

ER12-0018, GP14-010, RZ14-011, ZS14-012, ZT14-013

**February 10, 2014**

<b>Location:</b>	<b>West Oakland Specific Plan Area</b> is generally bounded by Interstate-580 (MacArthur Freeway) to the north, Interstate-980 to the east, and Interstate-880 wrapping around to the south and west. The plan area includes the Oakland portion of the East Bay Bridge Shopping Center above I-580, as well as the industrial area below I-880 centered on 3rd Street.
<b>Proposal:</b>	Public Hearing on the cultural resource aspects of the Draft Environmental Impact Report and the Draft West Oakland Specific Plan.
<b>Applicant:</b>	City of Oakland
<b>Case File Numbers:</b>	<b>ER12-0018, GP14-010, RZ14-011, ZS14-012, ZT14-013</b>
<b>General Plan:</b>	Neighborhood Center, Mixed Housing Type, Institutional, Urban Open Space, Urban Residential, Business Mix, Community Commercial, Housing and Business Mix, Regional Commercial, Light Industry 1 (Estuary Plan Area).
<b>Zoning:</b>	RM-1, RM-2, RM-3, RM-4, RM-4/C, RU-1, RU-2, RU-3, RU-5, OS-(LP), OS-(NP), OS-(AMP), OS-(AF), OS-(CP), CC-1, CC-2, CC-3, C-40, HBX-2, CR-1, M-30, IG, CIX-1, S-4, S-7, S-S-15, S-19, S-20, Wood Street.
<b>Environmental Determination:</b>	An Environmental Impact Report (EIR) is being prepared as part of the West Oakland Specific Plan. The Draft Environmental Impact Report (DEIR) was published on January 29, 2014 for a 45-day public review period ending on March 17, 2014.
<b>Historic Status:</b>	The Plan Area includes cultural/historic resources that may be eligible for, or are on an historical resource list (including the California Register of Historic Resources, the National Register of Historical Resources, and/or the Local Register); and several cultural/historic resources designated locally as Areas of Primary Importance (API); Areas of Secondary Importance (ASI); properties individually rated A, B, C, or D; and Landmark properties.
<b>Service Delivery District:</b>	1, 2
<b>City Council District:</b>	3, and a small portion of 1
<b>Action to be Taken:</b>	Receive public and Board member comments on the cultural resource aspects of the DEIR associated with the Draft West Oakland Specific Plan and related documents. No decisions will be made on the Project at this hearing.
<b>Further Information:</b>	Contact project planner Ulla-Britt Jonsson at <b>510-238-3322</b> or <a href="mailto:ujonsson@oaklandnet.com">ujonsson@oaklandnet.com</a> Project message line: <b>510-238-3322</b> Project email address: <a href="mailto:westoaklandspecificplan@oaklandnet.com">westoaklandspecificplan@oaklandnet.com</a> Project website: <a href="http://www.oaklandnet.com/r/wosp">www.oaklandnet.com/r/wosp</a>

## SUMMARY

The City of Oakland has prepared a Draft Environmental Impact Report (DEIR) on the Draft West Oakland Specific Plan (Draft Plan) that evaluates the potential environmental impacts of the Draft Plan and its concurrent components, including Design Guidelines, General Plan and Planning Code Amendments (text and map), which collectively constitute the Project, as defined by the California Environmental Quality Act (CEQA). The West Oakland Specific Plan Area (Planning Area) is generally bounded by Interstate 580 (MacArthur Freeway) to the north, Interstate 980 to the east, and Interstate 880 wrapping around to the south and west, as well as the Oakland portion of the East Bay Bridge Shopping Center above I-580, and the industrial area below I-880 centered on 3rd Street. The Draft Plan and concurrent components will provide a roadmap for how this nearly 3 square mile (approximately 1,900-acre) Planning Area develops over the next 25 years.

The purpose of this public hearing is to solicit comments from the Landmarks Preservation Advisory Board and the public on the adequacy of the cultural resource information, issues and analysis contained in the DEIR. No decisions will be made on the DEIR or Draft Plan at this hearing. Specifically, comments on the DEIR should focus on:

- 1) the adequacy of the EIR in discussing the potential Cultural Resource impacts on the physical environment,
- 2) ways in which potential adverse effects might be minimized, and
- 3) alternatives to the Project in light of the EIR's purpose to provide useful and accurate information about such factors.

