

<b>Location:</b>	Area bounded generally by 27th Street to the north; I-980 and Brush Street to the west; the Jack London estuary waterfront to the south; and Lake Merritt, Channel, and 5th Avenue to the east.
<b>Proposal:</b>	Conduct a public hearing and solicit/provide comments on the cultural resource aspects of the Draft Downtown Oakland Specific Plan (Draft Plan or Specific Plan) and of the Draft Environmental Impact Report (Draft EIR) and the associated proposed draft General Plan amendments and zoning framework concepts.
<b>Applicant:</b>	City of Oakland
<b>Case File Number:</b>	ER18-020 & SP16001
<b>General Plan:</b>	<b><u>Land Use and Transportation Element (LUTE)</u></b> Business Mix; Central Business District; Community Commercial; General Industry and Transportation; Institutional; Mixed Housing Type Residential; Neighborhood Center Mixed Use; Urban Park and Open Space; Urban Residential <b><u>Estuary Policy Plan (EPP)</u></b> Light Industry 1; Mixed Use District; Off-Price Retail District; Parks; Produce Market; Retail Dining Entertainment 1; Retail Dining Entertainment 2; Waterfront Commercial Recreation 1; Waterfront Mixed Use; Waterfront Warehouse District
<b>Zoning:</b>	C-40, C-45, CBD-C, CBD-P, CBD-R, CBD-X, CC-1, CC-2, CC-3, CIX-1A, CIX-1B, D-LM-2, D-LM-3, D-LM-4, D-LM-5, IG, M-20, M-30, M-40, OS(LP), OS(NP), OS(RCP), OS(RCA), OS (AF), OS (AMP), OS(SU), R-80, RU-3, RU-4, RU-5, S-2
<b>Environmental Determination:</b>	The Draft EIR for the Specific Plan was published (SCH No. 2019012008) on August 30, 2019. The 45-day public review period has been extended to 53 days, from August 30, 2019 to October 22, 2019. The Draft EIR will be presented before the Planning Commission on October 2, 2019 for public comment.
<b>Historic Status:</b>	The Plan Area includes cultural/historic resources that may be eligible for, or are on, a historical resource list (including the California Register of Historic Resources, the National Register of Historical Resources, and/or the Local Register); as well as several cultural/historic resources designated by the City of Oakland as Areas of Primary Importance (API); Areas of Secondary Importance (ASI); properties individually rated A, B, C, or D; and Landmark properties.
<b>City Council District:</b>	2 and 3
<b>Status:</b>	The Draft Plan was released on August 30, 2019, and was presented before the Planning Commission on September 4, 2019 for initial comments. The Draft Plan will continue to be subject to public review and comment beyond October 22, 2019 to allow for public review of the upcoming zoning incentive study. The Draft EIR was published on August 30, 2019, and is subject to a 45-day public review and comment period, which has been extended to 53 days (Aug. 30 to Oct. 22), and a public hearing before the Planning Commission on October 2, 2019.
<b>Action to be Taken:</b>	Receive comments from the Landmarks Board and the public on the Draft Plan and the Draft EIR, with a focus on Cultural Resources.
<b>For Further Information:</b>	Contact Project Manager Joanna Winter at (510) 238-2166 or by email at <a href="mailto:jwinter@oaklandca.gov">jwinter@oaklandca.gov</a> and/or Alicia Parker at (510) 238-3362 or by e-mail at <a href="mailto:aparker@oaklandca.gov">aparker@oaklandca.gov</a> .

**SUMMARY**

The purpose of this public hearing is to solicit comments from the Landmarks Preservation Advisory Board (LPAB) and the public on the cultural resource aspects contained in the Draft Environmental Impact Report (Draft EIR) and the Draft Downtown Oakland Specific Plan (Draft Plan), the associated draft General Plan Amendments (GPAs) and preliminary zoning framework including character and intensity areas to achieve the vision of the Draft Plan.

The City of Oakland's Planning and Building Department has prepared a Draft EIR on the Draft Plan that evaluates impacts of the Draft Plan development. The Plan Area encompasses approximately 930 acres in Downtown Oakland, generally bounded by 27th Street and the Broadway Valdez Specific Plan boundary to the north; I-980, Brush and Market Street and the West Oakland Specific Plan Boundary to the west; Lake Merritt and Channel, Chinatown, and the Lake Merritt Station Area Plan area boundary to the east; and the Oakland Estuary to the South.

The City is both the applicant and lead agency for the project, represented by the Department of Planning and Building. Under CEQA, a lead agency may proceed directly with EIR preparation, without an Initial Study, if it is clear that an EIR will be required. As the City has made such a determination for this project, no Initial Study has been prepared.

The Notice of Availability (NOA) for the Draft EIR was published on August 30, 2019 (see **Attachment A**). The public comment period on the Draft EIR has been extended to 53 days to October 22, 2019 at 4:00 p.m. Comments on the Draft EIR may be made at the LPAB hearing (September 23, 2019) or in writing to the Department of Planning & Building, Bureau of Planning, to the attention of Alicia Parker, Planner III at 250 Frank H. Ogawa Plaza, Suite 2114, Oakland CA 94612; (510) 238-3362 (phone); (510) 238-6538 (fax); or by email at [aparker@oaklandca.gov](mailto:aparker@oaklandca.gov). Written comments must be received prior to the comment period deadline (4:00 p.m. on October 22, 2019). After all comments are received, a Final EIR/Response to Comments document will be prepared and the Planning Commission will consider certification of the Final EIR at a later meeting.

The LPAB is being asked to provide feedback on the cultural resource aspects of the Draft EIR and Draft Downtown Oakland Specific Plan (Draft Plan), and the associated draft GPAs and preliminary zoning framework including character and intensity areas to achieve the vision of the Draft Plan.

This hearing is one of many public forums to discuss the Draft Plan, including advisory commissions, and stakeholder meetings. A Planning Commission meeting for the Draft Plan was held on September 4<sup>th</sup>, 2019. The Staff Report for that hearing can be found at **Attachment B**. A Planning Commission hearing on October 2, 2019 will allow further public comment on the Draft Plan, as well as the Draft EIR.

The Draft EIR covers the following topic areas: Land Use and Planning, Transportation and Traffic; Air Quality; Greenhouse Gas Emissions; Cultural and Historic Resources; Aesthetics; Biological Resources; Geology and Soils; Hazards and Hazardous Materials, Hydrology and Water Quality; Noise, Population and Housing; Public Services, Facilities and Recreation, and Utilities. The Draft EIR address each environmental topic at a level of detail warranted by each topic, and identifies significant and unavoidable impacts related to Transportation, Air Quality, Cultural Resources, and Aesthetics.

The Draft Plan and related Draft EIR are available on the project website at <https://www.oaklandca.gov/topics/downtown-oakland-specific-plan>. Hard copies will also be available at the Planning & Building Department Zoning Counter (250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612) and the Main Branch of the Oakland Public Library (Social Science and Documents, 125 14th Street, Oakland, CA 94612).

## **BACKGROUND**

The process to develop the Specific Plan began in 2015. The initial phase of the planning process culminated with the Plan Alternatives Report in Spring 2016, about which the City received thousands of comments. Many comments expressed concerns about the rapid displacement of communities of color, as well as displacement of independent small businesses and community-serving non-profits who provide essential services to historically marginalized communities. Some members of the business community warned about dampening the investment appeal of downtown, citing risky capital markets, ostensibly limiting the feasibility of future development projects through the application of too many additional fees. City Economic Development staff expressed the importance of economic activity downtown as a mechanism for generating revenue that funds critical public services citywide. Community members also expressed concern that all stakeholder voices be represented in the discussion, including Oakland residents who live elsewhere in the city. In response to these comments, the City initiated a new phase in the Specific Plan process in 2017 focused on engaging a broader, more representative section of the community. This “Phase II” in the Specific Plan process marked a re-launch in the planning process with an equity lens, and a focus on developing balanced strategies for downtown’s future that would protect what makes downtown “authentically Oakland” and bring opportunities to downtown that benefit the entire Oakland community - including underserved communities.

Supported by an equity consultant and the City’s newly-formed Department of Race and Equity, the planning team revised the process to better involve members of the City’s most vulnerable communities. The team analyzed disparities in life outcomes and proposed equity-related outcomes and policy directions. This work was based on racial equity impact assessment (REIA) and results-based accountability (RBA) models, which together involve identifying and measuring indicators of racial disparities; including affected communities in identifying and designing solutions to those disparities; and assessing proposed strategies to determine whether they will close or widen the identified disparity gaps. **Attachment C** details both phases of the planning process.

## **PLANNING CONTEXT AND BOUNDARY**

The Plan Area encompasses approximately 930 acres in Downtown Oakland, generally bounded by 27th Street and the Broadway Valdez Specific Plan boundary to the north; I-980, Brush and Market Street and the West Oakland Specific Plan Boundary to the west; Lake Merritt and Channel, Chinatown, and the Lake Merritt Area Specific Plan Area boundary to the east; and the Oakland Estuary to the South. Chinatown is not included in the boundaries of the Plan Area because it previously went through its own specific planning process that led to the adoption of the Lake Merritt Station Area Plan in 2014. However, it is included in the neighborhood descriptions within the planning context for the Draft Plan.

While downtown is a resource for all of Oakland and the broader East Bay region, it is important to remember that Downtown Oakland is also a series of unique neighborhoods with distinct character, needs and opportunities. Downtown’s success as an economic, social, and cultural engine for the city is also dependent on the success of its neighborhoods and commercial hubs:

**Central Core:** The central core of downtown consists of large buildings, many with historic designation, including City Hall and the adjacent Frank Ogawa Plaza. Centered around 14th Street and Broadway, the area is the City's most dense transit corridor and contains Oakland's first adopted cultural district, the Black Arts Movement and Business District, which has a concentration of local and Black-owned businesses.

**Lake Merritt Office District:** Fronting Lake Merritt, the jewel of Oakland, the Lake Merritt Office District offers expansive views and opportunities for outdoor connection with nature. The neighborhood includes much of downtown's Class A office space. The 19th Street BART Station and AC Transit's Uptown Transit Center serve the Lake Merritt Office District.

**Uptown:** The Uptown area spans a large portion of the northern part of downtown. Several of Oakland's historic large-scale entertainment venues are in the Uptown area, including the Fox and Paramount Theatres. More recently, smaller-scale theaters, along with bars, restaurants, and art galleries, have also located in the area making it a vibrant entertainment area.

**Koreatown/Northgate (KONO):** The KONO area between Telegraph and Northgate Avenues is comprised of a variety of Victorian homes and apartment buildings. Small shops front onto Telegraph Avenue hosting a variety of multi-ethnic businesses. Northgate Avenue is a wide boulevard, with few pedestrian amenities. The freeway underpass also acts as a barrier in the neighborhood.

**West of San Pablo:** The area west of San Pablo Avenue has some historic resources, containing both historic areas of primary and secondary importance, including residential hotels and apartment buildings, a crucial source of affordable housing in downtown. There are gaps in the building fabric along the street edges, which would be appropriate for infill development. The downtown area west of San Pablo Avenue includes 17th Street and 20th Street, which are gateways to downtown from West Oakland.

**Lakeside Apartment District:** The Lakeside Apartment District is an established neighborhood providing urban housing in a unique setting. The neighborhood is comprised mostly of closely spaced apartment buildings with little or no setback from the sidewalk. Some prominent historic landmarks are contained in the neighborhood including the Malonga Casquelourd Center for the Arts, one of the region's first centers for African and African diaspora performance-based art forms, as well as the Scottish Rite Temple. Also within the District is the Main Branch of the Oakland Public Library, which provides essential services to Oaklanders.

**Old Oakland:** Old Oakland is comprised of historic residential communities and small shops and businesses. The area features many historic buildings and quality street-oriented building fabric. Preservation and enhancement are a major focus in the core of Old Oakland. The area's eclectic mix of uses continues to provide fertile landscape for artists, small businesses and residents to flourish.

**Jack London:** The Jack London District is situated on the estuary waterfront and has a distinctive early industrial and maritime character. The area has experienced tremendous change from historic industrial and distribution uses to more recent retail, dining and entertainment, office and maker uses. The area contains several important historic resources including the historic waterfront warehouse district, the historic produce market, both rated as "Areas of Primary Importance" (API), and several landmark buildings including some of Oakland's earliest buildings (the first buildings in Oakland were sited here as the city grew up around the port-serving activities).

**Chinatown:** Chinatown represents an important node of activity in the downtown. Every day of the week, Chinatown is bustling with activity and is consistently a significant tax revenue generator for the City. The area contains several historic areas and contains a distinct Asian-influenced architectural

character.

**Laney College:** The Draft Plan expands upon the improvements contemplated as part of the Laney College Facilities and Technology Master Plan including transforming the existing parking lots and administrative sites into mixed use, vocational and college-supporting uses with student housing that would connect to the Lake Merritt BART transit-oriented development (TOD).

**PROJECT DESCRIPTION**

The Draft Plan **Attachment A** document begins with a setting section that discusses the downtown within the larger Bay Area context and describes its physical landscape, as well as its unique assets including its cultural diversity. The vision section presents six key goals to which the Draft Plan proposed policies, programs and actions aspire. The policy recommendations and regulatory changes to achieve the Specific Plan’s vision are in the following main chapters of the Draft Plan:

- Chapter 1 - Economic Opportunity
- Chapter 2 – Housing
- Chapter 3 – Mobility
- Chapter 4 - Culture Keeping
- Chapter 5 - Community Health
- Chapter 6 - Land Use & Urban Form.

Additionally, the Implementation chapter (Ch. 7) outlines the key actions, partners, possible funding sources and a timeline to implement the Draft Plan.

The Draft Plan sets forth an ambitious vision articulating downtown Oakland’s extraordinary capacity to become a dynamic regional hub of culture, employment, housing and transit that is welcoming to the entire community. The Draft Plan proposes transformative ideas to connect the community’s goals to strategic actions.

The Plan builds on extensive community feedback to meet its goals to:

1. Create opportunities for economic growth for all Oaklanders.
2. Ensure sufficient housing is built and retained to meet the varied needs of current and future residents.
3. Make downtown’s streets comfortable, safe, and inviting and improve connections to the city as a whole so that everyone has efficient and reliable access to downtown’s jobs and services.
4. Encourage diverse voices and forms of expression flourish.
5. Provide vibrant public spaces and a healthy environment that improve the quality of life downtown today and for generations to come.
6. Develop downtown in a way that meets community needs and preserves Oakland’s unique character.

The central ideas of each Draft Plan chapter are summarized below.

**Economic Opportunity** - Central Idea: Make downtown a racially and economically diverse regional employment center by identifying office priority sites, targeting training for living wage jobs to fill those spaces, and by investing in small businesses and businesses owned by people of color.

Key City Investments & Policies:

- Capitalize on geographic and transit assets by identifying office priority sites and promoting density at downtown’s regional transit hubs;
- Activate ground floor retail/commercial spaces by developing a program to master lease vacant spaces, and sub-lease them to small, local and culturally relevant retailers, artists and artisans;
- Expand initiatives and partnerships with the tech sector, and other sectors targeted for expansion, to increase equitable business development and employment opportunities;
- Expand existing and develop new summer job and local hire & training programs to ensure that employment growth benefits Oaklanders most in need of opportunity.

**Housing & Affordability** - Central Idea: Maintain downtown as a collection of unique neighborhoods where people of all races and incomes live by adding 29,100 new homes by 2040, of which 4,365 to 7,275 (15-25% ) will be affordable units.

**Key City Investments & Policies:**

- Prioritize a portion of the affordable housing funds generated downtown for downtown projects by adapting scoring criteria and/ or increasing affordable housing impact fees;
- Study an inclusionary housing requirement for downtown that could replace the affordable housing impact fees currently in place;
- Establish a program to incentivize community-desired benefits in exchange for increased development potential;
- Encourage large units for families and accessible units for older adults and people with disabilities.
- \$480-544 million in affordable housing fees.

**Mobility** - Central Idea: Connect people across Oakland to downtown and unify the downtown neighborhoods by expanding high-quality transit, bicycle routes, pedestrian access and amenities for an active street life.

**Key City Investments & Policies:**

- Streetscape investment, including curb ramps, high-visibility crosswalks, landscaping and public space improvements;
- Investment in dedicated transit lanes;
- Investment in downtown’s bicycle network to expand the number of high-quality routes and increase the overall number of connected and continuous routes throughout downtown.
- Consider the potential for I-980 conversion, stadium at Howard Terminal (and adjacent development) and second Transbay BART crossing.

**Culture Keeping** - Central Idea: Leverage and protect Oakland’s diverse cultures as an engine for artistic innovation and economic growth by establishing and implementing cultural districts downtown with support for cultural institutions and businesses.

**Key City Investments & Policies:**

- Develop a master lease program that provides affordable space for small local retailers, artists and artisans;
- Dedicate ground floor space for cultural, arts, and maker uses in new developments located in cultural districts;
- Construct coordinated streetscape and public space improvements that help identify and enhance arts and culture districts.

**Community Health** - Central Idea: Enhance quality of life and health for all Oaklanders by improving

and expanding public spaces, strengthening community resilience, implementing urban greening projects, reducing private vehicle trips, and shifting to renewable energy sources.

**Key City Investments & Policies:**

- Create a safe and healthy public realm through improvements to streets, parks, and open-space, with a focus on enhancing connections between the Lake Merritt, Channel, and Estuary waterfronts and the rest of downtown;
- Improve the experience of existing parks, open space, libraries and other community facilities through capital investments in equipment upgrades, maintenance and programming;
- Draft and adopt new design guidelines for streets and public spaces;
- Reduce greenhouse gas (GHG) emissions by investing in improvements to the walking, biking and transit network and eliminating fossil fuels from building systems;
- Apply concepts to downtown from the “Pathways to Deep GHG Reductions in Oakland” Report (March 2018); utilize strategies from “Sustainable Oakland”, “Sea Level Rise Road Map” and other reports for a more resilient downtown.

**Land Use and Urban Form - Central Idea:** Foster new development that serves all Oaklanders and addresses housing & employment demand by: preserving historic and cultural assets; creating a lively, interactive, vibrant and culturally relevant public realm; and providing increased building intensity in exchange for pre-defined community benefits.

**Key City Investments & Policies:**

- Develop and invest in a coordinated system of downtown streetscape improvements to link commercial and residential activity centers with the Lake Merritt, Channel, and Estuary waterfronts via the proposed “Green Loop”;
- Revise land use & zoning regulations to reflect Plan goals and target new density near transit;
- Designate “Office Priority Sites”;
- Designate arts/culture districts;
- Create a streamlined development incentive program to provide increased building intensity in exchange for pre-defined community benefits.

*Development Potential*

The Draft Plan is being developed to implement the City of Oakland’s General Plan. The Plan will guide downtown development over the next 20 years to serve the needs of the entire Oakland community - including economic opportunity, housing, transportation, arts and culture, community health, land use, and reduction of disparities in access to opportunity and quality of life.

The Draft Plan identifies opportunity sites – typically parking lots and low-scale, underutilized buildings that could be redeveloped over the next 20 years to accommodate job-generating land uses and much needed housing to fulfill the Draft Plan’s vision of creating a dynamic regional employment center in downtown Oakland to capitalize on downtown’s excellent transit assets, flourishing creative community, racial and ethnic diversity and temperate waterfront setting. The development potential for downtown over the next 20 years was calculated by estimating the amount of residential, commercial, industrial and institutional space that could be accommodated on opportunity sites based on changes to the allowed intensity (i.e., height limits, density, and floor area ratio (FAR) as well as changes to allowed uses.

