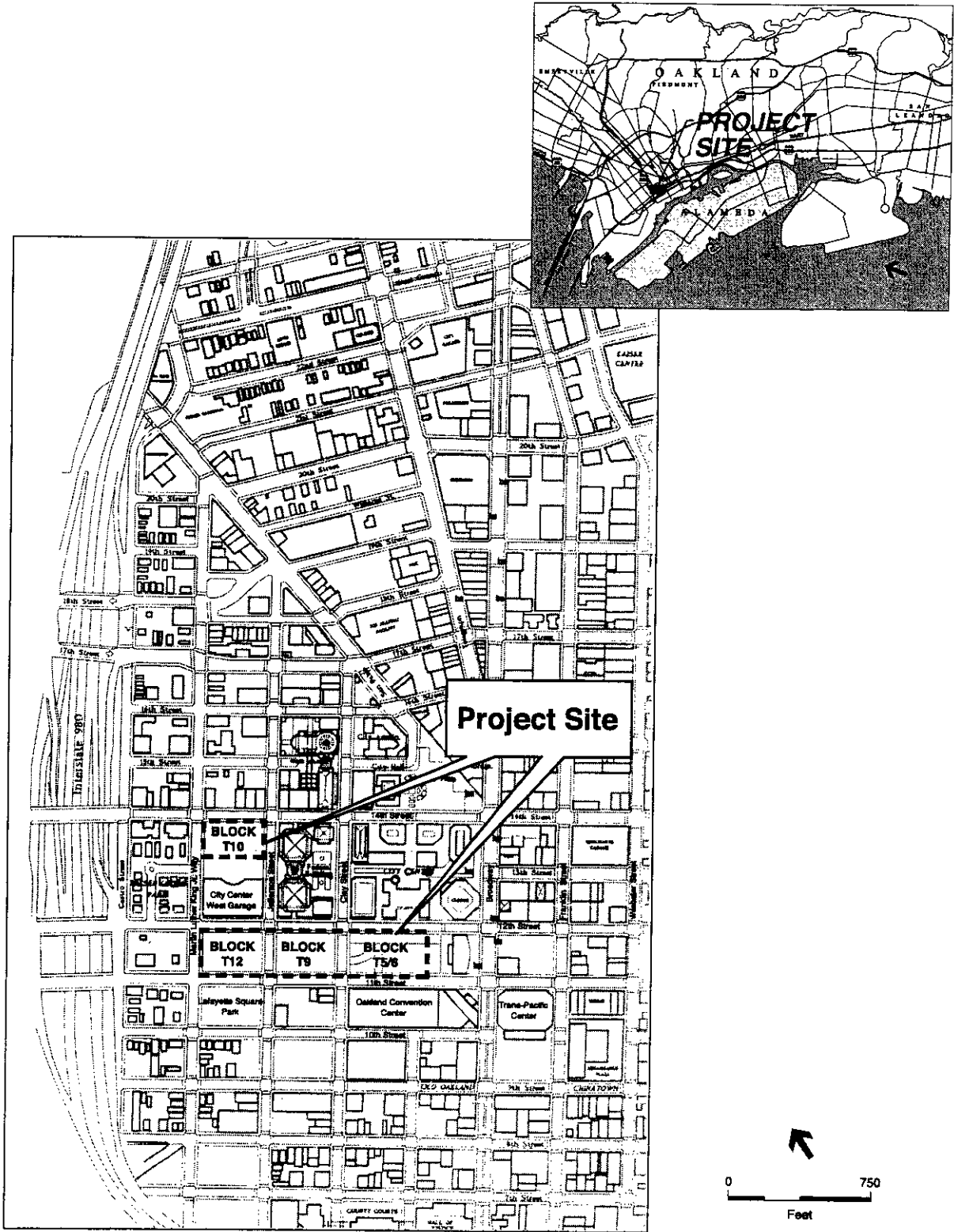
In 2002, the Shorenstein Company ceded its development rights to Block T10 back to the Oakland Redevelopment Agency, and in early 2003, the Redevelopment Agency entered into an exclusive negotiating agreement (ENA) with Camden USA, Inc. for development of Block T10. Camden USA, Inc. proposes to construct a residential tower project (hereinafter, the “Modified Block T10 Project” or simply the “Modified Project”) with ground floor retail and onsite parking in two buildings, one of which is a high-rise building up to 24-stories in height, and the other a 4-story low-rise building.

### PURPOSE OF ADDENDUM

This Addendum to the 2000 Final EIR (FEIR) for the Oakland City Center Project updates the environmental analysis contained in the FEIR and evaluates potential differences between the environmental effects identified as part of the Approved Project and the potential environmental effects of the Modified Project. As part of this evaluation, the Addendum considers changes in the circumstances under which the Modified Project would be developed, examines whether the Modified Project would result in any new significant effects, and whether all feasible mitigation measures have been identified. This Addendum, together with the FEIR, will be used by staff, the City Council, and the Redevelopment Agency when considering approval of the Modified Project.

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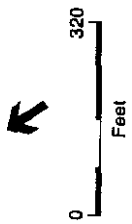
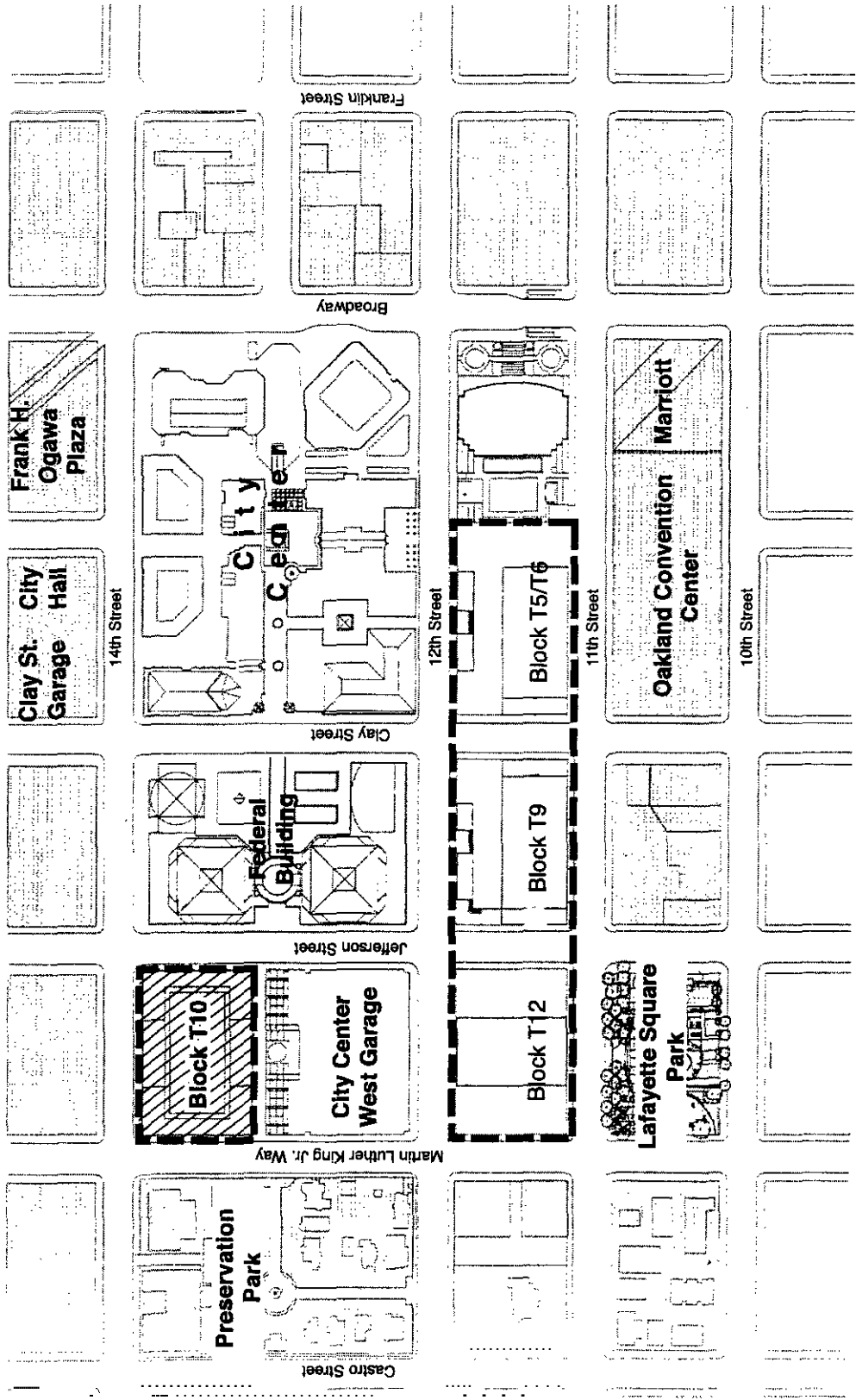
<sup>1</sup> Block T5/6 is bounded by 11th, Clay, and 12th Streets and the former Washington Street right-of-way, while Block T12 is bounded by 11th Street, MLK Jr. Way, 12th Street, and Jefferson Street.



SOURCE: Oakland City Center Project DEIR (2000)

City Center T10 Addendum/ ESA 990263 ■

**Figure 1-1**  
**Project Location**



 **Block T10**  
 **Project Site**

City Center T10 Addendum / ESA 990263 ■  
**Figure 1-2**  
 Approved Project Site Plan  
 For City Center Project (2000)

SOURCE: Oakland City Center Project DEIR (2000)

## CEQA FRAMEWORK FOR ADDENDUM

According to CEQA *Guidelines* Section 15162, once an EIR has been certified, no subsequent or supplemental EIR shall be prepared for a project unless the lead agency determines that one or more of the following occurs (*emphasis added*):

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration *due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects*;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration *due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects*; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

**An** Addendum may be prepared if some changes or additions are necessary to a certified EIR and none of the above-stated conditions apply (CEQA *Guidelines* Section 15164). Based on a review of the Modified Project and surrounding circumstances, this Addendum concludes that there is no substantial change proposed that would require major revisions to the previous EIR; that there is no substantial change in circumstances as a result of project modifications that would cause new or more intense significant impacts; and, that there is no new information of substantial importance that identifies new or more intense significant impacts (CEQA *Guidelines* Section 15162).

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## SUMMARY OF APPROVED PROJECT

The Approved Project entailed construction of four separate high-rise buildings containing a total of about 2.2 million square feet of office space, about 200 residential units, and about 23,000 square feet of commercial space. Approximately 836 off-street parking spaces were included, with an additional 800 off-street parking spaces in the City Center West Garage made available to the Shorenstein Company as part of a license agreement with the Redevelopment Agency (see Table 1-1).

**TABLE 1-1  
APPROVED PROJECT CHARACTERISTICS**

	<b>Block T5/6</b>	<b>Block T9</b>	<b>Block T10</b>	<b>Block T12</b>	<b>Total</b>
Office floor area	580,000 sq. ft.	470,000 sq. ft.	550,000 sq. ft.	584,000 sq. ft.	2,184,000 sq. ft.
Residential units	-0-	-0-	200 units <sup>a</sup>	-0-	200 units
Comml. floor area	7,500 sq. ft.	7,500 sq. ft.	8,000 sq. ft.	-0-	23,000 sq. ft.
Off-street parking spaces <sup>b</sup>	150	236	230	220	<b>836</b> spaces
Parking access	11th Street	11th Street	Jefferson Street	11th Street	N/A
Loading spaces	3 <sup>c</sup>	3	<b>3</b>	3	12 spaces
Loading access	11th Street <sup>a</sup>	11th Street	M.L. King Jr. Way	11th Street	N/A
Height (stories) <sup>d</sup>	26 stories	21 stories	<b>31</b> stories	26 stories	max. 26 stories
Height (feet)	<b>390</b> feet	306 feet	440 feet	<b>390</b> feet	max. <b>390</b> feet

<sup>a</sup> Approximately 220,000 square feet of residential use.

<sup>b</sup> Each building would also have available up to **200** additional spaces (800 total additional spaces) in the City Center West Garage.

<sup>c</sup> Loading for Block T5/6 would occur at extension of existing loading dock beneath 1111 Broadway Building.

<sup>d</sup> Includes ground floor lobby level and mechanical level but excludes below-grade parking levels

SOURCE: Oakland City Center Project Final EIR (2000)

The **EIR** for the Approved Project included the following objectives:

- to develop approximately 2.2 million square feet of Class A high-rise office space to meet existing and future demand for such space in Downtown Oakland;
- to provide high-employment-generating office activities in the downtown area, within close proximity to mass transit opportunities for employees to commute to work
- to intensify the use of currently vacant underutilized property in the downtown central core area;

- to include ground-floor commercial uses that will provide pedestrian interest, in particular along the project's Clay Street frontage;
- to catalyze economic development within the downtown area by attracting residents and employees to the central core area, helping to increase 24-hour activity Downtown;
- to incorporate sustainable development initiatives into the project design to the extent feasible;
- to plan for the entire buildout of the City Center area over the next 10- to 15-year horizon; and
- to develop a commercially successful project that ultimately will include four office towers along with ground-floor commercial uses and a residential component, all in close proximity to each other and to transit facilities, thereby creating an integrated corporate environment and enhancing the existing City Center office and retail complex.

## CITY CENTER DEVELOPMENT SINCE 2000

After the 2000 FEIR was certified, the high-rise tower approved for Block T9 was built. The 21-story building, two blocks south and one block east of Block T10, provides approximately 470,000 square-feet of office space on 18 floors, about 7,500 square-feet of ground-floor commercial space, and approximately 236 below-grade parking spaces with vehicle access provided on 11th Street. In addition, a landscaped public plaza is located along the 12th Street frontage, and street trees are planted on the adjacent sidewalks. The high-rise towers proposed for Blocks T5/6 and T12 – immediately east and west, respectively, of Block T9 – have not been constructed.<sup>2</sup> The developer of City Center, the Shorenstein Company, has a Disposition and Development Agreement with the Redevelopment Agency that requires construction to begin on one of the other blocks by December 31, 2004.

## SUMMARY OF MODIFIED PROJECT

The Modified Project consists of a change to the development proposed for Block T10. No other changes to the Approved Project are proposed.

Block T10 is generally unchanged in its existing physical characteristics as described in the 2000 FEIR. The project site contains a small storage area enclosed with barbed-wire security fencing, the remains of a concrete foundation, and an unpaved area currently used for temporary construction worker parking (see Figures 1-3 and 1-4).

Under the Modified Project, Block T10 would consist of two components: a high-rise tower not to exceed 24 stories (about 240 feet in height), and a low-rise, J-shaped building not to exceed 4 stories (about 50 feet). The Modified Block T10 Project would include up to 400 market-rate residential units, and would provide between 3,000 and 10,000 square feet of ground-floor retail and/or restaurant space. A three-level subsurface parking garage would be located below the

<sup>2</sup> Block T12 is two blocks south of Block T10, while Block T5/6 is two blocks south and two blocks east.

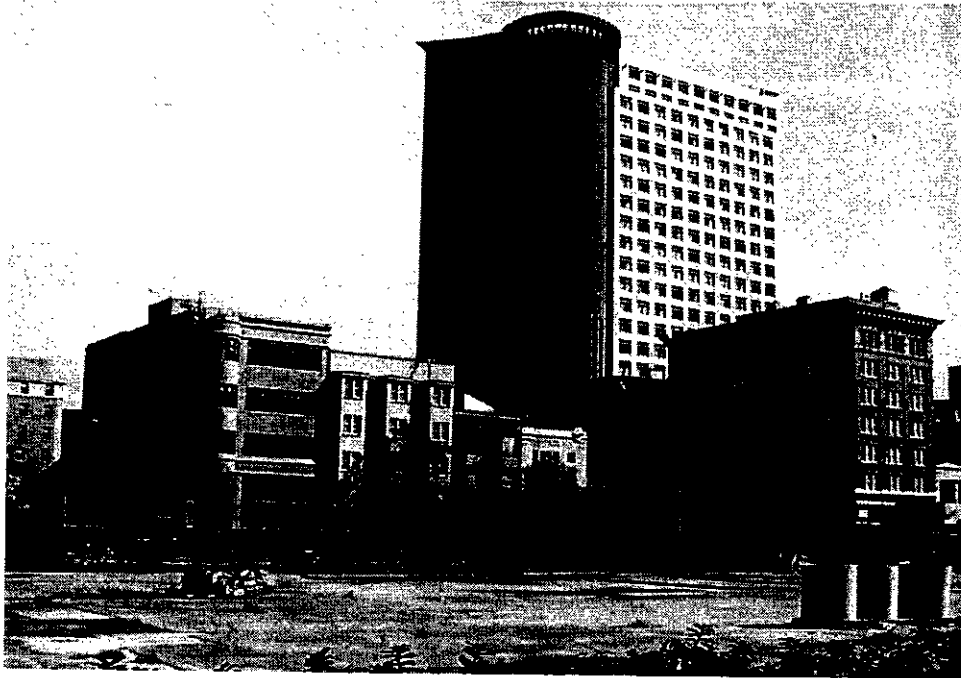


Figure 1-3 Existing Block T10 Site Conditions

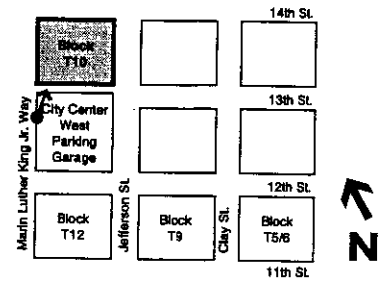
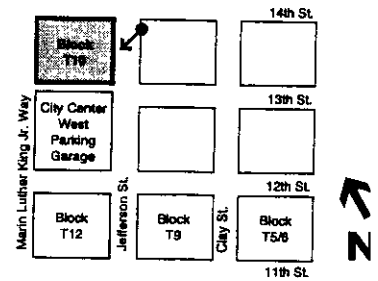


Figure 1-4 Existing Block T10 Site Conditions



SOURCE: Environmental Science Associates

City Center T10 Addendum / ESA 990263 ■  
**Figures 1-3 and 1-4**  
 Existing Site and Area Conditions



low-rise building and partially under the landscaped public plaza at ground level between the two buildings. The parking garage would contain about 400 parking spaces. As with the Approved Project, 200 additional spaces would be made available in the City Center West Garage through a lease agreement with the Redevelopment Agency. The Modified Block T10 Project would require authorization by the Redevelopment Agency for sale of the project site to Camden USA, Inc., an amendment to the existing Preliminary Development Plan (PDP), and a Final Development Plan (FDP) for the City Center Project Planned Unit Development (PUD) (see Table 1-2 for a comparison of the Total Approved and Modified Project developments). See Chapter 2, Project Description, for a complete discussion of the proposed action.

**TABLE 1-2  
TOTAL APPROVED AND MODIFIED PROJECT DEVELOPMENT  
CHARACTERISTICS**

	Approved	Modified
Office floor area	2,184,000 sq. ft.	1,634,000 sq. ft.
Residential units	200 units <sup>a</sup>	400 units <sup>b</sup>
Comml. floor area	23,000 sq. ft.	max. 25,000 sq. ft.
Off-street parking spaces <sup>c</sup>	836	1,006
Loading spaces	12	10
Height (stories)	max. 31 stories	max. 26 stories
Height (feet)	max. 440 feet	max. 390 feet

<sup>a</sup> Approximately 220,000 square feet of residential use

<sup>b</sup> Approximately 306,000 square feet of residential use.

<sup>c</sup> An additional approximately 800 parking spaces are available at City Center West Garage on Jefferson Street between 12th and 13th Streets, through a license agreement with the Redevelopment agency.

SOURCE Oakland City Center Project Final EIR (2000); Camden USA Inc. (2003)

### ***CHANGES TO LAND USES IN THE VICINITY OF THE SITE***

Some changes in the vicinity of the City Center Project have occurred. New development in the area includes Landmark Place, a residential development now under construction, which consists of 92 condominium units located on Martin Luther King Jr. Way and 12th Street (two blocks south of Block T10), near the southern border of Preservation Park and the historic Pardee House; Housewives' Market, a residential project on 9th Street between Clay and Jefferson Streets, five blocks south of Block T10; as well as the 555 City Center building (Block T9), described above (see Figures 1-5 through 1-8).

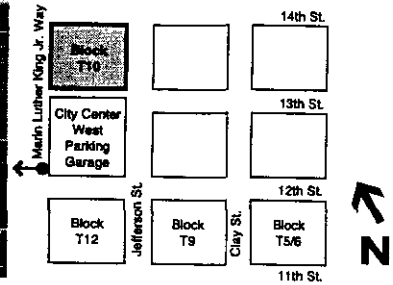
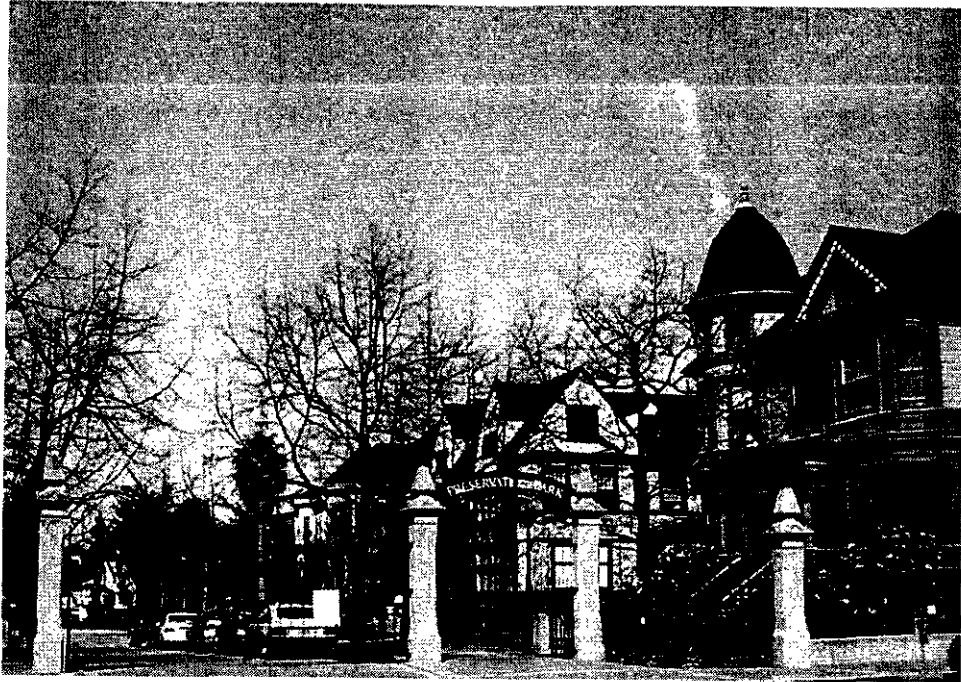


Figure 1-5 Existing view of Preservation Park looking west across Martin Luther King Jr. Way

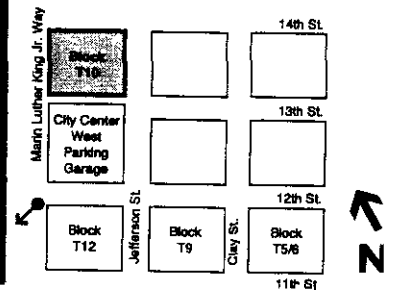
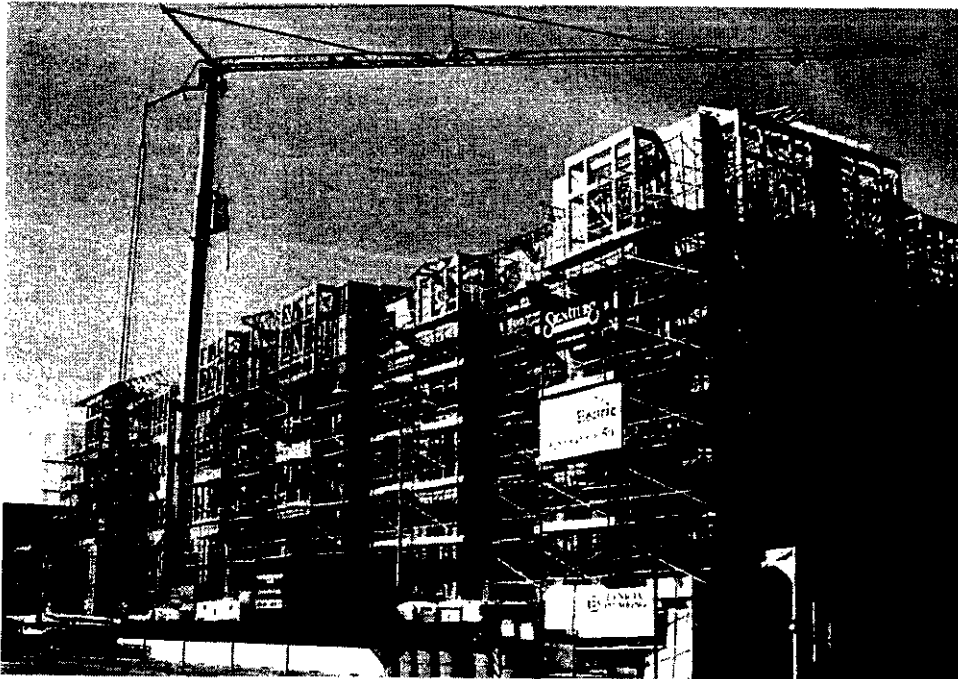


