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OAKLAND

2013 APR 11 AM 10:01

## AGENDA REPORT

**TO:** DEANNA J. SANTANA  
CITY ADMINISTRATOR

**FROM:** Vitaly B. Troyan, P.E.

**SUBJECT:** Latham Square Pilot Project

**DATE:** March 19, 2013

City Administrator  
Approval

Date: 4/10/13

**COUNCIL DISTRICT:** District 3

### RECOMMENDATION

Staff recommends that the City Council adopt a resolution authorizing the City Administrator or Designee to implement the Latham Square Pilot Project (LSPP) to temporarily close Telegraph Avenue between 16<sup>th</sup> Street and Broadway for the purposes of creating a pedestrian plaza for at least six (6) months following an opening date in Summer 2013; and report back to the City Council in the Fall of 2013 as to the success of the Pilot Project.

### EXECUTIVE SUMMARY

The intersection of Telegraph Avenue and Broadway (i.e., Latham Square) is one of the most prominent and important in Oakland, with the iconic Cathedral and Rotunda Buildings, scenic vistas of the Oakland hills, and the historic Latham Fountain. This project will build on Latham Square's historic significance by creating enhanced urban design through a low-cost pilot that improves the pedestrian environment; creates a flexible and programmable space to support City economic development goals; saves existing trees; and improves private automobile and transit operations.

The LSPP program will temporarily convert the existing Telegraph Avenue roadbed south of 16th Street to pedestrian-only space through the use of temporary surface treatments and perimeter planters/bollards. Readily available and temporary materials, similar to those used by New York City and San Francisco in their successful pedestrian plaza programs will be used to flexibly and comfortably accommodate a range of design enhancements, including seating, landscaping and event space (e.g., performance art). To the maximum extent possible materials will be salvaged from the City and Port of Oakland surplus supplies.

City staff have held a series of meetings with area stakeholders to review the project. In particular, the Downtown Oakland and Lake Merritt-Uptown District Associations (collectively referred to as the Downtown-Uptown BID) support the LSPP and are interested in providing maintenance and operation services.

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All local access and on-street parking will be preserved, and through traffic will be re-routed onto parallel routes (primarily 17<sup>th</sup> Street and 19<sup>th</sup> Street). A traffic study conducted by City staff shows negligible effects on circulation resulting from the LSPP, and shows that all intersections would continue to meet City operating standards with the LSPP in place. Fire access to the Rotunda and Cathedral buildings would be maintained per regulations.

If adopted, the LSPP implementation will occur on a trial basis in summer 2013, with a minimum trial period of 6 months. City staff will thoroughly evaluate the relative success of the plaza through the efforts of a Working Group composed of business, residents, community, non-profit, and arts groups. This will inform the permanent re-design of Latham Square. City Council will have the opportunity to review the success of the plaza and recommend permanent transportation improvements to Latham Square in the fall of 2013.

Should the LSPP prove successful through the evaluation, the City will proceed with a permanent plaza design. Should the LSPP prove less successful, the City would proceed with implementation of the 2005 design (approved by Council in 2007) to install a traffic signal at Latham Square. In either case, permanent re-construction of Latham Square will occur in 2014, prior to the Proposition IC expenditure date of February 28, 2015.

#### **BACKGROUND/LEGISLATIVE HISTORY**

Over its 150 year history, Latham Square has undergone several substantial redesigns changing both its look and function. Most recently, the City of Oakland proposed a re-design of Latham Square in 2005 as part of the Inner Telegraph Streetscape Project. The 2005 design proposed a traffic control signal at Latham Square to "regularize" the Telegraph Avenue/15<sup>th</sup> Street/Broadway intersection, as well as a larger set of changes to the streetscape along the entirety of Telegraph Avenue from Broadway to 20<sup>th</sup> St. The realignment of Telegraph Avenue necessary for the traffic signal would result in the removal of five large trees in the vicinity of Latham Square, and would not allow widening of the sidewalk adjacent to much of the Rotunda Building.