The Plan’s Development program includes the addition of up to 29,100 residential units (52,600 residents), 20,060,000 square feet of commercial, 260,000 square feet of light industrial, 1,310,000 square feet of institutional space (60,730 employees) and 16,000 parking spaces.

Based on the potential changes to the permitted intensity and allowed uses, the development program for the Draft Plan, and analyzed in the Draft EIR would nearly triple the number of existing residential units downtown and double the amount of commercial space and jobs.

### **General Plan Amendments and Zoning Regulatory Framework**

The Draft Plan contains draft recommendations and alternative options for General Plan Amendments (GPAs) and the zoning regulatory framework that will serve as a guide to writing new zoning regulations to achieve its robust development vision. The draft GPAs and zoning regulatory framework are based on community feedback related to the character and intensity of downtown and are summarized below. The City will be undertaking a focused community process over the next few months to guide the creation of new zoning regulations for downtown, including presenting proposed regulations to the Zoning Update Committee for input. The character area maps (for land use) and the intensity maps (for height, density, and floor area ratio) will be used as a basis for writing the new downtown zoning regulations.

#### General Plan Amendments

The Draft Plan recommends updating the “Central Business District (CBD)” General Plan designation to include three different CBD General Plan categories with three different Floor Area Ratio (FAR) and density allowances. One of the new CBD categories, “CBD-3”, includes an area of greater intensity spanning between the Central Core and Lake Merritt Office Districts where the greatest intensity of downtown development is envisioned. In this area, the current FAR could increase from 20.0 to 30.0. The new “CBD-1” land use classification with an FAR of 12.0 would incorporate the Uptown and KONO subareas (replacing the current “Community Commercial” and “Urban Residential” GPA classifications).

The remaining existing Central Business District designation will be now called “CBD-2” and would retain the existing Central Business District FAR of 20.0. In the Jack London area, intensity is proposed to be increased throughout the district (except certain historic districts), with greatest intensity increases near the I-880 freeway, Howard Terminal and Lake Merritt Channel (see **Attachment D** for the proposed GPAs that are also on page 225 of the Draft Plan).

#### *Zoning Regulatory Framework*

- A. The Draft Plan contains a proposed character map that identifies the type of environment envisioned for each downtown neighborhood, district and corridor. The character map will serve as the basis for the updated zoning designations for downtown, including the Jack London District. The character map implements the key aspects of the Draft Plan’s vision, such as designating corridors as mixed-use to encourage a variety of shops, cultural uses and other activity-generating ground floor uses that would link hubs of community activity. The character map considered the character of historic areas such as portions of the Lakeside neighborhood, Old Oakland and West of San Pablo subareas where little change is envisioned and a mixed residential character designation is proposed to retain the residential character of historic buildings. A Flex Industry and Mixed-Use Flex character area is proposed in historic warehouse areas such as along 25th Street in KONO, as well as the 3rd Street area west of Clay Street and the Produce Market in Jack London, to preserve and encourage more spaces for arts, culture and light manufacturing. The proposed intensity map that includes height, density, and FAR maximums further reinforces the character for these areas.
- B. The Central Core and the Lake Merritt Office District are centered around existing BART stations and provide a hub of workplaces that serve the region. Given Downtown Oakland’s competitive advantages for employment in office-based sectors, maintaining the availability of office space will be critical as there are limited prime sites for future office development, which

must have a large floor plate, be near BART and be proximate to existing office concentrations. It is estimated that downtown could absorb approximately 20 million square feet of new office space over the next 20 years, however prime office sites are at risk of being developed as currently more lucrative residential uses. The proposed intensity map includes an increase in FAR and density maximums to allow for this future office growth.

- C. Preserving downtown’s racial and cultural diversity is one of the main goals of the Draft Plan due to the vulnerability of downtown’s vibrant cultural landscape in the face of unprecedented economic investment. One of the strategies that the Draft Plan proposes to address cultural preservation and belonging is the establishment of a Cultural District Program to formalize collaborative partnerships between the City and community. While Cultural Districts can be applied in a geographically expansive way, the zoning tools to implement specific outcomes must be applied to smaller, more targeted areas, thus the Draft Plan also proposes Cultural District Overlays. Zoning tools that can be applied in the Cultural District Overlays include cultural density bonuses (in conjunction with the zoning incentive program); restricting certain uses (to limit competition with cultural uses); creating a new “Arts & Culture” land use classification to permit a wider range of arts & cultural uses; requiring new development in Cultural Districts to have minimum square footage of cultural space; and permitting temporary art space, among other tools.
- D. The City is currently studying the feasibility of developing a bonus incentive program that would establish a finite number of consistent, pre-defined community benefits (such as dedicated ground floor cultural space, dedicated open spaces, investment in cultural facilities such as the Malonga Casquelourd Center for the Arts, Oakland Asian Cultural Center, Lincoln Recreation Center and Main Branch of the Oakland Public Library, among other possible public benefits) that must be provided by development in exchange for increases in building intensity (height, density, and/or floor area ratio). The study will identify case studies of cities with similar development contexts, analyze the value of additional development potential and evaluate the possible interaction of a Downtown Oakland zoning incentive program with California’s Density Bonus Law program and a potential transfer of development rights program. The study will culminate with targeted recommendations for a zoning incentive program in Downtown Oakland, which will be incorporated into the Planning Code update. The areas on the intensity map that are outlined in dark black are areas that will be subject to the Zoning Incentive Program to achieve maximum heights, density, and FAR (see **Attachment E** for the Proposed Maximum Intensity Map).

## **ENVIRONMENTAL REVIEW**

This section of the staff report describes the environmental review included in the Draft EIR, focused on the “Cultural and Historic Resources” topic.

### **Scope**

The City published the Notice of Preparation (NOP) on January 4, 2019. A scoping session was held before the Landmarks Board on February 4, 2019, and the Oakland Planning Commission on February 6, 2019. The scoping comments related to cultural resources that were received were largely focused on preservation and protection of cultural and historic resources, as well as impacts of new development under the Draft Plan on nearby historic resources and districts. The NOP and comments that the City received in response to the NOP are included as *Appendix B* in the Draft EIR, which address all comments received in response to the NOP that are relevant to environmental issues.

### **Historic Resources in the Plan Area**

The Oakland Cultural Heritage Survey (OCHS) prepared in 1997<sup>1</sup> by the City rates historic resources such as Landmarks, Areas of Primary Importance (APIs), and Secondary Importance and Local Register Properties, the presence of each of which is described below. The Planning Area's historic building range from those of highest ("A" rating) and major ("B" rating") importance to those of secondary and minor importance ("C and D" ratings). Please note that Areas of Secondary Importance (ASI's) are not considered a historic resource under CEQA.

The Local Register of Historic Properties recognizes the city's most important buildings and districts, including designated Landmarks Preservation Districts, Heritage Properties, and Areas of Primary Importance. Areas of Primary Importance (API) are areas that appear eligible for the National Register of Historic Places; although not all are listed as historic districts. Areas of Secondary Importance (ASI) are generally sites and districts of local interest. Potential Designated Historic Properties (PDHPs) are all properties that meet minimum significance thresholds. The City considers any property that has at least a contingency rating of C ("secondary importance") or contributes or potentially contributes to a primary or secondary district to "warrant consideration for possible preservation." PDHPs are a large group: a fifth of the buildings in Oakland. They are meant to be "numerous enough to significantly influence the City's character."

The CEQA Thresholds continue stating the City of Oakland's Local Register (Historic Preservation Element Policy 3.8) includes the following:

- All Designated Historic Properties (Landmarks, Heritage Properties, Study List Properties, Preservation Districts, and S-7 and S-20 Preservation Districts, and S-7 and S-20 Preservation Combining Zone Properties); and
- Potential Designated Historic Properties that have an existing rating of "A" or "B" or are located within an Area of Primary Importance.

The above resources are shown in Figure V.E-1 of the Cultural and Historic Resources Chapter of the Draft EIR and are included as **Attachment F** to this staff report.

The Draft EIR identifies the following resources within the Plan Area:

- Approximately 50 officially designated City of Oakland Landmarks;
- Approximately 23 City of Oakland Areas of APIs;
- Approximately 29 City of Oakland ASIs;
- Approximately 40 NRHP-listed Individual Properties;
- Three NRHP-listed Historic Districts (Downtown Oakland Historic District; Harrison and 15th Streets Historic District; and Oakland Waterfront Warehouse Historic District);
- Two National Historic Landmarks (the Paramount Theater and the Lake Merritt Wild Duck Refuge); and Numerous properties that have been surveyed and ranked using the OCHS rankings and included in the Local Register.

The Historic Building Typology Study and Archaeological Desktop Review prepared as part of the Draft EIR are included as *Appendix D* to the Draft EIR.

### **Potentially Significant Impacts Identified in the Draft EIR**

All impacts and Mitigation Measures identified in the Draft EIR are summarized in Table II-1 at the end of *Chapter II, Summary*, of the Draft EIR, as well as in **Attachment G** to this staff report. Table II-1 also identifies the level of significance of the impact after recommended Mitigation Measures are implemented.

The Draft EIR identifies the following **Significant and Unavoidable** environmental impacts related to Aesthetics, Shadow and Wind (that impact Cultural Resources) and Cultural and Historic Resources:

Aesthetics, Shadow and Wind

*Shadow*

**Impact AES-1: Shadow:** Implementation of the Specific Plan and development that may occur under the Specific Plan may result in substantial new shadow that would shade solar collectors, passive solar heaters, public open space, or historic resources, or otherwise result in adequate provision of adequate light.

Shade and shadow impacts occur when a structure's height or width (or a combination of these two characteristics) reduces the access to sunlight by a public open space area, solar collectors, solar heaters, or historic resources. In a built urban environment like the Plan Area, nearly all land uses create shade and shadow for neighboring structures, and in turn, are subject to shade and shadows from those same structures. Development facilitated by the Specific Plan program could include mid- and high-rise buildings that may cast shadow on public open space, solar collectors, and historic resources. While the exact details associated with future development proposals is unknown as this time, a generalized shadow analysis was prepared based on the 3D height Model. This generalized shadow study should be used a guiding framework, but is no means intended to replace the City's review of individual development project proposals and the design review process, where potential project-level effects related to shadow would be determined according to the City's significance criteria, which considers potential adverse effects of shadow to solar collectors and similar heating facilities, public or quasi-public parks and open spaces, and historic resources. Regarding solar features in particular, the City maintains a list of locations where solar collectors are located throughout the city and issues permits for such facilities, particularly those sited on rooftops. Individual projects will also be assessed for their proximity to historic resources and open space. If a project has potential project-level shadow effects, the City would require mitigation through the standard design review and environmental review process.

Given that there are not enough sufficient details available to analyze specific shadow impacts (beyond larger trends as described in the Draft EIR in *Chapter V.F, Aesthetics* starting on page 397), it cannot be known with certainty that development under the Specific Plan would not cause significant shadow impacts that impairs the function of a building using passive solar collection; impairs the beneficial use of a public or quasi-public park, lawn, garden, or open space; shadows on an historic resource, or otherwise results in inadequate provision of light. Mitigation Measure AES-1 identified below is recommended; however, it is noted that even with this mitigation measure it cannot be known with certainty that impacts would be mitigated, as such the impact is conservatively significant and unavoidable.

- **Mitigation Measure AES-1: Shadow:** To help ensure shadows associated with new development under the Plan are lessened, the City shall adopt a new standard condition of approval (SCA) or incorporate a policy into the Specific Plan that requires project sponsors, on a project-by-project basis to complete a site-specific shadow evaluation at the time that individual projects are proposed if any of the following conditions exist:

- At or adjacent to buildings and structures that meet the definition of “historical resources” contained in Section 15064.5 of the CEQA Guidelines
- At or adjacent to a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors
- At or adjacent to a public or quasi-public park, lawn, garden or other open space

If a shadow study is required it shall address the following:

- If at or adjacent to historic building; an evaluation of how shadow would affect the building or structure which confirm to the Secretary of Interior’s Standards of Historic Properties and Guidelines for Preserving, Rehabilitation, Restoring and Reconstructing Historic Buildings (1995). The Standards require the preservation of character defining features which convey a building’s historical significance, and offers guidance about appropriate and compatible alterations to such structures. This evaluation should be carried out by a professional who meets the Secretary of the Interior’s Standards for Architectural History. The results of the evaluation shall be submitted as a Historic Architectural Assessment Report to the City of Oakland. Once the report is reviewed and approved by the City, a copy of the report should shall be submitted to the Northwest Information Center (NWIC).
- If at or adjacent to a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors an evaluation of how shadow would affect the productivity of the solar units (in terms of how much of the year solar collectors are shaded and what portion of the solar units are shaded).
- If at or adjacent to a public or quasi-public park, lawn, garden, or open space, an evaluation of how shadow would impact the beneficial use (in terms of how much of the year the public or quasi-public park, lawn, garden, open space would be shaded and what portion of the year it is shaded).

The shadow evaluation or Report (if historic building) shall be provided as part of the development approval submittal and the project sponsor shall modify the building design and placement to reduce impacts to the extent feasible. If none of the above conditions are applicable to the project, the project sponsor shall provide documentation to demonstrate such conditions do not exist.

Therefore, impacts associated with implementation of the Specific Plan and reasonably foreseeable development expected to occur in the Plan Area over the next 20 years are conservatively deemed significant and unavoidable related to shadows.

*Cumulative Impacts*

**Cumulative Impact AES-1:** Implementation of the Specific Plan and development that may occur under the Plan may, in combination with other past, present, and reasonably foreseeable future projects within and around the Plan Area, result in significant cumulative wind and shadow impacts.

As noted above, due to the uncertainty of available mitigation, adoption of and development under the Specific Plan could result in significant and unavoidable impacts related to shadows and wind. Mitigation Measures AES-1 and AES-2 (pertaining to project sponsors preparing wind analyses, elaborated on page 400 of the DEIR) are recommended.

Cultural and Historic Resources

- **Impact CULT-1:** Implementation of the Specific Plan and its associated development is anticipated to result in the demolition, destruction, or relocation of some historical resources either as individual resources and/or as contributors to historic districts.
- **Impact CULT-2:** Alterations to Historic Buildings that could occur under the Specific Plan could change the significance and character of historic resources as a result of the Specific Plan.
- **Cumulative Impact CULT-1:** Implementation of the Specific Plan and its associated development, combined with cumulative development in the Plan Area and citywide, including past, present, existing, approved, pending, and reasonably foreseeable future development, would contribute to a significant and unavoidable adverse cumulative impact to cultural and historical resources.

The following is a summary of mitigation measures that are proposed to respond to the impacts listed above, but do not reduce the impacts to Less than Significant (these Mitigations are provided in more detail in *Chapter V.E, Cultural and Historic Resources*, in the Draft EIR beginning on page 354):

- **CULT-1A:** The Specific Plan shall be revised to include the following implementation measures focused on minimizing impacts to historic resources:
  - i. Reinstate and promote the City Downtown Façade Improvement Program consistent with Action 3.8.1(9) of the Historic Preservation Element of the City of Oakland General Plan for both commercial and residential properties including SROs. The program shall require financial contribution to this fund when historical resources are impacted by future development projects in the Plan Area, and potentially the other Specific Plan areas, based on a formula established by the City as part of reinstating the program. If reestablished, the fund shall be used to implement the additional mitigation measures identified below, as appropriate.
  - ii. Revise the City Transfer of Development Rights (TDRs) Ordinance, within three years of Plan adoption, to encourage the retention of the smaller-scale buildings that are prevalent in downtown and are at high risk for redevelopment and demolition. The revised ordinance should be accompanied by a specific TDR program for building owners and project sponsors within the Plan area, and potentially the other Specific Plan areas. This program should include identifying potential properties to participate and outreach to these owners so they understand the benefits as well as how this program could fit into a menu of preservation incentives. The transfer enables the owner of the receiving site to develop additional gross floor area, above and beyond what would otherwise be allowed. The use of this program shall be considered into the current height changes proposed downtown. A good model for this program has been on-going in San Francisco.
  - iii. Adopt an Adaptive Reuse Ordinance within three years of Plan adoption that would encourage preservation of historic buildings within the Plan Area and potentially the other Specific Plan areas. The City of Los Angeles has a highly successful, similar program adopted in 1999 for downtown that was extended into other areas in 2003 that can serve as a model. Other elements of the ordinance should include a means to expedite project approvals for historic building rehabilitations that would convert vacant or underutilized properties to provide housing, SRO units, live-work units, or cultural activities. It should also delineate which historic buildings in downtown are eligible, with a focus on designated Landmarks, buildings within National Register-listed historic districts, and buildings within APIs and ASIs. Provisions could include but not, be limited to reduced permitting costs, ways to accommodate existing floor area ratios, and reduced parking and open space requirements, when necessary to achieve project goals. Other provisions could include expedited review of the use of the California Historical

- Building Code (CHBC) and ways to encourage projects to meet the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- iv. Formulate an oral history program for the cultural groups that have played an important role in downtown. Numerous cultural groups and cultural traditions have influenced the development of downtown and its communities. Engage in a public outreach program to formulate a list of groups and stakeholders, key community individuals who can take leadership roles, and develop a program that will inform the oral history project. Partnerships with the Oakland Public Library, Laney College and StoryCorps could bolster this program. The City should strive to be an instigator in this program.
- **CULT-1B:** Expand public outreach and implementation of the California Historical Building Code (CHBC) for projects that qualify under State law. Dovetail use of the CHBC with the Adaptive Reuse Ordinance as it is implemented. Provide professional development training to the City's building officials and inspectors on the use of the CHBC so that they can implement project review for qualified buildings within reasonable timeframes. Appoint a Senior Building Official as the CHBC-liaison between the Planning Department, the Chief Fire Official and the Building Department so that projects are reviewed with consistency and clarity. Encourage City staff to schedule a seminar with the Office of Historic Preservation's member of the State Historical Safety Board to provide a thorough background of how the code is implemented.
  - **CULT-1C:** Further the Planning Code protections for SRO hotels with additional façade protections for these buildings, perhaps by deeming this specific historic building type eligible for participation in the Mills Act program or by documenting these resources as a thematic, rather than geographically-based API. While Planning Code Chapter 17.153 Demolition, Conversion and Rehabilitation Regulations for Residential Hotels, was adopted in 2018, and provides some protections, additional incentives or protections would further ensure the viability of these resources and mitigate further losses of both their historic use and character.
  - **CULT-1D:** As part of the implementation of Plan Policy LU-2-4 that revises the City's Demolition Findings Requirements to facilitate new compatible development near the outer edges of fragmented APIs and ASIs, require tailored design guidelines to help ensure architectural compatibility. The guidelines should illustrate treatments for rehabilitation of the historic commercial buildings typical in these historic districts, as well as provide strategies for new construction both within and on the immediate periphery or edge of these significant areas. New construction in these areas should take into consideration the historic parcel pattern; assembling lots and creating bulkier building footprints changes the character of the street rhythm. These guidelines will help mitigate the impacts of future development on these sensitive areas of downtown. A strong example for this mitigation is the Historic Downtown Los Angeles Design Guidelines completed in July 2002 by the Los Angeles Conservancy and three downtown Business Improvement Districts (BIDs).
  - **CULT-1E:** The City shall also consider incorporating the following additional mitigation measures as implementation policies or guidelines in the Specific Plan prior to its adoption, although these have a lower priority than measures 1A-1D.
    - i. Study the feasibility of raising the Mills Act tax loss limits for properties within the Specific Plan, Lake Merritt Station Area Plan and Broadway Valdez Specific Plan boundaries, which would encourage more participation in the program. Currently, Oakland has six Mills Act properties within the Plan Area.
    - ii. Provide City support of efforts at the State level to create a State Historic Tax Credit. This could take the form of pro-active encouragement of state legislation that would enact the tax credit.
    - iii. Update the Oakland Cultural Heritage Survey and as part of that effort include elements that focus on: (1) Downtown's built environment associated with the Modern Movement or the Recent Past to determine methods to more completely understand the types of resources present and their historic significance. This could take the form of a funded

Historic Context Statement for Modern Buildings and Landscapes in downtown or a site-specific survey of resources built between 1940 and 1975; and/or a focused review of the banking cluster near the Lake Merritt office district, venues related to food and entertainment, mid-century courtyard apartments, as well as older commercial buildings in downtown that may have been remodeled to reflect the Modern aesthetic. In recent years, Sacramento, San Francisco, Fresno and Pasadena have invested in this type of preservation planning tool with great success and community interest. Downtown's streetscape includes historic parks that are used to determine methods to more completely understand the types of resources present along the streetscape and in downtown's parks. This could take the form of a funded Cultural Landscape Inventory to document and categorize resources. Good models for this are the City of San Francisco Civic Center Cultural Landscape Inventory and the Market Street Cultural Landscape Inventory.