Figure 1-6 Existing view of new development (Landmark Place) looking southwest across Martin Luther King Jr. Way

SOURCE: Environmental Science Associates

City Center T10 Addendum / ESA 990263 ■

**Figures 1-5 and 1-6**  
Existing Site and Area Conditions

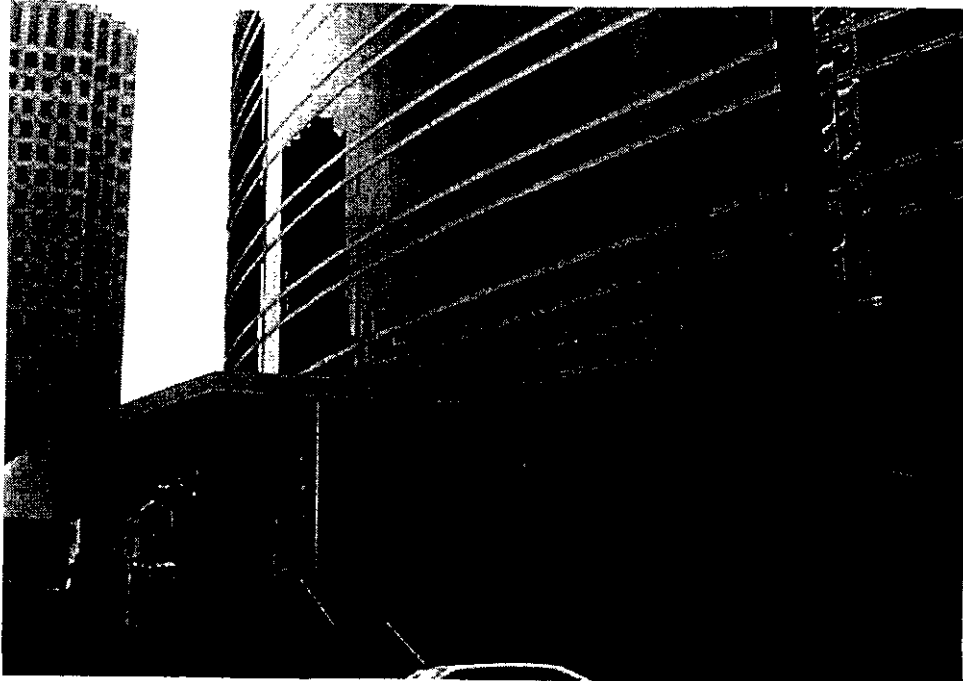


Figure 1-7 Existing view of new development on Block T9 looking east from Block T12

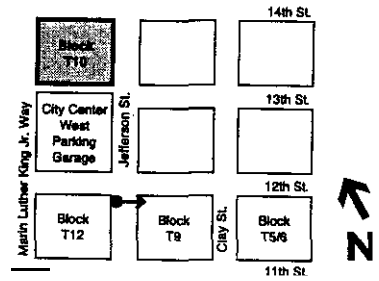
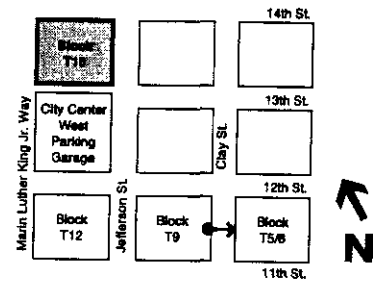


Figure 1-8 Existing view of Block T5/6



## SECTION 2

### PROJECT DESCRIPTION

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Block T10 is one of four city blocks located within the City Center Project Area, in the City of Oakland's City Center Project Acquisition Area as part of the Central District Urban Renewal Plan. Block T10 is bounded by the former 13th Street right-of-way, Martin Luther King Jr. Way, 14th Street, and Jefferson Street. The remaining three blocks are adjacent to each other, between 11th Street on the south, Martin Luther King Jr. Way on the west, 12th Street on the north, and the former Washington Street on the east. Block T5/6 is bounded by 11th, Clay, and 12th Streets and the former Washington Street right-of-way; Block T9, by 11th, Jefferson, 12th, and Clay Streets; and Block T12, by 11th Street, Martin Luther King Jr. Way, 12th Street, and Jefferson Street. Block T5/6 remains unchanged from the conditions described in the 2000 FEIR, and currently includes the southern exit ramps from the subsurface City Center Garage as well as some landscaping. Block T9 has been developed as 555 City Center, a high-rise office tower (21 stories) with some ground-floor commercial space. Block T12 is currently in use as a parking lot, and Block T10 remains undeveloped, used for temporary construction worker parking and a small storage shed. The 2000 FEIR considered the development program on the four city blocks, and the City of Oakland approved this program in April 2000. Therefore, this EIR Addendum assumes development of Blocks T5/6 and T12 with two high-rise buildings as approved (see Table 1-1, above).

The project site is located within a built out, urbanized area comprising a mixture of commercial retail, office, and residential uses that remains generally unchanged since the 2000 FEIR was certified. To the west, Block T 10 is located across Martin Luther King Jr. Way from the Remillard House, a three-story Victorian in Preservation Park and one of the five original buildings in the Park, and the Charles S. Greene Library building, recently renovated and in use as the African-American Museum and Library. To the east of Block T10 is the Ronald V. Dellums Federal Building. To the north is a series of buildings ranging from a seven-story residential structure at the corner of Martin Luther King Jr. Way and 14th Street to a one-story liquor and convenience store at the corner of Jefferson and 14th Streets. To the south of Block T10 is the paved and landscaped walkway that links Preservation Park to the entrance of the Federal Building and to City Center. A small outdoor amphitheater seating area is located midway along the walkway, alongside the northern wall of City Center West Garage, across from the midpoint of Block T10. The site is in close proximity to public transit including BART and AC Transit, which provides service within three blocks of the site.

The new proposed high density residential mixed-use project on Block T 10 would consist of approximately 400 market-rate residential units, about 3,000 to 10,000 square feet of ground-floor commercial space, and about 400 off-street parking spaces (see Table 2-1). The residential units would range in size from about 480 to 1,500 habitable square feet, and would include

**TABLE 2-1  
APPROVED AND MODIFIED BLOCK T10 DEVELOPMENT CHARACTERISTICS**

	Approved	Modified
Office floor area	550,000 sq. ft.	None
Residential units	200 units <sup>a</sup>	400 units <sup>b</sup>
Comml. floor area	8,000 sq. ft.	3,000-10,000 sq. ft.
Off-street parking spaces <sup>c</sup>	230	400
Parking access	Jefferson Street	Jefferson Street
Loading spaces	3	1
Loading access	M.L. King Jr. Way	<del>14th</del> Street
Height (stories)	31 stories	20-24 stories
Height (feet)	440 feet	240 feet
Principal pedestrian access	14th Street	Jefferson Street
Location of Tower	Center of site, oriented East-West	Comer of Jefferson and 14th Sts., oriented east-west

<sup>a</sup> Approximately 220,000 square feet of residential use.

<sup>b</sup> Approximately 306,000 square feet of residential use.

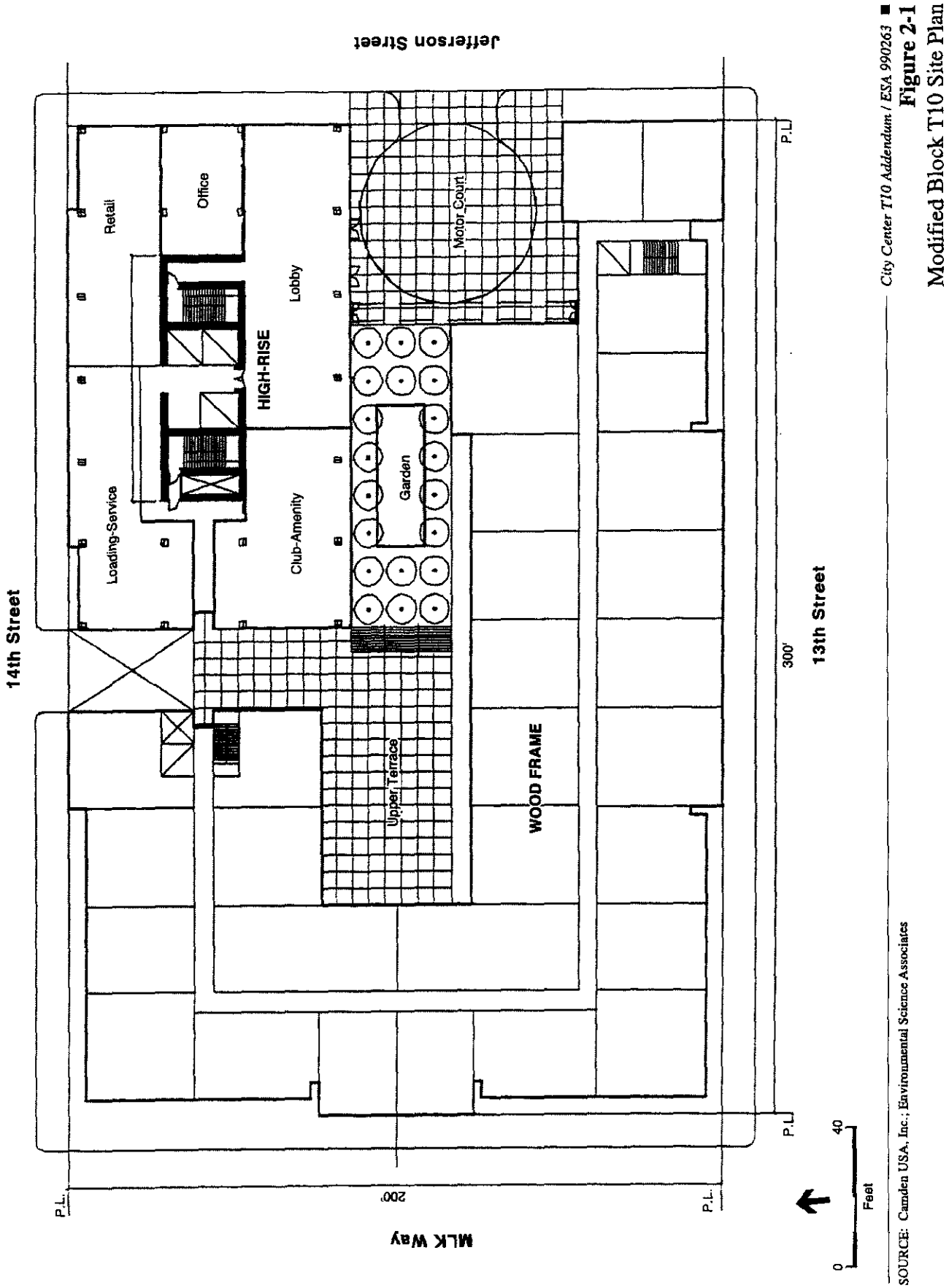
<sup>c</sup> An additional approximately 200 parking spaces are available to Block T10 at City Center West Garage on Jefferson Street between 12th and 13th Streets.

SOURCE: Oakland City Center Project Final EIR (2000); Camden USA Inc. (2003)

studios and one-, two-, and three-bedroom units. All residences would include private, exterior balconies. The residential space would be provided within two building components, a high-rise, type-I concrete construction tower and a low-rise, type-V wood construction building.

The new high-rise component of the proposed project would be located on the corner of 14th and Jefferson Streets, in the northeastern portion of the site, and would contain the majority of the residential units. The high-rise tower would be up to 24 stories (approximately 240 feet) in height, and constructed with a steel frame and concrete core on a concrete mat foundation. The new low-rise component would include frontage along the 13th Street pedestrian right-of-way, Martin Luther King Jr. Way, and a portion of 14th Street, and would also include residential units. The bulk of the proposed low-rise building would cover the remainder of the project site and would abut the high-rise building's western and southern edges. The low-rise building would be about 4 stories (approximately 50 feet) in height, and constructed with a wood frame. See Figure 2-1, Site Plan, and Figure 2-2, East Elevation.

About 400 off-street parking spaces would be provided within a garage located below the J-shaped, low-rise building, and partially under the landscaped public plaza provided on the ground level between the two buildings. The parking garage would consist of 3 sub-grade levels, and vehicular access (entry and exit) would be provided at Jefferson Street. A service area would be located adjacent to the high-rise building at 14th Street, and would include one loading/unloading space, trash and recycling storage space, and retail delivery space.

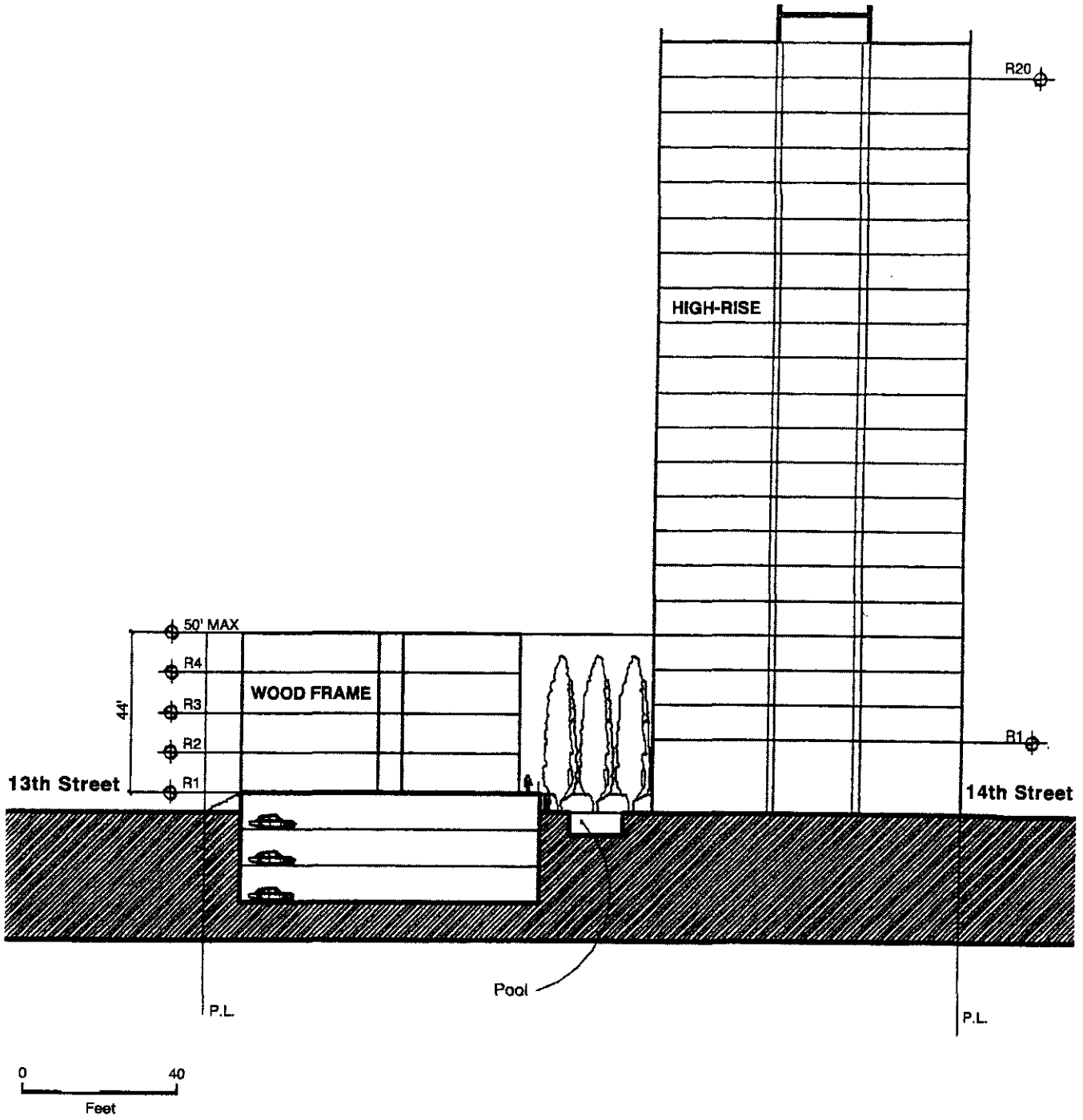


City Center T10 Addendum / ESA 990263

**Figure 2-1**

Modified Block T10 Site Plan

SOURCE: Camden USA, Inc.; Environmental Science Associates



SOURCE: Camden USA, Inc.; Environmental Science Associates

City Center T10 Addendum / ESA 990263 ■

**Figure 2-2**  
Modified Block T10 East Elevation

The project would include a gated courtyard with a reflecting pool, garden, and other decorative water features on the ground floor between the two buildings, with pedestrian access provided on Jefferson Street and the former 13th Street right-of-way. The new proposed public open space would be integrated with the adjacent City Center West Garage "amphitheater" seating area, and the former 13th Street pedestrian walkway. Additional public open space would be provided on the roof of the low-rise building. Approximately 3,000 to 10,000 square feet of ground-floor, pedestrian-oriented commercial space for restaurant and/or retail uses would likely be provided along Jefferson and 14th Streets. Street trees would be planted around the building, and sidewalk improvements would be made in accordance with City specifications.

The project applicant proposes to start construction in the first quarter of 2005, with the buildings ready for occupancy in the fourth quarter of 2006. Approximately 36,000 cubic yards of excavation would be required. Construction is anticipated to last a period of approximately twenty-four months.

The project would require an amendment to the 2000 Planned Unit Development approval, as well as a Final Development Plan (FDP). It also is contemplated that a Disposition and Development Agreement (DDA) will be approved by the Redevelopment Agency. Other planning approvals that may be required include, but are not limited to, a Conditional Use Permit, Design Review, a Variance, and/or a Subdivision Map.



**COMMUNITY & ECONOMIC  
DEVELOPMENT CMTE**

OCT 28 2003



## SECTION 3

### ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

As noted under Section 1, Purpose of Addendum, this Addendum compares the potential physical impacts resulting from construction of the proposed Modified Project with the Approved Project for which environmental documentation has previously been prepared. This Addendum also is intended to determine if substantial changes are proposed in the Modified Project which will require major revisions of the 2000 FEIR; whether substantial changes have occurred with respect to the circumstances under which the project is being undertaken; or whether new information of substantial importance, which was not known and could not reasonably have been known at the time the FEIR was certified, has become available and would necessitate the preparation of a subsequent or supplemental EIR. The environmental issues analyzed in the 2000 FEIR are discussed below to document that no subsequent changes have occurred.

Table 3-5, at the end of this section, compares the impacts from the 2000 FEIR for the Approved Project with the impacts anticipated under the proposed Modified Project.

#### A. LAND USE, PLANS AND POLICIES

Land use policies governing use at the project site remain the same as those analyzed for the 2000 FEIR for the Approved Project.

The Oakland General Plan, *Land Use and Transportation Element* (adopted March 24, 1998) designates the project site as "Central Business District." Under the General Plan land use designation, the site's intended use is "to encourage, support and enhance the downtown area as a high density mixed use urban center of regional importance, and primary business hub for Northern California." Because this land use designation includes "a mix of large-scale offices and urban (high-rise) residential uses, and encourages the most intense development allowed in Oakland," the project site is ideally suited for its Approved and proposed future use. The *Central District Urban Renewal Plan* land use classification for the project site is "Commercial Core," which would result in approximately the same uses. These land use classifications have not changed since certification of the 2000 FEIR for the Approved Project.

As noted in the 2000 FEIR, the project site is located within the C-51 (Central Business Service Commercial) zoning designation, which is intended to "create, preserve, and enhance areas for medium-intensity development of offices and business service activities, and is typically appropriate to serve commercial areas immediately adjoining the core of the central district" (§17.58.010). The Zoning Regulations permit a wide variety of permitted and conditionally permitted residential, civic, and commercial activities. This zoning district has not changed since certification of the 2000 FEIR for the Approved Project.

The proposed Modified Project is consistent with the permitted land uses described in the General Plan, the *Central District Urban Renewal Plan*, and the Zoning Regulations. The Modified Project would be consistent with the applicable General Plan policies identified in the 2000 FEIR, such as Policy D2.1, *Enhancing the Downtown*, Policy D6.1, *Developing Vacant Lots*, and Policy N3.1, *Facilitating Housing Construction*.

The Modified Project would comply with the General Plan density for the Central Business District as it would construct up to 400 residential units, which is below the maximum of 685 units permitted under the General Plan for Block T10.<sup>3</sup> In addition, the Modified Project would now comply with the FAR permitted by the Zoning Regulations in a C-51 zone (7.00), whereas the approved office-residential project for Block T10 would have had a FAR of approximately 13.0; however, the FAR for Block T10 would be reduced to approximately 5.28 under the Modified Project.<sup>4</sup> In addition, the Modified Project would now comply with the Zoning Regulations requirements for 400 parking spaces (one per residential unit), whereas the approved mixed-use project would have had a parking deficit of 372 spaces.

Although the proposed Modified Project requires an amendment to the 2000 PUD approval,<sup>5</sup> as well as other planning approvals, no significant land use impacts requiring mitigation were found in the 2000 FEIR for the Approved Project. The Modified Project would remain generally consistent with applicable plans and policies, and would be compatible with other existing and planned land uses in the project vicinity. Accordingly, no new land use impacts would result with implementation of the proposed Modified Project.

## **B. TRAFFIC, CIRCULATION AND PARKING**

### ***APPLICABLE 2000 FEIR MITIGATION MEASURES – TRAFFIC, CIRCULATION AND PARKING (AMENDED)***

**Mitigation Measure B.1a: At 12th and Brush Streets, the office developer of each subsequent phase of project construction following Block T10 (i.e., Blocks T12 and T5/6) (Shorenstein or its successor) shall work with Caltrans and coordinate with the City to consider various improvement options, which could include signal timing improvements or additional lanes on the ramp. The office developer shall fund its fair share of any required improvements.**

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<sup>3</sup> Block T10 contains a total of approximately 59,838 square feet, or 1.37 acres. The total number of units per net acre permitted under the General Plan is calculated as follows: 1.37 acres multiplied by 500 units/acre which totals 685 units.

<sup>4</sup> The floor-area ratio (FAR) for Block T10 (5.28) is calculated by dividing the proposed building floor space (316,000 sq. ft.) by the lot size (59,838 sq. ft.).

<sup>5</sup> The approved project required a PUD because it was primarily designed for integrated commercial activities and encompassed more than 60,000 sq. ft. (Zoning Regulations §17.122.030), as well as for approval of a Major Conditional Use Permit (to exceed the permitted residential-commercial FAR), Major Variance (for parking), and Design Review (residential projects of three or more units), all of which are included in the PUD application and processed together. The Modified Project would require a Major Conditional Use Permit for development in excess of 100,000 square feet, and would require a parking variance (albeit with less of a parking deficit than the approved project), a variance to provide fewer than the required number of loading berths, and Design Review.

Because it is not certain whether physical improvements (such as construction of additional lanes) could be made at this intersection that would sufficiently improve intersection LOS without adversely affecting traffic on the I-980 off-ramp, and because Caltrans approval could be required (i.e., improvements could be outside the jurisdiction of the City to implement), this impact is considered significant and unavoidable. (As noted, it is possible that changes to the signal cycle at 12th and Brush Streets could eliminate this impact, and obviate the need for physical improvements.)

This mitigation measure would not apply to the Modified Block T10 project because that project would add only eight trips to the 12th and Brush intersection, which would not result in any change in level of service or substantial increase in average delay.