City Council adopted a resolution in support of the 2005 streetscape project in January 2007 (Resolution No. 80358 C.M.S.). The resolution authorized the design of the Latham Square and Telegraph Avenue Streetscape improvement project with an estimated construction cost of eight million six hundred thousand dollars (\$8,600,000.00) on Telegraph Avenue between Broadway and 20<sup>th</sup> Street. The project was determined to be categorically exempt from CEQA environmental analysis, and the categorical exemption itself was based in part on a 2004 traffic analysis of the project.

Despite the availability of funding and environmental clearance, several complications (most notably a large number of structurally unsound basements located under existing sidewalks) prevented implementation of the Inner Telegraph design between Broadway and 20<sup>th</sup> Street.

Recognizing the critical need for improvements to Latham Square for pedestrian circulation and to improve pedestrian access to the Cathedral Building, the City began an updated design for Latham Square in 2012 based on the 2005 design, consistent with Resolution No. 80358 C.M.S. that was approved for the 2005 plan. Unlike the 2005 design, the 2012 work covered only the portion of Telegraph Avenue south of 16<sup>th</sup> Street. During the course of this re-design, City staff reviewed the design principles for the 2005 design with respect to current City policy and the current status of downtown/uptown redevelopment efforts.

Since 2005, redevelopment in Uptown has been successful, resulting in significantly more pedestrian activity on Telegraph Avenue. Events like First Friday draw thousands of visitors to the area. Moreover, the emergence of local stakeholders with interest in actively programming and maintaining Latham Square, such as the Downtown Oakland and Lake Merritt-Uptown District Associations (collectively referred to as the Downtown-Uptown BID), present opportunities for more ambitious urban design. Finally, increased public interest in less auto-oriented public space suggested value in focusing more on the pedestrian aspects of the design.

The LSPP is not only consistent with emerging community desires for vibrant urban space, but also fits well with existing City policy. In particular, the City's Complete Streets Policy (Resolution No. 84204 C.M.S.) adopted in February 2013 directs City staff to provide safe, comfortable, and convenient travel for all users rather than focusing solely on the mobility of private motor vehicles. Similarly, Oakland's Transit First Policy (Resolution No. 73036 C.M.S.) directs the City to prioritize improvements to transit service efficiency as well as provide bicycle and pedestrian enhancements (e.g., pedestrian plazas) that make transit more attractive. As described in detail below in the analysis, the LSPP will improve pedestrian access and reduce transit delay, while maintaining efficient traffic operations and local access.

The LSPP also fits closely with existing City policy supporting downtown Oakland economic development. The General Plan's Land Use and Transportation Element (LUTE) establishes the importance of economic development to ensure that downtown is a "vibrant mixed use environment...at the forefront of the regional economy." Numerous policies within the LUTE relate to promoting downtown as a 24-hour activity center attractive to new businesses and residents; the LSPP is closely aligned with these goals.

## ANALYSIS

Implementation of the LSPP strengthens core City goals related to economic development and improved pedestrian friendliness within downtown; improves transit operations along Broadway; and preserves emergency access, local circulation and traffic operations. The following sections provide detailed information on several key issues related to LSPP implementation.

### *Pedestrian Plaza Best Practices*

Positive experiences in New York City, Los Angeles, San Francisco, and elsewhere with “iterative place-making” show the potential for low-cost and temporary pedestrian plaza installations to spur large positive changes in a short period of time. The modern incarnation of iterative place-making began in 2009 with New York City’s conversion of Broadway in midtown Manhattan to exclusive pedestrian and bicycle use. Rather than re-surfacing the street or moving curbs, the project started with only lawn chairs and expanded over time to include planters, bollards, umbrella tables, and public art. Each phase of the design built organically on lessons learned from previous phases.