- iv. As part of any redevelopment or expansion of the Laney College Campus, require that a full historic resources evaluation be conducted as well as any properties slated for redevelopment around the College to fully understand the potential historic resources associated with this educational institution and to understand the significance of the campus within the body of work of Skidmore, Owings & Merrill.
- v. Prepare and implement an interpretive program of signage within the Webster Green in Jack London Square to inform users of this new greenway of the historic industrial character of the surrounding urban fabric. This could be an extension of the signage already present in the Waterfront Warehouse District.
- **CULT-1F:** Independent of the Specific Plan, the City shall consider the following measures:
  - vi. Promote graffiti abatement by including additional abatement trips. Currently, only one "courtesy" abatement trip can be scheduled for private property, due to City staffing issues. Extend this to additional abatement trips, per year, within the Specific Plan area boundary. Further, prioritize graffiti abatement in the Plan Area within the Public Realm, especially on prominent historic buildings. Additionally, understand that sometimes graffiti can acquire a cultural significance as well and encourage a graffiti arts program with partner building owners to engage local artists and deter graffiti. Also, raise awareness of non-destructive graffiti abatement methods so historic materials like brick and terra cotta aren't destroyed.
  - vii. Improve vacant building security through partnerships with the Planning, Building and Police Departments to collaborate on maintaining a list of vacant buildings so that Police Officers know which buildings might be at risk of vandalism or other illegal activity. This would mean an investment in a vacant building inventory in the Specific Plan area.
  - viii. Maintain a list of vacant parcels to assist with building relocation assistance. Additionally, a relocation fund could be established and paid into by projects that demolish historic resources. This could result in the salvage of stand-alone historic resources, especially smaller resources that sit on large lots, which face fierce development pressure. This is more appropriate in areas that are not considered historic districts or groupings of buildings. This can be facilitated via CEQA review by making known Historic Preservation Element Action 3.8.1.2, allowing buildings to be moved to a location consistent with its historic or architectural character.
  - ix. Study the feasibility of amending the Downtown Oakland National Register Historic District to provide a means for more property owners to use the Federal Rehabilitation Tax Credits. The amendment should evaluate an extended boundary and additional contributors, to include more of downtown's significant historic buildings. This would provide a means for more property owners to use the Federal Rehabilitation Tax Credit as owners of resources within a National Register-listed historic district.

**CULT-2: Implement Mitigation Measures CULT 1A-CULT 1F.****Project Alternatives**

*Chapter VII, Alternatives*, of the Draft EIR includes the analysis of two alternatives beyond the “No Project Alternative” to the Specific Plan that meet the requirements of CEQA. The other two alternatives would feasibly attain most of the Specific Plan’s basic objectives and avoid or substantially lessen many of the Specific Plan’s significant environmental effects. The CEQA alternatives analyzed in *Chapter VII* include:

- *Partially Mitigated Alternative* – Under this alternative, the Plan Area would be developed at a lower intensity throughout the Plan Area, such that all development (both commercial and residential) would be reduced by 25 percent. The Partially Mitigated Alternative could still result in significant and unavoidable historic resource impacts. The alternative would lessen Impacts CULT-1, CULT-2, and Cumulative Impact CULT-1, but would not entirely eliminate these impacts.
- *Reduced Office Alternative* – This alternative analyzes the development program from the January 2019 Preliminary Plan, which includes approximately the same number of residential units with a reduction of 2,814,500 square feet of commercial square footage. The Reduced Office Alternative could still result in significant and unavoidable historic resource impacts. The alternative would lessen Impacts CULT-1, CULT-2, and Cumulative Impact CULT-1, but would not entirely eliminate these impacts.

The Draft EIR concludes that the No Project Alternative is the environmentally superior alternative. In instances where the No Project Alternative is the environmentally superior alternative, CEQA requires that the second most environmentally superior alternative be identified. Comparison of the environmental impacts associated with each alternative indicates that the Partially Mitigated Alternative would represent the next-best alternative in terms of the fewest significant environmental impacts. Implementation of the Partially Mitigated Alternative would result in slightly reduced environmental impacts but could still result in significant and unavoidable historic resource impacts.

**PUBLICATION AND DISTRIBUTION OF THE DRAFT EIR**

The Draft EIR was made available for public review on August 30, 2019. The NOA for the Draft EIR was distributed to State and local agencies and mailed to Interested Parties. Copies of the Draft EIR are available at the Department of Planning & Building, Bureau of Planning (250 Frank H. Ogawa Plaza, Suite 2114), the Oakland Public Library, Social Science and Documents, 125 14th Street, and the City’s website at: <https://www.oaklandca.gov/topics/downtown-oakland-specific-plan>

**CONCLUSION**

The LPAB is being asked to provide feedback to planning staff on the cultural resource aspects of the Draft EIR on the Specific Plan, the Draft Plan and the associated draft GPAs and preliminary zoning framework including character and intensity areas . All comments received on the Draft EIR will be considered by the City prior to finalizing the EIR and making a decision on the Specific Plan. Comments on the Draft EIR should focus on the adequacy of the EIR in discussing possible impacts on the physical environment, ways in which potential adverse effects might be minimized, and alternatives to the Specific Plan in light of the EIR’s purpose to provide useful and accurate information about such factors. Comments received at this Landmarks Board meeting will help further shape the preparation of the final documents.

Over the next several months, the regulatory framework will be further developed (including General Plan and Planning Code text and map changes), during a series of community advisory group meetings. The zoning framework will be informed by the zoning incentive program economic feasibility analysis that is currently underway. Once drafted and iterated with the community, the General Plan and Planning Code amendments will be presented and reviewed at a future Zoning Update Committee meeting.

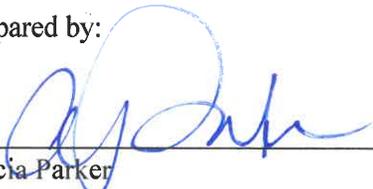
Once the Final Specific Plan, Planning Code and General Plan amendments are prepared, integrating public feedback on the Draft Plan and incorporating any feedback on the Draft EIR, the formal adoption process, the FEIR (response to comments), and EIR certification process will commence. The process will begin with the LPAB, followed by Planning Commission and the Community and Economic Development Committee of City Council, and then the full City Council will consider final adoption.

**RECOMMENDATION:**

Staff requests the Landmarks Board to:

1. Take public testimony on the cultural resource aspects of the Draft EIR on the Draft Plan and provide comments to staff on the cultural aspects of the Draft EIR.
2. Provide any additional comments on the cultural resources aspects of the Draft Plan and the associated draft General Plan amendments and preliminary zoning framework including character and intensity areas
3. Close the public hearing with respect to receipt of oral comments; written comments will be accepted until 4:00 pm on October 22, 2019.

Prepared by:

  
\_\_\_\_\_  
Alicia Parker  
Planner III

Reviewed by:

  
\_\_\_\_\_  
LAURA KAMINSKI  
Acting Strategic Planning Manager

Approved for forwarding to the  
Landmarks Preservation Advisory Board:

  
\_\_\_\_\_  
ED MANASSE, Deputy Director  
Bureau of Planning

**ATTACHMENTS:**

- A. Draft Downtown Oakland Specific Plan (website link)
- B. Notice of Availability (NOA)
- C. Planning Commission September 4, 2019 Staff Report
- D. Downtown Oakland Specific Plan Process
- E. Proposed General Plan Amendments
- F. Proposed Maximum Intensity Map
- G. Historic Resources in the Plan Area
- H. Summary Table (Draft EIR Table II-1)

## **Attachment A**

Draft Downtown Oakland Specific Plan

Website link: <https://www.oaklandca.gov/topics/plan-publications>

## CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA • SUITE 3315 • OAKLAND,  
CALIFORNIA 94612

Planning and Building Department  
Bureau of Planning

(510) 238-3941  
FAX (510) 238-6538  
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**NOTICE OF AVAILABILITY/ RELEASE OF  
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE  
DOWNTOWN OAKLAND SPECIFIC PLAN AND  
NOTICE OF PUBLIC HEARING ON DEIR**

**TO:** All Interested Parties

**SUBJECT:** Notice of Availability/Release of Draft Environmental Impact Report (DEIR) for the Downtown Oakland Specific Plan, and Notice of Public Hearing on the same.

**REVIEW/COMMENT PERIOD:** August 30, 2019 through October 15, 2019

**CASE NO:** ER 18-020 (CEQA State Clearinghouse Number 2019012008)

**PROJECT SPONSOR:** City of Oakland

**PROJECT LOCATION:** The Downtown Oakland Specific Plan (the “Plan”) encompasses approximately 930 acres in Downtown Oakland, generally bound by 27th Street to the north; Brush and Market Streets to the west; the Jack London estuary waterfront and Embarcadero West to the south. The eastern boundary of the Plan extends from the north to Grand Avenue between Broadway and Telegraph Avenue south of Grand Avenue to Lake Merritt, and the Lake Merritt and 5<sup>th</sup> Avenue, Channel excluding the Lake Merritt Station Area Plan Area east of Franklin Street, north on the street and South of 13th street. The Plan Area’s location is shown in Figure 1, and the Plan Area Boundary is shown in Figure 2.

**PROJECT DESCRIPTION:** The Plan will provide a roadmap for how the area develops over the next 20 years through policy guidance on land use, transportation, housing, economic development, public spaces, cultural arts, and social equity.

The Plan aims to ensure that Downtown Oakland remains a place of continuing growth and revitalization, as well as a valuable resource for the larger Oakland community through increased employment, housing, arts, and cultural opportunities. Supporting existing residents by growing existing businesses and the creative economy are important to creating a plan that serves both current and future residents.

The Plan builds on extensive community feedback to meet the following goals:

1. Create opportunities for economic growth for all Oaklanders.
2. Ensure sufficient housing is built and retained to meet the varied needs of current and future residents.
3. Make Downtown Oakland’s streets comfortable, safe, and inviting, as well as improve connections to the city as a whole so that everyone has efficient and reliable access to downtown’s jobs and services.
4. Encourage diverse voices and forms of expression to flourish.

5. Provide vibrant public spaces and a healthy environment that improve the quality of life downtown today and for generations to come.
6. Develop Downtown Oakland in a way that meets community needs and preserves Oakland's unique character.

The components of the Plan include:

- The distribution, location, and extent of the uses of land, including open space, within the area covered by the Plan;
- The proposed distribution location, and extent of the uses of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the Plan;
- Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable; and
- A program of implementation measures, including regulations, public works projects, and financing measures necessary to carry out the proposed improvements

For more information on the Plan, please visit the project website at:

<https://www.oaklandca.gov/topics/downtown-oakland-specific-plan.%20>

**ENVIRONMENTAL REVIEW:** A Draft Environmental Impact Report (DEIR) was prepared for the project under the requirements of the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21000 *et. seq.* The DEIR analyzes potentially significant environmental impacts in the following environmental categories: Land Use, Traffic and Transportation, Air Quality, Greenhouse Gas Emissions, Cultural Resources, Aesthetics, Biology, Soils and Geology, Hazardous Materials, Hydrology and Water Quality, Noise and Vibration, Population and Housing, Public Services and Recreation, and Utilities. The DEIR identifies significant and unavoidable environmental impacts related to, Traffic and Transportation, Air Quality, Aesthetics, and Cultural Resources. Copies of the DEIR are available for review or distribution to interested parties at no charge at the Department of Planning and Building, Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 5:00 p.m. The DEIR may also be reviewed at the following website:

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

**PUBLIC HEARINGS:** The Landmarks Preservation Advisory Board will conduct a public scoping hearing on the DEIR for the project on **Monday, September 23, 2019**, at 6:00 p.m. in Council Chambers, City Hall, One Frank H. Ogawa Plaza, Oakland, CA 94612.

The City Planning Commission will conduct a public scoping hearing on the DEIR for the project on **Wednesday, October 2, 2019**, at 6:00 p.m. in Council Chambers, City Hall, One Frank H. Ogawa Plaza, Oakland, CA 94612.

The City of Oakland is hereby releasing this DEIR, finding it to be accurate and complete and ready for public review. Members of the public are invited to comment on the DEIR and the project. There is no fee for commenting, and all comments received will be considered by the City prior to finalizing the DEIR and making a decision on the project. Comments on the DEIR should focus on the sufficiency of the DEIR in discussing possible impacts on the physical environment, ways in which potential adverse effects might be minimized, and alternatives to the project in light of the DEIR's purpose to provide useful and accurate information about such factors. Comments may be made at the public hearing described above or in writing. Please address all written comments to Alicia Parker, Planner III, City of Oakland, Department of Planning and Building, Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612; (510) 238-3362(phone); (510) 238-6538(fax) or by e-mail at [aparker@oaklandca.gov](mailto:aparker@oaklandca.gov). Comments should be received no later than 4:00 p.m. on October 15, 2019. Please reference case number ER18-020 in all correspondence. If you challenge the environmental document or project in court, you may be limited to raising only those issues raised at the Planning Commission public hearing described above, or in written correspondence received by the Department of Planning and Building on or prior to 4:00 p.m. on October 15, 2019. After all comments are received, a Final EIR (FEIR) will be prepared and the Planning Commission will consider certification of the FEIR and render a decision/make a recommendation on the project at a later meeting date to be scheduled. For further information, please contact Alicia Parker, Planner III at (510) 238-3362 or at [aparker@oaklandca.gov](mailto:aparker@oaklandca.gov)

August 30, 2019

File Number: ER18-020

  
EDWARD MANASSE  
City of Oakland  
Environmental Review Officer

Attachments:

Figure 1: Project Location and Vicinity Map

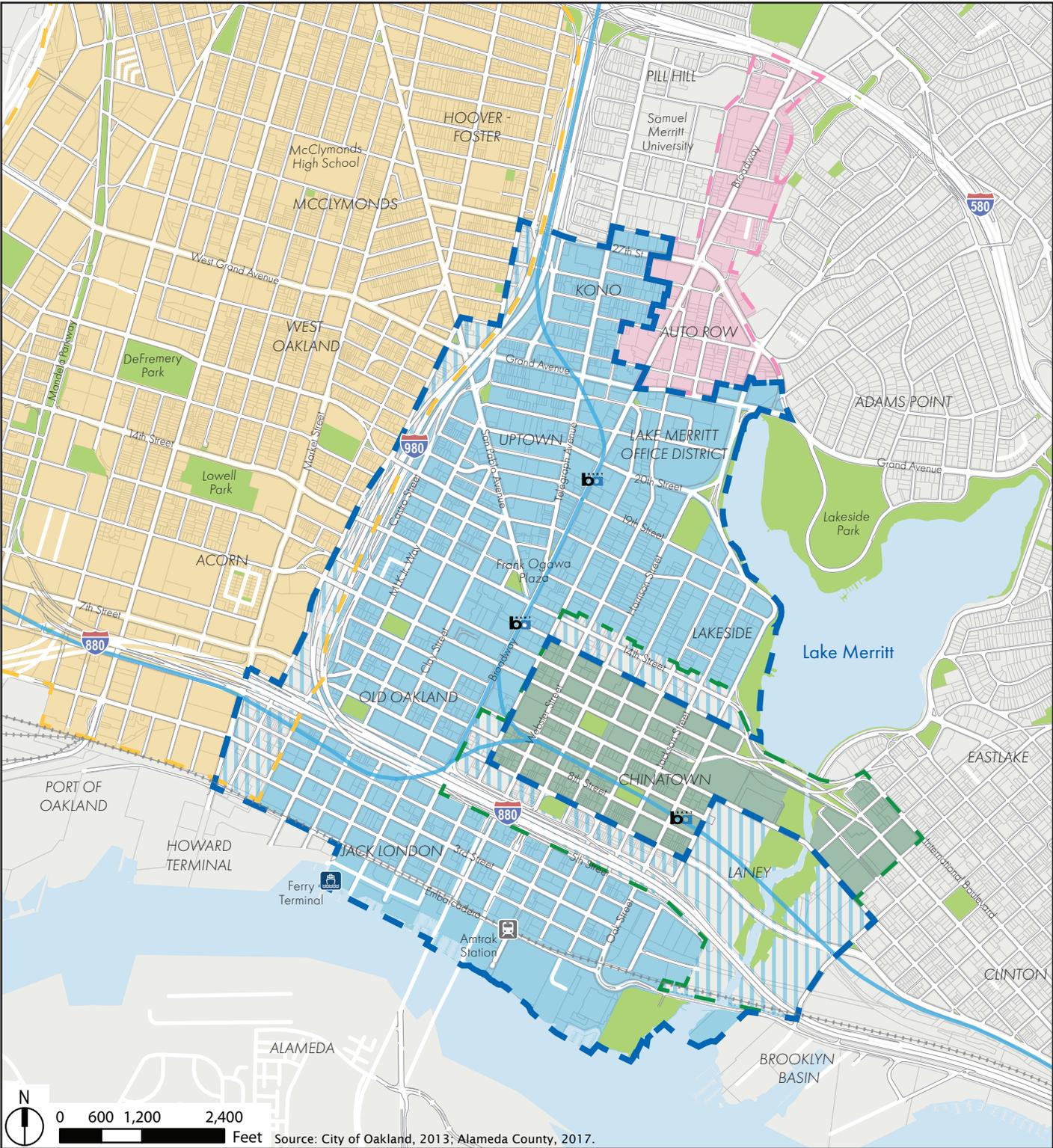
Figure 2: Plan Area



- Legend**
- Downtown Plan Boundary
  - Parks
  - BART Station
  - BART Line
  - Railroad

**Downtown Oakland Specific Plan EIR**

Figure 1  
Project Location and Vicinity Map



Legend

- BART Station
- BART Line
- Railroad
- Parks
- Downtown Oakland Specific Plan Area
- Lake Merritt Station Area Plan
- West Oakland Specific Plan Area
- Broadway-Valdez Specific Plan Area
- Areas of overlap between Downtown Oakland Specific Plan and other Oakland specific plans

Downtown Oakland Specific Plan EIR

Figure 2  
Plan Area

<b>Location:</b>	Area bounded by 27th Street to the north; I-980, Brush and Market Streets to the west; Embarcadero and the Jack London estuary waterfront to the south; and Lake Merritt, Channel, and 5th Avenue to the east
<b>Proposal:</b>	<b>Introduction of the Draft Downtown Oakland Specific Plan (Draft Plan)</b> , including General Plan and Planning Code amendments (text and map changes), and receipt of public and Commissioner comments. Staff will return to the Planning Commission on October 2, 2019 to hear additional comments on the Draft Plan and will also bring the Draft Environmental Impact Report (Draft EIR) for public and Commissioner comments.
<b>Applicant:</b>	City of Oakland
<b>Case File Number:</b>	SP16001
<b>General Plan:</b>	<b><u>Land Use and Transportation Element (LUTE)</u></b> Business Mix; Central Business District; Community Commercial; General Industry and Transportation; Institutional; Mixed Housing Type Residential; Neighborhood Center Mixed Use; Urban Park and Open Space; Urban Residential <b><u>Estuary Policy Plan (EPP)</u></b> Light Industry 1; Mixed Use District; Off-Price Retail District; Parks; Planned Waterfront Development 1; Produce Market; Retail Dining Entertainment 1; Retail Dining Entertainment 2; Waterfront Commercial Recreation 1; Waterfront Mixed Use; Waterfront Warehouse District
<b>Zoning:</b>	C-40, C-45, CBD-C, CBD-P, CBD-R, CBD-X, CC-1, CC-2, CC-3, CIX-1A, CIX-1B, D-LM-2, D-LM-3, D-LM-4, D-LM-5, IG, M-20, M-30, M-40, OS(LP), OS(NP), OS(RCP), OS(RCA), OS (AF), OS (AMP), OS(SU), R-80, RU-3, RU-4, RU-5, S-2
<b>Environmental Determination:</b>	The Draft Environmental Impact Report (Draft EIR) for the Downtown Oakland Specific Plan will be available for public review (SCH No. 2019012008) on August 30, 2019 and will be brought before the Planning Commission on October 2, 2019. The Draft EIR will be subject to a 45-day public review and comment period.
<b>Historic Status:</b>	52 Landmarks, 21 Areas of Primary Importance (API), 27 Areas of Secondary Importance (ASI)
<b>City Council District:</b>	2, 3
<b>Status:</b>	The Draft Plan was released on August 30, 2019 and will continue to be subject to public review and comment. The Draft EIR was also released on August 30, 2019, and will be subject to a 45-day public review and comment period and a public hearing before the Planning Commission on October 2, 2019.
<b>Action to be Taken:</b>	Staff will provide an introduction to the Draft Plan on September 4, 2019, and receive public and Commissioner comments. Staff will return on October 2, 2019 to receive additional comments on the Draft Plan, and to review and receive public and Commissioner comments on the Draft EIR.
<b>For Further Information:</b>	Contact Project Manager <b>Alicia Parker</b> at <b>(510) 238-3362</b> or by email at <b>aparker@oaklandca.gov</b> .