**Mitigation Measure B.4: For each subsequent phase of project construction following Block T10 (i.e., Blocks T12 and T5/6), the office developer of Blocks T12 and T5/6 (Shorenstein or its successor) shall submit a transportation/parking study, subject to the review and approval of the City Traffic Engineering Division of the Public Works Agency and the Planning Division of the Community and Economic Development Agency, that evaluates then-current and forecast parking supply and demand for each subsequent project phase, prior to the final PUD approval of those phases. The study shall also determine the degree, if any, of the expected shortfall in transit capacity that could result from a shift away from auto travel and to transit use.**

If a parking shortfall is anticipated, the office developer shall implement means of reducing parking demand and, to the extent deemed necessary, of increasing off-street parking supply in the City Center area through a variety of methods, which may include one or more of the following measures, as deemed appropriate by the City:

- The office developer shall work with the Redevelopment Agency to construct (or provide in-lieu fees for City construction of) some portion of the shortfall of approximately 1,040 parking spaces that the project would generate;
- The office developer shall incorporate the use of valet parking in commercial parking garage(s) within buildings owned by the office developer, including the City Center Garage and the proposed buildings on Blocks T9, T5/T6, and T12. (Block T10 is not included because residential valet parking typically is less feasible than valet operation in commercial garages due to longer-term residential demand. Furthermore, Block T10 would not have a parking shortfall.) Valet operations typically increase garage capacity by between 30 percent and 50 percent, meaning the proposed 606 commercial spaces that would be constructed with the project could accommodate between about 180 and 300 additional vehicles with valet operations. Valet operations in the City Center Garage might result in capacity for an additional 350 to 550 vehicles. Together, these steps could accommodate nearly all of the project's calculated commercial parking shortfall;
- The office developer shall require employers to institute flexible work hours or telecommuting;
- The office developer shall construct additional on-site parking for the affected subsequent phase(s) of the project;

- The office developer shall work with the City to expand the existing City Center West garage;
- The office developer shall connect the underground parking areas on two or more of the project's building sites;
- The office developer and/or the City shall use one of the four building sites for above-ground (structure) parking;
- The office developer shall participate in a potential future parking assessment district that may be created for an area including the project site; and/or
- The City shall require that the office developer pay a development impact fee to offset the cost of providing additional parking in the City Center area.

In addition, parking demand could be reduced through steps to reduce use of single-occupancy vehicles. (These same steps would also reduce traffic and lessen emissions of criteria air pollutants.) Among the possibilities the applicant could undertake are:

- The office developer shall implement a carpool/vanpool program (e.g. carpool ridesharing for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.) and distribute information to employees on transit and carpooling options (maps, schedules, information from Bay Area RIDES). This could be done at a lobby kiosk or other location where employees are likely to congregate;
- In coordination with AC Transit and City staff, the office developer shall construct transit facilities such as bus turnouts/bus bulbs, benches, and shelters along the road segments that define the development blocks, or on other comparable nearby roadway segments that may be identified by AC Transit and City staff as the most appropriate location(s) to locate such facilities to most effectively serve the project;
- The office developer shall establish a "transit store" to provide transit information and sell transit passes and tickets, as well as distribute transit maps and schedules. This "store" could be incorporated into a convenience store that might exist within the project;
- The office developer shall provide preferential parking (e.g., near building entrance) and reduced/eliminated parking fees in project garages, the City Center Garage, and City Center West Garage for carpool and vanpool vehicles. If a waiting list for monthly parking develops assign priority in issuing new permits to carpools and vanpools;
- The office developer shall require employers to subsidize transit passes (such as through the Metropolitan Transportation Commission's "Commuter Check" program) and/or direct provision by the office developer of such transit pass subsidies; and
- The office developer shall provide secure, weather-protected long-term bicycle parking for future residents and employees at the proposed retail and office uses, secure short-term bicycle parking for retail customers, and showers and lockers for employees bicycling or walking to work.

Implementation of Mitigation Measure B.4 would ensure that development and occupancy of the office towers on Blocks T12 and T5/6 would not adversely affect parking in the project vicinity.

**Mitigation Measure B.5:** For subsequent office phases of the project (i.e., Blocks T12 and T5/6), the office developer (Shorenstein or its successor) shall conduct a study, subject to the review and approval of the City Traffic Engineering Division, to determine whether there is adequate exiting capacity at the 12th Street station. The office developer shall work with BART to assure that with buildout of the project (all four buildings), adequate exit fare gates are available at the 11th Street exits in the a.m. peak hour so that the maximum passenger wait does not exceed two minutes to be processed through the fare gates. This may require the addition of one or more new fare gates at the 11th Street exit to the station.

Implementation of Mitigation Measure B.5 would ensure that development and occupancy of the office towers on Blocks T12 and T5/6 would not adversely affect access to BART service at the 12th Street station.

**Mitigation Measure B.6:** The project shall provide an adequate number of bicycle parking spaces, as determined by the City, in location(s) either on-site or within a three-block radius, or through payment of appropriate in-lieu fees.

Implementation of Mitigation Measure B.6 would ensure that project occupants and employees would have adequate opportunity to select bicycle travel as an alternative to auto travel, thereby maximizing the potential for bicycle use and a concomitant reduction in auto travel.

**Mitigation Measure B.7:** Prior to the start of excavation or construction on all project blocks, the project sponsors (Camden USA, Inc. or Shorenstein, or their successors, as applicable) would submit to the City Traffic Engineering Division for review and approval a plan for managing construction-period traffic and parking. This plan would include information on routing of construction traffic, provision of off-street parking for construction workers, and off-street equipment staging.

Implementation of Mitigation Measure B.7 would ensure that project construction would be undertaken in a manner that would not adversely affect traffic and parking in the neighborhood.

### ***IMPACTS OF MODIFIED PROJECT***

The following section summarizes the letter report prepared by Dowling Associates, Inc. (2003), included in this document as Appendix A, which assesses changes to traffic, circulation and parking conditions with the proposed Modified Project compared to conditions as analyzed for the 2000 FEIR for the Approved Project.

The Modified Project would construct up to 400 dwelling units and up to 10,000 square feet of street-level, local-serving retail on the Block T10 site, as well as up to 400 onsite parking spaces. An additional 200 spaces would be available to the project in the City Center West Garage. These uses represent the following changes from the Approved Project: elimination of 550,000 square feet of office uses, an increase of up to 200 dwelling units and up to 200 onsite parking spaces, and an increase of up to 2,000 square feet of retail space.

**Traffic.** Analysis of traffic effects of the above changes was performed using two different methodologies. The first applied the same approach and methodologies that were used in the 2000 EIR, and focused on the intersections of 12th Street / Broadway and 12th Street / Brush Street, where significant impacts were identified for the Approved Project. However, because more-recent intersection turning movement counts at the intersection of 12th and Brush Streets are available, and the City's methodology for cumulative analyses has changed, a second analysis was performed to identify differences in results in light of the new information.

2000 FEIR Analysis Method. Applying trip generation rates in a manner consistent with the 2000 FEIR, the Modified Project would generate about 900 fewer daily vehicle trips than the Approved Project. During the peak hours, the residential trip pattern is such that most trips generated would leave the site in the morning and return in the evening, while the reverse is true for the office uses. Under the Modified Project, there would be an approximate 38 trip increase in a.m. peak-hour outbound trips, but the 265-trip decrease in inbound trips would offset that increase, for a net change of about 227 fewer a.m. peak-hour trips. The Modified Project would generate about 376 fewer p.m. peak-hour trips, with a decrease in both inbound and outbound trips compared to the Approved Project. Consistent with the 2000 FEIR, the proposed street-level retail use is expected to be neighborhood-serving, which would attract primarily workers and residents already in the area who would make the trip by foot.

The impacts at local intersections were assessed using the 1994 *Highway Capacity Manual* Operations method, which is the same methodology used in the 2000 FEIR. Because the Block T10 site was only included as part of the project buildout in 2010, the intersection analysis focused only on that scenario, which represented the full project buildout and cumulative scenario in the EIR.<sup>6</sup> The results of the level of service (LOS) analysis are summarized in Table 3-1. The LOS results include the mitigation measure identified in the 2000 FEIR for 2005 conditions at the 12th Street and Broadway intersection (i.e., to adjust the signal timing to provide a protected left-turn phase for northbound traffic), which was required to mitigate the impacts of the first two City Center buildings (Blocks T9 and T5/6).

A comparison of the levels of service (LOS) shows similar results for the Modified Project versus the Approved Project, with slight changes in delay values at these two intersections. At the intersection of 12th and Brush Streets, the delay during the a.m. peak hour with the Modified Project increases by about four seconds due to the sensitivity of operating conditions at this intersection to even a small change in traffic patterns from the increased 38 outbound trips from the site. However, the change in traffic volumes with the Modified Project would not change the LOS or the significant impact identified in the 2000 FEIR. The mitigation measure proposed for the intersection of 12th Street and Broadway would still improve operations to acceptable levels.

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<sup>6</sup> Because, under the Modified Project, Block T10 would be developed sooner than 2010, the actual traffic conditions at the time that the Modified Block T10 Project is to be completed would be expected to be somewhat less severe, because there would have been somewhat less background growth than was included in the EIR analysis. Furthermore, the EIR analysis assumed that the office buildings on Blocks T9 and T5/6 would have been completed by the time the Block T10 project was developed, whereas the Modified Project would result in construction on Block T10 before Block T5/6. Therefore, the analysis presented here is conservative.

**TABLE 3-1**  
**2010 INTERSECTION LEVELS OF SERVICE (LOS)**  
**MODIFIED PROJECT vs. APPROVED PROJECT**

Intersection	Approved Project (2000 FEIR)				Modified Project (2003 Addendum)			
	AM Peak		PM Peak		AM Peak		PM Peak	
	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
12th Street / Broadway	B	11.0	F	>90	B	10.8	F	>90
12th Street / Broadway (Mitigated) <sup>a</sup>	n.a.	n.a.	C	21.8	n.a.	n.a.	C	23.6
12th / Brush Streets	F	82.3	C	21.9	F	85.9	C	18.9

<sup>a</sup> Reflects the mitigation measure identified in the 2000 FEIR for 2005 conditions (i.e., to adjust the signal timing to provide a protected left-turn phase for northbound traffic), which was required to mitigate the impacts of the first two City Center buildings.

SOURCE: Dowling Associates, Inc., 2003

Comparison to Downtown Transportation and Parking Plan. As noted above, the intersection analysis for the Modified Project is consistent with the approach and methodologies used for the 2000 FEIR. In particular, the trip distribution and assignment to the roadway network as well as the 1994 *Highway Capacity Manual* methodology are consistent with that in the TRAFFIX database developed for the 2000 FEIR. However, to develop cumulative traffic volumes for other projects, the 2000 FEIR applied a background growth factor to existing counts and then added traffic generated by other downtown developments on a project-by-project basis to those volumes, which does not account for travel between existing and proposed uses or shifts in existing travel patterns due to the new developments. With the City's current approach for cumulative analyses, future turning movement volumes from cumulative development are forecast using the Alameda County Congestion Management Agency's Countywide Travel Demand Forecasting Model, which is a regional travel demand model that accounts for shifts in travel patterns due to congestion and the synergy between existing and proposed uses. Additionally, under the current approach to traffic analyses, the City uses LOS E as its significance criterion for downtown intersections, rather than LOS D as was employed in the 2000 analysis.

The 2010 a.m. and p.m. peak-hour LOS results from the 2000 FEIR were compared to the latest LOS results from the Oakland Downtown Transportation and Parking Plan, which applied the current approach to the cumulative analysis. The land use assumptions for the Oakland

Downtown Transportation and Parking Plan assumed 480 residential units in Block T10 under 2010 conditions.<sup>7</sup> The differences in the LOS results are noted in Table 3-2.

**TABLE 3-2**  
**2010 INTERSECTION LEVELS OF SERVICE (LOS)**  
**2000 FEIR vs. DOWNTOWN TRANSPORTATION & PARKING PLAN**

Intersection	2000 FEIR Analysis				Downtown Transportation and Parking Plan Analysis			
	AM Peak		PM Peak		AM Peak		PM Peak	
	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
12th Street / Broadway	B	11.0	F	>90	B	11.8	C	23.5
12th / Brush Streets	F	82.3	C	21.9	F	85.7	C	20.6

SOURCE: Dowling Associates, Inc., 2003

Due to differences in the methodologies for cumulative analyses, the 2010 traffic volumes forecast to be generated by other downtown projects and other development in the region result in different levels of service at some intersections than the LOS presented in the 2000 EIR. As a result, when traffic from the Modified Project is included, the 2010 LOS at the intersection of 12th Street and Broadway would not result in significant impacts during the p.m. peak hour (LOS C), whereas the EIR projected a significant impact (LOS F). However, with the current analysis methodology, conditions at intersection of 12th and Brush Streets would not change, compared to the results reported in the 2000 FEIR: LOS F in the a.m. peak hour and LOS C in the p.m. peak hour. Although the average vehicle delay would increase slightly in the a.m. peak hour when calculated with the current methodology, compared to that reported in the FEIR, this would not constitute a “substantially more severe” impact than identified in the FEIR. With the current methodology, average vehicle delay would decrease slightly in the p.m. peak hour. Thus, the 2000 FEIR finding of significant and unavoidable impact in the a.m. peak hour at this intersection would not change, but the Modified Project would not result in any new or substantially more severe traffic impacts than were reported in the 2000 FEIR.

**Transit.** The 2000 FEIR found that the project ridership on AC Transit and BART could be accommodated by bus or train, but was likely to exceed the capacity of the 12th Street station at project buildout. The transit impacts of the change to residential use would be similar to that

<sup>7</sup> For the Downtown Oakland Transportation and Parking Plan, the Oakland Cumulative Growth Scenario developed by Hausrath Economics Group was modified to include the change from office to residential uses on Block T10 based on the current project understanding at that time of 480 total units (or a net increase of 280 units). In order to revise the Cumulative Growth Scenario, 480 units (or 456 households) were added to the Year 2010 assumptions, because the Block T10 site was originally assumed to occur after this time horizon. For the Year 2025 assumptions, only the net 280 units were added, but the employment from 550,000 s.f. of office was removed.



presented in the 2000 FEIR. The exception would be that the residential units would generate transit trips in the reverse direction to the office uses. The peak-hour, peak direction ridership on BART would be expected to decrease due to the change from office to residential uses. Some of the capacity issues at the 12th Street BART station might be reduced due to the reverse directionality of the residential transit trips. The Modified Project could result in about a ten percent reduction to the total transit trips at buildout of the entire City Center project, but that amount would not be large enough to reduce the anticipated delays at the fare gates of three minutes or more to less than two minutes. The mitigation measure may not require more than one additional fare gate, but would still be subject to further study and coordination with BART. Thus, the modified project would not result in any new significant transit impacts or any transit impacts that would be substantially more severe than those reported in the 2000 FEIR.

**Automobile Parking.** Based on the parking demand rate of one space per unit applied in the 2000 FEIR, the project would require 400 parking spaces to serve the residential units. The proposed 400 onsite spaces and the additional 200 spaces in the City Center West garage would more than meet that demand for Block T10. The increase in residential parking demand of 200 spaces would be more than offset by the now-eliminated demand for 868 spaces to serve the originally proposed office uses. The 2000 FEIR found that the project could result in a parking deficit of approximately 1,880 off-street parking spaces at project buildout. With the Modified Project, that deficit would be reduced by 838 off-street spaces for a total parking deficit of about 1,040 spaces at project buildout. Mitigation Measure B.4 in the 2000 FEIR would still apply to subsequent phases of the City Center Project (Blocks T12 and T5/6), but the nature of its implementation would be affected by the reduced shortfall in parking supply. Because the projected parking shortfall would be reduced by more than 40 percent and would be entirely eliminated on Block T10, the Modified Project would not result in any new or more substantially severe impacts with regard to parking than were reported in the 2000 FEIR. Furthermore, a 2002 California Court of Appeal decision (regarding a challenge to San Francisco's treatment of parking as a social, not physical, effect), decided subsequent to certification of the 2000 FEIR, held that parking is not part of the permanent physical environment, and that parking conditions change over time as people change their travel patterns, unmet parking demand created by the project need not be considered a significant environmental effect under CEQA unless it would cause significant secondary *physical* effects.

**Bicycle Parking.** The 2000 FEIR found that the project would likely increase the demand for bicycle parking in the City Center area, but would provide bicycle parking at a rate consistent with that recommended in the Bicycle Master Plan. To meet the bicycle parking requirements, the proposed changes to Block T10 would need to provide 20 short-term spaces and 100 long-term spaces to meet the residential requirement, which would be offset by the 55 short-term spaces and 183 long-term spaces that would have been required for the 550,000 square feet of office. The impact identified in the 2000 FEIR would not change, but this reduction in the requirement would factor into the City's determination of adequate bicycle parking as noted in the mitigation measure.

## C. AIR QUALITY

The following section assesses changes to local and regional air quality impacts during both construction and operational phases of the proposed Modified Project and compares it to the analysis in the 2000 FEIR for the Approved Project. The changes in the physical and regulatory environment since the certification of the 2000 FEIR for the Approved Project are also discussed. The analysis for the Modified Project has been conducted using the methodologies used in the 2000 FEIR and is based on the traffic analysis conducted by Dowling Associates for the Modified Project.

**Physical Setting.** Air quality conditions throughout the San Francisco Bay Area Air Basin (Bay Area) have improved and are continuing to improve since the publication of the 2000 FEIR. At the Alice Street station in Oakland, there have been no violations of the ozone and carbon monoxide standards recorded in the past five years. A comparison of ozone and carbon monoxide concentrations also shows that air pollution levels are declining throughout the area. The County Hospital in San Leandro no longer monitors PM-10 data. The nearest station that monitors PM-10 is the Chapel Way station in Fremont. PM-10 concentrations have however remained steady or even increased in parts of the Bay Area. This is largely due to the increase in vehicle miles traveled throughout the region.

**Regulatory Setting.** The state and national area designations for criteria pollutants for the Bay Area have remained the same since the publication of the 2000 FEIR. The Bay Area is classified as “nonattainment” with respect to state and national ozone standards and state PM-10 standard. The Bay Area is “attainment” or “unclassified” with respect to all other state and national ambient air quality standards. The Bay Area Air Quality Management District (BAAQMD), along with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) has continuously updated the region-wide air quality management goals and policies to respond to the changing regional land use and transportation patterns. At the time of the publication of the 2000 FEIR, the *Bay Area 1999 Ozone Attainment Plan for the National One-Hour Ozone Standard* had been submitted to the U.S. EPA for approval as the Bay Area’s portion of the California State Implementation Plan (SIP). In March, 2001, following the Bay Area’s failure to attain the national ozone standard, U.S. EPA disapproved elements of the 1999 Ozone Attainment Plan. In response, the BAAQMD, in association with the MTC and ABAG, has prepared the *Bay Area 2001 Ozone Attainment Plan*. This plan is a proposed revision to the Bay Area portion of California’s plan to achieve the national ozone standard. The Revised Plan was adopted by the Boards of the co-lead agencies at a public meeting in October 2001 and approved by the ARB at a hearing in November 2001. The Plan is now pending approval from the U.S. EPA as a revision to the California State Implementation Plan. This Plan amends and supplements the 1999 Plan and predicts attainment of the national ozone standard by 2006. On July 7, 2003, EPA signed a rulemaking proposing to approve the Plan. EPA also made an interim final determination that the Plan corrects deficiencies identified in the 1999 Plan.

Since the publication of the 2000 FEIR, there has been a third triennial update to the *Bay Area ‘91 Clean Air Plan* (*‘91 Clean Air Plan*), which was developed in response to the California Clean Air Act’s air quality planning requirements. The *Bay Area 2000 Clean Air Plan* calls for a

continuation of the strategies outlined in earlier plans including tighter industry controls, cleaner cars and trucks, cleaner fuels, and increased commute alternatives.

**Thresholds of Significance.** The recommended thresholds of significance in the BAAQMD CEQA Guidelines have remained unchanged since the 2000 FEIR; these are the quantitative standards that the City of Oakland continues to rely upon to judge project-specific significance of mobile source emissions, which make up the vast majority of emissions from most development projects, including the City Center Project. For temporary construction-phase impacts, BAAQMD recommends a qualitative approach that focuses on the dust control measures that would be implemented. If appropriate mitigation measures are implemented to control PM-10 emissions, then the impact from construction would be less than significant. For analysis of operational impacts, a significance threshold of 80 pounds per day is recommended by the BAAQMD for ROG, NOx and PM-10 emissions. For carbon monoxide emissions, an increase of 550 pounds per day would be considered significant if it leads to a possible local violation of the carbon monoxide standards (i.e. if it creates a “hot spot”). Lastly, BAAQMD recommends that cumulative air quality effects be discussed with reference to the consistency of a project to the regional Clean Air Plan.

#### ***APPLICABLE 2000 FEIR MITIGATION MEASURES – AIR QUALITY***

**Mitigation Measure C.1: The project sponsors (Camden USA, Inc. or Shorestein, or their successors, as applicable) shall require the construction contractor to implement a dust abatement program.**

Elements of this program shall include the following:

- Water all active construction areas at least twice daily;
- 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);
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets; and
- Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary.

In addition, the following measures, which are identified in the EIR on the *Oakland General Plan Land Use and Transportation Element* (City of Oakland, 1997; p. III.E-26) for future development projects, are recommended to minimize construction equipment emissions during the construction period:

- Demonstrate compliance with BAAQMD Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 requires an authority to construct and permit to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.
- Perform low- NO<sub>x</sub> tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) should be performed for such equipment used continuously during the construction period.

Implementation of Mitigation Measure C.1 would ensure that construction-related air quality impacts would be less than significant.

**Mitigation Measure C.2a: Throughout operation of the project, the office developer (Shorenstein or its successor) shall implement Transportation Control Measures identified in the General Plan Land Use and Transportation Element EIR.**

**Mitigation Measure C.2b: The office developer (Shorenstein or its successor) shall implement Mitigation Measure B.5 (improvements to BART 12th Street Station exit gates) to facilitate use of BART by project workers.**

### ***IMPACTS OF MODIFIED PROJECT***

**Construction Impacts.** As discussed in the 2000 FEIR, construction impacts would be considered to be significant without mitigation. Implementation of the dust control measures outlined in Mitigation Measure C.1 of the FEIR would reduce this impact to a less-than-significant level. No substantial change is anticipated in construction techniques, nor has the size of the area where construction would occur changed appreciably. Therefore, the Modified Project would not result in any new or substantially more severe construction-related air quality impacts than those identified in the 2000 FEIR.

**Operation Impacts.** As identified in the 2000 FEIR, motor vehicle traffic associated with the project would generate increased emissions in the regional air basin. Increases in traffic at congested intersections and along busy roadways could also lead to local violations of the carbon monoxide standard. Both these impacts were analyzed in the 2000 FEIR; with mitigation, neither was determined to be significant. The following paragraphs re-examine these impacts in light of the changes proposed as part of the Modified Project.

Contribution to Regional Emissions. Based on the traffic analysis conducted by Dowling Associates for the Modified Project, changes proposed as part of the Modified Project would reduce the average daily trips generated by approximately 900 trips. Therefore, the Modified Project as proposed with 400 residential units and up to 10,000 square feet of retail space on the Block T10 would generate fewer trips than what was approved for the site in the 2000 FEIR (200 residential units, 550,000 square feet of office space, and 8,000 square feet of commercial floor space). Consequently, the associated air quality impacts of the Modified Project as a whole would also be lower than that projected in the 2000 FEIR. The reduction in ROG, NO<sub>x</sub> and PM-10 emissions from the changes proposed as part of the Modified Project is shown in Table 3-3 below. The analysis in the 2000 FEIR used the emissions inventory model, URBEMIS7G which was the most recent version of the model available at the time. Since then, the California Air Resources Board has developed a newer version of the model – URBEMIS2001. However, in order to ensure consistency, reductions in emissions due to the proposed project have been calculated using URBEMIS7G and data from the traffic analysis. Estimates using URBEMIS2001 would be lower than those shown in Table 3-3.

**TABLE 3-3  
ESTIMATED MOTOR VEHICLE EMISSIONS**

Pollutant	Emissions for Buildout in 2010 (pounds per day) <sup>a</sup>			Significance Threshold (pounds per day)
	Estimates in the 2000 FEIR	Change due to Modified project	Revised Buildout Emissions (2010)	
Reactive Organic Gases	76	-9	67	80
Nitrogen Oxides	<b>83</b>	-8	75	80
PM-10	79	-8	71	80

<sup>a</sup> Emission estimates assume an ambient temperature of 75 degrees Fahrenheit and a buildout year of 2010 for the entire project, consisting of all four buildings. The assumed vehicle mix includes 65 percent light duty autos; 22 percent light duty trucks; 10 percent medium duty trucks; 1.5 percent light, medium, and heavy heavy-duty trucks; 0.5 percent urban buses, and 1 percent motorcycles.