Following the success of that project, New York City has implemented over 70 additional pedestrian plazas on streets and intersections throughout the city using similar methods. Local businesses and/or other stakeholders are engaged as partners in the design and maintenance of the new spaces. Other cities, most notably San Francisco through its Pavements to Parks program with five projects implemented to date, have followed suit. Local businesses districts have enthusiastically led these changes due to the resultant increases in economic development and business opportunities.

Iterative place-making has succeeded in both residential and commercial locations, and for a wide variety of programmed activities (e.g., musical performances, food trucks, farmers markets, etc.). Iterative place-making not only benefits the community at-large, but also has documented benefits for adjacent merchants. These recent experiences with iterative place-making show that plaza conversions like the LSPP can succeed in a wide variety of settings, provided that they are carefully planned, thoroughly involve local stakeholders, and pro-actively address maintenance issues.

### *Potential Uses and Economic Development Potential*

Several factors suggest that the LSPP would enhance economic development in downtown Oakland, and contribute to a more vibrant community. Generally, pedestrian friendliness is a critical component of all vibrant downtown areas. The primary study to date on the impacts of iterative place-making on local retail confirms this precept: analysis of before-after sales tax receipts for businesses adjacent to New York City plazas rose significantly compared to the control group of businesses in locations with no plaza conversions<sup>1</sup>.

More importantly, the LSPP fits well within the context of the existing tenants, merchants, and property owners near Latham Square. As described in detail in the Public Outreach/Interest section below, City staff has met many times with local stakeholders surrounding the proposed plaza and the response is overwhelmingly positive. The suggested uses for the space go well beyond simply providing seating and could include vending, food sales (by local restaurants and/or mobile food vendors), musical performances, theatrical performances, runway shows, and art exhibitions.

<sup>1</sup> [http://nacto.org/wp-content/uploads/2012/10/LeeEric\\_Study-Update-for-Designing-Cities.pdf](http://nacto.org/wp-content/uploads/2012/10/LeeEric_Study-Update-for-Designing-Cities.pdf)

While City staff does not have the capacity to perform detailed event programming, the enthusiasm shown for using the space strongly indicates that the LSPP will be a positive and well-used addition to the community. The Downtown-Uptown BID has shown strong interest in the project, and clear management responsibility for on-going programming will be part of the LSPP evaluation.

#### *Plaza Operations, Programming and Maintenance*

City staff review of successful plaza projects in peer cities, and discussions with local stakeholders both indicate that active maintenance and programming of the Latham Square Plaza space will be critical to its success. While the City has grant funding available for the capital improvements, there is no operating funding available within the City budget for on-going maintenance (e.g., landscaping, trash collection, setting-out/picking-up furniture, etc.).

Recognizing the importance of active management of the space, City staff has coordinated closely with the Downtown-Uptown BID throughout the planning process. The Downtown-Uptown BID has expressed strong support for the project, and an interest in taking over maintenance responsibility for the LSPP through an extension of their existing encroachment permit to maintain the existing Latham Square and Latham Fountain (Amendment 1, ENMI 10261).

The LSPP will only be implemented with a commitment to provide active maintenance of the plaza (e.g., through an amendment to the existing encroachment permit for the Downtown-Uptown BID).

#### *Local Circulation and Traffic Impacts*

By closing Telegraph Avenue south of 16<sup>th</sup> Street to private automobile traffic, the LSPP would make several minor modifications to traffic circulation in the immediate vicinity of Latham Square, while maintaining access to all existing properties, driveways, and loading zones. In particular, the closure of the direct Telegraph Avenue to Broadway connection will cause vehicles traveling between Telegraph Avenue and Broadway to use alternate routes. Because Broadway and Telegraph Avenue are nearly parallel, there are several options for drivers that result in minimal out-of-direction travel: 17<sup>th</sup> Street, 19<sup>th</sup> Street, 20<sup>th</sup> Street, and Grand Avenue.