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 Environmental Impact Report (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. A Notice of Availability (NOA) of the Draft EIR (DEIR) was published on January 29, 2014 (see *Attachment A*). The public comment period ends Monday, March 17, 2014.

The DEIR covers the following topic areas: Aesthetics, Shadow and Wind, Air Quality, Cultural and Historic Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use and Planning, Noise, Population, Housing and Employment, Public Services and Recreation, Transportation, Circulation and Parking, Utilities and Service Systems, and Other Less-than-Significant Effects. The DEIR addresses each environmental topic at a level of detail warranted by each topic, and identifies significant and unavoidable impacts related to Transportation/Traffic, Air Quality, and Greenhouse Gases.

The complete DEIR may be viewed on the City's "Current Environmental Review Documents" webpage: <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>  
Information regarding the Project, including the Draft Plan and other related draft documents, can be viewed online at <http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/OAK028334> (under the section called 'Documents and Presentations'). Documents are also available for review at the Oakland Main Public Library's Social Science and Documents section (125 14th Street), and the City of Oakland Planning Department (250 Frank Ogawa Plaza, Suite 3315).

**BACKGROUND**

The West Oakland Specific Plan is principally funded by a grant from the U.S. Department of Transportation to prepare a Specific Plan and its associated EIR to guide development and revitalization in West Oakland.

The proposed West Oakland Specific Plan provides comprehensive and multi-faceted strategies for development and redevelopment, of vacant and/or underutilized commercial and industrial properties in West Oakland. It establishes a land use and development framework, identifies needed transportation and infrastructure improvements, and recommends implementation strategies needed to develop those parcels. The Plan is also a tool for attracting developers to key sites and for encouraging new, targeted economic development.

An intensive community-based planning process has been a crucial component of the development of the Draft Plan and related documents - in particular, the guidance of a 14-member Steering Committee comprised of volunteers representing West Oakland community organizations, residential neighborhoods and businesses. The Steering Committee has provided guidance regarding key community issues and concerns, and has made recommendations on strategies and actions that should be considered. The West Oakland Specific Plan Steering Committee's role has been to:

- Provide guidance to the Specific Plan regarding key community issues and concerns relating to the Opportunity Sites;
- Suggest recommendations and approaches that should be considered for the Plan;
- Identify community concerns regarding the analyses leading up to this Plan and its recommendations;
- Receive information for review and discussion prior to dissemination to the larger West Oakland community;
- Serve as a "sounding board" for Specific Plan recommendations;
- Recommend approaches and locations for communicating information to the larger West Oakland community, and approaches for receiving feedback from the community at large throughout the process; and
- Provide feedback on the preliminary versions of the Specific Plan.

The ideas and strategies contained in the Draft Plan have also been vetted through a 23-member Technical Advisory Committee (TAC) made up of public agency representatives and advocacy groups. Membership in the TAC has included representatives from the following organizations and agencies:

- Bay Area Rapid Transit (BART);
- AC Transit;
- Alameda County Public Health;
- San Pablo Avenue neighborhood;
- Bay Area Air Quality Management District;
- Oakland Housing Authority;

- Amicus Environmental;
- Port of Oakland;
- City of Oakland Planning Division (Department of Planning & Building);
- Oakland Heritage Alliance;
- City of Oakland Army Base Project Team;
- City of Oakland Transportation Services Division;
- City of Oakland Economic Development Department;
- City of Oakland Housing & Community Development Department;
- City of Oakland Environmental Services Department;
- City of Oakland Office of Parks & Recreation;
- U.S. Environmental Protection Agency;
- Oakland Unified School District;
- Office of former City Council Member Nancy Nadel, and current City Council member Lynette Gibson McElhaney.

As a complement to the Steering Committee, the TAC provided guidance, review and input vis-à-vis institutional and/or regulatory development issues that warranted special attention during the Specific Plan process.