NOTE: Values shown in **bold** type exceed the corresponding significance criterion.

SOURCE: Environmental Science Associates, 2003.

As shown in the table, a reduction in emissions due to the changes proposed at the T10 site would result in a less-than-significant operational impact on regional air quality as the revised emissions for project buildout would be less than the BAAQMD threshold of 80 pounds per day. This impact was projected to be significant in the 2000 FEIR, but was mitigated to a less-than-significant level by adoption of Mitigation Measures C.2a and C.2b. Though not required, the project applicant is encouraged to implement applicable features of Mitigation Measures C.2a and C.2b of the 2000 FEIR, listed above, in order to reduce the project's contribution to the

cumulative air quality impact. (It is noted that many of the Transportation Control Measures included in the 2000 FEIR are primarily applicable to commercial, rather than residential, projects.)

Local Carbon Monoxide Concentrations. The 2000 FEIR analyzed the carbon monoxide impacts of the Approved project on three intersections. These intersections are:

- Broadway at 11th Street
- Broadway at 12th Street
- Jefferson at 12th Street

The traffic volume at these three intersections was determined to be most affected by the addition of traffic generated by the Approved Project, upon buildout. Hence, these intersections were also expected to be most impacted from an air quality standpoint. The analysis conducted using BAAQMD-developed methodology and emissions factors and the results of the traffic study revealed that carbon monoxide concentrations would not violate ambient carbon monoxide standards under the baseline or any of the future analysis scenarios at any of the three intersections. Therefore, the impact was found to be less than significant.

The Modified Project would reduce impacts at these three intersections, in comparison to the Approved Project because the number of vehicle trips associated with the Modified Project would be lower than that for the Approved Project. Therefore the impacts of the Modified Project on local carbon monoxide concentrations would continue to be less than significant.

The traffic analysis for the Modified Project conducted detailed intersection level traffic analysis for only two intersections that were found to be most affected by the Approved Project (in the 2000 FEIR) from a traffic standpoint: Broadway at 12th Street and Brush at 12th Street. Therefore, carbon monoxide concentrations at these intersections for the Modified Project were estimated

using the Transportation Project-Level Carbon Monoxide Protocol developed by the Institute of Transportation Studies at the University of California at Davis (University of California, 1997) and the results are shown in Table 3-4. As shown in the table, local carbon monoxide concentrations at both intersections would be well below the ambient air quality standards for carbon monoxide. Hence the impact would be less than significant.

**Cumulative Impacts.** The contribution of the Modified Project to the cumulative air quality impact of the region would be less than that for the Approved Project. However, given that the project would be located in an area designated as nonattainment with respect to ozone and PM-10 standards, this contribution to the cumulative impact would be still be “considerable,” and therefore the project would result in a significant cumulative impact with respect to air quality. Implementation of Mitigation Measures C.2a and C.2b, listed above, would reduce this impact, but the residual impact would still be significant and unavoidable, as identified in the 2000 FEIR.

**TABLE 3-4  
ESTIMATED CARBON MONOXIDE CONCENTRATIONS AT SELECTED  
INTERSECTIONS IN PROJECT VICINITY**

Intersection	Averaging Time (hours)	Concentrations (parts per million) <sup>a, b</sup>
		Future Base Plus Project (2010)
Broadway/12th Street	1	6.9
	8	4.6
Brush/12th Street	1	7.8
	8	5.3

<sup>a</sup> One-hour average concentrations include a background concentration of 3.8 ppm in 2010. Eight-hour average concentrations are assumed to be 70 percent of the local contribution to the one hour concentrations, plus a background concentration of 2.5 ppm in 2010. Background concentrations are based on monitoring data from the Alice Street station extrapolated to future years based on BAAQMD-recommended rollback factors (Bay Area Air Quality Management District, 1999).

<sup>b</sup> "Future Base" reflects existing traffic volumes plus the traffic generated by cumulative development in the area.

Note: The state one-hour carbon monoxide standard is 20 ppm and the corresponding national standard is 35 ppm. The state and national eight-hour carbon monoxide standard is 9.0 ppm.

SOURCE: Environmental Science Associates, 2003.

Under cumulative traffic conditions in 2010, worst-case carbon monoxide concentrations would not violate the corresponding ambient standards. Therefore, the cumulative impact on local carbon monoxide concentrations would not be significant.<sup>8</sup>

In summary, the Modified Project would not result in any new or substantially more severe air quality impacts related to operational emissions than those reported in the 2000 FEIR.

<sup>8</sup> Under the Modified Project, Block T10 would be developed sooner than 2010. Traffic volumes at the time that the Modified Block T10 Project is to be completed would be expected to be somewhat lower than is assumed in the intersection CO analysis, because there would have been somewhat less background growth than was included in this analysis, and because the office building on Block T5/6 would not have been completed by the time the Block T10 project was developed, as was assumed in the traffic analysis for the Downtown Transportation and Parking Plan, on which the CO analysis is based. The lower traffic volumes would partially offset the higher CO emissions rates that would occur in an analysis year earlier than 2010. However, even assuming CO emissions rates from Year 2005, CO concentrations at the study intersections would be substantially below both federal and state standards with the Modified Project.

## D. NOISE

The following section assesses changes to the noise impacts during both construction and operational phases of the proposed Modified Project and compares it to the analysis in the 2000 FEIR for the Approved Project. The changes in the physical and regulatory environment since the certification of the 2000 FEIR for the Approved Project are also discussed. The analysis for the Modified Project has been conducted using the methodologies used in the 2000 FEIR and is based on the traffic analysis conducted by Dowling Associates for the Modified Project.

**Physical Setting.** Existing noise levels in the vicinity of the project area have more or less remained the same since the 2000 FEIR. This was confirmed by conducting several short-term noise measurements at locations around Block T10. As discussed in the 2000 FEIR, the predominant source of noise within the vicinity of Block T10 is motor vehicle traffic traveling on local streets.

**Regulatory Setting.** The noise standards applicable to the Modified Project are the same as those used in the analysis of the Approved Project. The project would be subject to Title 24 of the *California Code of Regulations* (for new residential developments), City of Oakland General Plan policies, and Oakland Noise Ordinance standards.

**Thresholds of Significance.** Significance thresholds applicable to the proposed Modified Project are the same as those presented in the 2000 FEIR. The significance of temporary increases in ambient noise levels is evaluated with reference to the duration of construction and noise standards established in the Oakland Noise Ordinance. With respect to permanent effects, an increase in ambient noise levels is “substantial” if it is (a) DNL 5 dB or more where the resultant noise level is still considered “normally acceptable” for the affected land use, (b) DNL 3 dB or more where the resultant noise level is within the “conditionally acceptable” range, or (c) DNL 1.5 dB or more where the resultant noise level is within the “normally unacceptable” range. As applied to multi-family residential uses in Downtown Oakland, this set of criteria would mean that a permanent increase would be substantial, and significant, if it would be: DNL 5 dB or more with a resultant noise level up to DNL 65 dB or less; DNL 3 dB or more with a resultant noise level of DNL 65 to 70 dB; or DNL 1.5 dB or more where the resultant noise level exceeds DNL 70 dB.

### ***APPLICABLE 2000 FEIR MITIGATION MEASURES - NOISE (AMENDED)***

Note: The following mitigation measures from the 2000 FEIR have been revised for consistency with noise mitigation currently employed by the City of Oakland.

**Mitigation Measure D.1a: To avoid the potential for significant nighttime noise impacts due to construction, the project sponsors (Camden USA, Inc. or Shorestein, or their successors, as applicable) shall require their construction contractors to limit noisy construction activities to 8:00 a.m. to 7:00 p.m., Monday through Friday. Pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday, with no extreme noise generating activity**



permitted between 12:30 and 1:30 p.m. No construction activities shall be allowed on weekends until after the building is enclosed, without prior authorization of the Building Services Division, and no extreme noise generating activities shall be allowed on weekends and holidays.

**Mitigation Measure D.1b: To reduce daytime noise impacts due to construction, construction contractors shall be required to achieve the Noise Ordinance standards of 65 dB for residential uses across from Block T10 on 14th Street and 70 dB at commercial uses elsewhere by implementing the following measures:**

- 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 and necessary);
- 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 dB. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dB. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible; and
- Stationary noise sources shall be located as far from sensitive receptors as possible. If they must be located near existing receptors, they shall be muffled to the extent feasible and enclosed within temporary sheds.
- If feasible, the noisiest phases of construction (such as pile driving) shall be limited to less than 10 days at a time to comply with the local noise ordinance.

**Mitigation Measure D.1c: To further mitigate potential pile driving and/or other extreme noise generating construction impacts, if applicable, 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 City to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:**

- Erect temporary plywood noise barriers around the construction site, particularly along the eastern boundary along 14th Street to shield the adjacent multi-family residential buildings;
- 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;
- Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;

- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and
- Monitor the effectiveness of noise attenuation measures by taking noise measurements.

**Mitigation Measure D.1d: Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsors (Camden USA, Inc. or Shorestein, or their successors, as applicable) shall submit to the City Building Department a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:**

- A procedure for notifying the City Building Division staff and Oakland Police Department;
- A plan for posting signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem;
- A listing of telephone numbers (during regular construction hours and off-hours);
- The designation of an on-site construction complaint manager for the project;
- Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving activities about the estimated duration of the activity; and
- A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

Implementation of Mitigation Measure D.1a through D.1d would reduce construction noise impacts to a less-than-significant level.

### ***IMPACTS OF MODIFIED PROJECT***

**Construction Impacts.** As discussed in the 2000 FEIR, noise impacts during construction would be significant without mitigation. The receptors nearest to proposed construction activity would be the residential uses located on 14th Street, across from Block T10. These uses could occasionally experience noise levels of up to 89 dBA, Leq depending upon the proximity of equipment at a given time. These predicted noise levels would exceed the standards of the Oakland Noise Ordinance and would lead to a significant impact. However, implementation of Mitigation Measures D.1a and D.1b, as amended, and newly added Mitigation Measures D.1c and D.1d,<sup>9</sup> all of which are identified above, would reduce this impact to a less than significant level. The changes proposed as part of the Modified Project would not significantly increase the duration or severity of the construction impacts and implementation of the mitigation measures would ensure a less-than-significant impact.

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<sup>9</sup> These new measures have been added consistent with the City's current approach to noise mitigation.

**Operational Impacts.** As identified in the 2000 FEIR, over the long-term, the project would affect the noise environment in the project vicinity through the introduction of stationary sources of noise, including heating, ventilation and air conditioning equipment (HVAC), and through the generation of motor vehicle trips onto the local road network.

The traffic noise impact analysis in the 2000 FEIR was based on the analysis conducted for the *Land Use and Transportation Element EIR*. Project impacts were found to be less than significant as increase in noise levels along all analyzed roadway segments were less than DNL 3 dBA. The Modified Project would generate fewer trips than that analyzed in the 2000 FEIR. Consequently, the distribution of trips along the local roadway network would result in impacts lesser in magnitude than those for the Approved Project. Therefore, the impact would continue to be less than significant.

The 2000 FEIR also analyzed the impact of locating residential uses in a relatively noisy urban environment influenced by traffic on two nearby freeways and by traffic on the local roads. The Modified Project would increase the number of residential units from 200 to 400 units. As discussed in the 2000 FEIR, the multi-family residences would be subject to the requirements of Title 24 of the *California Code of Regulations*, which require an interior standard of DNL 45 dB in any habitable room, and require an acoustical analysis demonstrating how dwelling units have been designed to meet this interior standard. Construction in accordance with Title 24 standards would reduce the impact of the existing noise environment on future project residents to a less-than-significant level. To meet the interior standard of DNL 45 dB, a noise level reduction of 30 to 35 dBA would be required from the exterior façades along the Modified Block T10 building periphery to address future ambient noise levels of DNL 75 dB. Outdoor balconies proposed for the units would likely be subject to greater noise levels than the interior spaces.

The 2000 FEIR concluded that the increase in traffic noise due to increased traffic volumes resulting from cumulative development in Downtown Oakland, including the Approved Project, although not necessarily noticeable, would constitute a significant, unavoidable cumulative impact. The Approved Project was found to contribute “considerably” to this cumulative impact because the new development would represent about 40 percent of the cumulative increase in daily vehicle traffic on certain local streets adjacent to and near the four project blocks, when fully developed. Although the Modified Project’s contribution to the cumulative impact would be reduced due to the fewer trips generated, the contribution would still be considered significant, and the impact would be unavoidable.

## **E. VISUAL QUALITY**

As described in the FEIR for the Approved Project, Block T10 is currently undeveloped and is not a scenic resource. The Initial Study Checklist for the Approved Project (included in the 2000 FEIR) found that the Approved Project would result in no potential significant impacts to scenic vistas or scenic resources within a state designated scenic highway, or light and glare impacts. The 2000 FEIR analyzed the potential impacts of the Approved Project on the visual character of the site and surroundings.

The visual impacts of the Modified Project would remain substantially the same as those discussed in the FEIR for the Approved Project. The Approved Project would have constructed four high-rise buildings, the tallest of which – the building approved for Block T10 – would have been 31 stories (440 feet) in height. The Modified Project would instead construct two buildings on Block T10, including a 4-story, J-shaped building and a 24-story high-rise tower in the northeast corner of the site. The Modified high-rise tower would be approximately 200 feet shorter (up to 7 stories shorter) than the Approved 31-story office and residential tower. In addition, compared to the previous proposal, the graduated building heights of the Modified Project, with the tower being located further from Preservation Park in the northeast corner of the site, along with the proposed setbacks would further reduce the observed bulk and mass of the new development. The height of the Modified tower would better complement the nearby downtown buildings that range in height from 10 to 25 stories. The Modified Project would continue to provide active small-scale visual retail displays in the foreground of the two new buildings along its street fronts, thus avoiding the potentially overwhelming effects of sheer high-rise street walls.

In summary, the 2000 FEIR for the Approved Project found no significant impacts from the project on visual quality, and the Modified Project would not result in any new significant impacts.

## **F. SHADOW AND WIND**

### **SHADOW**

The City of Oakland does not have a formally adopted policy on the significance of shade or shadows. However, the City discourages the production of new shade or shadow on public or quasi-public open spaces, buildings using solar collectors, and/or historic resources. A shadow analysis was conducted for the 2000 FEIR, and included a proposed 440-foot high-rise tower at the Block T10 site. As the proposed Modified Block T10 building would be up to 200 feet shorter in height than the Approved Block T10 building, and as the footprint of the proposed high-rise residential tower would be smaller and located further from Preservation Park in the northeastern corner of the project site, the shadow cast by the Modified Project would be considerably less than that of the Approved Project.

The Modified Block T10-generated shadow on Preservation Park would be limited to the early morning hours (before noon) in spring and summer, and would cover only a small portion (less than 15 percent) of Preservation Park that is currently in sunlight at that time. The plaza at Preservation Park, located at the westernmost extension of the 13th Street right-of-way within the Park, would not be shaded by the project during the noon hour or in the afternoon at any of the times studied, and therefore, would remain in sunlight for outdoor gatherings. The shadow of the Modified Block T10 building would not reach any other public open space or historic district at any time of the year.

In summary, the 2000 FEIR for the Approved Project found no significant shadow impacts. The Modified Project would reduce the shadow on Preservation Park, in comparison to the Approved Project. Therefore, the Modified Project would not result in any new significant shadow impacts or increased severity in previously identified impacts.

## WIND

### ***APPLICABLE 2000 FEIR MITIGATION MEASURES - WIND***

**Mitigation Measure F.2: The City shall require the project sponsors (Camden USA, Inc. or Shorestein, or their successors, as applicable) to incorporate, to the maximum extent feasible, specific design elements in the final siting and designs for the high rises that would reduce ground-level winds within the Downtown Showcase District.**

Recommended modifications to the building masses as tested [i.e., 425-foot towers tested for the 1997 General Plan Land Use and Transportation Element EIR] to reduce winds would include some of the design features already included in the project, such as:

- placing the buildings back from the sidewalk, which would likely reduce winds at the sidewalk itself;
- the introduction of curved facades, which could reduce the tendency of the project structures to intercept upper-level winds and direct them down to ground level; and
- placing the tower atop a lower podium level, which would serve to interrupt winds traveling down the tower before they reach ground level.

In addition, the use of facade articulation, to break up winds along the building face, and horizontally projecting wind screens, to disturb the downward flow of wind, could further serve to reduce ground-level winds.

### ***IMPACTS OF MODIFIED PROJECT***

Wind effects of the Approved Project, which included a representative 440 foot-tall tower covering the full Block T10 site, were presented in the 2000 FEIR based on wind-tunnel testing that had been completed for the *Land Use and Transportation Element EIR*. Under existing conditions, winds are noticeably lower in the vicinity of Block T10. However, given the existing windy conditions in the vicinity of the project site, it is likely that any building of approximately 100 feet or more in height (8 stories or more) at the Block T10 site would have comparable significant effects on ground-level winds as seen under the Approved Project.

The Modified Project would, however, effectively reduce the height of the approved Block T10 building by up to 200 feet, and would substantially reduce the mass of the high-rise tower component. In addition, the majority of the project site would be covered with a low-rise building of up to 50 feet that would break-up winds that would otherwise shear down the face of the tower relatively unobstructed to locations around the base of the building. Other design

elements proposed as part of the Modified Project, including building setbacks and façade articulation (e.g., balconies) could further reduce the strong winds measured at the base of the building mass tested for the Block T10 site. To ensure that careful attention to wind effects are reflected in the Modified Project design, Mitigation Measure F.2, identified in the 2000 FEIR, applies to the Modified Project.

Incorporation into the project of the design features described above in Mitigation Measure F.2, could substantially reduce wind speeds, and eliminate hazardous wind conditions. However, it is still possible that significant wind-related impacts would occur after completion of the most wind-reducing building design. Therefore, the impact would remain significant and unavoidable, as stated in the 2000 FEIR for the Approved Project. The Modified Project would however, not result in any new significant impacts.

Consistent with the 2000 FEIR, a condition of approval shall be incorporated into the Modified Project requiring further wind-tunnel testing for any project that includes development in excess of 100 feet in height, in order to reduce wind impacts to the maximum extent feasible, although it is possible that the impact would not be reduced to a less-than-significant level.

## G. HISTORIC ARCHITECTURAL RESOURCES

The historical architectural impacts of the Modified Project would remain substantially the same as those discussed in the 2000 FEIR for the Approved Project. Although the Block T10 site is currently undeveloped, it is located across Martin Luther King Jr. Way from Preservation Park, a historic district designated by the Oakland Cultural Heritage Survey (OCHS), a project of the Planning Department, as an Area of Primary Importance that contains several historic structures and that has been designated as an S-7 historic overlay zone by the City Council. Preservation Park contains a portion of a larger historic district, the Grove Street-Lafayette Square Residential District,<sup>10</sup> surveyed by the OCHS in 1985. The Grove Street district extended south to 6th Street. According to the OCHS Historic Resources Inventory (survey) form, the Grove Street district “is part of the northwest corner of the original Town of Oakland laid out in 1853 (separated from the rest of its historic neighborhood by the Grove-Shafter [I-980] freeway west of Castro Street), and the irregularly shaped district’s boundaries have been drawn on the basis of its surviving 19th and early 20th century residential character.”

Although a Preservation Park S-7 Combining District extends from 14th Street to 10th Street between Martin Luther King Jr. Way and Castro Street and also takes in Lafayette Square Park, the area commonly known as Preservation Park is a collection of 16 detached Victorian structures, most of which were moved from the path of the I-980 freeway, and have been renovated and are now used primarily as office space for non-profit organizations. It extends from Martin Luther King Jr. Way to Castro Street, between the north side of 11th Street and the north side of the former 13th Street right-of-way. Five buildings on what was the north side of 13th Street remain in their original locations, directly west of Block T10.

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<sup>10</sup> Grove Street is the former name for Martin Luther King Jr. Way.

While the proposed high-rise tower at up to 24-stories would be at least 200 feet shorter than the Approved Project building at the T10 site, it would still be many times larger than the largest buildings in the adjacent historic district. The footprint of the high-rise building would however, be substantially reduced and located further away from Preservation Park in the northeast corner of the site. In addition, the proposed low-rise building component would act as a visual buffer between the historic district and the high-rise tower as it would offer a pedestrian-scale structure (at approximately 4 stories) in the foreground of the view across Martin Luther King Jr. Way. Furthermore, street trees and other ground-level landscaping improvements would break up the vertical plane of the new tower.

As stated in the 2000 FEIR, the Approved project would not involve physical demolition, destruction, relocation, or alteration of any historic resources. Because the Preservation Park district is a fragment of what was once greater downtown Oakland, defined by its isolation from the remainder of the historic downtown (as is the case with the other historic district in the vicinity of the City Center project, the Old Oakland District), because these districts are isolated by existing land use patterns from the project, and because the project would neither alter the character-defining elements of the districts nor impair the physical characteristics that convey the significance of the districts, the Approved Project was determined to result in a less-than-significant effect on historic resources. Given the reduced size and the changed orientation of the proposed building on Block T10 under the Modified Project, implementation of the Modified Project also would result in a less-than-significant impact, and would not result in any new or substantially more severe impacts on historic resources than were identified in the 2000 FEIR.

## **H. INITIAL STUDY CHECKLIST**

### ***APPLICABLE 2000 FEIR MITIGATION MEASURES – INITIAL STUDY CHECKLIST***

The following mitigation measures identified within the Initial Study for the Approved Project would apply to the Modified Project.

#### **Cultural Resources**

- If archaeological or paleontological resources are encountered, the contractor shall immediately halt work and consult a qualified archaeologist to evaluate the potential resource; and
- If human remains are encountered, the contractor shall immediately halt work and contact the County coroner to evaluate the remains.

#### **Geology and Soils**

- Construction operations, especially excavation and grading operations, shall be confined as much as possible to the dry season, in order to avoid erosion of disturbed soils; and
- Final project landscaping plans shall be submitted to the Planning Director for review and approval.

### Hydrology and Water Quality

- The applicant shall be required to pay fees to compensate the City for the cost of any system upgrades required to accommodate increased runoff from the proposed project; and
- The applicant shall be required to grade unpaved areas to control surface drainage and redirect surface water away from areas of activity during excavation and construction; and
- The applicant shall be required to comply with applicable provisions of the Clean Water Act with regard to preparing a storm water discharge plan.

As stated in the Initial Study Checklist, implementation of the above measures would reduce any potentially significant impact with respect to cultural resources, geology and soils, and hydrology and water quality to less-than-significant levels. As the Modified Project proposes a smaller development program for Block T10, compared to the Approved Project, and as no significant changes have occurred to the setting since certification of the FEIR and PUD in 2000, implementation of the Modified Project with applicable mitigations would have no new significant impact in these areas, nor would it increase the severity of previously identified impacts.

### *IMPACTS OF MODIFIED PROJECT*

The Initial Study for the Approved Project identified environmental issues to be addressed in the 2000 FEIR and environmental issues that would be excluded from further analysis. Issues fully analyzed in the Initial Study and determined to result in less-than-significant effects, in some cases with mitigation identified in the Initial Study, are briefly summarized below.

**Aesthetics:** The Approved Project would not adversely affect a scenic vista, would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, nor would it create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. The Modified Project would not result in new environmental effects to scenic vistas, would not damage scenic resources, nor would it create a new source of substantial light and glare.

**Agricultural Resources:** The Approved Project would not convert farmland to non-agricultural use, would not conflict with existing zoning for agricultural use, or a Williamson Act contract, and would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use. The Modified Project would have no new impact on agricultural resources.

**Biological Resources:** The Approved Project would not adversely affect, either directly or through habitat modifications, any species identified as a candidate, sensitive, or special status species, would not adversely affect any riparian habitat or other sensitive natural community, would not adversely affect any federally protected wetlands, would not interfere with the movement of any resident species, would not conflict with local policies protecting biological resources, and would not conflict with any adopted habitat conservation plan. The Modified Project would not result in new environmental effects on sensitive species or habitats, would not



interfere with migratory patterns of any resident species, nor would it conflict with local policies or an adopted habitat conservation plan.

**Cultural Resources:** The Approved Project would not adversely affect the significance of a historical or archaeological resource or destroy any unique paleontological resource or site or unique geologic feature, nor would it disturb any human remains, including those interred outside of formal cemeteries. Notwithstanding the above, the EIR included an analysis of effects on nearby historic districts. The Modified Project would not result in new environmental effects to historic, archaeological, or paleontological resources, nor would it disturb any human remains.