To assess the impacts of the LSPP on traffic circulation, City staff conducted a traffic analysis comparing traffic operations for the LSPP to the 2005 Latham Square design for a signalized intersection. Consistent with standard City procedures, analysis used the concept of automobile Level of Service (LOS) as defined by the Highway Capacity Manual. The LOS concept uses an A-F scale based on the average vehicle delay at an intersection, with LOS A representing the least delay and LOS F representing the most delay. The City standard for downtown intersections is for intersections to operate at LOS E or better.

In brief, the analysis shows that the LSPP results in minimal change to traffic operations, as all study intersections would operate acceptably with the LSPP in place (LOS C or better with most

intersections operating at LOS A or B). In comparison to a signalized intersection at Telegraph Avenue/Broadway/15th Street as proposed under the 2005 approved design, the LSPP actually improves overall traffic operations. Because of the complicated geometry at the Telegraph Avenue/Broadway/15th Street intersection, the 2005 design for a signal would noticeably increase delay for motorists, transit users, and pedestrians traveling along Broadway, resulting in LOS D. Average peak hour delay at the Telegraph Avenue/Broadway/15<sup>th</sup> Street intersection would increase from 18 seconds today to 44 seconds under the 2005 design.

#### *On-Street Parking and Loading*

The LSPP will maintain the same number and configuration of on-street parking spaces and loading zones as the Council-approved 2005 design. Moreover, there is long-term potential for a net increase in on-street parking along the Broadway frontage of the plaza should the Latham Square plaza be installed permanently. 16<sup>th</sup> Street will continue to serve as the major loading zone for the Rotunda Building.

#### *Transit Operations*

By removing Telegraph Avenue from the Broadway/15<sup>th</sup> Street intersection, the LSPP has the potential to significantly benefit transit service along Broadway, which is the busiest bus corridor in Oakland. Intersection delay is a major cause of bus delay, and the LSPP has the potential to improve traffic and transit flow along Broadway, particularly as compared to the 2005 signalized intersection design (see traffic analysis discussion above).

The LSPP would directly affect only one AC Transit bus line: Line 58L northbound. Other Telegraph Avenue bus lines (i.e., Line 1, Line IR, Line 800 and Line 58L southbound) use Broadway between 16th and 20th and access Telegraph Avenue via the 20<sup>th</sup> Street transit mall. City staff has coordinated with AC Transit as part of project development, and have confirmed that AC Transit is able to re-route the Line 58L northbound as needed to accommodate the project, without significant impact to the route.

The Free B Shuttle uses Telegraph Avenue between 16<sup>th</sup> and 20<sup>th</sup> Street on Friday and Saturday evenings. Public Works Agency staff has coordinated with the Office of Economic Development (which funds operation of the Shuttle) to confirm that re-routing the Shuttle on those two nights only is not an issue (this re-route already occurs on First Fridays).

#### *Pedestrian and Bicycle Circulation and Access*

The current configuration of Telegraph Avenue/Broadway requires significant out-of-direction travel for pedestrians walking along the west side of Broadway; instead of simply walking parallel to Broadway, pedestrians must cross Telegraph Avenue at 16<sup>th</sup> Street and walk along the Telegraph Avenue between 16<sup>th</sup> Street and Broadway. The LSPP will significantly reduce pedestrian out-of-direction travel and delay through the implementation of the plaza.

While the primary purpose of the LSPP will be to create pedestrian space and bicycle access, additional bicycle parking will also be included in the design. City staff has worked closely with the City's Bicycle and Pedestrian Advisory Committee (BPAC) to ensure that bicyclists needs will be met through the project.

*Emergency Vehicle Access*

Design of the LSPP will accommodate emergency vehicle access to the front of the Rotunda Building in the event of an emergency at the Rotunda Building itself. This is a common requirement of many plaza designs and can be accommodated in many ways. Public Works Agency staff has coordinated with the Fire Department throughout the design process and will continue to do so in order to ensure that the final implementation of the LSPP addresses any and all Fire Department concerns. The Fire Department will approve the final design of the LSPP.