## SUMMARY

The purpose of this report is to provide an introduction and overview of the Draft Downtown Oakland Specific Plan (Draft Plan), including proposed changes to the General Plan and Planning Code to achieve the vision of the Draft Plan. The hearing today is the first of many upcoming public forums on the Draft Plan, including multiple advisory commissions, stakeholder meetings, and a second Planning

Commission hearing on October 2, 2019 that will allow for further public comment on the Draft Plan, as well as the Draft Environmental Impact Report (Draft EIR).

The process to develop a specific plan for Downtown Oakland began in 2015, and will result in an update to city policies that guide downtown development by considering Oakland's projected housing and employment needs over the next 20 years. The Draft Plan will serve the broad needs of the entire Oakland community – including inclusive economic opportunity; anti-displacement measures to help protect residents, businesses and community institutions; a welcoming public realm that is safe, engaging, and inclusive; and reduction of racial disparities in access to opportunity and quality of life.

## **BACKGROUND**

The process to develop the Downtown Oakland Specific Plan began in 2015. The initial phase of the planning process culminated with the Plan Alternatives Report in Spring 2016, about which the City received thousands of comments. Many comments expressed concerns about the rapid displacement of communities of color, as well as displacement of independent small businesses and community-serving non-profits who provide essential services to historically marginalized communities. Some members of the business community warned about dampening the investment appeal of downtown, citing risky capital markets, ostensibly limiting the feasibility of future development projects through the application of too many additional fees. City Economic Development staff expressed the importance of economic activity downtown as a mechanism for generating revenue that funds critical public services citywide. Community members also expressed concern that all stakeholder voices be represented in the discussion, including Oakland residents who live elsewhere in the city. In response to these comments, the City initiated a new phase in the Downtown Plan process in 2017 focused on engaging a broader, more representative section of the community. This “Phase II” in the Downtown Plan process marked a re-launch in the planning process with an equity lens, and a focus on developing balanced strategies for downtown's future that would protect what makes downtown “authentically Oakland” and bring opportunities to downtown that benefit the entire Oakland community - including underserved communities.

Supported by an equity consultant and the City's newly-formed Department of Race and Equity, the planning team revised the process to better involve members of the City's most vulnerable communities. The team analyzed disparities in life outcomes and proposed equity-related outcomes and policy directions. This work was based on racial equity impact assessment (REIA) and results-based accountability (RBA) models, which together involve identifying and measuring indicators of racial disparities; including affected communities in identifying and designing solutions to those disparities; and assessing proposed strategies to determine whether they will close or widen the identified disparity gaps.

Attachment A details both phases of the planning process.

## **PLANNING CONTEXT AND BOUNDARY**

The physical boundaries of the Downtown Specific Plan include the area bounded by 27th Street to the north; I-980, Brush Street, and Market Street to the west; the Jack London estuary waterfront and Embarcadero West to the south; and Lake Merritt, Channel, and 5th Avenue to the east. Chinatown is not included in the boundaries of the Downtown Oakland Specific Plan because it previously went through its own specific planning process that led to the adoption of the Lake Merritt Station Area Plan in 2014. However, it is included in the neighborhood descriptions within the planning context for the Downtown Specific Plan. In addition, there are recommendations in the plan for Chinatown that relate to transportation, streetscape, parks and park maintenance, community facilities, and cultural districts.

While downtown is a resource for all of Oakland and the broader East Bay region, it is important to remember that Downtown Oakland is also a series of unique neighborhoods with distinct character, needs and opportunities. Downtown's success as an economic, social, and cultural engine for the city is also dependent on the success of its neighborhoods and commercial hubs:

**Central Core:** The Central Core area consists of large buildings, many with historic designation, including City Hall and the adjacent Frank Ogawa Plaza. Centered around 14th Street and Broadway, the area contains Oakland's first adopted cultural district, the Black Arts Movement and Business District which has a concentration of local and Black-owned businesses, and is the City's most dense transit corridor.

**Lake Merritt Office District:** Fronting Lake Merritt, the jewel of Oakland, the Lake Merritt Office District offers expansive views and opportunities for outdoor connection with nature. The neighborhood includes much of downtown's Class A office space. The 19th Street BART Station and AC Transit's Uptown Transit Center serve the Lake Merritt Office District.

**Uptown:** The Uptown area spans a large portion of the northern part of downtown. Several of Oakland's historic large-scale entertainment venues are in the Uptown area, including the Fox and Paramount Theatres. More recently, smaller-scale theaters, along with bars, restaurants, and art galleries, have also located in the area making it a vibrant entertainment area.

**Koreatown/Northgate (KONO):** The KONO area between Telegraph and Northgate Avenues is comprised of a variety of Victorian homes and apartment buildings. Small shops front onto Telegraph Avenue hosting a variety of multi-ethnic businesses. Northgate Avenue is a wide boulevard, with few pedestrian amenities. The freeway underpass also acts as a barrier in the neighborhood.

**West of San Pablo:** The area west of San Pablo Avenue has some historic resources containing both historic areas of primary and secondary importance, including residential hotels and apartment buildings, a crucial source of affordable housing in downtown. There are gaps in the building fabric along the street edges, which would be appropriate for infill development. The downtown area west of San Pablo Avenue includes 17th Street and 20th Street, which are gateways to downtown from West Oakland.

**Lakeside Apartment District:** The Lakeside Apartment District is an established neighborhood providing urban housing in a unique setting. The neighborhood is comprised mostly of closely spaced apartment buildings with little or no setback from the sidewalk. Some prominent historic landmarks are contained in the neighborhood including the Malonga Casquelourd Center for the Arts, one of the region's first centers for African and African diaspora performance-based art forms, as well as the Scottish Rite Temple. Also within the District is the Main Branch of the Oakland Public Library, which provides essential services to Oaklanders.

**Old Oakland:** Old Oakland is comprised of historic residential communities and small shops and businesses. The area features many historic buildings and quality street-oriented building fabric. Preservation and enhancement are a major focus in the core of Old Oakland. The area's eclectic mix of uses continues to provide fertile landscape for artists, small businesses and residents to flourish, as well as a strong hold of auto-shops and garages, remnants of the area's past.

**Jack London:** The Jack London District is situated on the estuary waterfront and has a distinct early industrial and maritime character. The area has experienced tremendous change from historic industrial and distribution uses to more recent retail, dining and entertainment, office and maker uses. The area contains several important historic resources including the historic waterfront warehouse district, the historic produce market, both rated as "Areas of Primary Importance" (API), and several landmark buildings including some of Oakland's earliest buildings (the first buildings in Oakland were sited here as the city grew up around the port-serving activities).

**Chinatown:** Chinatown represents an important node of activity in the downtown. Every day of the week, Chinatown is bustling with activity and is consistently a significant tax revenue generator for the City. The area contains several historic areas and contains a distinct Asian-influenced architectural character.

**Laney College:** The Draft Plan expands upon the improvements contemplated as part of the Laney College Facilities and Technology Master Plan including transforming the existing parking lots and administrative sites into mixed use, vocational and college-supporting uses with student housing that would connect to the Lake Merritt BART transit-oriented development (TOD).

## PROJECT DESCRIPTION

The Draft Plan document begins with a setting section that places downtown within the larger Bay Area context and describes its physical landscape, as well as its unique assets including its cultural diversity. The vision section presents six key goals to which the Draft Plan proposed policies, programs and actions aspire. The policy recommendations and regulatory changes to achieve the Plan's vision are in the following main chapters of the Draft Plan:

- Chapter 1 - Economic Opportunity
- Chapter 2 - Housing
- Chapter 3 - Mobility
- Chapter 4 - Culture Keeping
- Chapter 5 - Community Health
- Chapter 6 - Land Use & Urban Form.

Additionally, the Implementation chapter (Ch. 7) outlines the key actions, partners, possible funding sources and a timeline to implement the Draft Plan.

The Draft Plan sets forth an ambitious vision articulating downtown Oakland's extraordinary capacity to become a dynamic regional hub of culture, employment, housing and transit that is welcoming to the entire community. The Draft Plan proposes transformative ideas to connect the community's goals to strategic actions. The summary figures below are representative of the types of improvements and forward-thinking ideas contained in the Draft Plan.

Jobs & Retail	Housing	Civic Improvements	Future Projects
<ul style="list-style-type: none"> <li>• 60,000 jobs</li> <li>• 20 million square feet of new commercial space</li> <li>• \$21.2 million affordable housing fees</li> </ul>	<ul style="list-style-type: none"> <li>• 29,100 new units</li> <li>• Target: 15-25% of new units affordable</li> <li>• \$480-544 million in affordable housing fees</li> </ul>	<ul style="list-style-type: none"> <li>• Cultural and small business space targeted to cultural districts</li> <li>• Pedestrian and bicyclist safety</li> <li>• Restrooms, water fountains, benches and other amenities</li> </ul>	<ul style="list-style-type: none"> <li>• Considers the potential for:               <ul style="list-style-type: none"> <li>• I-980 conversion</li> <li>• Stadium at Howard Terminal (and adjacent development)</li> <li>• Second transbay BART crossing</li> </ul> </li> </ul>

The central ideas of each Draft Plan chapter are summarized below.

**Economic Opportunity - Central Idea:** *Make downtown a racially and economically diverse regional employment center by identifying office priority sites, targeting training for living wage jobs to fill those spaces, and by investing in small businesses and businesses owned by people of color.*

Key City Investments & Policies:

- Capitalize on geographic and transit assets by identifying office priority sites and promoting density at downtown's regional transit hubs;
- Activate ground floor retail/commercial spaces by developing a program to master lease vacant spaces, and sub-lease them to small, local and culturally relevant retailers, artists and artisans;
- Expand initiatives and partnerships with the tech sector, and other sectors targeted for expansion, to increase equitable business development and employment opportunities;
- Expand existing and develop new summer job and local hire & training programs to ensure that employment growth benefits the Oaklanders most need of opportunity.

**Housing & Affordability - Central Idea:** *Maintain downtown as a collection of unique neighborhoods where people of all races and incomes live by adding 29,100 new homes by 2040, of which 4,365 to 7,275 will be affordable units.*

Key City Investments & Policies:

- Prioritize a portion of the affordable housing funds generated downtown for downtown projects by adapting scoring criteria and/ or increasing affordable housing impact fees;
- Study an inclusionary housing requirement for downtown that could replace the affordable housing impact fees currently in place;
- Establish a program to incentivize community-desired benefits in exchange for increased development potential;
- Encourage large units for families and accessible units for older adults and people with disabilities.

**Mobility - Central Idea:** Connect people across Oakland to downtown and unify the downtown neighborhoods by expanding high-quality transit, bicycle routes, pedestrian access and amenities for an active street life.

Key City Investments & Policies:

- Streetscape investment, including curb ramps, high-visibility crosswalks, landscaping and public space improvements;
- Investment in dedicated transit lanes;
- Investment in downtown's bicycle network to expand the number of high-quality routes and increase the overall number of connected and continuous routes throughout downtown.

**Culture Keeping - Central Idea:** Leverage and protect Oakland's diverse cultures as an engine for artistic innovation and economic growth by establishing and implementing cultural districts downtown with support for cultural institutions and businesses.

Key City Investments & Policies:

- Develop a master lease program that provides affordable space for small local retailers, artists and artisans;
- Dedicate ground floor space for cultural, arts, and maker uses in new developments located in cultural districts;

- Construct coordinated streetscape and public space improvements that help identify and enhance arts and culture districts.

**Community Health - Central Idea:** Enhance quality of life and health for all Oaklanders by improving and expanding public spaces, strengthening community resilience, implementing urban greening projects, reducing private vehicle trips, and shifting to renewable energy sources.

Key City Investments & Policies:

- Create a safe and healthy public realm through improvements to streets, parks, and open-space, with a focus on enhancing connections between the Lake Merritt, Channel, and Estuary waterfronts and the rest of downtown;
- Improve the experience of existing parks, open space, libraries and other community facilities through capital investments in equipment upgrades, maintenance and programming;
- Draft and adopt new design guidelines for streets and public spaces;
- Reduce greenhouse gas (GHG) emissions by investing in improvements to the walking, biking and transit network and eliminating fossil fuels from building systems;
- Apply concepts to downtown from the “Pathways to Deep GHG Reductions in Oakland” Report (March 2018); utilize strategies from “Sustainable Oakland”, “Sea Level Rise Road Map” and other reports for a more resilient downtown.

**Land Use and Urban Form - Central Idea:** Foster new development that serves all Oaklanders and addresses housing & employment demand by: preserving historic and cultural assets; creating a lively, interactive, vibrant and culturally relevant public realm; and providing increased building intensity in exchange for pre-defined community benefits.

Key City Investments & Policies:

- Develop and invest in a coordinated system of downtown streetscape improvements to link commercial and residential activity centers with the Lake Merritt, Channel, and Estuary waterfronts via the proposed “Green Loop”;
- Revise land use & zoning regulations to reflect Plan goals and target new density near transit;
- Designate “Office Priority Sites”;
- Designate arts/culture districts;
- Create a streamlined development incentive program to provide increased building intensity in exchange for pre-defined community benefits.

### Development Potential

The Downtown Oakland Specific Plan (also referred to as Downtown Plan, Draft Plan or DOSP) is being developed to implement the City of Oakland General Plan. The Plan will guide downtown development over the next 20 years to serve the needs of the entire Oakland community - including economic opportunity, housing, transportation, arts and culture, community health, land use, and reduction of disparities in access to opportunity and quality of life.

The Draft Plan identifies opportunity sites – typically parking lots and low-scale, underutilized buildings – that could be redeveloped over the next 20 years to accommodate job-generating land uses and much-needed housing to fulfill the Draft Plan’s vision of creating a dynamic regional employment center in downtown Oakland to capitalize on downtown’s excellent transit assets, flourishing creative community, racial and ethnic diversity and temperate waterfront setting. The development potential for downtown over the next 20 years was calculated by estimating the amount of residential, commercial, industrial and institutional space that could be accommodated on opportunity sites based on changes to the allowed intensity (i.e., height limits, density, and floor area ratio (FAR) as well as changes to allowed uses.

Page 242 of the Draft Plan describes the development program, which is summarized here:

	<b>Existing Development</b> (residential units [Units] and commercial square footage [SF])	<b>Projected New Development by 2040</b> (with Draft Plan)	<b>Total Existing plus New Development</b>
Residential (Units)	15,032	29,100	44,132
Total Commercial (SF)	24,854,203	20,060,000	44,914,203
Office (SF)	15,998,592	16,840,000	32,838,592
Retail/Neighborhood (SF) Serving Commercial (SF)	8,855,611	2,330,000	11,185,611
Flex Commercial	N/A	889,000	889,000
Light Industrial (SF)	1,788,992	260,000	2,048,992
Institutional (SF)	3,728,872	1,310,000	5,038,872
Parking (Spaces)	N/A	16,000	16,000

Based on the potential changes to the permitted intensity and allowed uses, the development program for the Draft Plan would nearly triple the number of residential units downtown and double the amount of commercial space and jobs.

The Draft Plan also proposes an ambitious set of policies, across a variety of topic areas, to achieve equitable and sustainable development. The Draft Plan proposes measures of success to track progress towards achieving equitable, sustainable development. A draft version of the measures of success was brought before the community for review prior to the release of the Draft Plan. The measures of success in the Draft Plan are those for which the City has data, or is reasonably sure it can begin to collect the data, and that relate back to closing the racial disparity gaps (many measures are drawn from the *Oakland Equity Indicators*).

**KEY ISSUES****Need for New Funding and Fees to Achieve Plan Goals**

As previously mentioned, the Draft Plan proposes an ambitious set of policies across a variety of topic areas to achieve equitable and sustainable development. Many of the draft policies that would most directly assist vulnerable communities involve improving existing or developing new programmatic activities. For example, enhanced programs could provide small business support, job training and youth programming. Investment in building facades, publicly-owned cultural facilities and the biking and walking environment would also have a profound impact on downtown's sense of safety and cultural belonging. However, in the current fiscal climate, additional sources of revenue are needed to implement these types of programmatic recommendations and physical improvements. Funding sources that may need to be developed or revamped to implement the Draft Plan include the following:

1. Update/increase the Landscaping and Lighting Assessment District (LLAD) fee
2. Augment capacity of the Business Assistance Center and business outreach
3. Increase funds for the city's Façade Improvement Program
4. Increase the Capital Facilities Impact Fee for parks, libraries, fire, etc.
5. Adopt a new value-capture mechanism downtown such as an Enhanced Infrastructure Financing District (EIFD) to fund affordable housing and other needed improvements
6. Develop a mechanism to fund a low-income transit pass
7. Create a cultural facilities fee
8. Modify the transient occupancy tax (TOT) (with a ballot measure) to enhance funding for cultural programming
9. Develop a facilities access fund to subsidize access to performance space

**Impacts to Emergency Fire Service Response**

The growth in population anticipated in the Draft Plan could impact emergency fire service response times. Although new development pays an existing Capital Facilities Impact Fee for parks, libraries, fire, etc. and new office buildings will contribute ongoing tax revenues to the city's general fund to support public services including emergency fire services, fire department staff report being under-resourced, particularly related to the enhanced capacity needed to serve new downtown development. The Draft Plan recommends an increase to the Capital Facilities Impact Fee, part of which could be directed to enhanced fire services.