**Geology and Soils:** The Approved Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving fault rupture, strong seismic ground shaking, seismic-related ground failure, or landslides, nor would the Approved Project result in substantial soil erosion or the loss of topsoil, be located on unstable or expansive soil, creating substantial risks to life or property. The Modified Project would result in no new environmental effects on existing geological and soil conditions.

**Hazards and Hazardous Materials:** The Approved Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; the Approved Project would not cause hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; the Approved Project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment; the Approved Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and the Approved Project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. The project site is not within an airport land use plan or within two miles of a public airport, nor is it within the vicinity of a private airstrip. The Modified Project would result in no new environmental hazards and would not transport, use, or dispose of hazardous materials.

**Hydrology and Water Quality:** The Approved Project would not violate any water quality standards or waste discharge requirements, would not substantially deplete groundwater supplies or interfere with groundwater recharge, would not substantially alter drainage patterns, would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, and would not otherwise substantially degrade water quality. The Approved Project would not place housing or other structures within a 100-year flood hazard area or expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam or result in inundation by seiche, tsunami, or mudflow. The Modified Project would not result in new environmental effects on hydrology or water quality.

**Land Use and Planning:** The Approved Project would not conflict with any adopted habitat conservation plan. The Modified Project would not result in any new environmental effect on land use and planning, nor would it conflict with an adopted habitat conservation plan.

**Mineral Resources:** The Approved Project would have no effect on known valuable mineral resources. The Modified Project would have no new impacts on mineral resources.

**Noise:** The Approved Project is not located within an airport land use plan or within two miles of a public airport, nor is it within the vicinity of a private airstrip. The Modified Project would not be located within an airport land use plan or within two miles of a public airport.

**Population and Housing:** The Approved Project would not result in any adverse effect resulting from direct or indirect inducement of population growth, nor would it displace existing housing or people. The Modified Project would not result in new environmental effects resulting from direct or indirect population growth, nor would it displace existing housing or people.

**Public Services:** The Approved Project would not result in substantial adverse physical impacts associated with the provision of or need for governmental facilities or services. The Modified Project would not result in new environmental effects on the provision of or need for public services.

**Recreation:** The Approved Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, nor would it include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. The Modified Project would result in no new environmental effects on public parks or recreational facilities.

**Utilities and Service Systems:** The Approved Project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; would not require or result in the construction of new water or wastewater treatment or storm water drainage facilities or expansion of existing facilities; would not result in a shortfall in water supply or wastewater treatment capacity or overburden landfill(s); would comply with federal, state, and local statutes related to solid waste. The Modified Project would not result in new environmental effects on the provision of or need for utilities and service systems.

No changes with respect to the environmental issues listed above have occurred, and the impacts associated with these issues would continue to be less than significant with implementation of the Modified Project. However, additional information for the following topics is currently available, and is therefore, presented below.

**Population:** The proposed Modified Project would not displace residents or housing, neither of which are currently present at Block T10. The Modified Project would result in an increase in residents at the site because of the addition of 200 additional housing units over and above what was approved, for a total of 400 housing units. However, and as stated in the Initial Study

Checklist for the Approved Project, “additional in-fill urban housing opportunities are presently encouraged by the General Plan in an effort to provide additional housing opportunities in close proximity to employment centers and alternative transportation options.” Therefore, the proposed Modified Project would contribute 400 residential units to the expanding supply of housing available in the downtown area. The additional increase in population and housing proposed under the Modified Project is anticipated within General Plan and Association of Bay Area Government forecasts, and therefore, would not result in a new significant impact.

**Schools:** The Approved Project would not result in significant effects to schools. The proposed Modified Project would introduce an additional 200 units to Block T10 than originally approved. This would introduce additional residents and students, which could potentially affect the Oakland Unified School District, serving the project site. However, as required by Senate Bill 50, local agencies are prohibited from denying land use approvals on the basis that school facilities are inadequate. This legislation establishes base school impact mitigation fees for residential construction of at least \$1.93 per square foot, and for commercial construction of at least \$0.31 per square foot. Therefore, as Camden USA, Inc. would be required to contribute the required amount of school impact fees to offset any impacts to school facilities as a result of project implementation, the Modified Block T10 Project would not result in a new significant impact to schools.

**Utilities:** The Approved Project would not result in a significant effect on public utilities. Senate Bill 610, approved in October, 2001, and made effective on January 1, 2002, amends the State Water Code to require a water supply assessment by the respective water provider for all developments that propose construction of:

- More than 500 dwelling units;
- A shopping center or business that would employ more than 1,000 persons or have more than 500,000 sq. ft. of floor space;
- A commercial office building that would employ more than 1,000 persons or have more than 250,000 sq. ft. of floor space;
- A proposed hotel or motel with more than 500 rooms;
- A proposed industrial, manufacturing, or processing plant or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 sq. ft. of floor area;
- A mixed-use project that includes one or more of the above-listed projects;
- A project that would demand a amount of water equivalent to or greater than the amount of water required by a 500 dwelling unit project.

Senate Bill 610 requires that the results of the water assessment be included in an EIR. The proposed project would result in an estimated maximum 316,000 sq. ft. of mixed-use residential use (306,000 sq. ft. (400 units) of residential space, 10,000 sq. ft. of ground floor retail space), which is below the threshold for requiring a water supply assessment. (Parking space would not

be counted, as parking spaces do not, themselves, generate demand for water. Furthermore, parking spaces are not counted as building square footage under the Oakland Zoning Regulations.<sup>11)</sup>

The Modified Project would therefore not result in the need for a water assessment under Senate Bill 610. Therefore, the Modified Project would not result in a new significant impact related to the utilization of water supplies.

## REFERENCES

*(All references cited below are available at the Oakland Community and Economic Development Agency, 250 Frank Ogawa Plaza, Suite 3330, Oakland, California, unless specified otherwise.)*

City of Oakland, *Central District Urban Renewal Plan*, June 12, 1969, as amended up to October 27, 1998.

City of Oakland, *General Plan Land Use and Transportation Element*, March 24, 1998.

City of Oakland, *Oakland City Center Project Draft Environmental Impact Report*, January 31, 2000.

City of Oakland, *Oakland City Center Project Final Environmental Impact Report*, April 14, 2000.

City of Oakland, *Oakland Planning Code*, 1997, as amended up to 2002.

Dowling Associates, *City Center T-10 Traffic Report*, March 4, 2003.

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<sup>11</sup> Among the types of projects subject to the SB 610 water supply assessment requirement are projects "that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project" (Cal. Water Code §10912(a)(7), indicating that water demand, not simply square footage of development, is the determining factor in whether a project is subject to SB 610.

**TABLE 3-5  
SUMMARY OF KEY IMPACTS: APPROVED PROJECT AND MODIFIED PROJECT**

Impact <sup>a</sup>	Approved Project	Modified Project
	2.2 million sq. ft. of office space; 23,000 sq. ft. of commercial space; 200 residential units; 636 net new parking spaces in 4 high-rise towers (21 – 31 stories)	1.7 million sq. ft. of office space; 25,000 sq. ft. of commercial space; 400 residential units; 1,006 net new parking spaces in 4 high-rise towers (21 – 26 stories)
<b>A. <u>Land Use, Plans, and Policies</u></b>		
A.1: Requires a PUD approval.	LS	LS
A.2: Compatibility with other existing and planned land uses in project vicinity.	LS	LS
<b>B. <u>Traffic, Circulation, and Parking</u></b>		
B.1: Increase in traffic delays in the downtown.	SU	SU
B.2: Increase in traffic on regional roadways in project vicinity.	LS	LS
B.3: Increase in traffic volumes on the Posey-Webster tubes and intersections connecting to Alameda.	LS	LS
B.4: Parking deficit of approximately 1,880 off-street parking spaces (1,040 spaces with the Modified Project).	LSM	LSM
B.5: Project contribution to ridership on BART would exceed 12th Street station capacity.	LSM	LSM

**Comparisons to Setting**

- LS Less-than-significant impact and does not require mitigation
- LSM Less-than-significant impact after mitigation
- SU Significant unavoidable impact

<sup>a</sup> Significance levels for the Approved and Modified Projects reflect the levels of significance after mitigation. Symbols indicate maximum impact during buildout and operation, unless otherwise specified.

**TABLE 3-5 (Continued)**  
**SUMMARY OF KEY IMPACTS: APPROVED PROJECT AND MODIFIED PROJECT**

Impact <sup>a</sup>	Approved Project	Modified Project
<b>B.6:</b> Increase in demand for bicycle parking in the City Center area.	2.2 million sq. ft. of office space; 23,000 sq. ft. of commercial space; 200 residential units; 636 net new parking spaces in 4 high-rise towers (21 – 31 stories)	1.7 million sq. ft. of office space; 25,000 sq. ft. of commercial space; 400 residential units; 1,006 net new parking spaces in 4 high-rise towers (21 – 26 stories)
<b>B.7:</b> Construction could result in temporary circulation impacts.	LSM	LSM
<b>C. Air Quality</b>		
<b>C.1:</b> Fugitive dust generated by construction would increase PM-10 concentrations.	LSM	LSM
<b>C.2:</b> Increase in criteria pollutant emissions.	LSM	LS
<b>C.3:</b> Increase in carbon monoxide concentrations at intersections in project vicinity.	LS	LS
<b>C.4:</b> Cumulative contribution to regional air pollutant problems.	SU	SU
<b>D. Noise</b>		
<b>D.1:</b> Temporary construction noise impacts.	LSM	LSM
<b>D.2:</b> Increased noise due to project vehicle traffic.	LS	LS

**Comparisons to Setting**

- LS Less-than-significant impact and does not require mitigation
- LSM Less-than-significant impact after mitigation
- SU Significant unavoidable impact

<sup>a</sup> Significance levels for the Approved and Modified Projects reflect the levels of significance after mitigation. Symbols indicate maximum impact during buildout and operation, unless otherwise specified.

**TABLE 3-5 (Continued)  
SUMMARY OF KEY IMPACTS: APPROVED PROJECT AND MODIFIED PROJECT**

Impact <sup>a</sup>	Approved Project	Modified Project
D.3: Introduction of residential uses into a noise environment characterized as "normally unacceptable" for such uses.	LS	LS
D.4: Cumulative noise impacts.	SU	SU
<b>E. Visual Quality</b>		
E.1: Construction of four buildings up to 31 stories on undeveloped land.	LS	LS
<b>F. Shadow and Wind</b>		
F.1: Additional shadow created on blocks to the west, north, and east.	LS	LS
F.2: Exceedances of the 36-mph "wind hazard" speed could occur.	SU	SU
<b>G. Historic Architectural Resources</b>		
G.1: Construction of project would be across the street from designated historic districts.	LS	LS

**Comparisons to Setting**

- LS Less-than-significant impact and does not require mitigation
- LSM Less-than-significant impact after mitigation
- SU Significant unavoidable impact

<sup>a</sup> Significance levels for the Approved and Modified Projects reflect the levels of significance after mitigation. Symbols indicate maximum impact during buildout and operation, unless otherwise specified.

## SECTION 4

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### CONCLUSION

The Modified Project would develop the Block T10 site with uses that would be less intensive in terms of traffic generation, resulting air quality and noise effects, as well as wind and shadow effects than identified in the 2000 FEIR. In addition, the Modified Project would result in no new impacts to land use, visual quality, or historic architectural resources. As explained above, the Modified Project generally would have effects similar to or less than those attributed to the Approved Project in the 2000 FEIR. The Modified Project is similar to that evaluated in the 2000 FEIR in that it proposes new construction for Block T10, although the Modified Project would construct an estimated 462,000 sq. ft. less floor area than the Approved Project. In addition, the height of the tallest building in the Approved Project would be reduced by up to 200 feet (7 stories). The overall mass of the Modified T10 building would also be reduced, providing open spaces and less of a visual “wall” effect. None of the project changes would result in any new significant effects or effects that would be substantially more severe than those identified in the 2000 FEIR. Mitigation measures included in the 2000 FEIR, and stated above, would remain applicable to the Modified Project.

Based on the above analysis and discussion, no substantive revisions are needed to the 2000 Oakland City Center Project FEIR because no new significant impacts or substantially more severe impacts would result from the Modified Project; because there have been no changes in circumstances in the project area that would result in new significant environmental impacts or substantially more severe impacts; and because no new information has come to light that would indicate the potential for new significant impacts or substantially more severe impacts than were discussed in the 2000 FEIR. Therefore, no further evaluation is required, and no Subsequent EIR is needed pursuant to State CEQA *Guidelines* Section 15162, and an EIR Addendum has therefore appropriately been prepared, pursuant to Section 15164.

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# **APPENDIX A**

## **DOWLING ASSOCIATES TRAFFIC REPORT**

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October 2, 2003

Mr. Patrick Lane  
City of Oakland  
CEDA - Redevelopment Division  
250 Frank Ogawa Plaza, Suite 5313  
Oakland, CA 94612-2034

**RE: City Center T-10 – Final Traffic Report**

Dear Patrick:

Dowling Associates has conducted the traffic analysis for the revised project on the City Center T-10 site. For the purposes of our analysis, the project consisted of 400 dwelling units with up to 10,000 square feet of local-serving, pedestrian-oriented retail on the T10 site. The project was assumed to provide 400 parking spaces on-site with an additional 200 spaces available to the project in the City Center West garage. The residential uses would replace the 550,000 square feet of office uses with an additional 200 units resulting in the 400-unit total and the retail would potentially increase by 2,000 square feet from what was originally analyzed in the City Center EIR.

This letter report summarizes the result of the analysis. The level of service calculation sheets and other supporting detail are included as an attachment to this letter. This traffic report will be used to prepare an EIR Addendum to the Oakland City Center Project EIR.

**Approach and Assumptions**

The analysis focuses on the traffic impacts of changing the project from office to residential uses and applies the same approach and methodologies that were used in the original EIR. However, since more recent intersection turning movement counts at the intersection of 12<sup>th</sup> Street and Brush are available and the City's methodology for cumulative analyses has changed, differences in light of the new information are noted.

The following assumptions were made when preparing this traffic study:

- The intersection analysis would be limited to the intersections of 12<sup>th</sup> Street/Broadway and 12<sup>th</sup> Street/Brush Street, where significant impacts were identified in the original City Center EIR.
- No new intersections counts would be conducted at these intersections.
- No new regional model runs to develop a revised cumulative condition have been included.
- No new analysis to meet the CMP requirements.

After discussions with City staff, the approach of using the same methodologies and assumptions as the City Center EIR for a direct comparison of impacts was agreed upon. The trip generation for the proposed additional 200 residential uses would be estimated and compared to that of the 550,000 square feet of office uses. The impacts of the proposed project at the two intersections where significant impacts were identified under 2010 conditions were compared to the results from the City Center EIR. In addition, the LOS results from the City Center EIR were compared to the results from the recent Downtown Oakland Transportation and Parking Plan, which used the more recent count at the intersection of 12<sup>th</sup> and Brush and applied a different methodology to develop the future intersection volumes.

## Trip Generation

Dowling estimated the trip generation for the proposed 400 residential units as shown in Table 1, which includes the trip generation estimates for 400 residential units as well as the net increase of 200 residential units. For the trip generation comparison, the trip generation for the net increase of 200 residential units was compared to the trip generation for the 550,000 square feet of office. Since the original project included 200 residential units, the trip generation reflects a net increase of 200 units. The trip generation applied the same rates used in the City Center EIR for the 200 units and the 550,000 square feet offices approved for the T10 site. As in the City Center EIR, the retail trips were not considered in the analysis, since the retail use would be neighborhood-serving that would attract primarily workers and residents already in the area who would travel by foot.

**Table 1. Trip Generation Comparison**

Land Use	Amt	Units	Daily		AM Peak Hour			PM Peak Hour				
			Rate	Trips	Rate	In	Out	Total	Rate	In	Out	Total
<b>Proposed Amendment</b>												
Residential	400	Units	6	2,400	0.48	38	154	192	0.54	152	64	216
<b>Previous EIR</b>												
Office	550	ksf	3.82	2,101	0.59	284	39	323	0.88	82	402	484
Residential	200	Units	6	1,200	0.48	19	77	96	0.54	76	32	108
<b>Net Change</b>				<b>-901</b>		<b>-265</b>	<b>38</b>	<b>-227</b>		<b>-6</b>	<b>-370</b>	<b>-376</b>

Ksf – thousand gross leaseable square feet.

As shown in Table 1, the change from office uses to residential uses would result fewer vehicle trips generated by the T10 site. The daily trips would be reduced by about 900 vehicle trips, while the peak hour trips are reduced by 227 and 376 trips, respectively during the AM and PM commute periods. During the peak hours, the residential trip pattern is such that most trips generated leave the site in the morning and return in the evening, while the reverse is true for the office uses. Despite this different peak hour patterns for trips in and out of the site between office and residential uses, the 200 residential units would only add an additional 38 trips out of the site during the AM peak hour, but reduce trips into the site during the PM peak hour when compared to the trip generation from the City Center EIR.

## Intersection Impacts

The impacts at local intersections were assessed using the 1994 Highway Capacity Manual Operations method, which is the same methodology used in the City Center EIR. The analysis focused only on the intersections of 12<sup>th</sup> Street/Brush and 12<sup>th</sup> Street/Broadway, where significant impacts were identified in the City Center EIR. Since the T10 site was only included as part of the project buildout in 2010, the intersection analysis focused only on this scenario. The results of the LOS analysis are summarized in Table 2. The LOS results include the mitigation at 12<sup>th</sup> Street and Broadway to adjust the signal timing to provide a protected left-turn phase for northbound traffic, which was required in 2005 due to the impacts of the other City Center buildings.

A comparison of the LOS results shows similar results with slight changes in delay at these two impacted intersections. At the intersection of 12<sup>th</sup> and Brush, the delay during the AM Peak hour with the proposed project increases by almost 4 seconds due to the sensitivity of this intersection to even the slight change in traffic patterns from the increased 38 AM peak hour trips out of the site. However, the overall decrease in traffic with the proposed amendment would not change the LOS or the significance findings from the

original City Center EIR. The mitigation measure proposed for the intersection of 12<sup>th</sup> Street and Broadway would still improve operations to less than significant levels.

**Table 2. Intersection Level of Service**

Intersection	City Center EIR				Proposed Amendment			
	AM Peak		PM Peak		AM Peak		PM Peak	
	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
12 <sup>th</sup> Street / Broadway	B	11.0	F	>90	B	10.8	F	>90
12 <sup>th</sup> Street / Broadway (mitigated)	n.a.	n.a.	C	23.8	n.a.	n.a.	C	23.6
12 <sup>th</sup> Street / Brush	F	82.3	C	21.9	F	85.9	C	18.9

LOS – Level of service; Delay in seconds per vehicle.

***Comparison to Downtown Transportation and Parking Plan***

As noted above, the intersection analysis for the proposed amendment is consistent with the approach and methodologies used for the City Center EIR. In particular, the trip distribution and assignment to the roadway network as well as the 1994 Highway Capacity Manual methodology are consistent with that in the TRAFFIX model developed for the City Center EIR. However, that analysis applied a different approach to the cumulative analysis than is currently used by the City for environmental analyses. The City Center EIR applied a background growth factor to existing counts and then added traffic generated by other downtown developments on a project-by-project basis to those volumes, which does not account for travel between existing and proposed uses or shifts in existing travel patterns due to the new developments. With the current approach for cumulative analyses, future turning movement volumes are forecast using the Alameda County Congestion Management Agency’s Countywide Model, which is a regional travel demand model that accounts for shifts in travel patterns due to congestion and the synergy between existing and proposed uses.

The 2010 AM and PM peak hour LOS results from the EIR were compared to the latest LOS results from the Oakland Downtown Transportation and Parking Plan, which applied the current approach to the cumulative analysis. The land use assumptions for the Oakland Downtown Transportation and Parking Plan assumed 480 residential units under the 2010 conditions.<sup>1</sup> The differences in the LOS results are noted in Table 3.

**Table 3. Comparison of 2010 LOS**

Intersection	City Center EIR				Downtown Transportation and Parking Plan			
	AM Peak		PM Peak		AM Peak		PM Peak	
	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
12 <sup>th</sup> Street / Broadway	B	11.0	F	>90	B	11.8	C	23.5
12 <sup>th</sup> Street / Brush	F	82.3	C	21.9	F	85.7	C	20.6

LOS – Level of service; Delay in seconds per vehicle.

<sup>1</sup> For the Downtown Oakland Transportation and Parking Plan, the Oakland Cumulative Growth Scenario developed by Hausrath Economics Group was modified to include the change from office to residential uses on the T10 site based on the current project understanding at that time of 480 total units (or a net increase of 280 units). In order to revise the Cumulative Growth Scenario, 480 units (or 456 households) were added to the Year 2010 assumptions, since the T10 site was originally assumed to occur after this time horizon. For the Year 2025 assumptions, only the net 280 units were added, but the employment from 550,000 s.f. of office was removed.

Due to difference in the methodology for cumulative analyses, the cumulative traffic at the intersection of 12<sup>th</sup> and Broadway would not result in significant impacts during the PM peak hour. However, the cumulative conditions at intersection of 12<sup>th</sup> and Brush would continue to be significant during the AM peak hour, while the LOS remains at C during the PM peak hour. The original EIR finding of significant and unavoidable impact at this intersection due to the AM peak hour condition would not change.

### **Transit Impacts**

The City Center EIR found that the project ridership on AC Transit and BART could be accommodated by bus or train, but was likely to exceed the capacity of the 12<sup>th</sup> Street station at project buildout. The transit impacts of the change to residential use would be similar to that presented in the EIR. The exception would be that the residential units would generate transit trips in the reverse direction to the office uses. The peak-hour, peak direction ridership on BART would be expected to decrease due to the change from office to residential uses. Some of the capacity issues at the 12<sup>th</sup> Street BART station may be reduced due to the reverse directionality of the residential transit trips. However, the proposed amendment could result in about a ten percent reduction to the total transit trips at buildout of the entire City Center project, but this amount would not be large enough to reduce the anticipated delays at the faregates of three minutes or more to less than two minutes. The mitigation measure may not require more than one additional fare gate, but would still be subject to further study and coordination with BART.

### **Parking Impacts**

Based on the parking demand rate of one space per unit applied in the EIR, the project would require 400 parking spaces. The proposed 400 spaces on-site and the additional 200 spaces in the City Center West garage would more than meet this demand. The net change in parking demand of 200 spaces would be less than one-fourth of the demand for the original office uses of 868 spaces. The City Center EIR found that the project could result in a parking deficit of approximately 1,800 off-street parking spaces at project buildout. With the proposed amendment, this deficit would be reduced by 838 off-street spaces for a total parking deficit of about 1,000 spaces at project buildout. As a result, the project sponsor may not need to implement all of the measures identified in the City Center EIR to address this reduced shortfall.

### **Bicycle Parking Impacts**

The City Center EIR found that the project would likely increase the demand for bicycle parking in the City Center area, but would provide bicycle parking at a rate consistent with that recommended in the Bicycle Master Plan. To meet the bicycle parking requirements, the proposed changes to Block T-10 would need to provide 20 short-term spaces and 100 long-term spaces to meet the residential requirement, which would be off-set by the 55 short-term spaces and 183 long-term spaces that would have been required for the 550,000 square feet of office. The impact identified in the City Center EIR would not change, but this reduction in the requirement would factor into the City's determination of adequate bicycle parking as noted in the mitigation measure.

### **Conclusion**

The revised project on the City Center T-10 site would not result in additional transportation impacts than those previously identified in the 2000 City Center EIR. With the change to residential uses, the project would generate 901 fewer daily trips, 227 fewer AM peak hour trips, and 376 fewer PM peak hour trips. Using the same approach and methodologies used for the 2000 EIR, this change in trip generation would not affect the intersection LOS results or the previous significance findings in the certified 2000 EIR.

Since the publication of the 2000 EIR, the City has revised the growth projections used in the cumulative impact analysis. A comparison of the cumulative impacts using the 2000 EIR and the revised cumulative scenario was completed for this addendum. Under the updated cumulative analysis, the impacts at the intersection of 12<sup>th</sup> Street and Broadway would no longer be significant, while the intersection at 12<sup>th</sup> Street and Brush Street was found to operate at LOS F during the AM peak hour and at LOS C during the PM peak hour. The LOS F condition during the AM peak hour is consistent with what was identified in the 2000 EIR. The 2000 EIR finding of significant and unavoidable impact at the intersection of 12<sup>th</sup> and Brush Streets would not change with the residential project.

Please let me know if you have any questions or comments.