*Pilot Project Evaluation Criteria*

City staff proposes to use a robust set of evaluation criteria to assess the LSPP over the course of the trial period to inform permanent plaza design decisions to ensure that permanent construction of Latham Square occurs on schedule in 2014. The evaluation criteria are based on the key analysis issues described above, and are summarized in Table 1. Staff proposed to report to City Council with a full evaluation and recommendation for action in the fall of 2013.

**Table 1. Summary of Latham Square Pilot Project Evaluation Criteria**

Objective	Measures of Success
<i>Create a vibrant community space attractive to all residents</i>	<ul style="list-style-type: none"> <li>• Clear management responsibility for programming</li> <li>• Number and diversity of scheduled events</li> <li>• Attendance at scheduled events</li> <li>• Use of plaza during non-event time (e.g., number of seated pedestrians)</li> <li>• Stakeholder group feedback</li> </ul>
<i>Improve economic development opportunities for local businesses</i>	<ul style="list-style-type: none"> <li>• Number of scheduled events hosted by local businesses and /or organizations</li> <li>• Local business and property owner feedback</li> </ul>
<i>Allow acceptable circulation for transit, deliveries, and private vehicles</i>	<ul style="list-style-type: none"> <li>• Traffic operations analysis at affected intersections</li> <li>• Effects on AC Transit service/ridership</li> <li>• Effects on Free B Shuttle service/ridership</li> </ul>
<i>Maintain the plaza as safe and attractive</i>	<ul style="list-style-type: none"> <li>• Feedback from Downtown-Uptown BID</li> <li>• Regularity of litter removal</li> <li>• Availability and emptying of trash receptacles</li> <li>• Regular watering, pruning and weeding of landscape features</li> <li>• Frequency of graffiti, and regularity of graffiti removal</li> <li>• Public safety data and observed concerns</li> <li>• Public comments and feedback</li> </ul>

**PUBLIC OUTREACH/INTEREST**

City staff used an extensive public outreach process in developing the LSPP, and strong public support from local stakeholders has been critical to moving the project forward. Initial outreach activities to date included the following:

- Individual meetings with over twenty-five (25) local businesses, property owners, residents, and other stakeholders.
- Presentation at the Oakland Chamber of Commerce Economic Development Forum (December 2012).
- Presentation at the Oakland Chamber of Commerce monthly BID meeting (November 2012).

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- Presentations to the Oakland Bicycle and Pedestrian Advisory Committee in November 2012 and February 2013.

Based on the initial outreach, City staff formed a Stakeholder Working Group (SWG) comprising approximately twenty (20) community members with a strong interest in the LSPP. The SWG includes a wide-range of participants to ensure that the project incorporates a broad spectrum of perspectives. SWG members include the Oakland Chamber of Commerce, the Downtown-Uptown BID, Oakland Heritage Alliance, Walk Oakland Bike Oakland, East Bay Bicycle Coalition, the Oakland School for the Arts, the property owners for the Rotunda Building and Cathedral Building, and several local business owners.

The SWG has been engaged through regular email updates, as well as in-person meetings as necessary.

In addition to targeted outreach, City staff held a four-hour community design workshop on Saturday, February 23. The workshop was advertised widely by both City staff and the SWG. City staff used the following key activities to advertise the workshop:

- Included event in the City Administrator's Weekly Report on both February 15 and February 22;
- Distributed over 250 flyers at February 2013 First Friday, and over 300 flyers to various local businesses and organization;
- Placed event posters in the windows of the Cathedral Building as well as at local business such as Oaklandish, Awaken Cafe, Jimmy's Deli, and Dogwood Cafe;
- Created a Facebook event, with invitations distributed through the SWG;
- Coordinated Twitter outreach through the SWG that reached over 30,000 combined "followers";
- Included event in the February 2013 Black Rock Arts Foundation newsletter, and posted in the Streetsblog.org calendar;

Over 100 participants attended the February 23 workshop, and an overwhelming majority expressed strong support for the project. Workshop participants were invited to fill-out a survey (over 50 were returned) and/or make design suggestions on 11x17 maps of the plaza area (over 40 designs were received). The survey results and design input have played a critical role in the design team's understanding of how the LSPP can provide the greatest community benefit. In particular, respondents were clear on the need not only for pedestrian space in the plaza (e.g., seating), but also events to ensure that the space is vibrant and well-used. Responses included ideas to use the space for runway shows, musical performances, food trucks, public art, theater performances, and more.