**Housing Policy Recommendations**

Rapid job growth is driving increased housing demand and rising housing costs. Housing is generally considered affordable if 30% or less of a household's income is spent on housing. As of 2015, 54% of Downtown Oakland renters paid over 30% of their income on housing, and 25% of households spent more than half their income on housing. This compares to 45% and 23%, respectively, in 2000. Significant racial disparities exist citywide in the proportion of income spent by renters on housing with the greatest disparities experienced by African American households, with 63.4% spending over 30% of their income on housing, followed by Latinx households at 59.9%, Asian or Pacific Islander households at 53.4%, and White households at 40.1%. In addition, homelessness increased between 2015 and 2017 by 26%, and increased again between 2017 and 2019 by 47%. The Draft Plan proposes strategies to strengthen or revise existing housing policies as well as proposals for new housing policies and programs.

The Draft Plan calls for creating between 4,365 and 7,275 subsidized affordable housing units downtown by the Plan build-out year of 2040, out of the 29,100 total housing units projected downtown over that same time period. This would be equivalent to 15 to 25 percent of the total projected new units. The recommended affordable housing policies are described below:

- Adapt scoring criteria for awarding City affordable housing funds to prioritize projects in adopted specific plan areas, transit-oriented locations, and in locations meeting certain levels of employment access or workforce services. This could also include points for artist-serving housing.
- Study increases to the jobs/housing and/or affordable housing impact fee, with a goal of allocating new affordable housing fees using the new scoring criteria noted above for awarding City affordable housing funds, or dedicating a portion of the new impact fee revenues generated to affordable housing production in downtown.
- Explore creating a new long-term revenue stream from a downtown-specific value capture mechanism, with the bulk of revenues dedicated to affordable housing retention and production; examples of mechanisms include an Enhanced Infrastructure Financing District (EIFD), which reinvests growth in property tax revenue above a baseline amount.
- Study an additional development density bonus option for projects that provide housing units designed and suitable for families—particularly three-bedroom units.
- As part of the recommended impact fee assessment, study the merits of developing a downtown-only inclusionary housing requirement in place of the existing affordable housing impact fees.
- Expand renter services and counseling.
- Maintain effective enforcement of rent adjustment and just cause eviction laws.
- Implement a consolidated online waiting list for rent-restricted affordable housing units.

### **Mobility Recommendations**

Chapter 3 of the Draft Plan includes the strategies to improve mobility downtown and sets forth the main mobility objectives for Downtown Oakland, which are to:

1. Improve access and safety for pedestrians;
2. Create a world class transit network linking Oaklanders throughout the city to downtown; and
3. Develop a connected network of low-stress bicycling facilities.

Out of the mobility-related policies, programs and actions, the implementation priorities discussed during the June implementation community advisory group (CAG) meetings included (in no particular order):

- **Design and construct a core bicycle network throughout Downtown. Link the core bike network to the short-term network in the city's Bike Plan.**

While this was cited as a priority among the majority of participants at the CAG implementation meetings, some community members remain concerned. Chinatown stakeholders continue to express concern about bike lanes in the core of Chinatown if they cause reduction in parking (which could discourage tourists and customers), or if they reduce the capacity of the streets, which need to accommodate passenger loading and commercial deliveries. Additionally, the speed of bikes and motorized scooters is also a point of concern for Chinatown seniors.

Chinatown stakeholders expressed strong support for being a key partner in the implementation of all mobility-related recommendations.

- **Implement transit priority treatments on key downtown corridors and decrease bus headways to improve overall transit travel times, and access to, from and within downtown.**

This recommendation was generally supported, although Chinatown stakeholders are concerned that the reduction of vehicle capacity on Broadway and 7<sup>th</sup> Streets could shift cars onto nearby neighborhood streets, including in Chinatown. The Chinatown Coalition requested that improvements to the Chinatown street network (including two-way conversion on Franklin and Webster Streets, and implementation of the Oakland Alameda Access Project to reduce the impacts of the existing I-880 bound Alameda traffic exiting the Posey Tube on local Chinatown streets) would be needed to assuage their concerns (however the Chinatown Chamber notes some concern with two-way conversion if the reduction in capacity causes less access for loading and commercial deliveries, and introduces more conflicts between road users – pedestrians, bicyclists, and autos).

- **Work with transit agencies to offer a low-income transit pass to reduce the cost of transit fare and a free transit pass for school-aged children.**

AC Transit is supportive of this concept, but notes that additional funding sources would be needed.

- **Reconfigure transit service in Jack London and Chinatown to better connect with regional transit (ferry terminal, Amtrak, and Lake Merritt BART), and improve bus transit connections between Downtown and East Oakland.**

This recommendation was generally supported by affected stakeholders. However, some stakeholders expressed concern about improving transit access to East Oakland having the unintended consequence of potentially leading to gentrification.

- **Expand the Park Oakland program to additional areas of downtown to manage public parking to balance the diverse needs of Downtown Oakland’s visitors, merchants, commuters and residents.** Actions include: increase ADA-accessible parking and passenger loading; implement real-time parking signage; adopt the Sensor Independent Rate Adjustment (SIRA) methodology recommended in the Downtown Oakland Parking Management Report (June 2016) to monitor parking occupancy in real time; establish parking benefit districts; give merchant and neighborhood organizations an advisory role in how to spend revenues; and establish a committee to propose reforms to curb parking availability for people with disabilities, and Disabled Placard fraud and abuse.

This recommendation was particularly important to the downtown small business community, as they state that most of their customers arrive by automobile and an easy-to-navigate parking system, with equitable fee structure, is needed.

- **Develop a Curbside Management Study, building upon the 2016 Downtown Oakland Parking Management Report.**

This recommendation was also important to the downtown small business community.

### **Prepare a Sea Level Rise Adaptation and Shoreline Protection Strategy for Downtown as Part of a Regional Strategy**

Mitigating the potential effects of future flooding from sea-level rise is a high priority for the City. Projected long-term sea-level rise poses a significant threat to the Jack London Waterfront, Oakland Estuary, Lake Merritt, and Oakland’s overall stormwater system. Therefore, with investments being made in Estuary Park and Jack London Square, as well as the future potential of sites like Howard Terminal and Victory Court, it is vital to prepare a comprehensive adaptation strategy for Oakland’s areas affected by

sea level rise. The Draft Plan includes resiliency strategies such as: maintaining up-to-date sea level rise maps to inform future development; working with local and regional agencies to proactively adapt vulnerable infrastructure and identify long-term shoreline protection strategies; upgrading community centers as shelters for vulnerable residents from climate and other emergencies; and where feasible, constructing new building pads and vital infrastructure at elevations 36 inches higher than the present-day 100-year return period water level in the bay. In addition, the Draft Plan includes sustainability recommendations such as: reducing private auto vehicle trips (and thus, greenhouse gas emissions which contribute to global climate change) by investing in walking, biking and transit and accelerating the electrification of private vehicles. Transitioning to natural gas-free buildings to curb emissions is also a recommended policy in the Draft Plan.

### **General Plan Amendments and Zoning Regulatory Framework**

The Draft Plan contains draft recommendations and alternative options for General Plan (GP) amendments and the zoning regulatory framework that will serve as a guide to writing new zoning regulations to achieve its robust development vision. The draft GP amendments and zoning regulatory framework are based on community feedback related to the character and intensity of downtown and are summarized below. The city will be undertaking a focused community process over the next few months to guiding the creation of new zoning regulations for downtown, including going to the Zoning Update Committee (ZUC) for input. The character area maps (for land use) and the intensity maps (for height, density, and floor area ratio) will be used as a basis for writing the new downtown zoning regulations.

#### *General Plan Amendments*

The Draft Plan recommends updating the “Central Business District (CBD)” General Plan designation to include three different CBD General Plan categories with three different Floor Area Ratio (FAR) and density allowances. One of the new CBD categories, “CBD-3”, includes an area of greater intensity spanning between the Central Core and Lake Merritt Office Districts where the greatest intensity of downtown development is envisioned. In this area, the current FAR could increase from 20.0 to 30.0. The new “CBD-1” land use classification with an FAR of 12.0 would incorporate the Uptown and KONO subareas (replacing the current “Community Commercial” and “Urban Residential” GP classifications). The remaining existing Central Business District designation will be now called “CBD-2” and would retain the existing Central Business District FAR of 20.0. In the Jack London area, intensity is proposed to be increased throughout the district (except certain historic districts), with greatest intensity increases near the I-880 freeway, Howard Terminal and Lake Merritt Channel (see Attachment B for the proposed General Plan amendments that are also on page 225 of the Draft Plan).

#### *Zoning Regulatory Framework*

- A. The Draft Plan contains a proposed character map that identifies the type of environment envisioned for each downtown neighborhood, district and corridor. The character map will serve as the basis for the updated zoning designations for downtown, including the Jack London District. The character map implements the key aspects of the Draft Plan’s vision, such as designating corridors as mixed-use to encourage a variety of shops, cultural uses and other activity-generating ground floor uses that would link hubs of community activity. The character map considered the character of historic areas such as portions of the Lakeside neighborhood, Old Oakland and West of San Pablo subareas where little change is envisioned and a mixed residential character designation is proposed to retain the residential character of historic buildings. A Flex Industry and Mixed-Use Flex character area is proposed in historic warehouse areas such as along 25<sup>th</sup> Street in KONO, as well as the 3rd Street area west of Clay Street and the Produce Market in Jack London, to preserve and encourage more spaces for arts, culture and light manufacturing. The proposed intensity map that includes height, density, and FAR maximums further reinforces the character for these areas.

- B. The Central Core and the Lake Merritt Office District are centered around existing BART stations and provide a hub of workplaces that serve the region. Given Downtown Oakland's competitive advantages for employment in office-based sectors, maintaining the availability of office space will be critical as there are limited prime sites for future office development, which must have a large floor plate, be near BART and be proximate to existing office concentrations. It is estimated that downtown could absorb approximately 20 million square feet of new office space over the next 20 years, however prime office sites are at risk from being developed as currently more lucrative residential uses. Attachment C proposes office priority sites in which a designated percentage of gross floor area would have to be dedicated to commercial office space. The proposed intensity map includes an increase in FAR and density maximums to allow for this future office growth.
- C. Preserving downtown's racial and cultural diversity is one of the main goals of the Draft Plan due to the vulnerability of downtown's vibrant cultural landscape in the face of unprecedented economic investment. One of the strategies that the Draft Plan proposes to address cultural preservation and belonging is the establishment of a Cultural District Program to formalize collaborative partnerships between the City and community. While Cultural Districts can be applied in a geographically expansive way, the zoning tools to implement specific outcomes must be applied to smaller, more targeted areas, thus the Draft Plan also proposes Cultural District Overlays. Zoning tools that can be applied in the Cultural District Overlays include cultural density bonuses (in conjunction with the zoning incentive program); restricting certain uses (to limit competition with cultural uses); creating a new "Arts & Culture" land use classification to permit a wider range of arts & cultural uses; requiring new development in Cultural Districts to have minimum square footage of cultural space; and permitting temporary art space, among other tools.
- D. The City is currently studying the feasibility of developing a bonus incentive program that would establish a finite number of consistent, pre-defined community benefits (such as dedicated ground floor cultural space, dedicated open spaces, investment in cultural facilities such as the Malonga Casquelourd Center for the Arts, Oakland Asian Cultural Center, Lincoln Recreation Center and Main Branch of the Oakland Public Library, among other possible public benefits) that must be provided by development in exchange for increases in building intensity (height, density, and/or floor area ratio). The study will identify case studies of cities with similar development contexts, analyze the value of additional development potential and evaluate the possible interaction of a Downtown Oakland zoning incentive program with California's Density Bonus Law program and a potential transfer of development rights program. The study will culminate with targeted recommendations for a zoning incentive program in Downtown Oakland, which will be incorporated into the Planning Code update. The areas on the intensity map that are outlined in dark black are areas that will be subject to the Zoning Incentive Program to achieve maximum heights, density, and FAR (see Attachment D for the Proposed Maximum Intensity Map).

### **Implementation, Evaluation, Oversight and Accountability**

New zoning for downtown and Jack London would be adopted concurrently with the Final Specific Plan and General Plan amendments. Other implementing actions recommended in the Plan would occur after adoption, and many will be led by departments other than Planning and Building. The strategies, policies and programmatic actions in the Draft Plan have been coordinated with the City's recent strategic planning efforts including the 2018 Cultural Plan, the 2018 Pathways to Deep GHG Reductions in Oakland Report, the 2017 Economic Development Strategy, the 2016 Department of Transportation Strategic Plan (as well as the 2017 Pedestrian Plan, "Oakland Walks!" and the 2019 Bike Plan), and the currently underway Permanent Access To Housing (PATH) Plan, among others. Thus, the Draft Plan has been designed to be implementable across City departments.

The Implementation Chapter lists actions needed to implement the vision of the Draft Plan, as well as which items are to be implemented upon plan adoption, immediately/ongoing, near term, and longer term. Implementation of the Draft Plan will require significant coordination, new financial resources and strategic partnerships with public agencies, philanthropic foundations and community organizations. Ongoing community involvement and routine tracking of progress on the measures of success is also necessary. Specifically, implementation will require:

1. Planning staff dedicated to coordinating specific Downtown Plan measures;
2. Interdepartmental coordination through regular meetings that track projects and programs recommended in the Downtown Plan;
3. Developing a Specific Plan Implementation Committee that includes City departmental staff, partner agencies, community organizations and community members representing all of Oakland's diverse community.

#### **NEXT STEPS**

Staff will lead a community engagement effort to receive feedback on the Draft Plan. The schedule of public meetings follows:

Chinatown Chamber Meeting	9/10/2019 at 7pm	388 9th St, Oakland Asian Cultural Center, Room 2, Oakland, CA 94607
Parks & Recreation Advisory Commission	9/11/2019 at 4:30pm	666 Bellevue Ave, Oakland CA 94610
Jack London Business Improvement District	9/11/2019 at 5pm	(Check project website for meeting details)
Mayor's Commission on Persons with Disabilities	9/16/2019 at 5:30pm	1 Frank H Ogawa Plaza, City Hall, Hearing Room 1, Oakland, CA 94612
Old Oakland Association	9/18/2019 at 7pm	Old Town Square Community Room. 555 10th Street (at Clay)
Bicyclist & Pedestrian Advisory Commission	9/19/2019 at 6pm	1 Frank H Ogawa Plaza, City Hall, Hearing Room 4, Oakland, CA 94612
Thursdays at Latham Square	9/19/2019 at 5pm	Latham Square, Broadway & Telegraph at 15th Street, Oakland
Landmarks Preservation Advisory Board	9/23/2019 at 6pm	1 Frank H Ogawa Plaza, Council Chambers, Oakland, CA 94612
SPUR Board Meeting	9/24/2019 at 5pm	(Check project website for meeting details)
CAG Meeting (Zoning Incentive Program)	9/25/2019 at 5:30pm	1 Frank H Ogawa Plaza, City Hall, Hearing Room 3, Oakland CA 94612
Oakland Chamber	9/25/2019 at 12pm	(Check project website for meeting details)
EBHO monthly Oakland Committee meeting	9/25/2019 at 3:00pm	(Check project website for meeting details)
Jack London Farmer's Market	9/29/2019 at 10am	Jack London Square at Webster Street at Embarcadero West, Oakland
Library Commission	9/30/2019 at 5:30pm	125 14th St, Brad Walters Community Room at the Main Library, Oakland, CA 94612
SPUR Member Meeting	10/1/2019 at 6pm	1544 Broadway, Oakland CA, 94612
Planning Commission Meeting (Draft Plan and Draft EIR)	10/2/2019 at 6pm	1 Frank H. Ogawa Plaza, City Hall, Council Chambers, Oakland, CA 94612
CAG Meeting (Draft Plan)	10/3/2019 at 5:30pm	1 Frank H Ogawa Plaza, City Hall, Hearing Room 3, Oakland CA 94612
Lincoln Summer Nights	10/4/2019 at 4:30 PM	Lincoln Square Park, 261 11th St, Chinatown Oakland
CED Committee	10/8/2019 at 1:30-4pm	1 Frank H Ogawa Plaza, City Hall, Hearing Room 2, Oakland CA 94612

Additional meetings may be scheduled; check the project webpage for more meeting details.

Feedback on this Draft Plan will inform the Final Downtown Oakland Specific Plan. A Draft Environmental Impact Report (Draft EIR) will be brought to the October 2nd Planning Commission for feedback as part of the required 45-day public review period.

Over the next several months, the regulatory framework will be further developed (including General Plan and Planning Code text and map changes), during a series of community advisory group meetings. The zoning framework will be informed by the zoning incentive program economic feasibility analysis that is currently underway. Once drafted and iterated with the community, the General Plan and Planning Code amendments will be heard at a future Zoning Update Committee (ZUC) meeting.

Once the Final Specific Plan, Planning Code and General Plan amendments are prepared, integrating public feedback on the Draft Plan and incorporating any feedback on the Draft EIR, the formal adoption process and EIR certification process will commence. The process will begin with the Landmarks Preservation Advisory Board, followed by Planning Commission and Community and Economic Development Committee of City Council, and then the full City Council will consider final adoption.

### **RECOMMENDATIONS**

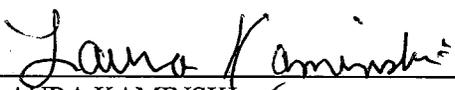
Provide feedback on the Draft Plan which will be incorporated into the Final Specific Plan and brought for adoption in the summer of 2020.

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

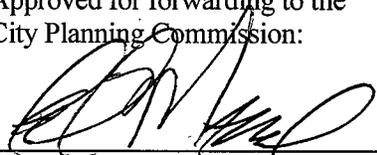
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ED MANASSE, Deputy Director  
Bureau of Planning

**ATTACHMENTS**

- A. Downtown Oakland Specific Plan Process
- B. Proposed General Plan Amendments
- C. Proposed Maximum Intensity Map
- D. Proposed Office Priority Sites
- E. Draft Plan (website link)

## Attachment D– Planning Process

### *Planning Process: Phase I*

The process to develop a specific plan for Downtown Oakland began in 2015. The initial phase of public engagement involved a Community Kick-off event, 10-day charrette and Open Studio, stakeholder meetings, and publication of the Plan Alternatives Report. Key milestones and efforts in this initial phase of public engagement are summarized below.