Sincerely,



Alice Chen, AICP  
Principal Associate

Cc: Deborah Kirtman, ESA

Attachments: Level of service calculation sheets.

AC:D:\Alice\Projects\P02076-CityCenterT10\report-final-9-26.doc

Shorenstein City Center Project 2010 Buildout AM

Level of Service Computation Report  
 1994 HCM Operations Method (Future Volume Alternative)

\*\*\*\*\*  
 Intersection #2005 12th Steet / Broadway  
 \*\*\*\*\*

Cycle (sec): 52 Critical Vol./Cap. (X): 2.705  
 Loss Time (sec): 12 (Y+R = 4 sec) Average Delay (sec/veh): 10.8  
 Optimal Cycle: 52 Level Of Service: E  
 \*\*\*\*\*

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Permitted			Permitted			Split Phase			Split Phase		
Rights:	Include			Include			Include			Include		
Min. Green:	0	20	0	0	20	0	0	0	0	0	20	0
Lanes:	0	1	1	0	0	2	1	0	0	0	1	1

Volume Module: >> Count Date: 18 Aug 1999 <<

Base Vol:	72	381	0	0	363	94	0	0	0	132	436	126
Growth Adj:	1.17	1.17	1.17	1.17	1.17	1.17	1.17	1.17	1.17	1.17	1.17	1.17
Initial Bse:	84	446	0	0	425	110	0	0	0	154	510	147
Added Vol:	18	15	0	0	38	18	0	0	0	15	135	133
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	102	461	0	0	463	128	0	0	0	169	495	280
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	102	461	0	0	463	128	0	0	0	169	495	280
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	102	461	0	0	463	128	0	0	0	169	495	280
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.05	1.05	1.00	1.00	1.10	1.10	1.00	1.00	1.00	1.10	1.10	1.10
Final Vol.:	107	484	0	0	509	141	0	0	0	184	765	308

Saturation Flow Module:

Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.57	0.57	1.00	1.00	0.82	0.82	1.00	1.00	1.00	0.82	0.82	0.82
Lanes:	0.36	1.64	0.00	0.00	2.35	0.65	0.00	0.00	0.00	0.44	1.83	0.73
Final Sat.:	393	1778	0	0	3651	1011	0	0	0	689	2634	1141

Capacity Analysis Module:

Vol/Sat:	0.27	0.27	0.00	0.00	0.14	0.14	0.00	0.00	0.00	0.27	0.27	0.27
Crit Moves:	****			****			****			****		
Green Time:	20.0	20.0	0.0	0.0	20.0	20.0	0.0	0.0	0.0	20.0	20.0	20.0
Volume/Cap:	0.71	0.71	0.00	0.00	0.36	0.36	0.00	0.00	0.00	0.70	0.70	0.70
Delay/Veh:	12.2	12.2	0.0	0.0	8.8	8.8	0.0	0.0	0.0	11.1	11.1	11.1
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	12.2	12.2	0.0	0.0	8.8	8.8	0.0	0.0	0.0	11.1	11.1	11.1
DesignQueue:	2	9	0	0	9	3	0	0	0	4	14	6

Shorenstein City Center Project 2010 Buildout PM

Level of Service Computation Report
1994 HCM Operations Method (Future Volume Alternative)

Intersection #2005 12th Steet / Broadway

Cycle (sec): 52 Critical Vol./Cap. (X): 1.827
Loss Time (sec): 12 (Y+R = 4 sec) Average Delay (sec/veh): 376.5
Optimal Cycle: 120 Level Of Service: F

Table with 4 columns: Approach (North Bound, South Bound, East Bound, West Bound) and 3 sub-columns (L, T, R) for each. Rows include Control, Rights, Min. Green, and Lanes.

Volume Module: >> Count Date: 18 Aug 1999 <<
Table with 12 columns representing different traffic movements and 10 rows of volume-related data including Base Vol, Growth Adj, Initial Bse, etc.

Saturation Flow Module:
Table with 12 columns and 4 rows showing Sat/Lane, Adjustment, Lanes, and Final Sat.

Capacity Analysis Module:
Table with 12 columns and 8 rows showing Vol/Sat, Crit Moves, Green Time, Volume/Cap, Delay/Veh, User DelAdj, AdjDel/Veh, and DesignQueue.



Shorenstein City Center Project 2010 Buildout PM

Level Of Service Computation Report  
 1994 HCM Operations Method (Future Volume Alternative)

\*\*\*\*\*  
 Intersection #2005 12th Street / Broadway  
 \*\*\*\*\*

Cycle (sec): 52 Critical Vol./Cap. (X): 1.199  
 Loss Time (sec): 12 (Y+R = 4 sec) Average Delay (sec/veh): 23.6  
 Optimal Cycle: 120 Level Of Service: C  
 \*\*\*\*\*

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Protected			Permitted			Split Phase			Split Phase		
Rights:	Include			Include			Include			Include		
Min. Green:	0	20	0	0	20	0	0	0	0	0	20	0
Lanes:	0	1	1	0	0	2	1	0	0	0	1	1

Volume Module: >> Count Date: 18 Aug 1999 <<

Base Vol:	125	437	0	0	608	113	0	0	0	190	781	190
Growth Adj:	1.17	1.17	1.17	1.17	1.17	1.17	1.17	1.17	1.17	1.17	1.17	1.17
Initial Bse:	146	511	0	0	711	132	0	0	0	222	914	222
Added Vol:	198	52	0	0	108	5	0	0	0	30	169	137
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	344	563	0	0	819	137	0	0	0	252	1083	359
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	344	563	0	0	819	137	0	0	0	252	1083	359
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	344	563	0	0	819	137	0	0	0	252	1083	359
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.10	1.10	1.00	1.00	1.00	1.10	1.10	1.10
Final Vol.:	344	563	0	0	901	151	0	0	0	278	1191	395

Saturation Flow Module:

Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.85	0.76	1.00	1.00	0.83	0.83	1.00	1.00	1.00	0.82	0.82	0.82
Lanes:	0.70	1.30	0.00	0.00	2.57	0.43	0.00	0.00	0.00	0.45	1.92	0.63
Final Sat.:	1140	1865	0	0	4076	683	0	0	0	696	2931	989

Capacity Analysis Module:

Vol/Sat:	0.30	0.30	0.00	0.00	0.22	0.22	0.00	0.00	0.00	0.40	0.40	0.40
Crit Moves:	****			****			****			****		
Green Time:	0.0	20.0	0.0	0.0	20.0	20.0	0.0	0.0	0.0	20.0	20.0	20.0
Volume/Cap:	xxxx	0.78	0.00	0.00	0.57	0.57	0.00	0.00	0.00	1.04	1.04	1.04
Delay/Veh:	0.0	13.3	0.0	0.0	9.9	9.9	0.0	0.0	0.0	38.8	38.8	38.8
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	0.0	13.3	0.0	0.0	9.9	9.9	0.0	0.0	0.0	38.8	38.8	38.8
DesignQueue:	11	11	0	0	17	3	0	0	0	5	23	8

Shorenstein City Center Project 2010 Buildout AM

Level Of Service Computation Report  
 1994 HCM Operations Method (Future Volume Alternative)

\*\*\*\*\*  
 Intersection #506 12th & Brush - 3Phase  
 \*\*\*\*\*

Cycle (sec): 120 Critical Vol./Cap. (X): 1.144  
 Loss Time (sec): 6 (Y+R = 4 sec) Average Delay (sec/veh): 85.9  
 Optimal Cycle: 120 Level Of Service: F  
 \*\*\*\*\*

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Split Phase			Split Phase			Permitted			Permitted		
Rights:	Include			Include			Ignore			Include		
Min. Green:	0	5	0	0	5	5	0	0	5	5	5	0
Lanes:	0	0	1	1	0	0	0	0	0	0	1	0

Volume Module:

Base Vol:	0	1980	0	0	265	69	0	0	1	58	109	0
Growth Adj:	1.17	1.17	1.17	1.17	1.17	1.17	1.17	1.17	0.00	1.17	1.17	1.17
Initial Bse:	0	2317	0	0	310	81	0	0	0	68	123	0
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	364	0	0	11	0	0	0	0	56	3	0
Initial Fut:	0	2681	0	0	321	81	0	0	0	124	131	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	1.00
PHF Adj:	0.93	0.93	0.93	0.93	0.93	0.93	0.25	0.25	0.00	0.80	0.80	0.80
PHF Volume:	0	2882	0	0	345	87	0	0	0	155	163	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	0	2882	0	0	345	87	0	0	0	155	163	0
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	1.00
MLF Adj:	1.00	1.05	1.05	1.00	1.10	1.10	1.00	1.00	0.00	1.00	1.10	1.00
Final Vol.:	0	3026	0	0	380	95	0	0	0	155	173	0

Saturation Flow Module:

Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	1.00	0.90	1.00	1.00	0.87	0.87	1.00	1.00	1.00	0.77	0.90	1.00
Lanes:	0.00	2.00	0.00	0.00	2.40	0.60	0.00	0.00	1.00	1.00	3.00	0.00
Final Sat.:	0	3420	0	0	3981	995	0	0	1900	1454	5130	0

Capacity Analysis Module:

Vol/Sat:	0.00	0.88	0.00	0.00	0.10	0.10	0.00	0.00	0.00	0.11	0.03	0.00
Crit Moves:	****			****			****			****		
Green Time:	0.0	92.8	0.0	0.0	10.0	10.0	0.0	0.0	0.0	11.2	11.2	0.0
Volume/Cap:	0.00	1.14	0.00	0.00	1.14	1.14	0.00	0.00	0.00	1.14	0.37	0.00
Delay/Veh:	0.0	79.1	0.0	0.0	126	125.8	0.0	0.0	0.0	157.2	33.3	0.0
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	0.0	79.1	0.0	0.0	126	125.8	0.0	0.0	0.0	157.2	33.3	0.0
DesignQueue:	0	58	0	0	24	6	0	0	0	10	11	0

Shorenstein City Center Project 2010 Buildout PM

Level Of Service Computation Report  
 1994 HCM Operations Method (Future Volume Alternative)

\*\*\*\*\*  
 Intersection #506 12th & Brush - 3Phase  
 \*\*\*\*\*

Cycle (sec): 75 Critical Vol./Cap. (X): 0.902  
 Loss Time (sec): 6 (Y+R = 4 sec) Average Delay (sec/veh): 18.9  
 Optimal Cycle: 84 Level Of Service: C  
 \*\*\*\*\*

Approach:	North Bound			South Bound			East Bound			West Bound										
Movement:	L	T	R	L	T	R	L	T	R	L	T	R								
Control:	Split Phase			Split Phase			Permitted			Permitted										
Rights:	Include			Include			Ignore			Include										
Min. Green:	0	5	5	0	5	5	0	0	5	5	5	0								
Lanes:	0	0	1	1	0	0	0	2	1	0	0	0	0	0	1	1	0	3	0	0

Volume Module:

Base Vol:	0	1265	23	0	374	27	0	0	1	130	216	0
Growth Adj:	1.17	1.17	1.17	1.17	1.17	1.17	1.17	1.17	0.00	1.17	1.17	1.17
Initial Bse:	0	1480	27	0	438	32	0	0	0	152	253	0
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	162	0	0	7	0	0	0	0	62	22	0
Initial Fut:	0	1642	27	0	445	32	0	0	0	214	275	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	1.00
PHF Adj:	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.00	0.92	0.92	0.92
PHF Volume:	0	1785	29	0	483	34	0	0	0	233	299	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	0	1785	29	0	483	34	0	0	0	233	299	0
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	1.00
MLF Adj:	1.00	1.05	1.05	1.00	1.10	1.10	1.00	1.00	0.00	1.00	1.10	1.00
Final Vol.:	0	1874	31	0	532	38	0	0	0	233	328	0

Saturation Flow Module:

Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	1.00	0.90	0.90	1.00	0.89	0.89	1.00	1.00	1.00	0.77	0.90	1.00
Lanes:	0.00	1.97	0.03	0.00	2.80	0.20	0.00	0.00	1.00	1.00	3.00	0.00
Final Sat.:	0	3364	56	0	4740	339	0	0	1900	1454	5130	0

Capacity Analysis Module:

Vol/Sat:	0.00	0.56	0.56	0.00	0.11	0.11	0.00	0.00	0.00	0.16	0.06	0.00
Crit Moves:	****			****						****		
Green Time:	0.0	46.3	46.3	0.0	9.3	9.3	0.0	0.0	0.0	13.3	13.3	0.0
Volume/Cap:	0.00	0.90	0.90	0.00	0.90	0.90	0.00	0.00	0.00	0.90	0.36	0.00
Delay/Veh:	0.0	12.2	12.2	0.0	32.4	32.4	0.0	0.0	0.0	41.7	17.6	0.0
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	0.0	12.2	12.2	0.0	32.4	32.4	0.0	0.0	0.0	41.7	17.6	0.0
DesignQueue:	0	34	1	0	20	1	0	0	0	8	11	0

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City of Oakland Downtown Traffic Model
2010 AM Cumulative Baseline

Level Of Service Computation Report
1997 HCM Operations Method (Base Volume Alternative)

Intersection #29 12 & Brush [SB Freeway Offramp Volumes Moved to NB Approach]

Cycle (sec): 75 Critical Vol./Cap. (X): 1.036
Loss Time (sec): 9 (Y+R = 4 sec) Average Delay (sec/veh): 85.7
Optimal Cycle: 180 Level Of Service: F

Table with 4 columns: Approach (North Bound, South Bound, East Bound, West Bound) and Movement (L, T, R). Rows include Control, Rights, Min. Green, and Lanes.

Volume Module table with 12 columns representing different traffic flows and 10 rows of adjustment factors like Base Vol, Growth Adj, etc.

Saturation Flow Module table with 12 columns and 4 rows showing Sat/Lane, Adjustment, Lanes, and Final Sat.

Capacity Analysis Module table with 12 columns and 8 rows showing Vol/Sat, Crit Moves, Green Time, etc.

City of Oakland Downtown Traffic Model  
2010 PM Cumulative Baseline

Level Of Service Computation Report  
1997 HCM Operations Method (Base Volume Alternative)

\*\*\*\*\*  
Intersection #29 12 & Brush [SB Freeway Offramp Volumes Moved to NB Approach]  
\*\*\*\*\*

Cycle (sec): 75 Critical Vol./Cap. (X): 0.663  
Loss Time (sec): 9 (Y+R = 4 sec) Average Delay (sec/veh): 20.6  
Optimal Cycle: 45 Level Of Service: C  
\*\*\*\*\*

Approach:	North Bound			South Bound			East Bound			West Bound							
Movement:	L	T	R	L	T	R	L	T	R	L	T	R					
Control:	Split Phase			Split Phase			Permitted			Permitted							
Rights:	Include			Include			Include			Include							
Min. Green:	10	10	10	10	10	10	10	10	10	10	10	10					
Lanes:	0	1	1	0	0	0	2	1	0	0	0	0	0	1	1	0	0

Volume Module:

Base Vol:	149	1008	0	0	373	27	0	0	3	182	229	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	149	1008	0	0	373	27	0	0	3	182	229	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
PHF Volume:	166	1120	0	0	414	30	0	0	3	202	254	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	166	1120	0	0	414	30	0	0	3	202	254	0
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Final Vol.:	166	1120	0	0	414	30	0	0	3	202	254	0

Saturation Flow Module:

Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.94	0.94	1.00	1.00	0.90	0.90	1.00	1.00	0.77	0.77	0.95	1.00
Lanes:	0.26	1.74	0.00	0.00	2.80	0.20	0.00	0.00	1.00	1.00	2.00	0.00
Final Sat.:	462	3126	0	0	4769	347	0	0	1454	1461	3610	0

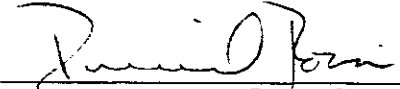
Capacity Analysis Module:

Vol/Sat:	0.36	0.36	0.00	0.00	0.09	0.09	0.00	0.00	0.00	0.14	0.07	0.00
Crit Moves:	****	****	****	****	****	****	****	****	****	****	****	****
Green Time:	40.4	40.4	0.0	0.0	10.0	10.0	0.0	0.0	15.6	15.6	15.6	0.0
Volume/Cap:	0.67	0.67	0.00	0.00	0.65	0.65	0.00	0.00	0.01	0.67	0.34	0.00
Delay/Veh:	13.3	13.3	0.0	0.0	33.0	33.0	0.0	0.0	23.6	32.8	25.6	0.0
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	13.3	13.3	0.0	0.0	33.0	33.0	0.0	0.0	23.6	32.8	25.6	0.0
DesignQueue:	3	24	0	0	15	1	0	0	0	7	9	0

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DEVELOPMENT CMTE**  
OCT 28 2003

2003 OCT 16 PM 4:03

APPROVED AS TO FORM AND LEGALITY:

  
Deputy City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

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**A RESOLUTION APPROVING THE SALE OF REAL PROPERTY LOCATED AT 14TH STREET, 13TH STREET PEDESTRIAN WALK, JEFFERSON STREET AND MARTIN LUTHER KING, JR. WAY TO CAMDEN USA, INC., FOR THE CITY CENTER T-10 RESIDENTIAL PROJECT**

**WHEREAS**, the California Community Redevelopment Law, Health and Safety Code Section 33430, authorizes a redevelopment agency within a survey (project) area or for purposes of redevelopment to sell real property; and

**WHEREAS**, the California Community Redevelopment Law, Health and Safety Code Section 33433, requires that before any property of a redevelopment agency that is acquired in whole or in part with tax increment moneys is sold for development pursuant to a redevelopment plan, the sale must first be approved by the legislative body, i.e., the City Council, by resolution after a public hearing; and

**WHEREAS**, the City and the Redevelopment Agency of the City of Oakland (the "Agency") have initiated the "10K Downtown Housing Program" to attract ten thousand new residents into the Central District; and

**WHEREAS**, the Agency owns the block bounded by 14th Street, 13th Street Pedestrian Walk, Jefferson Street and Martin Luther King, Jr. Way and known as the City Center T-10 Block, more fully described in Exhibit A attached to this Resolution (the "Property"); and

**WHEREAS**, the Property is located within the Central District; and

**WHEREAS**, Camden USA, Inc. ("Camden") desires to purchase the Property from the Agency in order to develop the City Center T-10 Residential Project consisting of 220 rental units and approximately 3,000 square feet of retail space (the "Project"); and

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**WHEREAS**, the market value of the Property in an as-is condition has been appraised at \$4.3 million; and

**WHEREAS**, staff has negotiated a Disposition and Development Agreement ("DDA") with Camden which sets forth the terms and conditions of the sale of the Property to Camden by the Agency and governs the development of the Project and the use of the Property by Camden and any successors to the Property subsequent to sale through recorded covenants running with the land; and

**WHEREAS**, the DDA requires that Camden construct and operate the Project consistent with the Central District Urban Renewal Plan (the "Central District Redevelopment Plan" or the "Redevelopment Plan"), and restricts the use of the Property to housing and commercial uses; and

**WHEREAS**, the DDA and the grant deed that will convey the Property to Camden adequately condition the sale of the Property on the redevelopment and use of the Property in conformity with the Central District Redevelopment Plan, and such documents prohibit discrimination in any aspect of the Project as required under the Central District Redevelopment Plan and the California Community Redevelopment Law; and

**WHEREAS**, the Project uses are in conformity with the Central District Redevelopment Plan, the Project will assist in the elimination of blight in the Central District Redevelopment Area, and the Project will help meet the objectives of the Central District Redevelopment Plan; and

**WHEREAS**, as required by the California Community Redevelopment Law, the Agency has made available to the public for inspection, no later than the first date of publication of the notice for the hearing, a report that contained a copy of the draft DDA and a summary of the cost of the agreement to the Agency, the estimated fair market value of the Property at its highest and best use permitted under the Redevelopment Plan, and an explanation of why the sale of the Property and development of the Project will assist in the elimination of blight, with supporting facts and material; and

**WHEREAS**, a joint public hearing between the Agency and the City Council was held to hear public comments on the sale of the Property for the Project; and

**WHEREAS**, notice of the sale of the Property and the public hearing was given by publication at least once a week for not less than two weeks prior to the public hearing in a newspaper of general circulation in Alameda County; and

**WHEREAS**, the City is the Lead Agency for this Project for purposes of environmental review under the California Environmental Quality Act of 1970 ("CEQA"); and

**WHEREAS**, an Environmental Impact Report (“EIR”) (certified by the Oakland Planning Commission on April 26, 2000) has been prepared for the City Center project as proposed by Shorenstein Realty Partners Three, L.P., and has been independently reviewed and considered by the Agency in evaluating the City Center project in compliance with CEQA, the Guidelines for Implementation of the California Environmental Quality Act (14 CCR Sections 15000, et seq., the “State EIR Guidelines”), and the City’s Environmental Review Regulations; and

**WHEREAS**, the Planning Commission and the City determined that the EIR examined a reasonable range of alternatives, and that each alternative was rejected as infeasible for various reasons; and

**WHEREAS**, the Planning Commission and the City found and determined that all adverse environmental effects of the City Center project, with the exception of (1) increase in traffic delays in the downtown, (2) cumulative contribution to regional air pollutant problems, (3) cumulative noise impacts, and (4) exceedances of the 36-mph “wind hazard” speed could occur, would be less than significant or reduced to less-than-significant levels after implementation of the mitigation measures identified in the EIR and the mitigation monitoring program; and

**WHEREAS**, the Planning Commission and the City found and determined that the benefits of the City Center project outweigh any unavoidable adverse impact of the [Project]; and

**WHEREAS**, a Notice of Determination was filed with Alameda County on March 28, 2001; and

**WHEREAS**, an Addendum to the EIR has been prepared to include the Project as proposed in the DDA, which has been independently reviewed and considered by the City, and which has concluded that none of the changes to the Project or circumstances under which it will be undertaken require preparation of a subsequent or supplemental EIR, as specified in CEQA and the CEQA Guidelines, including without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163; now, therefore, be it

**RESOLVED:** That the City Council hereby finds and determines: (1) that it has been presented and has independently reviewed and considered the information contained in the previously certified EIR and the Addendum, and the EIR and the Addendum comply with CEQA and the CEQA Guidelines’ requirements for analysis of the Project’s environmental effects and mitigation measures; (2) that the mitigation measures adopted by the Planning Commission and the Agency in considering the EIR and adopting the DDA, together with a mitigation monitoring program for the Project, are hereby adopted and amended as specified in the attached Exhibit B; (3) that the alternatives identified in the EIR other than the Project are not feasible and will not attain the Project objectives for the reasons set forth in the Planning Commission’s April 26, 2000 staff report on the Project (incorporated herein by reference) and are therefore



rejected as infeasible; (4) that all adverse environmental effects of the Project, with the exception of increased demand for off-street parking in Downtown, would be less than significant or reduced to less-than-significant levels after implementation of the mitigation measures identified in the EIR and the Mitigation Monitoring Program; and (5) that it has reviewed and hereby adopts and incorporates by reference as though set forth fully herein that Statement of Overriding Considerations set forth in the Planning Commission's April 26, 2000, staff report on the City Center project, and finds and determines that the project benefits identified in that Statement of Overriding Considerations continue to apply to the Project, and each separately and independently outweighs any adverse unavoidable environmental effects of the Project; and be it further

**RESOLVED:** That the Council hereby finds and determines that the sale of the Property by the Agency to Camden for the Project furthers the purposes of the California Community Redevelopment Law, contributes to the elimination of blight in the Central District Redevelopment Project Area, conforms to the Central District Redevelopment Plan, including its Implementation Plan, and furthers the goals and objectives of said Redevelopment Plan in that: (1) the Project will increase the stock of rental housing in the Central District, and reestablish residential areas for all economic levels within the Central District; (2) the Project will provide necessary neighborhood-serving commercial facilities lacking in the Central District; (3) the Project, once developed, will create permanent jobs for low and moderate income people, including jobs for area residents; (4) the Project will create a stable 24-hour residential community which will enhance the viability of retail businesses in the area; (5) the Project will redevelop a key underutilized site in the Central District; (6) the Project will improve environmental design within the Central District; and (7) the Project, once developed, will enhance depreciated and stagnant residential and commercial property values in the surrounding City Center and Preservation Park areas, and will encourage efforts to alleviate economic and physical blight conditions in the area, including high business vacancy rates, excessive vacant lots, and abandoned buildings, by enhancing the development potential and overall economic viability of neighboring properties; and be it further

**RESOLVED:** That the City Council hereby approves the sale of the Property by the Agency to Camden, or to an affiliated entity satisfactory to the Agency, for the purchase price of \$7 million, subject to the terms and conditions of the DDA including a possible rebate of the purchase price in an amount not to exceed \$2.7 million; and be it further

**RESOLVED:** That the City Council finds and determines that the purchase price of \$7 million, factoring in the rebate authorized under the DDA, equals or exceeds the fair market value of the Property at its highest and best use permitted under the Redevelopment Plan; and be it further

**RESOLVED:** That the City Manager or his or her designee is directed to file a Notice of Determination within five (5) working days of this Resolution in accordance with CEQA Guidelines Section 15094; 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's decision is based are respectively: (a) the Community and Economic Development Agency, Projects Division, 250 Frank H. Ogawa Plaza, 5th Floor, Oakland; (b) the Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, 3rd Floor, Oakland and (c) the Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st Floor, Oakland; and be it further

**RESOLVED:** That the Council hereby appoints the City Manager or his or her designee as agent of the City to take any other action with respect to the Property and the Project consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2003

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

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**EXHIBIT A****PROPERTY DESCRIPTION, T-10 SITE**

REAL PROPERTY in the City of Oakland, County of Alameda, State of California, described as follows:

**PARCEL ONE:**

Lots 1 to 28, inclusive, Block 187 Kellersberger's Map of Oakland, filed September 2, 1853, in Map Book 7, Page 3, Alameda County Records.