## COORDINATION

Development of the LSPP has been led by the Public Works Agency (Department of Engineering and Construction) and thoroughly coordinated between several City departments. These include:

- the Office of Neighborhood Investment;
- Planning and Zoning Department;
- Fire Department;
- Office of Economic Development;
- City Attorney;
- City Budget Office; and
- City Administrator's Office.

## COST SUMMARY/IMPLICATIONS

Design and implementation of the Latham Square Pilot Project will program up to \$200,000 of available grant funding from the Uptown Proposition IC grant under the California Department of Housing and Community Development's Infill Infrastructure grant program for streetscape and infrastructure improvements in the Central Business District. Sufficient funding for the LSPP is available in Fund 2144 (California Housing and Community Development), and Project C464560 (Latham Square/Telegraph Avenue Streetscape).

## FISCAL/POLICY ALIGNMENT

The City of Oakland General Plan Land Use and Transportation Element, Complete Streets Policy, and Transit First Policy direct staff to improve economic development opportunities through the creation of vibrant pedestrian spaces such as the LSPP. Moreover, the Proposition IC grant funding is available exclusively for use on streetscape and infrastructure improvements in downtown.

## SUSTAINABLE OPPORTUNITIES

**Economic:** The project will support economic development in downtown Oakland by providing a vibrant community space that can be programmed for a variety of purposes.

**Environmental:** The project will support environmentally friendly transportation by making downtown Oakland more attractive and accessible to pedestrians, transit customers, and bicyclists.

**Social Equity:** The project will provide new public space open to all citizens. Moreover, the plaza will have the potential to host a broad mix of cultural programming.


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CEQA

The Latham Square temporary plaza project as proposed is categorically exempt from the environmental analysis requirements of CEQA under CEQA Guidelines sections 15061(b)(3) (common sense exemption); 15183 (projects consistent with a general plan or zoning); 15301(c) (operation, repair, or minor alteration of existing facilities); 15304(e) (minor temporary use of land having negligible or no permanent effects on the environment); 15306 (data collection and research as part of a study for an action which an agency has not yet approved, adopted, or funded); and 15332 (infill development projects), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance. *Attachment A* describes how each of the exemptions mentioned above applies to the LSPP.

For questions regarding this report, please contact Jamie Parks, Complete Streets Program Manager, at 510-238-6613.

Respectfully submitted,

  
VITALY B. TROYAN, P.E.  
Director, Public Works Agency

Reviewed by:  
Michael J. Neary, P.E., Assistant Director  
Department of Engineering and Construction

Iris Starr, AICP, Division Manager  
Transportation Planning and Funding Division

Prepared by:  
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Transportation Planning and Funding Division

Attachment A: Description of CEQA Exemptions

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**Attachment A: Description of CEQA Exemptions for the  
Latham Square Pilot Project**