The community participation process for the Draft Plan has included a very robust public outreach effort highlighted by a number of major Community Workshops where the Steering and Technical Advisory Committees' ideas were shared with the general public, additional public input and suggestions were solicited, and community consensus achieved through a facilitated public process. Approximately 100 West Oakland stakeholders attended each workshop.

Additionally, periodic status reports have been provided to the Oakland City Planning Commission, the Landmarks Preservation Advisory Board (LPAB), West Oakland Project Area Committee, West Oakland Community Advisory Group, Neighborhood Crime Prevention Councils, Oakland Metropolitan Chamber of Commerce Committees, and various other neighborhood associations and community groups to offer these bodies opportunities to shape the Plan.

## **PLANNING CONTEXT**

The West Oakland Specific Plan Area (Planning Area) comprises approximately 2.18 square miles or approximately 1,900 acres, subdivided into 6,340 parcels. It has a current population of approximately 25,000 people, and contains employment opportunities for more than 15,000 current employees. Residential uses occupy approximately 60 percent of the land in West Oakland, generally concentrated in the northern, eastern and southwestern portions of the area. Industrial, commercial and truck-related uses occupy about 23 percent of the land area. Industrial uses are concentrated primarily around Mandela Parkway and West Grand Avenue and in the vicinity of 3rd Street. Commercial activities primarily occur at the northern end of the Planning Area near Emeryville, along San Pablo Avenue, at the eastern end of West Grand Avenue, on Market Street and on 7th Street. Government/institutional and utilities uses occupy the remaining 17 percent of the Planning Area. Lands devoted to government, institutional and

utilities uses include properties owned by Caltrans, Union Pacific Railroad, U.S. Postal Service, Bay Area Rapid Transit District (BART), East Bay Municipal Utility District (EBMUD), Oakland Unified School District, Oakland Housing Authority, and City of Oakland.

## **PROJECT DESCRIPTION**

The DEIR evaluates the potential environmental impacts of the Draft West Oakland Specific Plan and its concurrent components, including Design Guidelines, and General Plan and Planning Code amendments (text and map), which collectively constitute the Project. The concurrent Plan components would provide the regulatory framework to guide future land use and development decisions in Plan Area, and are described further in the sections below. It should be noted that the Plan and the proposals for the concurrent components have not yet been approved or adopted by the City's various advisory boards and elected bodies, and are, therefore, subject to change.

### *Draft Plan's Vision and Goals*

The Draft Plan is designed as a West Oakland roadmap for reducing blight, attracting new industry, maintaining and supporting existing compatible businesses and industry, promoting smart growth and Transit-Oriented Development (TOD) that serves a range of incomes, encouraging mass transit and creating living wage jobs for West Oakland residents.

The Draft Plan's Vision and Goals provide an important framework for its policies and actions, and are summarized here:

- Industrial areas have been preserved and contribute to economic vitality, supporting clean, low-impact industries that provide living wage jobs for local residents;
- Housing continues to be affordable and the character of historic neighborhoods has been maintained. Successful new mixed income neighborhoods provide a range of housing options, and new housing development is transit-oriented and transit served;
- Transit connections between the West Oakland BART station, residential neighborhoods and existing and new employment, cultural and commercial centers are improved, and street and transit better connect West Oakland to surrounding areas;
- Neighborhood commercial areas (particularly 7th Street and San Pablo Avenue) have been revitalized with vibrant small businesses that provide the daily goods and services needed by local residents;
- Environmental quality and community health have been improved, and contaminated sites have been remediated. New development and new land uses are designed to encourage physical activity and healthy lifestyles for residents;
- West Oakland continues to be a socially and culturally diverse area with a strong sense of community, and West Oakland's thriving artists' community has been preserved; and
- Safety has been improved through a reduction in crime and the provision of safe and attractive new private and public spaces.