- **September 3, 2015: COMMUNITY KICK-OFF**  
To mark the beginning of the public planning process in 2015, the City of Oakland hosted a community workshop at the Rotunda Building next to City Hall to introduce local citizens and community groups to the Downtown Oakland Specific Plan process. A brief presentation by the consultant team was followed by an interactive hands-on activity. The event was used to inform and encourage participation for the upcoming charrette (noted next).
- **October 19 – 28, 2015: CHARRETTE & OPEN STUDIO**  
This multi-day event included: a hands-on public design workshop and open design studio where the community was invited to stop by to see draft concepts; a series of technical/stakeholder meetings to gather feedback on important issues; and a work-in-progress presentation at the Paramount Theatre to summarize ideas.
- **March – April 2016: PLAN ALTERNATIVES REPORT**  
The Plan Alternatives Report describes a draft vision and initial concepts for downtown, based on charrette input. The Report is posted online and was reviewed at community meetings with groups including the Community Advisory Group (CAG)\*; Parks and Recreation Advisory Committee (PRAC); Landmarks Preservation Advisory Board (LPAB); Youth Advisory Commission; Bicyclist & Pedestrian Advisory Committee (BPAC); and Planning Commission. The Plan Alternatives Report was presented at a large community presentation and open house held in March of 2016 at the Malonga Casquelourd Center for the Arts.
- **November 2015 – July 2016: STAKEHOLDER MEETINGS**  
Meetings were held with additional existing stakeholder organizations such as the Art + Garage District, Oakland Creative Neighborhoods Coalition, Chinatown Coalition, Old Oakland Neighbors, the Metropolitan Chamber of Commerce Land Use Committee, Malonga Center resident organizations, and downtown schools and youth services. The City also used the “Speak Up, Oakland!” online forum to solicit feedback from individual Oaklanders.
- **Spring 2016: YOUTH SUMMIT AND COURSEWORK**  
The City collaborated with the Y-PLAN (Youth: Plan, Learn, Act, Now!) program at UC Berkeley to introduce MetWest and Skyline students to planning and get their ideas for the downtown, as well as holding an after-school Youth Summit with Y-PLAN students and youth who participate in many of the youth and young adult programs downtown, including Civicorps and BAY-Peace.
- **April – July 2016: PLAN ALTERNATIVES REPORT COMMENTS MEMO**  
The Comments Memo was produced to summarize all public input on the Plan Alternatives Report. Over 1,000 comments were received and organized to refine the plan vision and goals.
- **August 2016: JACK LONDON NEIGHBORHOOD DESIGN SESSIONS**

Community workshops and a series of stakeholder meetings were held over a two-day period in August of 2016 to discuss opportunities and challenges specific to the Jack London District.

### ***Planning Process: Phase II***

In early 2017, the City of Oakland kicked off a new phase of the downtown planning effort with an expanded focus on social and racial equity, engaging an “equity team” of consultants to provide an assessment of the Downtown Plan work to date, deepen engagement from historically marginalized communities, document disparities, and evaluate the potential equity impacts of draft plan policies.

- **Spring – Summer 2017: EQUITY ASSESSMENT & EXPANDED OUTREACH**  
At the start of Phase II in the downtown planning effort, the I-SEED-led equity consultant team provided an assessment of work to date using a social and racial equity lens and launched an expanded outreach strategy. Public engagement included additional workshops and meetings with communities that had not been adequately involved in the first round of community engagement, as well as the addition of representatives of those communities to the Community Advisory Group.
- **July 31 – August 3, 2017: SOCIAL EQUITY WORKING GROUP MEETINGS**  
This series of meetings, organized by topic, were intended to reach a broader and more representative community than were engaged during the first phase of the planning process. These meetings included interactive work sessions to develop goals, identify potential challenges or barriers underserved populations face to reaching those goals, and begin to discuss possible solutions.
- **January 2018: DOWNTOWN OAKLAND DISPARITY ANALYSIS**  
In January 2018, City staff published an analysis of racial disparities to inform the Specific Plan process. This Disparity Analysis includes documentation of racial disparities organized by the proposed topic areas of the Specific Plan, desired future outcomes, and equity indicators that establish the baseline conditions that the Specific Plan’s policies and projects will address.
- **February 5 – 8, 2018: CREATIVE SOLUTIONS LABS**  
The Creative Solutions Labs were organized by topic and built upon the Social Equity Working Group meetings. The objective was to present strategies through workshops to address issues previously identified by the downtown community. The discussions were informed by an overview of existing conditions and racial disparities, example approaches to mitigate these disparities and successful strategies used in other communities facing similar challenges.
- **February 10 – 13, 2018: NEIGHBORHOOD DESIGN SESSIONS: CENTRAL CORE, UPTOWN & KONO, OLD OAKLAND, & CHINATOWN**  
In February 2018, members of the public were invited to a series of Neighborhood Design Sessions, where they gathered around maps to identify opportunities and problem areas for specific neighborhoods and discuss their vision and potential solutions.
- **Summer 2018: ACCESSIBILITY SURVEY**  
City staff worked with disability community advocates to better understand accessibility challenges downtown, including developing and administering a paper and online survey targeted to older adults and people with disabilities.
- **Fall 2018: PLAN OPTIONS REPORT & EQUITY ASSESSMENT**

Working from the ideas developed at the Creative Solutions Labs and Neighborhood Design Sessions, the Dover- Kohl team synthesized these suggestions-to-date into a collection of policy and land use options to address community priorities within a setting of “focus areas” in downtown. The equity consultant team provided an assessment of possible equity impacts for each policy and land use option, as well as prioritization and additional recommendations to achieve equity. These documents informed the recommendations of the Preliminary Draft Plan.

- **January 2019: PRELIMINARY DRAFT PLAN & PUBLIC REVIEW**  
The Preliminary Draft Plan was an initial version of the Downtown Oakland Specific Plan, describing transformative ideas and recommendations that were derived from the public process and corresponding research and analysis. It presented the first draft of proposed changes to the character of the waterfront, and other areas of downtown, as well as supportive policies that uphold the community’s shared values of economic opportunity, culture keeping, and environmental sustainability. Approximately two dozen stakeholder meetings, public advisory board meetings, Planning Commission hearings, and community events were held to review and gather feedback on the Preliminary Draft Plan. This feedback from these sessions was used to revise the Preliminary Draft Plan into the Public Review Draft Downtown Oakland Specific Plan.
- **June 2019: IMPLEMENTATION INTENSIVES**  
The implementation sessions were held to obtain early feedback on the Implementation Chapter for the Draft Downtown Oakland Specific Plan. Participants were able to discuss priorities and to share ideas on draft implementation strategies such as identify potential resources and partnerships for implementation of plan components. Held over two evenings, the first evening focused on an overview of the plan process and then small group discussion focused on soliciting stakeholder’s comments and ideas on prioritization criteria. The second night focused on reviewing the draft implementation strategies in small groups to identify top priorities, as well as missing strategies.

## Summary Process and Schedule

Kick-off (Jul. - Oct. 2015)	Plan Alternatives Report (Nov. - Feb. 2016)	Equity Re-boot (Jun. 2017 - Apr. 2018)	Plan Options Report & Equity Assessment (Apr. - Jul. 2018)	Preliminary Draft Plan (Jan. - Feb. 2019)	Implementation Intensives (Jun. 2019)	Draft Plan & DEIR (Aug. - Oct. 2019)	Zoning, General Plan, Final Draft Plan & FIER (Oct. - May 2020)	Final Plan, FEIR, Zoning and General Plan Amendments (Jun. 2020)
<ul style="list-style-type: none"> <li>• Kick-off public workshop</li> <li>• 10-day Charrette</li> <li>• Open House</li> <li>• Topical focus groups (6), including early Community Advisory Group (CAG) meeting</li> <li>• Walking tour</li> <li>• Work-in-progress Presentation</li> </ul>	<ul style="list-style-type: none"> <li>• Public workshop</li> <li>• Youth Summit and student coursework</li> <li>• Stakeholder meetings and interviews (26)</li> <li>• <b>Public Comment Memo</b></li> </ul>	<ul style="list-style-type: none"> <li>• Community leader workshops (2)</li> <li>• Community sub-group meetings (4)</li> <li>• One-on-one meetings (25)</li> <li>• Equity working group meetings (4) + (<b>Public Input Report</b>)</li> <li>• Disparity Analysis + Community Advisory Group (CAG) meeting</li> <li>• Creative Solutions Labs (4) &amp; Neighborhood Design Sessions (4) + (<b>Public Input Report</b>)</li> </ul>	<ul style="list-style-type: none"> <li>• Internal milestone</li> <li>• Equity impact assessment focus group with equity-oriented community representatives and CAG members</li> </ul>	<ul style="list-style-type: none"> <li>• Community Advisory Group meetings (3)</li> <li>• Planning Commission meetings (3)</li> <li>• Advisory Commission meetings (5)</li> <li>• Stakeholder meetings (16)</li> <li>• Events and festivals (3)</li> <li>• EIR Scoping Session</li> <li>• <b>Public Comment Summary</b></li> </ul>	<ul style="list-style-type: none"> <li>• Community Advisory Group + additional stakeholders meetings (2) + <b>meeting summary notes</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Community Advisory Group meetings (2)</b></li> <li>• <b>Planning Commission meetings (2)</b></li> <li>• <b>Advisory Board meetings (4)</b></li> <li>• <b>Stakeholder meetings (6)</b></li> <li>• <b>CED Committee Meeting (1)</b></li> <li>• <b>Events (3)</b></li> <li>• <b>Public Comment Summary</b></li> </ul>	<ul style="list-style-type: none"> <li>• Community Advisory Group meetings (3) + <b>meeting notes</b></li> <li>• Landmarks Board</li> <li>• Zoning Update Committee meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Community Advisory Group meetings (1)</li> <li>• Landmarks Board</li> <li>• Adoption Hearings: <ul style="list-style-type: none"> <li>• Planning Commission</li> <li>• CED Committee Meeting</li> <li>• City Council Meeting</li> </ul> </li> </ul>

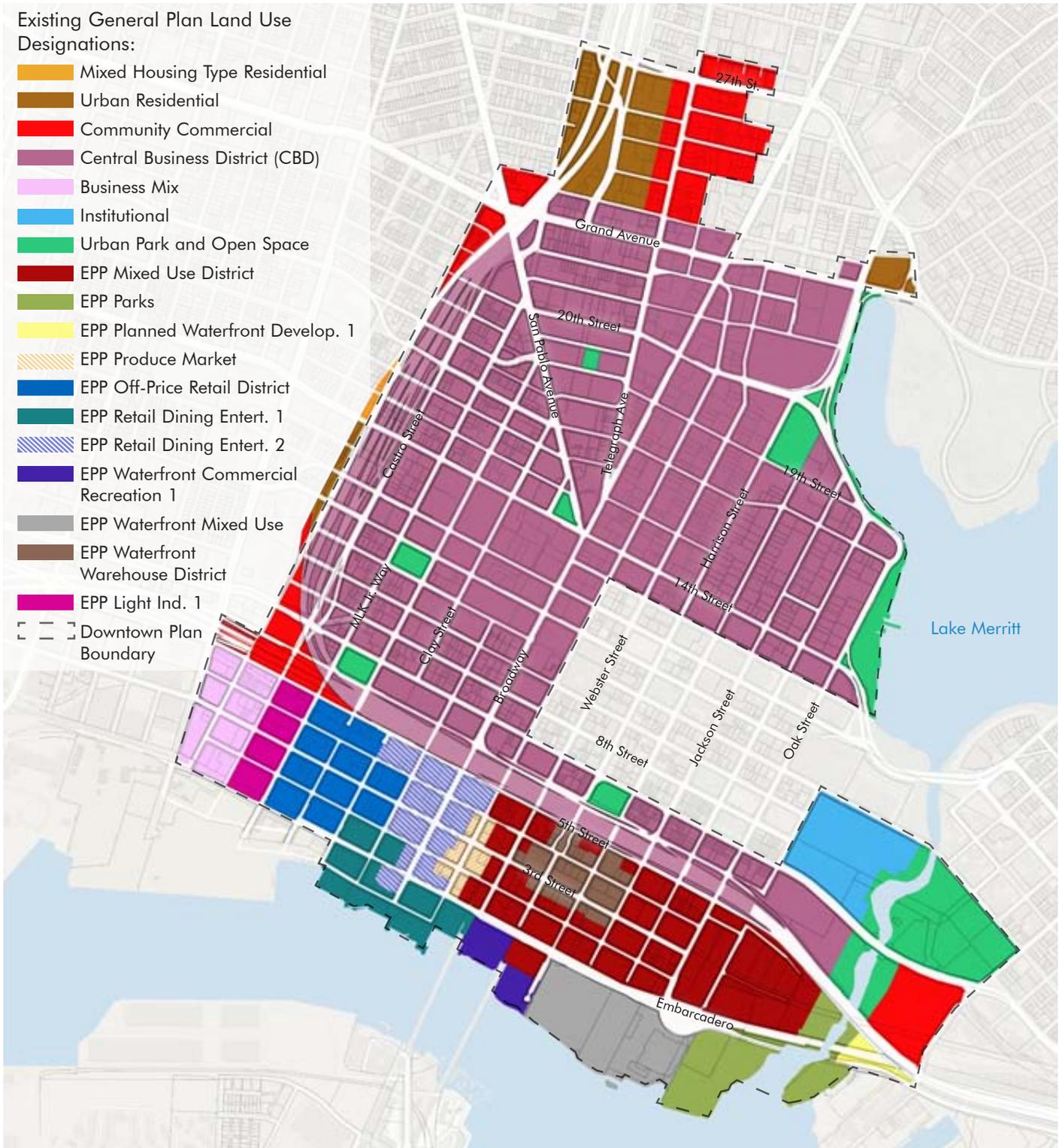


Figure LU-12: Existing General Plan Designations



CHAPTER 06: LAND USE & URBAN FORM

STRATEGIES

**Figure LU-13b: Alternative General Plan Amendments**

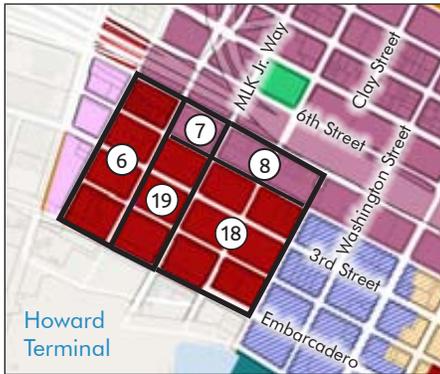
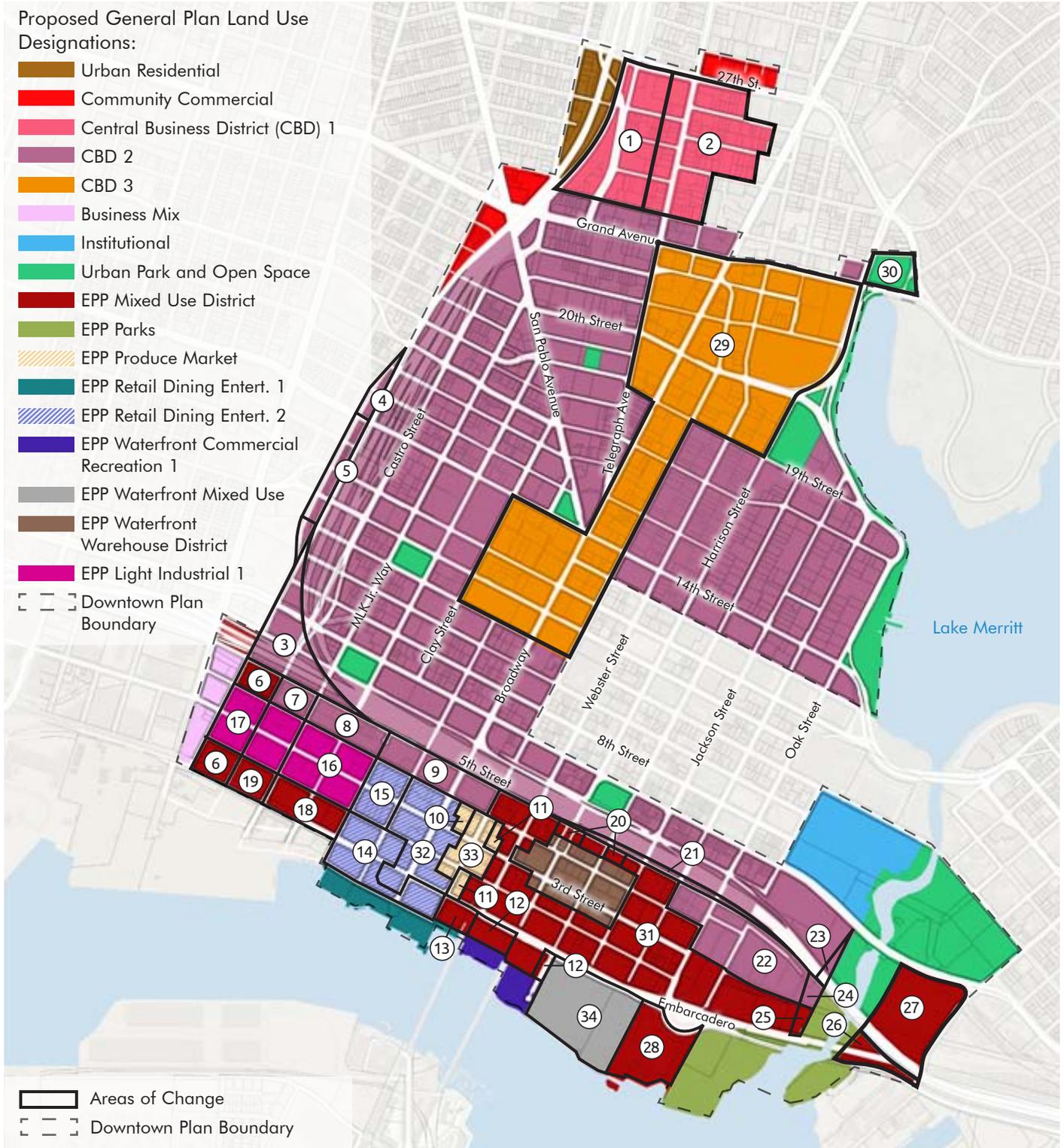


Table LU-3 provides specific amendments to the Oakland General Plan Land Use and Transportation Element (LUTE) and Estuary Policy Plan (EPP). Figure LU-13a is a preliminary draft of the proposed general plan amendments needed to achieve the desired future condition for downtown. The Land Use Character Map (Figure LU-8a) serves as the early framework from which new zoning regulations will be established. While the Proposed General Plan Designation Amendments Map (Figure LU-13a) describes the necessary changes to implement the character areas and proposed intensities described in this chapter, Figures Lu-8a and LU-10a drill-down into specific land use and intensity recommendations around all key corridors and activity nodes. An additional alternative is proposed in Figure LU-13b, which describes general plan amendments if Howard Terminal becomes the site for a new baseball stadium, waterfront open space and mixed-use development.