**PARCEL TWO:**

The northeasterly  $\frac{1}{2}$  width of 13th Street lying between the Southeasterly line of Martin Luther King Jr. Way, formerly Grove Street, and the Northwesterly line of Jefferson Street as said Jefferson Street and Grove Street are shown on the Kellersberger's Map of Oakland, filed September 2, 1853, in Map Book 7, Page 3, Alameda County Records.

**EXHIBIT B**

**PROJECT MITIGATION MONITORING AND REPORTING PROGRAM**

**EXHIBIT B**

**MITIGATION MONITORING PROGRAM**

**MITIGATION MEASURES AND MONITORING PROGRAM  
CASE FILE NO. PUD03-499  
CITY CENTER PROJECT**

**B. TRAFFIC, CIRCULATION, AND PARKING**

**Impact B.1:** The project would result in increases in traffic delay in the downtown. In particular, the project would result in a deteriorated level of service at the intersection of 12<sup>th</sup> and Brush Streets in the a.m. peak hour. This would be a significant impact.

**Mitigation Measure B.1a:** At 12<sup>th</sup> and Brush Streets, the office developer of each subsequent phase of project construction following Block T10 (i.e., Blocks T12 and T5/6) (Shorenstein or its successor) shall work with Caltrans and coordinate with the City to consider various improvement options, which could include signal timing improvements or additional lanes on the ramp. The office developer shall fund its fair share of any required improvements. Because implementation of this measure requires consultation with Caltrans, the City cannot ensure that the mitigation measure could be implemented and the anticipated impact is therefore considered to be significant and unavoidable.

**Responsible Implementing Agency:** City of Oakland Public Works Agency, Traffic Engineering Division and/or Caltrans

**Monitoring Responsibility:** City of Oakland Community and Economic Development Agency, Planning Division; City of Oakland Public Works Agency, Traffic Engineering Division; Caltrans

**Monitoring Timeframe:** Prior to issuance of certificate of occupancy for last building.

**Impact B.4:** The project could result in a parking deficit of approximately 1,880 off-street parking spaces at project buildout. This would be a significant impact.

**Mitigation Measure B.4:** For each subsequent phase of project construction following Block T10 (i.e., Blocks T12 and T5/6), the office developer of Blocks T12 and T5/6 (Shorenstein or its successor) shall submit a transportation/parking study, subject to the review and approval of the City Traffic Engineering Division of the Public Works Agency and the Planning Division of the Community and Economic Development Agency, that evaluates then-current and forecast parking supply and demand for each subsequent project phase, prior to the final PUD approval of those phases. The study shall also determine the degree, if any, of the expected shortfall in transit capacity that could result from a shift away from auto travel and to transit use. If a parking shortfall is anticipated, the office developer shall implement means of reducing parking demand and, to the extent deemed necessary, of increasing off-street parking supply in the City Center area through a variety of methods, which may include one or more of the following measures, as deemed appropriate by the City:

- The office developer shall work with the Redevelopment Agency to construct (or provide in-lieu fees for City construction of) some portion of the shortfall of approximately 1,040 parking spaces that the project would generate;
- The office developer shall incorporate the use of valet parking in commercial parking garage(s) within buildings owned by the office developer, including the City Center Garage and the proposed buildings on Blocks T9, T5/T6, and T12. (Block T10 is not included because residential valet parking typically is less feasible than valet operation in commercial garages due to longer-term residential demand. Furthermore, Block T10 would not have a parking shortfall.) Valet operations typically increase garage capacity by between 30 percent and 50 percent, meaning the proposed 606 commercial spaces that would be constructed with the project could accommodate between

about 180 and 300 additional vehicles with valet operations. Valet operations in the City Center Garage might result in capacity for an additional 350 to 550 vehicles. Together, these steps could accommodate nearly all of the project's calculated commercial parking shortfall;

- The office developer shall require employers to institute flexible work hours or telecommuting;
- The office developer shall construct additional on-site parking for the affected subsequent phase(s) of the project;
- The office developer shall work with the City to expand the existing City Center West garage;
- The office developer shall connect the underground parking areas on two or more of the project's building sites;
- The office developer and/or the City shall use one of the four building sites for above-ground (structure) parking;
- The office developer shall participate in a potential future parking assessment district that may be created for an area including the project site; and/or
- The City shall require that the office developer pay a development impact fee to offset the cost of providing additional parking in the City Center area.

In addition, parking demand could be reduced through steps to reduce use of single-occupancy vehicles. (These same steps would also reduce traffic and lessen emissions of criteria air pollutants.) Among the possibilities the applicant could undertake are:

- The office developer shall implement a carpool/vanpool program (e.g. carpool ridesharing for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.) and distribute information to employees on transit and carpooling options (maps, schedules, information from Bay Area RIDES). This could be done at a lobby kiosk or other location where employees are likely to congregate;
- In coordination with AC Transit and City staff, the office developer shall construct transit facilities such as bus turnouts/bus bulbs, benches, and shelters along the road segments that define the development blocks, or on other comparable nearby roadway segments that may be identified by AC Transit and City staff as the most appropriate location(s) to locate such facilities to most effectively serve the project; or on other comparable nearby roadway segments that may be identified by AC Transit and City staff as the most appropriate location(s) to locate such facilities to most effectively serve the project;
- The office developer shall establish a "transit store" to provide transit information and sell transit passes and tickets, as well as distribute transit maps and schedules. This "store" could be incorporated into a convenience store that might exist within the project;
- The office developer shall provide preferential parking (e.g., near building entrance) and reduced/eliminated parking fees in project garages, the City Center Garage, and City Center West Garage for carpool and vanpool vehicles. If a waiting list for monthly parking develops assign priority in issuing new permits to carpools and vanpools;
- The office developer shall require employers to subsidize transit passes (such as through the Metropolitan Transportation Commission's "Commuter Check" program) and/or direct provision by the office developer of such transit pass subsidies; and

- The office developer shall provide secure, weather-protected long-term bicycle parking for future residents and employees at the proposed retail and office uses, secure short-term bicycle parking for retail customers, and showers and lockers for employees bicycling or walking to work.

Implementation of Mitigation Measure B.4 would ensure that development and occupancy of the office towers on Blocks T12 and T5/6 would not adversely affect parking in the project vicinity.

**Monitoring Responsibility:** City of Oakland Community and Economic Development Agency, Planning Division; City of Oakland Public Works Agency, Traffic Engineering Division

**Monitoring Timeframe:** Prior to Final PUD approval for each subsequent phase after Block T10

**Impact B.5:** Project ridership on AC Transit could be accommodated. Project ridership on BART could be accommodated on the trains, but is likely to exceed the capacity of the 12th Street station at project buildout. This would be a significant impact.

**Mitigation Measure B.5:** For subsequent office phases of the project (i.e., Blocks T12 and T5/6), the office developer (Shorenstein or its successor) shall conduct a study, subject to the review and approval of the City Traffic Engineering Division, to determine whether there is adequate exiting capacity at the 12th Street station. The office developer shall work with BART to assure that with buildout of the project (all four buildings), adequate exit fare gates are available at the 11th Street exits in the a.m. peak hour so that the maximum passenger wait does not exceed two minutes to be processed through the fare gates. This may require the addition of one or more new fare gates at the 11th Street exit to the station. Implementation of Mitigation Measure B.5 would ensure that development and occupancy of the office towers on Blocks T12 and T5/6 would not adversely affect access to BART service at the 12th Street station and would reduce the impact to a less-than-significant level.

**Monitoring Responsibility:** City of Oakland Community and Economic Development Agency, Planning Division; City of Oakland Public Works Agency, Traffic Engineering Division

**Monitoring Timeframe:** Prior to Final PUD approval for each subsequent phase after Block T10

**Impact B.6:** The project is likely to increase the demand for bicycle parking in the City Center area, and may be inconsistent with the suggested bicycle parking space recommendations indicated in the Oakland Bicycle Master Plan. This would be a significant impact.

**Mitigation Measure B.6:** The project shall provide an adequate number of bicycle parking spaces, as determined by the City, in location(s) either on-site or within a three-block radius, or through payment of appropriate in-lieu fees. Implementation of this measure would reduce the anticipated impact to less-than-significant levels.

**Monitoring Responsibility:** City of Oakland Community and Economic Development Agency, Planning Division; City of Oakland Public Works Agency, Traffic Engineering Division

**Monitoring Timeframe:** Prior to Final PUD approval for each subsequent phase after Block T9

**Impact B.7:** Project construction could result in temporary circulation impacts in the project vicinity. This would be a significant impact.

**Mitigation Measure B.7:** Prior to the start of excavation or construction on all project blocks, the project sponsors (Camden USA, Inc. or Shorenstein, or their successors, as applicable) would submit to



the City Traffic Engineering Division for review and approval a plan for managing construction-period traffic and parking. This plan would include information on routing of construction traffic, provision of off-street parking for construction workers, and off-street equipment staging. Implementation of this measure would reduce the anticipated impact to less-than-significant levels.

**Monitoring Responsibility:** City of Oakland Public Works Agency, Traffic Engineering Division

**Monitoring Timeframe:** Prior to issuance of building permits for each building

### C. AIR QUALITY

**Impact C.1:** Fugitive dust generated by construction activities would be substantial and would increase PM-10 concentrations in the immediate project vicinity. This would be a significant impact.

**Mitigation Measure C.1:** The project sponsors (Camden USA, Inc. or Shorestein, or their successors, as applicable) shall require the construction contractor to implement a dust abatement program.

Elements of this program shall include the following:

- Water all active construction areas at least twice daily;
- 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);
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets; and
- Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary.

The above list of measures are recommended by BAAQMD as feasible control measures to reduce construction dust emissions at sites, such as the individual development blocks associated with the project, which are less than four acres in area. With implementation of these mitigation measures, the residual effect would be less than significant.

In addition, the following measures, which are identified in the EIR on the *Oakland General Plan Land Use and Transportation Element* (City of Oakland, 1997; p. III.E-26) for future development projects, are recommended to minimize construction equipment emissions during the construction period:

- Demonstrate compliance with BAAQMD Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 requires an authority to construct and permit to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA Portable Equipment Registration Rule" or with all applicable

requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.

- Perform low- NO<sub>x</sub> tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) should be performed for such equipment used continuously during the construction period.

Implementation of these measures would reduce the anticipated impact to less-than-significant levels.

**Monitoring Responsibility:** City of Oakland Community and Economic Development Agency, Building Services Division

**Monitoring Timeframe:** Implementation will occur throughout construction and grading activities on the sites

**Impact C.2:** The project would result in an increase in criteria pollutant emissions due to related motor vehicle trips and on-site area emissions sources. This would be a significant impact.

**Mitigation Measure C.2a:** Throughout operation of the project, the office developer (Shorenstein or its successor) shall implement Transportation Control Measures identified in the *General Plan Land Use and Transportation Element EIR*.

The following Transportation Control Measures shall be implemented to increase the likelihood that the assumed level of use of alternative travel modes (i.e., transit and carpool) that has been incorporated into the impact analysis would be exceeded in practice and, furthermore, to reduce estimated vehicle-related NO<sub>x</sub> emissions by four percent, which would reduce the impact to less than significant (i.e., to less than 80 pounds per day). (For each measure, the estimated effectiveness in reducing vehicle trips is given in parentheses.)

- Implement a carpool/vanpool program (e.g. carpool ridesharing for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.) (effectiveness 1.0 to 4.0 percent of work trips);
- In coordination with AC Transit and City staff, construct transit facilities such as bus turnouts/bus bulbs, benches, and shelters along the road segments that define the development blocks (effectiveness 0.5 to 2.0 percent of all trips);
- Provide preferential parking (e.g., near building entrance) and reduced/eliminated parking fees in the City Center Garage and City Center West Garage for carpool and vanpool vehicles (effectiveness 0.5 to 1.5 percent of work trips for preferential location; 2 percent or more of work trips for reduced parking fees);
- Provide employer subsidy of transit passes (such as through the Metropolitan Transportation Commission's "Commuter Check" program);
- Provide secure, weather-protected long-term bicycle parking for future residents and employees at the proposed retail and office uses (effectiveness 0.5 to 2.0 percent of work trips);
- Provide showers and lockers for employees bicycling or walking to work at the proposed retail and office uses (effectiveness 0.5 to 2.0 percent of work trips); and

- Provide secure short-term bicycle parking for future retail customers (effectiveness 1.5 to 2.0 percent of non-work trips).

Implementation of these measures would reduce the anticipated impact to less-than-significant levels.

**Monitoring Responsibility:** City of Oakland Community and Economic Development Agency, Planning Division; City of Oakland Public Works Agency, Traffic Engineering Division

**Monitoring Timeframe:** Implementation will occur throughout operation of subsequent office buildings based on transportation plans to be submitted by the office developer prior to the issuance of an occupancy permit for the T12 and T5/6 buildings.

**Mitigation Measure C.2b:** The office developer (Shorenstein or its successor) shall implement Mitigation Measure B.5 (improvements to BART 12th Street Station exit gates) to facilitate use of BART by project workers.

Implementation of these measures would reduce the anticipated impact to less-than-significant levels.

**Monitoring Responsibility:** City of Oakland Community and Economic Development Agency, Planning Division; City of Oakland Public Works Agency, Traffic Engineering Division

**Monitoring Timeframe:** Prior to Final PUD approval for each subsequent phase after Block T10

#### D. NOISE

**Impact D.1:** Construction activities would intermittently and temporarily generate noise levels above existing ambient levels in the project vicinity. This would be a significant impact.

**Mitigation Measure D.1a:** To avoid the potential for significant nighttime noise impacts due to construction, the project sponsors (Camden USA, Inc. or Shorenstein, or their successors, as applicable) shall require their construction contractors to limit noisy construction activities to 8:00 a.m. to 7:00 p.m., Monday through Friday. Pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday, with no extreme noise generating activity permitted between 12:30 and 1:30 p.m. No construction activities shall be allowed on weekends until after the building is enclosed, without prior authorization of the Building Services Division, and no extreme noise generating activities shall be allowed on weekends and holidays. Implementation of this measure would reduce the anticipated impact to less-than-significant levels.

**Monitoring Responsibility:** City of Oakland Community and Economic Development Agency, Building Services Division

**Monitoring Timeframe:** Implementation will occur throughout duration of construction and grading activities on each site

**Mitigation Measure D.1b:** To reduce daytime noise impacts due to construction, construction contractors shall be required to achieve the Noise Ordinance standards of 65 dB for residential uses across from Block T10 on 14th Street and 70 dB at commercial uses elsewhere by implementing the following measures:

- 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 and necessary);
- 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 dB. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dB. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible; and

- Stationary noise sources shall be located as far from sensitive receptors as possible. If they must be located near existing receptors, they shall be muffled to the extent feasible and enclosed within temporary sheds.
- If feasible, the noisiest phases of construction (such as pile driving) shall be limited to less than 10 days at a time to comply with the local noise ordinance.

**Mitigation Measure D.1c:** To further mitigate potential pile driving and/or other extreme noise generating construction impacts, if applicable, 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 City to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:

- Erect temporary plywood noise barriers around the construction site, particularly along the eastern boundary along 14th Street to shield the adjacent multi-family residential buildings;
- 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;
- Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and

Monitor the effectiveness of noise attenuation measures by taking noise measurements.

**Mitigation Measure D.1d:** Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsors (Camden USA, Inc. or Shorenstein, or their successors, as applicable) shall submit to the City Building Department a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

- A procedure for notifying the City Building Division staff and Oakland Police Department;
- A plan for posting signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem;
- A listing of telephone numbers (during regular construction hours and off-hours);
- The designation of an on-site construction complaint manager for the project;

- Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving activities about the estimated duration of the activity; and
- A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

Implementation of these measures would reduce the anticipated impact to less-than-significant levels.

**Monitoring Responsibility:** City of Oakland Community and Economic Development Agency, Building Services Division

**Monitoring Timeframe:** Implementation will occur throughout duration of construction and grading activities on each site

## F. SHADOW AND WIND

**Impact F.2:** The project could result in exceedances of the 36-mph “wind hazard” speed. This would be a significant impact.

**Mitigation Measure F.2:** The City shall require the project sponsors (Camden USA, Inc. or Shorestein, or their successors, as applicable) to incorporate, to the maximum extent feasible, specific design elements in the final siting and designs for the high rises that would reduce ground-level winds within the Downtown Showcase District.

Recommended modifications to the building masses as tested [i.e., 425-foot towers tested for the 1997 General Plan Land Use and Transportation Element EIR] to reduce winds would include some of the design features already included in the project, such as:

- placing the buildings back from the sidewalk, which would likely reduce winds at the sidewalk itself;
- the introduction of curved facades, which could reduce the tendency of the project structures to intercept upper-level winds and direct them down to ground level; and
- placing the tower atop a lower podium level, which would serve to interrupt winds traveling down the tower before they reach ground level.

In addition, the use of facade articulation, to break up winds along the building face, and horizontally projecting wind screens, to disturb the downward flow of wind, could further serve to reduce ground-level winds.

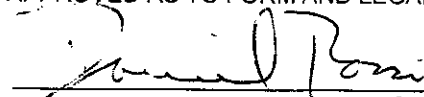
This anticipated impact may remain significant even after implementation of these measures. Consistent with the 2000 FEIR, a condition of approval shall be incorporated into the Modified Project requiring further wind-tunnel testing for any project that includes development in excess of 100 feet in height, in order to reduce wind impacts to the maximum extent feasible, although it is possible that the impact would not be reduced to a less-than-significant level.

**Monitoring Responsibility:** City of Oakland Community and Economic Development Agency, Planning Division

**Monitoring Timeframe:** Prior to approval of Final PUD for each subsequent phase of the Block 75

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APPROVED AS TO FORM AND LEGALITY:

  
Agency Counsel

## REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. \_\_\_\_\_ C.M.S.

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### A RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY LOCATED AT 14TH STREET, 13TH STREET PEDESTRIAN WALK, JEFFERSON STREET AND MARTIN LUTHER KING, JR. WAY TO CAMDEN USA, INC., FOR THE CITY CENTER T-10 RESIDENTIAL PROJECT, AND AUTHORIZING A DISPOSITION AND DEVELOPMENT AGREEMENT FOR THE PROJECT

**WHEREAS**, the California Community Redevelopment Law, Health and Safety Code Section 33430, authorizes a redevelopment agency within a survey (project) area or for purposes of redevelopment to sell real property, Section 33432 requires that any sale of real property by a redevelopment agency in a project area must be conditioned on redevelopment and use of the property in conformity with the redevelopment plan, and Section 33439 provides that a redevelopment agency must retain controls and establish restrictions or covenants running with the land for property sold for private use as provided in the redevelopment plan; and

**WHEREAS**, the Central District Urban Renewal Plan adopted on June 12, 1969, as subsequently amended, as well as the Five-Year Implementation Plan for the Central District (1999-2004) (together, the "Central District Redevelopment Plan" or "Redevelopment Plan"), authorizes the Redevelopment Agency to sell land in the Central District Redevelopment Project Area (the "Central District"); and

**WHEREAS**, the Agency and the City have initiated the "10K Downtown Housing Program" to attract ten thousand new residents into the Central District, and the Agency has determined that it desires to encourage new housing development in part by offering Agency-owned land to developers for the construction of housing; and

**WHEREAS**, the Agency owns the block bounded by 14th Street, 13th Street Pedestrian Walk, Jefferson Street and Martin Luther King, Jr. Way and known as the City Center T-10 Block, more fully described in Exhibit A attached to this Resolution (the "Property"); and

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**WHEREAS**, the Property is located within the Central District; and

**WHEREAS**, Camden USA, Inc. ("Camden") desires to purchase the Property from the Agency in order to develop the City Center T-10 Residential Project consisting of 220 rental units and approximately 3,000 square feet of retail space (the "Project"); and

**WHEREAS**, the market value of the Property in an as-is condition has been appraised at \$4.3 million; and

**WHEREAS**, staff has negotiated and proposes entering into a Disposition and Development Agreement ("DDA") with Camden which sets forth the terms and conditions of the sale of the Property to Camden and governs the development of the Project and the use of the Property by Camden and any successors to the Property subsequent to sale through recorded covenants running with the land; and

**WHEREAS**, the DDA requires that Camden construct and operate the Project consistent with the Redevelopment Plan and restricts the use of the Property to housing and commercial uses; and

**WHEREAS**, the DDA and the grant deed that will convey the Property to Camden adequately condition the sale of the Property on the redevelopment and use of the Property in conformity with the Central District Redevelopment Plan, and such documents prohibit discrimination in any aspect of the Project as required under the Central District Redevelopment Plan and the California Community Redevelopment Law; and

**WHEREAS**, the Project uses are in conformity with the Central District Redevelopment Plan, the Project will assist in the elimination of blight in the Central District Redevelopment Area, and the Project will help meet the objectives of the Central District Redevelopment Plan; and

**WHEREAS**, the California Community Redevelopment Law (Health and Safety Code Section 33433) requires that before any property of a redevelopment agency that is acquired in whole or in part with tax increment moneys is sold for development pursuant to a redevelopment plan, the sale must first be approved by the legislative body, i.e., the City Council, by resolution after public hearing; and

**WHEREAS**, as required by the California Community Redevelopment Law, the Agency has made available to the public for inspection, no later than the first date of publication of the notice for the hearing, a report that contains a copy of the draft DDA and a summary of the cost of the agreement to the Agency, the estimated fair market value of the Property at its highest and best use permitted under the Redevelopment Plan, and an explanation of why the sale of the Property and development of the Project will assist in the elimination of blight, with supporting facts and material; and

**WHEREAS**, a joint public hearing between the Agency and the City Council of the City of Oakland was held to hear public comments on the sale of the Property for the Project; and

**WHEREAS**, notice of the sale of the Property and the public hearing was given by publication at least once a week for not less than two weeks prior to the public hearing in a newspaper of general circulation in Alameda County; and

**WHEREAS**, the City Council has approved the sale of the Property by resolution after the public hearing; and

**WHEREAS**, the Redevelopment Agency is a Responsible Agency for this Project for purposes of environmental review under the California Environmental Quality Act of 1970 ("CEQA"); and

**WHEREAS**, an Environmental Impact Report ("EIR") (certified by the Oakland Planning Commission on April 26, 2000), has been prepared for the City Center project as proposed by Shorenstein Realty Partners Three, L.P., and has been independently reviewed and considered by the Agency in evaluating the City Center project in compliance with CEQA, the Guidelines for Implementation of the California Environmental Quality Act (14 CCR Sections 15000, et seq., the "State EIR Guidelines"), and the City's Environmental Review Regulations; and

**WHEREAS**, the Planning Commission and the Agency determined that the EIR examined a reasonable range of alternatives, and that each alternative was rejected as infeasible for various reasons; and

**WHEREAS**, the Planning Commission and the Agency found and determined that all adverse environmental effects of the City Center project, with the exception of (1) increase in traffic delays in the downtown, (2) cumulative contribution to regional air pollutant problems, (3) cumulative noise impacts, and (4) exceedances of the 36-mph "wind hazard" speed could occur, would be less than significant or reduced to less-than-significant levels after implementation of the mitigation measures identified in the EIR and the mitigation monitoring program; and