**Table L Summary of Categorical Exemptions Applicable to Latham Square Pilot Project**

<b>CEQA Exemption</b>	<b>Relationship to the LSPP</b>
15061(b)(3). Common Sense Exemption	CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this case, due to both the temporary nature and limited scope of the project, as well as the analysis presented above, the LSPP does not have the potential to significantly affect the environment.
15183. Projects Consistent with a General Plan, or Zoning	CEQA mandates that projects consistent with existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as necessary to examine whether there are project-specific significant effects. The LSPP is consistent with General Plan policies to enhance the vibrancy of downtown, and has no project-specific significant effects.
15301. Existing Facilities	Class I consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities. Existing highways and streets are included in the exemption. The key consideration is whether the project involves negligible or no expansion of an existing use. Because the LSPP will not alter existing curb-lines and the street will retain its status as public right-of-way under full control of the Public Works Agency, it does not constitute expansion of an existing use.
15304. Minor Alterations to Land	Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees. Examples specifically include minor temporary use of land having negligible or no permanent effects on the environment. The LSPP will be temporarily implemented for up to six months, and will cause negligible permanent effects on the environment as no existing trees or curb-lines will be altered. All surface treatments, planters, bollards, and other design elements are minor alterations and temporary in nature.
15306. Information Collection	Class 6 consists of basic data collection, research, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be as part of a study leading to an action which a public agency has not yet approved, adopted, or funded. The LSPP is temporary and will cause negligible disturbance of environmental resources. Moreover, it has clearly defined evaluation criteria for which data will be collected. These data will be used to inform future City action on the long-term design of Latham Square.

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**Attachment A: Description of CEQA Exemptions for the  
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<b>CEQA Exemption</b>	<b>Relationship to the LSPP</b>
15332. Infill Development Projects	<p>Class 32 consists of projects characterized as in-fill development meeting the following conditions:</p> <p>(a) Consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. <i>The LSPP is consistent with General Plan policies to enhance vibrancy of downtown Oakland, and complies with applicable zoning regulations.</i></p> <p>(b) Occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. <i>The LSPP is within the City of Oakland, and is less than 5 acres.</i></p> <p>(c) Site has no value as habitat for endangered, rare or threatened species. <i>The LSPP site has no habitat value for any species of concern.</i></p> <p>(d) Approval would not result in any significant effects relating to traffic, noise, air quality, or water quality. <i>As described above, the LSPP will not significantly affect traffic or impact noise, air quality, or water quality.</i></p> <p>(e) The site can be adequately served by all required utilities and public services. <i>The LSPP is located in downtown Oakland, and is adequately served by all required utilities public services.</i></p> <p>The italicized text above shows that the LSPP meets each of five criteria necessary for this categorical exemption.</p>

Table 2 lists the exceptions that apply generally to categorical exemptions, and describes why each is inapplicable to the LSPP.

**Table 2. Summary of Exceptions to Categorical Exemptions**

<b>Possible Exception</b>	<b>Applicability of Exception to LSPP</b>
<i>Location.</i>	Classes 4 and 6 are qualified by consideration of project location. Categorical exemptions in these classes do not apply where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law. There are no designated environmental resources of hazardous or critical concern in the vicinity of the LSPP.
<i>Cumulative Impact.</i>	All exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. Because the LSPP lasts for only six (6) months (and separate Council action would be required to extend the length of the pilot) and will result in no permanent changes to the environment, there are no associated cumulative impacts. Moreover, there are no other successive projects of the same type in the same place anticipated or known at this time.

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**Attachment A: Description of CEQA Exemptions for the  
Latham Square Pilot Project**

<b>Possible Exception</b>	<b>Applicability of Exception to LSPP</b>
<i>Significant Effect.</i>	A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. As described in detail in the analysis above, there are no unusual circumstances that would cause the LSPP to have a significant effect on the environment. The proposed project includes a Traffic Analysis report prepared by traffic consultant Kittelson & Associates, Inc. In summary, the report states that the proposal will not result in any significant change in traffic conditions.
<i>Scenic Highways.</i>	A categorical exemption shall not be used for a project which may result in damage to scenic resources, within a highway officially designated as a state scenic highway. There are no designated scenic highways in the vicinity of the LSPP.
<i>Hazardous Waste Sites.</i>	A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. There are no listed hazardous waste sites in the vicinity of the LSPP.
<i>Historical Resources.</i>	A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. There are several historic resources located in and around Latham Square. The Rotunda and Cathedral Buildings are City of Oakland Landmarks and also listed on the National Register of Historic Places, and Latham Square Fountain is a City of Oakland Landmark. However, the LSPP will not cause a substantial change in the significance of these resources because it will not demolish or materially alter in an adverse manner those physical characteristics that account for the historic nature of these resources, per the <i>Secretary of the Interior's Standards for Rehabilitation &amp; Illustrated Guidelines for Rehabilitating Historic Buildings</i>

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to Frank Ogawa Plaza

Rotunda Bldg.