**Table LU-3: Proposed General Plan Amendments**

ID	Existing Designations	FAR	Density	Proposed Designation Changes	FAR	Density
1	LUTE Urban Residential	NA	261 SF	LUTE Central Business District 1	12.0	109 SF
2	LUTE Community Commercial	5.0	261 SF	LUTE Central Business District 1	12.0	109 SF
3	LUTE Community Commercial	5.0	261 SF	LUTE Central Business District 2	20.0	87 SF
4	LUTE Mixed Housing Type Residential	NA	1,089 SF	LUTE Central Business District 2	20.0	87 SF
5	LUTE Urban Residential	NA	261 SF	LUTE Central Business District 2	20.0	87 SF
6	LUTE Business Mix	4.0	NA	EPP Mixed Use District	12.0	109 SF
7	EPP Light Industry 1	2.0	1,089 SF	LUTE Central Business District 2	20.0	87 SF
8	EPP Off-Price Retail District	2.0	1,089 SF	LUTE Central Business District 2	20.0	87 SF
9	EPP Retail Dining Entertainment 2	7.0	261 SF	LUTE Central Business District 2	20.0	87 SF
10	EPP Retail Dining Entertainment 2	7.0	261 SF	EPP Produce Market	2.5	817 SF
11	EPP Mixed Use District	5.0	261 SF	EPP Produce Market	2.5	817 SF
12	EPP Waterfront Commercial Recreation 1	3.0	NA	EPP Mixed Use District	2.5	817 SF
13	EPP Retail Dining Entertainment 1	3.5	NA	EPP Mixed Use District	12.0	109 SF
14	EPP Retail Dining Entertainment 1	3.5	NA	EPP Retail Dining Entertainment 2	12.0	109 SF
15	EPP Off-Price Retail District	2.0	1,089 SF	EPP Retail Dining Entertainment 2	12.0	109 SF
16	EPP Off-Price Retail District	2.0	1,089 SF	EPP Light Industry 1	2.0	1,089 SF
17	LUTE Business Mix	4.0	NA	EPP Light Industry 1	2.0	1,089 SF
18	EPP Off-Price Retail District	2.0	1,089 SF	EPP Mixed Use District	12.0	109 SF
19	EPP Light Industry 1	2.0	1,089 SF	EPP Mixed Use District	12.0	109 SF
20	EPP Waterfront Warehouse District	5.0	327 SF	EPP Mixed Use District	12.0	109 SF
21	[blank]	NA	NA	LUTE Central Business District 2	20.0	87 SF
22	EPP Mixed Use District	5.0	261 SF	LUTE Central Business District 2	20.0	87 SF
23	LUTE Urban Park and Open Space	NA	NA	LUTE Central Business District 2	20.0	87 SF
24	EPP Parks	NA	NA	LUTE Central Business District 2	12.0	109 SF
25	EPP Parks	NA	NA	EPP Mixed Use District	12.0	109 SF
26	EPP Planned Waterfront Development 1	1.0	1,089 SF	EPP Mixed Use District	12.0	109 SF
27	LUTE Community Commercial	5.0	261 SF	EPP Mixed Use District	12.0	109 SF
28	EPP Waterfront Mixed Use	2.0	817 SF	EPP Mixed Use District	12.0	109 SF
29	LUTE Central Business District (CBD)	20.0	87 SF	LUTE Central Business District 3	30.0	65 SF
30	LUTE Urban Residential	NA	261 SF	LUTE Urban Park and Open Space	NA	NA
<b>Changes to FAR and Density for Existing EPP Land Use Classifications:</b>						
31	EPP Mixed Use District	5.0	261 SF	EPP Mixed Use District	12.0	109 SF
32	EPP Retail Dining Entertainment 2	7.0	261 SF	EPP Retail Dining Entertainment 2	12.0	109 SF
33	EPP Produce Market	1.0	1,089 SF	EPP Produce Market	2.5	817 SF
34	EPP Waterfront Mixed Use	2.0	817 SF	EPP Waterfront Warehouse District	8.0	200 SF



**Figure LU-13a: Proposed General Plan Land Use Designation Amendments**



	Intensity Area	Proposed Max Height	Proposed Max FAR	Proposed Max Density
	1-Lowest	45'/55'	2.0/3.5	300/1,089 SF
	2	65'	5.0	250 SF
	3	85'	7.5	200 SF
	4	175'	12.0	110 SF
	5	275'	12.0/17.0	90 SF
	6	450'	20.0	87 SF
	7	No Limit	22.0	80 SF
	8-Highest	No Limit	30.0	65 SF

-  Areas subject to Zoning Incentive Program to achieve maximum FAR, height and/or density
-  Downtown Plan Boundary

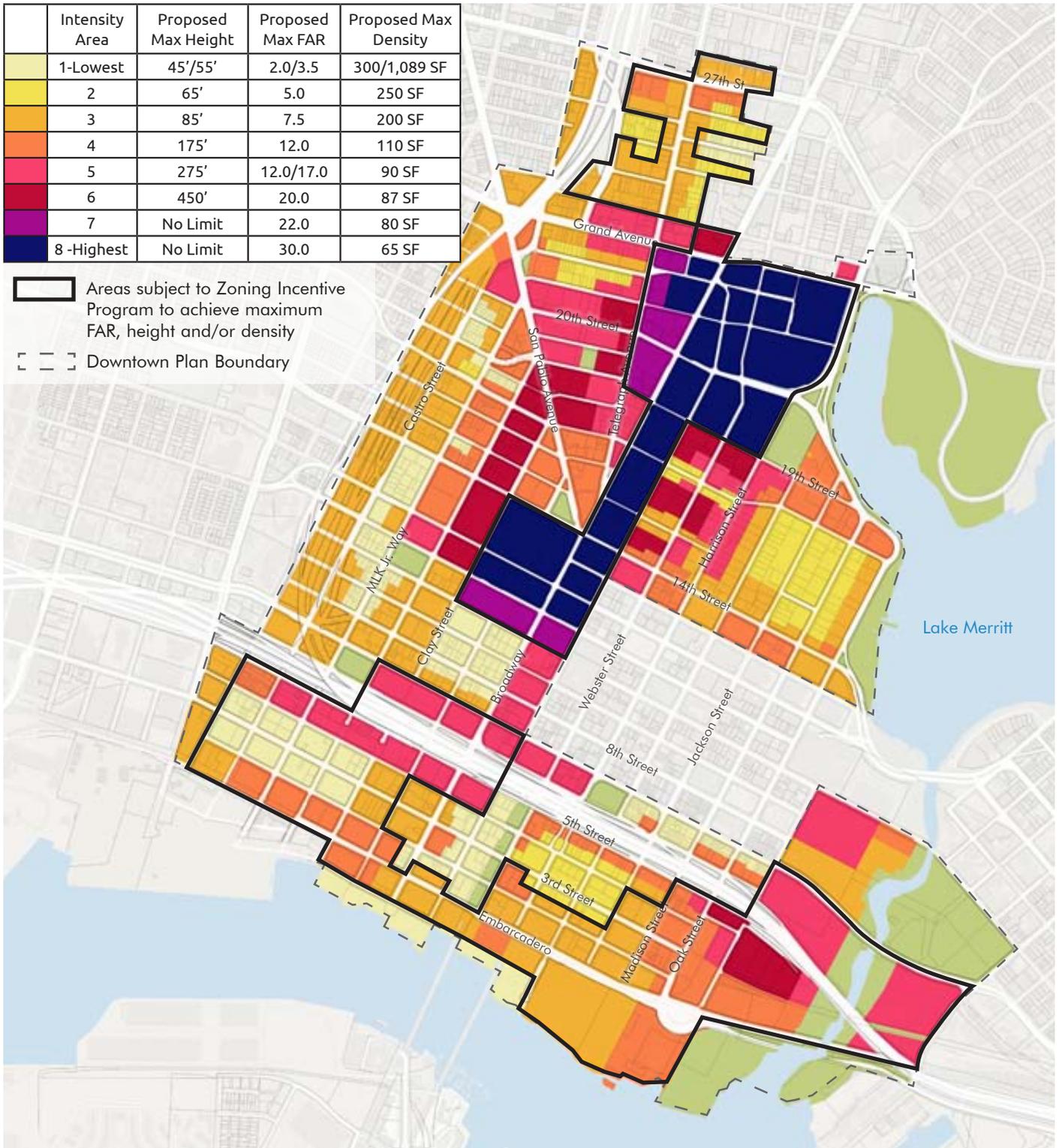
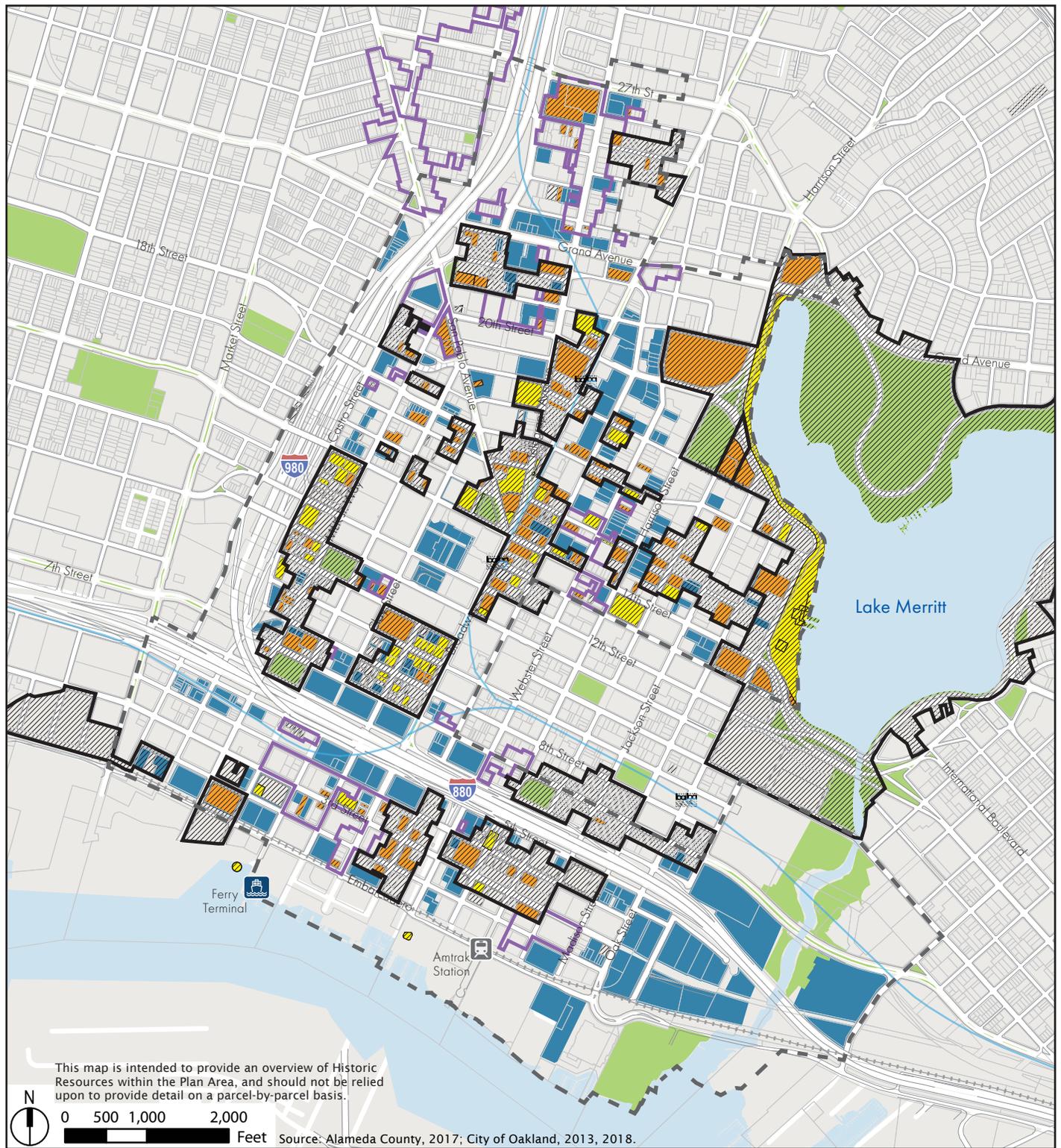


Figure LU-10a: Proposed Maximum Intensity Map





Legend

- Downtown Plan Boundary
- Parks
- Opportunity Sites
- City of Oakland Designated Landmark
- Areas of Primary Importance (API)
- Rated 'A' or 'B' on Oakland Cultural Heritage Survey
- Areas of Secondary Importance (ASI)
- BART Station
- BART Line
- Railroad
- Historic Resources per CEQA

**Downtown Oakland Specific Plan EIR**

Figure V.E-1  
Historic Resources in the Plan Area

**TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impacts	Level of Significance Before Mitigation Measure	Mitigation Measure	Level of Significance with Mitigation Measure
<b>A. Land Use and Planning</b>			
<i>Implementation of the project would not result in any significant land use impacts</i>			
<b>B. Traffic and Transportation</b>			
<b>TRANS-1:</b> The bus-only lanes proposed in the Specific Plan may overlap with the Specific Plan’s proposed low stress bike network potentially generating transportation conflicts between bicycle and transit along corridors where both are proposed.	S	<b>TRANS-1:</b> The Specific Plan shall include an implementation measure that requires the City of Oakland as part of the planning and design process for bicycle or transit improvements to collaborate with AC Transit and other stakeholders to address multimodal impacts on streets and corridors where both low stress bike facilities and bus-only lanes are being considered. that The Plan shall establish the prioritized transportation modes; consider the corridor’s physical characteristics and expected land use; incorporate input from the community; evaluate multi-modal safety, travel markets, transportation and land use compatibility, and stakeholder inputs; and identify. the design features that support the prioritized transportation modes prior to beginning final design.	LTS
<b>TRANS-2:</b> Development under the Specific Plan would generate additional multi-modal traffic traveling across the at-grade railroad crossings that would cause or expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent or substantial transportation hazard.	SU	<b>TRANS-2:</b> The Specific Plan shall include an implantation measure that requires the City of Oakland within the next three years to undertake and complete a Diagnostic Study as outlined in SCA-TRANS-7: Railroad Crossing (#82) to identify and implement the suite of improvements to enhance multi-modal safety along the railroad tracks including the elements necessary for a Quiet Zone through Jack London District. The study shall identify the schedule and potential funding for implementing the suite of improvements resulting from the study and the City as the lead agency would design and construct the improvements. Any proposed improvements must be coordinated with California Public Utility Commission (CPUC) and affected railroads and all necessary permits/approvals obtained, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings).	SU

**TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impacts	Level of Significance Before Mitigation Measure	Mitigation Measure	Level of Significance with Mitigation Measure
<b>TRANS-3:</b> The development under the Specific Plan would contribute to the significant degradation of several CMP or MTS segments in 2020.	SU	<b>TRANS-3:</b> No other feasible mitigation measures, beyond TDM measures, are available to reduce the effect development under the Specific Plan would have on the adversely affected roadway segments.	SU
<b>Cumulative Impact TRANS-1:</b> Development under the Specific Plan together with cumulative development, would generate additional multi-modal traffic traveling across the at-grade railroad crossings that would cause or expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent or substantial transportation hazard.	SU	<b>Cumulative Mitigation Measure TRANS-1</b> Implement Impact TRANS-2.	SU
<b>Cumulative Impact TRANS-2:</b> The development under the Specific Plan would degrade from LOS E or better to LOS F or increase the v/c ratio by 0.03 or more for segments at LOS F on the following CMP or MTS segments in 2040.	SU	<b>Cumulative Mitigation Measure TRANS-2:</b> No other feasible mitigation measures, beyond TDM measures, are available to reduce the effect development under the Specific Plan would have on the adversely affected roadway segments.	SU
<b>C. Air Quality</b>			
<b>AIR-1:</b> Operation of some large development projects under the Specific Plan could result in a cumulatively considerable net increase of criteria air pollutants for which the region is in nonattainment.	S	<b>AIR-1: Reduce Operational Emissions.</b> Proposed projects that would exceed the current BAAQMD's screening criteria for operational criteria air pollutant emissions shall retain a qualified air quality consultant to quantify criteria air pollutant emissions and identify measures, as needed, to reduce the project's average daily emissions below 54 pounds per day for ROG, NO <sub>x</sub> , and PM <sub>2.5</sub> and 82 pounds per day for PM <sub>10</sub> , and reduce the maximum annual emissions below 10 tons per year for ROG, NO <sub>x</sub> , and PM <sub>2.5</sub> and 15 tons per year for PM <sub>10</sub> . Quantified emissions and identified reduction measures shall be submitted to the City (and the Air District if specifically requested) for review and approval prior to the issuance of building permits. Such measures may include, but are not limited to, the following: <ul style="list-style-type: none"> <li>▪ For any proposed refrigerated warehouses or large (greater than 20,000 square feet) grocery retailers, provide electrical hook-ups for diesel trucks with Transportation Refrigeration Units at the loading docks.</li> </ul>	SU

**TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impacts	Level of Significance Before Mitigation Measure	Mitigation Measure	Level of Significance with Mitigation Measure
<ul style="list-style-type: none"> <li>▪ Use low- and super-compliant VOC architectural coatings in building construction and when maintaining buildings. “Low-VOC” refers to paints that meet the more stringent regulatory limits in South Coast Air Quality Management District Rule 1113; however, many manufacturers have reformulated to levels well below these limits. These are referred to as “Super-Compliant” architectural coatings.</li> <li>▪ Other measures that are shown to effectively reduce criteria air pollutant emissions on-site or off-site if emissions reductions are realized within the SFBAAB. Measures to reduce emissions on-site are preferable to off-site emissions reductions.</li> </ul> <p>The feasibility or effectiveness of Mitigation Measure AIR-1 is unknown at this time. Therefore, impacts associated with implementation of the Specific Plan and reasonably foreseeable development expected to occur in the Plan Area over the next 20 years would be conservatively significant and unavoidable with mitigation. It should be noted that the identification of this significant impact does not preclude the finding of future less-than-significant impacts for subsequent projects that comply with applicable screening criteria or meet the City’s significance thresholds for operational emissions of criteria air pollutants.</p>			
<b>D. Greenhouse Gas Emissions</b>			
<b>GHG-1:</b> Construction and operation of development projects under the Specific Plan would generate GHG emissions that could have a significant impact on the environment.	S	<b>GHG-1: Reduce GHG Emissions.</b> Projects to be built before 2030 shall demonstrate compliance with a certified Qualified GHG Reduction Plan (if available) or the 2030 GHG efficiency threshold of 0.61 MTCO <sub>2</sub> e/SP. Projects to be built between 2030 and 2050 shall demonstrate compliance with a certified Qualified GHG Reduction Plan (if available) or the 2040 GHG efficiency threshold of 0.34 MTCO <sub>2</sub> e/SP. To demonstrate compliance with the applicable GHG efficiency threshold, the project applicant shall retain a qualified air quality consultant to quantify the project-specific non-transportation GHG emissions and consider implementing the following measures,	LTS

**TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impacts	Level of Significance Before Mitigation Measure	Mitigation Measure	Level of Significance with Mitigation Measure
		<p>as applicable and feasible, to reduce non-transportation GHG emissions below the GHG efficiency threshold. Such measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>▪ <b>Carbon-Free Energy.</b> 100 percent of electricity purchased shall be from carbon-free sources (e.g., nuclear, renewable, and hydroelectric).</li> <li>▪ <b>Natural Gas.</b> Fossil natural gas shall not be used in all new or modified buildings.</li> <li>▪ <b>Alternative Fuels for Diesel-Powered Construction Equipment.</b> All diesel-powered construction equipment shall use renewable diesel fuel that meets California’s Low Carbon Fuel Standards and is certified by CARB Executive Officer.</li> <li>▪ <b>Energy Efficiency for Multi-Family Residential Buildings.</b> New multi-family residential buildings shall be designed to achieve a 15 percent reduction in grid energy use versus a standard Title 24 code-compliant building by following the energy efficiency performance standards set forth in Tier 2 of the 2016 California Green Building Standards Code, Section A4.203.1.2.1. These reductions shall be achieved by employing energy-efficient design features and/or solar photovoltaics at the time of building permit issuance.</li> <li>▪ <b>Energy Efficiency of Non-Residential Buildings.</b> Newly constructed non-residential buildings shall be designed to achieve a 10 percent or greater reduction in grid energy use versus a standard Title 24 code-compliant building through energy efficiency measures consistent with Tier 2 of the 2016 California Green Building Standards Code, Section A5.203.1.2.1. Alternatively, this measure can be met by installing on-site renewable energy systems that achieve equivalent reductions in building energy use at the time of building permit issuance.</li> <li>▪ <b>Outdoor Electrical Receptacles.</b> Electrical receptacles shall be included on the exterior of walls of all newly constructed buildings and accessible for purposes of charging or powering electric landscaping equipment and providing an</li> </ul>	

**TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impacts	Level of Significance Before Mitigation Measure	Mitigation Measure	Level of Significance with Mitigation Measure
<b>E. Cultural and Historic Resources</b>			
<p><b>CULT-1:</b> Implementation of the Specific Plan and its associated development is anticipated to result in the demolition, destruction, or relocation of some historical resources either as individual resources and/or as contributors to historic districts.</p>	SU	<p><b>CULT-1:</b> The following mitigation measures shall be implemented to the extent feasible to minimize impacts to historic resources in the Plan Area and its vicinity. The mitigation measures are identified in order of priority. As many of the measures as feasible shall be implemented:</p> <p><b>CULT-1A:</b> The Plan shall be revised to include the following implementation measures focused on minimizing impacts to historic resources:</p> <ol style="list-style-type: none"> <li>i. <b>Reinstate and promote the City Downtown Façade Improvement Program</b> consistent with Action 3.8.1(9) of the Historic Preservation Element of the City of Oakland General Plan for both commercial and residential properties including SROs. The program shall require financial contribution to this fund when historical resources are impacted by future development projects in the Plan Area, and potentially the other Specific Plan areas, based on a formula established by the City as part of reinstating the program. If reestablished, the fund shall be used to implement the additional mitigation measures identified below, as appropriate.</li> <li>ii. <b>Revise the City Transfer of Development Rights (TDRs) Ordinance</b>, within three years of Plan adoption, to</li> </ol>	SU

**TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impacts	Level of Significance Before Mitigation Measure	Mitigation Measure	Level of Significance with Mitigation Measure
		<p>encourage the retention of the smaller-scale buildings that are prevalent in downtown and are at high risk for redevelopment and demolition. The revised ordinance should be accompanied by a specific TDR program for building owners and project sponsors within the Plan area, and potentially the other Specific Plan areas. This program should include identifying potential properties to participate and outreach to these owners so they understand the benefits as well as how this program could fit into a menu of preservation incentives. The transfer enables the owner of the receiving site to develop additional gross floor area, above and beyond what would otherwise be allowed. The use of this program shall be considered into the current height changes proposed downtown. A good model for this program has been on-going in San Francisco.</p> <p>iii. <b>Adopt an Adaptive Reuse Ordinance</b>, within three years of Plan adoption, that would encourage preservation of historic buildings within the Plan Area and potentially the other Specific Plan areas. The City of Los Angeles has a highly successful, similar program adopted in 1999 for downtown that was extended into other areas in 2003 that can serve as a model. Other elements of the ordinance should include a means to expedite project approvals for historic building rehabilitations that would convert vacant or underutilized properties to provide housing, SRO units, live-work units, or cultural activities. It should also delineate which historic buildings in downtown are eligible, with a focus on designated Landmarks, buildings within National Register-listed historic districts, and buildings within APis and ASIs. Provisions could include but not, be limited to reduced permitting costs, ways to accommodate existing floor area ratios, and reduced parking and open space requirements, when necessary to achieve project goals. Other provisions could include expedited review of the use of the California Historical Building Code (CHBC) and ways to encourage</p>	

**TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impacts	Level of Significance Before Mitigation Measure	Mitigation Measure	Level of Significance with Mitigation Measure
		<p>projects to meet the Secretary of the Interior’s Standards for the Treatment of Historic Properties.</p> <p>iv. <b>Formulate an oral history program for the cultural groups that have played an important role in downtown.</b> Numerous cultural groups and cultural traditions have influenced the development of downtown and its communities. Engage in a public outreach program to formulate a list of groups and stakeholders, key community individuals who can take leadership roles, and develop a program that will inform the oral history project. Partnerships with the Oakland Public Library, Laney College and StoryCorps could bolster this program. The City should strive to be an instigator in this program.</p>	
		<p><b>CULT-1B:</b> Expand public outreach and implementation of the California Historical Building Code (CHBC) for projects that qualify under State law. Dovetail use of the CHBC with the Adaptive Reuse Ordinance as it is implemented. Provide professional development training to the City’s building officials and inspectors on the use of the CHBC so that they can implement project review for qualified buildings within reasonable timeframes. Appoint a Senior Building Official as the CHBC-liaison between the Planning Department, the Chief Fire Official and the Building Department so that projects are reviewed with consistency and clarity. Encourage City staff to schedule a seminar with the Office of Historic Preservation’s member of the State Historical Safety Board to provide a thorough background of how the code is implemented.</p>	
		<p><b>CULT-1C:</b> Further the Planning Code protections for SROs hotels with additional façade protections for these buildings, perhaps by deeming this specific historic building type eligible for participation in the Mills Act program or by documenting these resources as a thematic, rather than geographically-based API. While Planning Code Chapter 17.153 Demolition, Conversion and Rehabilitation Regulations for Residential Hotels, was adopted in 2018, and provides some protections,</p>	

**TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impacts	Level of Significance Before Mitigation Measure	Mitigation Measure	Level of Significance with Mitigation Measure
		<p>additional incentives or protections would further ensure the viability of these resources and mitigate further losses of both their historic use and character.</p>	
		<p><b>CULT-1D:</b> As part of the implementation of Plan Policy LU-2-4 that revises the City’s Demolition Findings Requirements to facilitate new compatible development near the outer edges of fragmented APNs and ASIs, require tailored design guidelines to help ensure architectural compatibility. The guidelines should illustrate treatments for rehabilitation of the historic commercial buildings typical in these historic districts, as well as provide strategies for new construction both within and on the immediate periphery or edge of these significant areas. New construction in these areas should take into consideration the historic parcel pattern; assembling lots and creating bulkier building footprints changes the character of the street rhythm. These guidelines will help mitigate the impacts of future development on these sensitive areas of downtown. A strong example for this mitigation is the Historic Downtown Los Angeles Design Guidelines completed in July 2002 by the Los Angeles Conservancy and three downtown Business Improvement Districts (BIDs).</p>	
		<p><b>CULT-1E:</b> The City shall also consider incorporating the following additional mitigation measures as implementation policies or guidelines in the Plan prior to its adoption, although these have a lower priority than Mitigation Measures CULT-1A – CULT-1D.</p> <ul style="list-style-type: none"> <li>i. <b>Study the feasibility of raising the Mills Act tax loss limits</b> for properties within the Specific Plan, Lake Merritt Station Area Plan and Broadway Valdez Specific Plan boundaries, which would encourage more participation in the program. Currently, Oakland has six Mills Act properties within the Plan Area.</li> <li>ii. <b>Provide City support of efforts at the State level to create a State Historic Tax Credit.</b> This could take the form of proactive encouragement of state legislation that would enact</li> </ul>	

**TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impacts	Level of Significance Before Mitigation Measure	Mitigation Measure	Level of Significance with Mitigation Measure
		the tax credit.	
		<p>iii. <b>Update the Oakland Cultural Heritage Survey</b> and as part of that effort include elements that focus on: (1) Downtown’s built environment associated with the Modern Movement or the Recent Past to determine methods to more completely understand the types of resources present and their historic significance. This could take the form of a funded Historic Context Statement for Modern Buildings and Landscapes in downtown or a site-specific survey of resources built between 1940 and 1975; and/or a focused review of the banking cluster near the Lake Merritt office district, venues related to food and entertainment, mid-century courtyard apartments, as well as older commercial buildings in downtown that may have been remodeled to reflect the Modern aesthetic. In recent years, Sacramento, San Francisco, Fresno and Pasadena have invested in this type of preservation planning tool with great success and community interest. Downtown’s streetscape includes historic parks that are used to determine methods to more completely understand the types of resources present along the streetscape and in downtown’s parks. This could take the form of a funded Cultural Landscape Inventory to document and categorize resources. Good models for this are the City of San Francisco Civic Center Cultural Landscape Inventory and the Market Street Cultural Landscape Inventory.</p>	
		<p>iv. <b>As part of any redevelopment or expansion of the Laney College Campus</b>, require that a full historic resources evaluation be conducted as well as any properties slated for redevelopment around the College to fully understand the potential historic resources associated with this educational institution and to understand the significance of the campus within the body of work of Skidmore, Owings &amp; Merrill.</p>	
		<p>v. <b>Prepare and implement an interpretive program of</b></p>	

**TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impacts	Level of Significance Before Mitigation Measure	Mitigation Measure	Level of Significance with Mitigation Measure
		<p><b>signage within the Webster Green in Jack London Square</b> to inform users of this new greenway of the historic industrial character of the surrounding urban fabric. This could be an extension of the signage already present in the Waterfront Warehouse District.</p>	
		<p><b>CULT-1F:</b> Independent of the Specific Plan, the City shall consider the following measures:</p> <ul style="list-style-type: none"> <li>i. <b>Promote graffiti abatement</b> by including additional abatement trips. Currently, only one “courtesy” abatement trip can be scheduled for private property, due to City staffing issues. Extend this to additional abatement trips, per year, within the Specific Plan area boundary. Further, prioritize graffiti abatement in the Specific Plan Area within the Public Realm, especially on prominent historic buildings. Additionally, understand that sometimes graffiti can acquire a cultural significance as well and encourage a graffiti arts program with partner building owners to engage local artists and deter graffiti. Also, raise awareness of non-destructive graffiti abatement methods so historic materials like brick and terra cotta aren’t destroyed.</li> <li>ii. <b>Improve vacant building security</b> through partnerships with the Planning, Building and Police Departments to collaborate on maintaining a list of vacant buildings so that Police Officers know which buildings might be at risk of vandalism or other illegal activity. This would mean an investment in a vacant building inventory in the Specific Plan area.</li> <li>iii. <b>Maintain a list of vacant parcels to assist with building relocation assistance.</b> Additionally, a relocation fund could be established and paid into by projects that demolish historic resources. This could result in the salvage of stand-alone historic resources, especially smaller resources that sit on large lots, which face fierce development pressure. This is more appropriate in areas that are not considered historic</li> </ul>	

**TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impacts	Level of Significance Before Mitigation Measure	Mitigation Measure	Level of Significance with Mitigation Measure
		<p>districts or groupings of buildings. This can be facilitated via CEQA review by making known Historic Preservation Element Action 3.8.1.2, allowing buildings to be moved to a location consistent with its historic or architectural character.</p> <p>iv. <b>Study the feasibility of amending the Downtown Oakland National Register Historic District</b> to provide a means for more property owners to use the Federal Rehabilitation Tax Credits. The amendment should evaluate an extended boundary and additional contributors, to include more of downtown’s significant historic buildings. This would provide a means for more property owners to use the Federal Rehabilitation Tax Credit as owners of resources within a National Register-listed historic district.</p> <p>Implementation of Mitigation Measures CULT-1A – CULT-1F would lessen this impact but it would remain significant and unavoidable.</p>	
<b>CULT-2:</b> Alterations to Historic Buildings that could occur under the Specific Plan could change the significance and character of historic resources as a result of the Specific Plan.	SU	<b>CULT-2:</b> Implement Mitigation Measures CULT-1A – CULT-1F.	SU
<b>Cumulative Impact CULT-1:</b> Implementation of the Specific Plan and its associated development, combined with cumulative development in the Plan Area and citywide, including past, present, existing, approved, pending, and reasonably foreseeable future development, would contribute to a significant and unavoidable adverse cumulative impact to cultural and historical resources.	SU	<b>Cumulative Impact CULT-1:</b> Implement Mitigation Measures CULT-1A – CULT-1F.	SU
<b>F. Aesthetics</b>			
<b>AES-1: Shadow.</b> Implementation of the Downtown Specific Plan and development that may occur under the Plan may result in substantial new shadow that would shade solar collectors, passive solar heaters, public open space, or historic resources, or otherwise result in inadequate	SU	<b>AES-1: Shadow.</b> To help ensure shadows associated with new development under the Plan are lessened, the City shall adopt a new SCA or incorporate a policy into the Specific Plan that requires project sponsors, on a project-by-project basis to complete a site-specific shadow evaluation at the time that	SU

**TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impacts	Level of Significance Before Mitigation Measure	Mitigation Measure	Level of Significance with Mitigation Measure
provision of adequate light.		<p>individual projects are proposed if any of the following conditions exist:</p> <ul style="list-style-type: none"> <li>▪ At or adjacent to buildings and structures that meet the definition of "historical resources" contained in Section 15064.5 of the CEQA Guidelines</li> <li>▪ At or adjacent to a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors</li> <li>▪ At or adjacent to a public or quasi-public park, lawn, garden or other open space</li> </ul> <p>If a shadow study is required it shall address the following:</p> <ul style="list-style-type: none"> <li>▪ If at or adjacent to historic building; an evaluation of how shadow would affect the building or structure which confirm to the <i>Secretary of Interior's Standards of Historic Properties and Guidelines for Preserving, Rehabilitation, Restoring and Reconstructing Historic Buildings (1995)</i>. The <i>Standards</i> require the preservation of character defining features which convey a building's historical significance, and offers guidance about appropriate and compatible alterations to such structures. This evaluation should be carried out by a professional who meets the Secretary of the Interior's Standards for Architectural History. The results of the evaluation shall be submitted as a Historic Architectural Assessment Report to the City of Oakland. Once the report is reviewed and approved by the City, a copy of the report shall be submitted to the Northwest Information Center (NWIC).</li> <li>▪ If at or adjacent to a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors an evaluation of how shadow would affect the productivity of the solar units (in terms of how much of the year solar collectors are shaded and what portion of the solar units are shaded).</li> <li>▪ If at or adjacent to a public or quasi-public park, lawn, garden, or open space, an evaluation of how shadow would impact the beneficial use (in terms of how much of the year</li> </ul>	

**TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impacts	Level of Significance Before Mitigation Measure	Mitigation Measure	Level of Significance with Mitigation Measure
<p><b>AES-2: Wind Analysis.</b> Implementation of the Downtown Specific Plan and development that may occur under the Plan may result in adverse wind conditions.</p>	SU	<p>the public or quasi-public park, lawn, garden, open space would be shaded and what portion of the year it is shaded.</p> <p>The shadow evaluation or Report (if historic building) shall be provided as part of the development approval submittal and the project sponsor shall modify the building design and placement to reduce impacts to the extent feasible. If none of the above conditions are applicable to the project, the project sponsor shall provide documentation to demonstrate such conditions do not exist.</p> <p>Therefore, impacts associated with implementation of the Specific Plan and reasonably foreseeable development expected to occur in the Plan Area over the next 20 years are conservatively deemed significant and unavoidable related to shadows.</p> <p><b>AES-2: Wind Analysis.</b> Project sponsors proposing buildings 100 feet tall or taller within the entire Plan Area boundary shall conduct a detailed wind study to evaluate the effects of the project. The current definition of downtown within the CEQA Thresholds of Significance defines it as bounded by West Grand Avenue to the North, Lake Merritt and Channel Park to the east, and Oakland Estuary to the south and I-980/Brush street to the west. If the wind study determined that the project would create winds exceeding 36 miles mph for more than one hour during daylight hours during the year, the project sponsor would incorporate, if feasible, measures to reduce such effects, as necessary, until a revised wind analysis demonstrates that the proposed project would not create winds in excess of this threshold. Examples of measures that such projects may incorporate, depending on the site-specific conditions, include structural and landscape design features and modified tower designs: wind protective structures or other apparatus to redirect downwash winds from tall buildings, tree plantings or dense bamboo plantings, arbors, canopies, lattice fencing, etc. It is also noted that the City’s threshold is very stringent. The</p>	SU

**TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impacts	Level of Significance Before Mitigation Measure	Mitigation Measure	Level of Significance with Mitigation Measure
<b>Cumulative AES-1:</b> Implementation of the Downtown Specific Plan and development that may occur under the Plan may, in combination with other past, present, and reasonably foreseeable future projects within and around the Plan Area, result in significant cumulative wind and shadow impacts.	SU	City may modify this threshold in the future and if it does, it would be applicable to the Specific Plan Area; however, it is possible that a significant and unavoidable impact may still occur. At this time, however, there are not sufficient details available to analyze specific impacts and it cannot be known with certainty that a project redesign would eliminate the potential for new adverse wind impacts. Therefore, impacts associated with implementation of the Specific Plan and reasonably foreseeable development expected to occur in the Plan Area over the next 20 years would be conservatively deemed significant and unavoidable related to wind.  <b>Cumulative AES-1:</b> Implement Mitigation Measures AES-1 and AES-2.	SU
<b>G. Biological Resources</b>			
<i>No significant impacts related to biology would occur with implementation of the City's SCA's</i>			
<b>H. Geology and Soils</b>			
<i>No significant impacts related to geology and soils would occur with implementation of the City's SCA's.</i>			
<b>I. Hazards and Hazardous Materials</b>			
<i>No significant impacts related to hazards and hazardous materials would occur with implementation of the City's SCA's.</i>			
<b>J. Hydrology and Water Quality</b>			
<i>No significant impacts related to hydrology and water quality would occur with implementation of the City's SCA's.</i>			
<b>K. Noise</b>			
<i>No significant impacts related to noise would occur with implementation of the City's SCA's.</i>			

**TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impacts	Level of Significance Before Mitigation Measure	Mitigation Measure	Level of Significance with Mitigation Measure
<b>L. Population and Housing</b>			
<i>No significant impacts related to population and housing would occur with implementation of the City's SCA's.</i>			
<b>M. Public Services, Facilities, and Recreation</b>			
<b>PUB-1:</b> Development under the Specific Plan could increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of that facility would occur or be accelerated, or would require the construction or expansion of recreational facilities which might have a substantial adverse physical effect on the environment.	S	<b>PUB-1: Part 1)</b> Requires the city to update the Capital Improvements Impact fees, and/or implement a dedicated impact fee specific to parks and recreation that is independent of the Capital Improvements Fee. <b>Part 2)</b> Requires the city to create a Privately Owned Public Spaces (POPOS) program so that outdoor and indoor spaces can be provided for public enjoyment by private owners in exchange for bonus floor area or waivers.	LTS
<b>Cumulative PUB-1:</b> Development under the Specific Plan, and reasonably foreseeable future projects could increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of that facility would occur or be accelerated, or would require the construction or expansion of recreational facilities which might have a substantial adverse physical effect on the environment.	S	<b>Cumulative PUB-1:</b> Implement Mitigation Measure PUB-1	LTS
<b>N. Utilities</b>			
<b>UTL-1:</b> The City's stormwater collection system is aging and will require improvements to continue to serve the development in the downtown area that may occur in association with the Specific Plan.	S	<b>UTL-1: Part 1)</b> The City of Oakland shall adopt a new SCA and/or revise existing SCA/s that includes the following: New development as a result of the implementation of the Specific Plan shall determine the adequacy and condition of the existing storm drainage infrastructure impacted by the project. The project watershed shall be analyzed for post-construction impacts to drainage within the watershed, accounting for the condition of the existing infrastructure. For any identified adverse impacts, mitigation measures shall be proposed and implemented as part of the project. <b>Part 2)</b> All future projects under the Specific Plan shall require the installation of full trash capture device at priority storm drain inlets	LTS

**TABLE II-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impacts	Level of Significance Before Mitigation Measure	Mitigation Measure	Level of Significance with Mitigation Measure
<p><b>Cumulative UTL-1:</b> The City’s stormwater collection system is aging and will require improvements to continue to serve the development in the downtown area that may occur in association with the Specific Plan, and reasonably foreseeable future projects within and around the Plan Area, resulting in significant cumulative stormwater impacts.</p>	S	<p>in the project area and within a 100-foot buffer around the project boundary.  <b>Part 3)</b> Establish a dedicated impact fee specific to stormwater to address the aging system that is in addition to the citywide Capital Improvements Fee. Recommended fees should be calculated by square footage.</p>	LTS