A key element of the West Oakland Specific Plan is the identification of important community assets, an acknowledgement of their critical importance, and inclusion of strategies to ensure their retention. In the midst of the desire for growth and change, the existing assets for which this Plan sets forth objectives and strategies to ensure retention and preservation include:

- **Jobs & Industrial Lands:** Recognizing West Oakland’s industrial lands as a vital, fundamental basis for future economic growth and retaining the area’s current solid and diversified jobs base, which provide wages that support and sustain middle-class incomes;
- **Residential Neighborhoods:** Preserving West Oakland’s residential neighborhoods, which need only enhancement of their existing strengths;
- **Historic Resource Preservation:** Preserving Oakland’s oldest and most historic neighborhoods and industrial areas, ensuring their legacy of cultural, educational, aesthetic and inspirational benefits for future generations;
- **Arts & Culture:** Fostering West Oakland’s fully-emerged arts and culture movement; and
- **Plan Area Schools:** Acknowledging the importance of retaining educational resources for Plan Area residents.

### Draft Plan’s Policies on Historic and Cultural Resources

#### **Historic Resources in West Oakland**

There are approximately 1,421 Local Register properties within the West Oakland Planning Area. Of this total, the 32 designated historic properties and properties rated of the highest importance (National Register properties, Landmarks, Heritage Properties, Study List properties, S-7 Preservation Combining Zone properties, and PDHPs with an existing rating of “A”) within West Oakland Other Local Register properties (the 800-plus properties in the Oakland Point API, the 600-plus S-20 Preservation Combining Zone properties in the Oak Center district, and PDHPs with an existing rating of “B”) are too numerous to individually list.

About 70 percent of the buildings in West Oakland meet Oakland’s most inclusive definition of “historic,” as compared to 20 to 25 percent in the city overall. West Oakland also has a large share of the city’s most important historic resources such as City Landmarks and properties on the National Register (*see Attachment D*). There are many different programs and categories for recognizing historic value, at national, state, and local levels. It is important to recognize that categories often overlap and are always somewhat fluid. Properties can lose or regain integrity, new information may come to light about any individual property or an entire context, younger properties may become “historic” with the passage of time, or a “fair argument” may indicate that a property should be considered significant. In West Oakland, roughly 3,500 out of 5,000 total buildings meet some definition of “historic” under the Preservation Element (inclusive of the 1,420 designated properties on the Local Register). The proportion of historic properties in West Oakland (70%) is much higher than in the city overall (20% to 25%). Most of West Oakland’s historic properties are houses on small lots, and the Local Register group includes two very large residential districts, Oakland Point and Oak Center. In lieu of an individual list of these properties, this Specific Plan provides a summary with examples of the types of properties in West Oakland that are considered to be historic resources (*see Attachment E*).

#### **Residential Enhancement Areas**

Although the West Oakland Specific Plan focuses on growth and development of Opportunity Areas – those areas having the potential for significant economic growth, development and change, there are large portions of West Oakland that are not in need of transformational change, but rather need enhancement and enrichment of their existing characteristics. The Draft Plan identifies these areas as Residential Enhancement Areas. The Residential Enhancement Areas consist mostly of residential neighborhoods which should be enhanced through the preservation of historic resources, by facilitating

maintenance of homes by property owners, by infilling of vacant parcels with similarly-scaled and compatible housing, and with improved streetscapes. Existing City of Oakland housing and historic preservation programs and policies already address these areas.

New development pursuant to the Draft Plan has been carefully planned so as not to encroach into historic districts and to avoid directly affecting individually significant properties.

Strategies of the Draft Plan protect historic, architecturally and structurally significant structures through adaptive reuse. For example, the Draft Plan:

- identifies good examples of existing adaptive re-use projects (such the Del Monte Cannery and Label Plant and the Standard Underground Cable building in the 3rd Street Opportunity Area, and the Oakland Mazda Lamp Works building along Mandela Parkway), and promotes similar adaptive reuse of historic buildings throughout West Oakland;
- establishes conditions under which replacement of portions of structures may be appropriate if the most significant or character-defining elements of important buildings are retained; and
- promotes intensification of reuse for certain underutilized buildings, or compatible infill between older and historic properties (such as along the historic 7th Street commercial district).

Other recommendations of the Draft Plan suggest establishing a Cultural District along 7th Street from Wood Street to Chester Street to promote and enhance this street's historic character, furthering rehabilitation plans for the 16th Street Station, and continued pursuit of all available federal, State and local grants, loans and other funding and tax benefit strategies to enhance the economic viability of preserving and reusing historic buildings.