16th St.


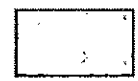
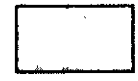

Telegraph

Cathedral Bldg.

Broadway

15th St.

**Latham Square Pilot Project - Project Area Map**

-  - Pilot Project Area
-  - Existing pedestrian space
-  - Potential new plaza space
-  - Prohibited movement

**OAKLAND CITY COUNCIL**

*M. Mowbray*  
City Attorney

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RESOLUTION NO. \_\_\_\_\_ C.M.S.

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

**ADOPT A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO 1) IMPLEMENT THE LATHAM SQUARE PILOT PROJECT (LSP) TO TEMPORARILY CLOSE TELEGRAPH AVENUE BETWEEN 16<sup>TH</sup> STREET AND BROADWAY FOR THE PURPOSES OF CREATING A PEDESTRIAN PLAZA FOR AT LEAST SIX (6) MONTHS FOLLOWING AN OPENING DATE IN SUMMER 2013; AND 2) REPORT BACK TO CITY COUNCIL IN THE FALL OF 2013 AS TO THE SUCCESS OF THE PILOT PLAZA.**

**WHEREAS**, the Latham Square Pilot Project implements the goals of the City’s General Plan Land Use and Transportation Element, by supporting a vibrant and economically active downtown; and

**WHEREAS**, the City desires to proceed with designing and implementing the Latham Square Pilot Plaza, a temporary trial project intended to create a unique and active pedestrian space along Telegraph Avenue between 16<sup>th</sup> Street and Broadway; and

**WHEREAS**, the Latham Square Pilot Project is consistent with the City’s “Complete Streets Policy” (Resolution No. 84204 C.M.S.), which acknowledges the benefits and value for the public health and welfare of reducing vehicle miles traveled and improving access by walking, bicycling, and public transportation; and

**WHEREAS**, the City recognizes the historic, architectural, and cultural importance of Latham Square to downtown Oakland and the City as a whole, and the current design of Latham Square does not fully realize the potential of Latham Square as a landmark space for a pedestrian friendly and economically active downtown; and

**WHEREAS**, a wide range of community stakeholders are and continue to be engaged in development of the Latham Square Pilot Project to ensure that the project reflects and supports community and business goals; and

**WHEREAS**, the City has available funding to implement the Latham Square Pilot Project through a Proposition 1C grant under the California Department of Housing and Community Development’s Infill Infrastructure grant program for streetscape and infrastructure improvements in the central business district; and

**WHEREAS**, the Latham Square Pilot Project evaluation will provide crucial information to inform the permanent of re-design and re-construction of Latham Square in 2014; and



**WHEREAS**, the Latham Square Pilot Project has been determined to be categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15061(b)(3) (common sense exemption); 15183 (projects consistent with a general plan); 15301(c) (minor alteration of existing facilities); 15304 (e) (minor temporary use of land); 15306 (data collection and research); and 15332 (infill); each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance; now therefore, be it

**RESOLVED**, that the City of Oakland hereby authorizes the City Administrator or designee to implement the Latham Square Pilot Project for at least six (6) months following opening date in summer 2013; and be it

**FURTHER RESOLVED**, that the City Administrator or designee will evaluate the success of the pilot plaza in concert with community stakeholders (including local businesses, property owners, and residents) prior to returning to City Council for potential approval of a permanent plaza in the fall of 2013.

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

**PASSED BY THE FOLLOWING VOTE:**

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

**NOES -**

**ABSENT -**

**ABSTENTION -**

**ATTEST:** \_\_\_\_\_

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