**WHEREAS**, the Planning Commission and the Agency found and determined that the benefits of the City Center project outweigh any unavoidable adverse impact of the Project; and

**WHEREAS**, a Notice of Determination was filed with Alameda County on March 28, 2001; and

**WHEREAS**, an Addendum to the EIR has been prepared for the Project, which has been independently reviewed and considered by the Agency, and which has concluded that none of the changes to the Project or circumstances under which it will be undertaken require preparation of a subsequent or supplemental EIR, as specified in



CEQA and the CEQA Guidelines, including without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163; now, therefore, be it

**RESOLVED:** That the Redevelopment Agency hereby finds and determines (1) that it has been presented and has independently reviewed and considered the information contained in the previously certified EIR and the Addendum, and the EIR and the Addendum comply with CEQA and the CEQA Guidelines' requirements for analysis of the Project's environmental effects and mitigation measures; (2) that the mitigation measures adopted by the Planning Commission and the Agency in considering the EIR and approving the DDA, together with a mitigation monitoring program for the Project, are hereby adopted and amended as specified in the attached Exhibit B; (3) that the alternatives identified in the EIR other than the Project are not feasible and will not attain the Project objectives for the reasons set forth in the Planning Commission's April 26, 2000 staff report on the Project (incorporated herein by reference), and are therefore rejected as infeasible; (4) that all adverse environmental effects of the Project, with the exception of increased demand for off-street parking in Downtown, would be less than significant or reduced to less-than-significant levels after implementation of the mitigation measures identified in the EIR and the Mitigation Monitoring Program; and (5) that it has reviewed and hereby adopts and incorporates by reference as though set forth fully herein that Statement of Overriding Considerations set forth in the Planning Commission's April 26, 2000, staff report on the City Center project, and finds and determines that the project benefits identified in that Statement of Overriding Considerations continue to apply to the Project and each separately and independently outweighs any adverse unavoidable environmental effects of the Project; and be it further

**RESOLVED:** That the Agency hereby finds and determines that the sale of the Property by the Agency to Camden for the Project furthers the purposes of the California Community Redevelopment Law, contributes to the elimination of blight in the Central District Redevelopment Project Area, conforms to the Central District Redevelopment Plan, including its Implementation Plan, and furthers the goals and objectives of said Redevelopment Plan in that: (1) the Project will increase the stock of rental housing in the Central District, and reestablish residential areas for all economic levels within the Central District; (2) the Project will provide necessary neighborhood-serving commercial facilities lacking in the Central District; (3) the Project, once developed, will create permanent jobs for low and moderate income people, including jobs for area residents; (4) the Project will create a stable 24-hour residential community which will enhance the viability of retail businesses in the area; (5) the Project will redevelop a key underutilized site in the Central District; (6) the Project will improve environmental design within the Central District; and (7) the Project, once developed, will enhance depreciated and stagnant residential and commercial property values in the surrounding City Center and Old Oakland areas, and will encourage efforts to alleviate economic and physical blight conditions in the area, including high business vacancy rates, excessive vacant lots, and abandoned buildings, by enhancing the development potential and overall economic viability of neighboring properties; and be it further

**RESOLVED:** That the Redevelopment Agency hereby authorizes the Agency Administrator or his or her designee to sell the Property to Camden, or to an

affiliated entity satisfactory to the Agency Administrator, for the purchase price of \$7 million, subject to the terms and conditions of the DDA; and be it further

**RESOLVED:** That the Agency finds and determines that the purchase price of \$7 million, factoring in the rebate authorized below, equals or exceeds the fair market value of the Property at its highest and best use permitted under the Redevelopment Plan, that there are no Agency or City subsidies to the developer in this transaction, and that therefore the Agency's employment and contracting programs do not apply; and be it further

**RESOLVED:** That the transaction shall include the following terms and conditions:

- The purchase price to be paid in the form of cash;
- For the first full calendar year of operation, projected to be 2008, through calendar year 2013, the Agency will rebate a portion of the purchase price, up to a total of \$2.7 million, plus interest at a rate of 5.5%, if and to the extent Camden is receiving less than an eight percent (8%) cash-on-cash return for that year, but with the rebate not to exceed \$1.7 million in any one year;
- Camden to be responsible for the cost of required off-site improvements in connection with the Project;
- Camden to comply with provisions of the Central District Redevelopment Plan and nondiscrimination provisions of redevelopment law;
- The plans and specifications for the Project to be reviewed and approved by the Agency;
- Transfer of the Property to be restricted prior to Project completion;
- Project commencement and completion dates to be set in the DDA as negotiated by the Agency Administrator;
- No required application of the Agency's employment and contracting programs (prevailing wage, local employment, local/small local business enterprise contracting, apprenticeship, living wage, or first-source hiring) to the Project;
- The Project will be restricted to residential, parking, and retail uses;
- Any other appropriate terms and conditions as the Agency Administrator or his or her designee may establish in his or her discretion or as the California Community Redevelopment Law or the Redevelopment Plan may require;

and be it further

**RESOLVED:** That the \$7 million in land sale proceeds be deposited in the Central District TA Bond fund (fund 9532) and be reallocated back to Uptown – Forest City DDA project from which it was taken to purchase the Property from the City; and be it further

**RESOLVED:** That the Agency Administrator or his or her designee is hereby authorized to negotiate and execute the Disposition and Development Agreement with Camden, or an affiliated entity or entities approved by the Agency Administrator, for the Project, as well as negotiate and execute other documents necessary to facilitate the sale and development of the Property for the Project; and be it further

**RESOLVED:** That all documents related to this transaction shall be reviewed and approved by Agency Counsel prior to execution, and copies will be placed on file with the Agency Secretary; and be it further

**RESOLVED:** That the Agency Administrator or his or her designee is directed to file a Notice of Determination within five (5) working days of this Resolution in accordance with CEQA Guidelines Section 15094; 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 Agency's decision is based are respectively: (a) the Community and Economic Development Agency, Redevelopment Division, 250 Frank H. Ogawa Plaza, 5th Floor, Oakland; (b) the Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, 3rd Floor, Oakland; and (c) the Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st Floor, Oakland; and be it further

**RESOLVED:** That the Agency hereby appoints the Agency Administrator or his or her designee as agent of the Redevelopment Agency to conduct negotiations and execute documents with respect to the sale of the Property as necessary to effectuate this transaction, and to take any other action with respect to the Property and Project consistent with this Resolution and its basic purpose.

IN AGENCY, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2003

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND CHAIRPERSON DE LA FUENTE,

NOES-

ABSENT-

ABSTENTION-

**8-2**  
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**OCT 28 2003**

ATTEST: \_\_\_\_\_  
CEDA FLOYD  
Secretary of the Redevelopment Agency  
of the City of Oakland

**EXHIBIT A****PROPERTY DESCRIPTION, CITY CENTER T-10 SITE**

REAL PROPERTY in the City of Oakland, County of Alameda, State of California, described as follows:

**PARCEL ONE:**

Lots 1 to 28, inclusive, Block 187 Kellersberger's Map of Oakland, filed September 2, 1853, in Map Book 7, Page 3, Alameda County Records.

**PARCEL TWO:**

The northeasterly ½ width of 13<sup>th</sup> Street lying between the Southeasterly line of Martin Luther King Jr. Way, formerly Grove Street, and the Northwesterly line of Jefferson Street as said Jefferson Street and Grove Street are shown on the Kellersberger's Map of Oakland, filed September 2, 1853, in Map Book 7, Page 3, Alameda County Records.

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**EXHIBIT B**

**PROJECT MITIGATION MONITORING AND REPORTING PROGRAM**

**EXHIBIT B**

**MITIGATION MONITORING PROGRAM**

**MITIGATION MEASURES AND MONITORING PROGRAM  
CASE FILE NO. PUD03-499  
CITY CENTER PROJECT**

**B. TRAFFIC, CIRCULATION, AND PARKING**

**Impact B.1:** The project would result in increases in traffic delay in the downtown. In particular, the project would result in a deteriorated level of service at the intersection of 12<sup>th</sup> and Brush Streets in the a.m. peak hour. This would be a significant impact.

**Mitigation Measure B.1a:** At 12<sup>th</sup> and Brush Streets, the office developer of each subsequent phase of project construction following Block T10 (i.e., Blocks T12 and T5/6) (Shorenstein or its successor) shall work with Caltrans and coordinate with the City to consider various improvement options, which could include signal timing improvements or additional lanes on the ramp. The office developer shall fund its fair share of any required improvements. Because implementation of this measure requires consultation with Caltrans, the City cannot ensure that the mitigation measure could be implemented and the anticipated impact is therefore considered to be significant and unavoidable.

**Responsible Implementing Agency:** City of Oakland Public Works Agency, Traffic Engineering Division and/or Caltrans

**Monitoring Responsibility:** City of Oakland Community and Economic Development Agency, Planning Division; City of Oakland Public Works Agency, Traffic Engineering Division; Caltrans

**Monitoring Timeframe:** Prior to issuance of certificate of occupancy for last building.

**Impact B.4:** The project could result in a parking deficit of approximately 1,880 off-street parking spaces at project buildout. This would be a significant impact.

**Mitigation Measure B.4:** For each subsequent phase of project construction following Block T10 (i.e., Blocks T12 and T5/6), the office developer of Blocks T12 and T5/6 (Shorenstein or its successor) shall submit a transportation/parking study, subject to the review and approval of the City Traffic Engineering Division of the Public Works Agency and the Planning Division of the Community and Economic Development Agency, that evaluates then-current and forecast parking supply and demand for each subsequent project phase, prior to the final PUD approval of those phases. The study shall also determine the degree, if any, of the expected shortfall in transit capacity that could result from a shift away from auto travel and to transit use. If a parking shortfall is anticipated, the office developer shall implement means of reducing parking demand and, to the extent deemed necessary, of increasing off-street parking supply in the City Center area through a variety of methods, which may include one or more of the following measures, as deemed appropriate by the City:

- The office developer shall work with the Redevelopment Agency to construct (or provide in-lieu fees for City construction of) some portion of the shortfall of approximately 1,040 parking spaces that the project would generate;
- The office developer shall incorporate the use of valet parking in commercial parking garage(s) within buildings owned by the office developer, including the City Center Garage and the proposed buildings on Blocks T9, T5/T6, and T12. (Block T10 is not included because residential valet parking typically is less feasible than valet operation in commercial garages due to longer-term residential demand. Furthermore, Block T10 would not have a parking shortfall.) Valet operations typically increase garage capacity by between 30 percent and 50 percent, meaning the proposed 606 commercial spaces that would be constructed with the project could accommodate between

about 180 and 300 additional vehicles with valet operations. Valet operations in the City Center Garage might result in capacity for an additional 350 to 550 vehicles. Together, these steps could accommodate nearly all of the project's calculated commercial parking shortfall;

- The office developer shall require employers to institute flexible work hours or telecommuting;
- The office developer shall construct additional on-site parking for the affected subsequent phase(s) of the project;
- The office developer shall work with the City to expand the existing City Center West garage;
- The office developer shall connect the underground parking areas on two or more of the project's building sites;
- The office developer and/or the City shall use one of the four building sites for above-ground (structure) parking;
- The office developer shall participate in a potential future parking assessment district that may be created for an area including the project site; and/or
- The City shall require that the office developer pay a development impact fee to offset the cost of providing additional parking in the City Center area.

In addition, parking demand could be reduced through steps to reduce use of single-occupancy vehicles. (These same steps would also reduce traffic and lessen emissions of criteria air pollutants.) Among the possibilities the applicant could undertake are:

- The office developer shall implement a carpool/vanpool program (e.g. carpool ridesharing for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.) and distribute information to employees on transit and carpooling options (maps, schedules, information from Bay Area RIDES). This could be done at a lobby kiosk or other location where employees are likely to congregate;
- In coordination with AC Transit and City staff, the office developer shall construct transit facilities such as bus turnouts/bus bulbs, benches, and shelters along the road segments that define the development blocks, or on other comparable nearby roadway segments that may be identified by AC Transit and City staff as the most appropriate location(s) to locate such facilities to most effectively serve the project; or on other comparable nearby roadway segments that may be identified by AC Transit and City staff as the most appropriate location(s) to locate such facilities to most effectively serve the project;
- The office developer shall establish a "transit store" to provide transit information and sell transit passes and tickets, as well as distribute transit maps and schedules. This "store" could be incorporated into a convenience store that might exist within the project;
- The office developer shall provide preferential parking (e.g., near building entrance) and reduced/eliminated parking fees in project garages, the City Center Garage, and City Center West Garage for carpool and vanpool vehicles. If a waiting list for monthly parking develops assign priority in issuing new permits to carpools and vanpools;
- The office developer shall require employers to subsidize transit passes (such as through the Metropolitan Transportation Commission's "Commuter Check" program) and/or direct provision by the office developer of such transit pass subsidies; and



- The office developer shall provide secure, weather-protected long-term bicycle parking for future residents and employees at the proposed retail and office uses, secure short-term bicycle parking for retail customers, and showers and lockers for employees bicycling or walking to work.

Implementation of Mitigation Measure B.4 would ensure that development and occupancy of the office towers on Blocks T12 and T5/6 would not adversely affect parking in the project vicinity.

**Monitoring Responsibility:** City of Oakland Community and Economic Development Agency, Planning Division; City of Oakland Public Works Agency, Traffic Engineering Division

**Monitoring Timeframe:** Prior to Final PUD approval for each subsequent phase after Block T10

**Impact B.5:** Project ridership on AC Transit could be accommodated. Project ridership on BART could be accommodated on the trains, but is likely to exceed the capacity of the 12th Street station at project buildout. This would be a significant impact.

**Mitigation Measure B.5:** For subsequent office phases of the project (i.e., Blocks T12 and T5/6), the office developer (Shorenstein or its successor) shall conduct a study, subject to the review and approval of the City Traffic Engineering Division, to determine whether there is adequate exiting capacity at the 12th Street station. The office developer shall work with BART to assure that with buildout of the project (all four buildings), adequate exit fare gates are available at the 11th Street exits in the a.m. peak hour so that the maximum passenger wait does not exceed two minutes to be processed through the fare gates. This may require the addition of one or more new fare gates at the 11th Street exit to the station. Implementation of Mitigation Measure B.5 would ensure that development and occupancy of the office towers on Blocks T12 and T5/6 would not adversely affect access to BART service at the 12th Street station and would reduce the impact to a less-than-significant level.

**Monitoring Responsibility:** City of Oakland Community and Economic Development Agency, Planning Division; City of Oakland Public Works Agency, Traffic Engineering Division

**Monitoring Timeframe:** Prior to Final PUD approval for each subsequent phase after Block T10

**Impact B.6:** The project is likely to increase the demand for bicycle parking in the City Center area, and may be inconsistent with the suggested bicycle parking space recommendations indicated in the Oakland Bicycle Master Plan. This would be a significant impact.

**Mitigation Measure B.6:** The project shall provide an adequate number of bicycle parking spaces, as determined by the City, in location(s) either on-site or within a three-block radius, or through payment of appropriate in-lieu fees. Implementation of this measure would reduce the anticipated impact to less-than-significant levels.

**Monitoring Responsibility:** City of Oakland Community and Economic Development Agency, Planning Division; City of Oakland Public Works Agency, Traffic Engineering Division

**Monitoring Timeframe:** Prior to Final PUD approval for each subsequent phase after Block T9

**Impact B.7:** Project construction could result in temporary circulation impacts in the project vicinity. This would be a significant impact.

**Mitigation Measure B.7:** Prior to the start of excavation or construction on all project blocks, the project sponsors (Camden USA, Inc. or Shorenstein, or their successors, as applicable) would submit to

the City Traffic Engineering Division for review and approval a plan for managing construction-period traffic and parking. This plan would include information on routing of construction traffic, provision of off-street parking for construction workers, and off-street equipment staging. Implementation of this measure would reduce the anticipated impact to less-than-significant levels.

**Monitoring Responsibility:** City of Oakland Public Works Agency, Traffic Engineering Division  
**Monitoring Timeframe:** Prior to issuance of building permits for each building

### C. AIR QUALITY

**Impact C.1:** Fugitive dust generated by construction activities would be substantial and would increase PM-10 concentrations in the immediate project vicinity. This would be a significant impact.

**Mitigation Measure C.1:** The project sponsors (Camden USA, Inc. or Shorenstein, or their successors, as applicable) shall require the construction contractor to implement a dust abatement program.

Elements of this program shall include the following:

- Water all active construction areas at least twice daily;
- 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);
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets; and
- Designate a person or persons to oversee the implementation of a comprehensive dust control program and to increase watering, as necessary.

The above list of measures are recommended by BAAQMD as feasible control measures to reduce construction dust emissions at sites, such as the individual development blocks associated with the project, which are less than four acres in area. With implementation of these mitigation measures, the residual effect would be less than significant.

In addition, the following measures, which are identified in the EIR on the *Oakland General Plan Land Use and Transportation Element* (City of Oakland, 1997; p. III.E-26) for future development projects, are recommended to minimize construction equipment emissions during the construction period:

- Demonstrate compliance with BAAQMD Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 requires an authority to construct and permit to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA Portable Equipment Registration Rule" or with all applicable

requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.

- Perform low- NO<sub>x</sub> tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) should be performed for such equipment used continuously during the construction period.

Implementation of these measures would reduce the anticipated impact to less-than-significant levels.

**Monitoring Responsibility:** City of Oakland Community and Economic Development Agency, Building Services Division

**Monitoring Timeframe:** Implementation will occur throughout construction and grading activities on the sites

**Impact C.2:** The project would result in an increase in criteria pollutant emissions due to related motor vehicle trips and on-site area emissions sources. This would be a significant impact.

**Mitigation Measure C.2a:** Throughout operation of the project, the office developer (Shorenstein or its successor) shall implement Transportation Control Measures identified in the *General Plan Land Use and Transportation Element EIR*.

The following Transportation Control Measures shall be implemented to increase the likelihood that the assumed level of use of alternative travel modes (i.e., transit and carpool) that has been incorporated into the impact analysis would be exceeded in practice and, furthermore, to reduce estimated vehicle-related NO<sub>x</sub> emissions by four percent, which would reduce the impact to less than significant (i.e., to less than 80 pounds per day). (For each measure, the estimated effectiveness in reducing vehicle trips is given in parentheses.)

- Implement a carpool/vanpool program (e.g. carpool ridesharing for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.) (effectiveness 1.0 to 4.0 percent of work trips);
- In coordination with AC Transit and City staff, construct transit facilities such as bus turnouts/bus bulbs, benches, and shelters along the road segments that define the development blocks (effectiveness 0.5 to 2.0 percent of all trips);
- Provide preferential parking (e.g., near building entrance) and reduced/eliminated parking fees in the City Center Garage and City Center West Garage for carpool and vanpool vehicles (effectiveness 0.5 to 1.5 percent of work trips for preferential location; 2 percent or more of work trips for reduced parking fees);
- Provide employer subsidy of transit passes (such as through the Metropolitan Transportation Commission's "Commuter Check" program);
- Provide secure, weather-protected long-term bicycle parking for future residents and employees at the proposed retail and office uses (effectiveness 0.5 to 2.0 percent of work trips);
- Provide showers and lockers for employees bicycling or walking to work at the proposed retail and office uses (effectiveness 0.5 to 2.0 percent of work trips); and

- Provide secure short-term bicycle parking for future retail customers (effectiveness 1.5 to 2.0 percent of non-work trips).

Implementation of these measures would reduce the anticipated impact to less-than-significant levels.

**Monitoring Responsibility:** City of Oakland Community and Economic Development Agency, Planning Division; City of Oakland Public Works Agency, Traffic Engineering Division

**Monitoring Timeframe:** Implementation will occur throughout operation of subsequent office buildings based on transportation plans to be submitted by the office developer prior to the issuance of an occupancy permit for the T12 and T5/6 buildings.

**Mitigation Measure C.2b:** The office developer (Shorenstein or its successor) shall implement Mitigation Measure B.5 (improvements to BART 12th Street Station exit gates) to facilitate use of BART by project workers.

Implementation of these measures would reduce the anticipated impact to less-than-significant levels.

**Monitoring Responsibility:** City of Oakland Community and Economic Development Agency, Planning Division; City of Oakland Public Works Agency, Traffic Engineering Division

**Monitoring Timeframe:** Prior to Final PUD approval for each subsequent phase after Block T10

#### D. NOISE

**Impact D.1:** Construction activities would intermittently and temporarily generate noise levels above existing ambient levels in the project vicinity. This would be a significant impact.

**Mitigation Measure D.1a:** To avoid the potential for significant nighttime noise impacts due to construction, the project sponsors (Camden USA, Inc. or Shorenstein, or their successors, as applicable) shall require their construction contractors to limit noisy construction activities to 8:00 a.m. to 7:00 p.m., Monday through Friday. Pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday, with no extreme noise generating activity permitted between 12:30 and 1:30 p.m. No construction activities shall be allowed on weekends until after the building is enclosed, without prior authorization of the Building Services Division, and no extreme noise generating activities shall be allowed on weekends and holidays. Implementation of this measure would reduce the anticipated impact to less-than-significant levels.

**Monitoring Responsibility:** City of Oakland Community and Economic Development Agency, Building Services Division

**Monitoring Timeframe:** Implementation will occur throughout duration of construction and grading activities on each site

**Mitigation Measure D.1b:** To reduce daytime noise impacts due to construction, construction contractors shall be required to achieve the Noise Ordinance standards of 65 dB for residential uses across from Block T10 on 14th Street and 70 dB at commercial uses elsewhere by implementing the following measures:

- 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 and necessary);
- 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 dB. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dB. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible; and

- Stationary noise sources shall be located as far from sensitive receptors as possible. If they must be located near existing receptors, they shall be muffled to the extent feasible and enclosed within temporary sheds.
- If feasible, the noisiest phases of construction (such as pile driving) shall be limited to less than 10 days at a time to comply with the local noise ordinance.

**Mitigation Measure D.1c:** To further mitigate potential pile driving and/or other extreme noise generating construction impacts, if applicable, 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 City to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:

- Erect temporary plywood noise barriers around the construction site, particularly along the eastern boundary along 14th Street to shield the adjacent multi-family residential buildings;
- 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;
- Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and

Monitor the effectiveness of noise attenuation measures by taking noise measurements.

**Mitigation Measure D.1d:** Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsors (Camden USA, Inc. or Shorenstein, or their successors, as applicable) shall submit to the City Building Department a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

- A procedure for notifying the City Building Division staff and Oakland Police Department;
- A plan for posting signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem;
- A listing of telephone numbers (during regular construction hours and off-hours);
- The designation of an on-site construction complaint manager for the project;

- Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving activities about the estimated duration of the activity; and
- A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

Implementation of these measures would reduce the anticipated impact to less-than-significant levels.

**Monitoring Responsibility:** City of Oakland Community and Economic Development Agency, Building Services Division

**Monitoring Timeframe:** Implementation will occur throughout duration of construction and grading activities on each site

## F. SHADOW AND WIND

**Impact F.2:** The project could result in exceedances of the 36-mph “wind hazard” speed. This would be a significant impact.

**Mitigation Measure F.2:** The City shall require the project sponsors (Camden USA, Inc. or Shorestein, or their successors, as applicable) to incorporate, to the maximum extent feasible, specific design elements in the final siting and designs for the high rises that would reduce ground-level winds within the Downtown Showcase District.

Recommended modifications to the building masses as tested [i.e., 425-foot towers tested for the 1997 General Plan Land Use and Transportation Element EIR] to reduce winds would include some of the design features already included in the project, such as:

- placing the buildings back from the sidewalk, which would likely reduce winds at the sidewalk itself;
- the introduction of curved facades, which could reduce the tendency of the project structures to intercept upper-level winds and direct them down to ground level; and
- placing the tower atop a lower podium level, which would serve to interrupt winds traveling down the tower before they reach ground level.

In addition, the use of facade articulation, to break up winds along the building face, and horizontally projecting wind screens, to disturb the downward flow of wind, could further serve to reduce ground-level winds.

This anticipated impact may remain significant even after implementation of these measures. Consistent with the 2000 FEIR, a condition of approval shall be incorporated into the Modified Project requiring further wind-tunnel testing for any project that includes development in excess of 100 feet in height, in order to reduce wind impacts to the maximum extent feasible, although it is possible that the impact would not be reduced to a less-than-significant level.

**Monitoring Responsibility:** City of Oakland Community and Economic Development Agency, Planning Division

**Monitoring Timeframe:** Prior to approval of Final PUD for each subsequent phase after Block T9