### ***Draft General Plan and Zoning Amendments***

Implementation of this Draft Plan includes amending the General Plan land use designation, and changing the zoning designation of several specific sites. Implementation of these land use and zoning changes would result in changing the allowed character of development at these sites. Each of these proposed General Plan and zoning changes will help to establish more identifiable borders between the established residential neighborhoods, and the industrial and intensive commercial business areas; prevent new land use incompatibilities that might adversely affect existing neighborhoods; and restore neighborhoods at the residential/ industrial interface.

With very limited exceptions, the Draft Plan does not change the existing Oakland General Plan land use designations or the applicable zoning throughout West Oakland, and the Plan is intended to generally adhere to the City's Overall Industrial Land Use Policy to retain current industrial zoning districts

An important implementation strategy underlying this Draft Plan is the establishment of new overlay zones which provide additional land use regulations applicable to individual areas within the current CIX-1 zone including design review.

The West Oakland Specific Plan is intended to be adopted concurrently with amendments to the General Plan's Land Use and Transportation Element to reflect new policy direction. The map of the General Plan and Zoning amendments is included in ***Attachment C***, and are described below.

## **New Overlay Zones**

In many instances, current General Plan land use and zoning designations in West Oakland, particularly in the business/industrial areas, allow such a broad range of allowable uses, building intensities and development characteristics that there is no discernible or specific “vision” of the highest and best land uses for specific sites or areas. This broad range of allowed uses may also raise property owner expectations beyond what the current market can support, thereby discouraging investment and slowing development as owners ‘hold out’ for higher value projects.

While allowing flexibility, this Draft Plan provides more specific and definitive land use direction for the business areas of West Oakland, and provides greater clarity and predictability for property owners and developers, neighbors, and the community at large. The Draft Plan provides this more specific land use policy direction for the business areas of West Oakland located within this Plan’s Opportunity Areas by identifying a set of new land use overlays:

- Business Enhancement Overlay
- Low intensity Business Overlay
- High Intensity Business Overlay
- Large Format Retail Overlay
- High Density Mixed Use Development TOD Overlay

These overlays are in addition to the proposed Home Craft Production and 7th Street Cultural district provisions described in Chapter 5 of the draft Plan.

The proposed overlays augment the requirements of the Plan Area’s underlying zoning. These land use overlays identify strategically distinct employment uses and building types, reflecting differences in business functions, business ages and sizes, and expected property amenity levels. These land use overlays supplement, rather than replace the current General Plan designations and zoning regulations. These new land use overlays are mapped on top of existing zoning districts for particular parcels, providing more specific and targeted land use policy and regulation. Within the Opportunity Areas, the new land use overlays will be adopted as supplementary to the regulations applying in the existing zone or zones with which the new land use overlay is combined.

The Draft Plan encourages the retention of existing buildings in designated Business Enhancement Overlay Areas, recognizing the capital investment that has already been made and acknowledging the architectural character and historical significance that many of these buildings possess. It aims to focus the economic development efforts of the City on intensification of use, permanent enhancement, and adaptive reuse of existing buildings, particularly in the near term.

Whenever any provision of the new land use overlay imposes overlapping or contradictory regulations with those contained in the applicable base zone, or contains restrictions covering any of the same subject matter, the provision within the land use overlay will control, except as otherwise expressly provided in the zoning regulations.

To the extent that the new land use overlays identify certain land use types or facilities as requiring a conditional use permit or being subject to design review, the City may rely on the Draft Plan’s land use strategies and design guidelines in their discretionary decision-making process. These land uses are also supported by the City of Oakland’s Overall Industrial Land Use Policy, which is specifically intended to



protect the remaining industrial lands in Oakland, recognizing that industrial land is a scarce resource and that preservation of industrial land is vital to the future economic growth of the city.

### **Proposed General Plan Amendments and Re-Zonings**

The land use strategies and land use overlays of the West Oakland Specific Plan are intended to apply primarily to those areas in West Oakland identified as “Opportunity Areas”. Outside the Opportunity Areas, the Draft Plan only proposes those General Plan and Zoning changes that will help to:

- establish more identifiable borders between the established residential neighborhoods, and the industrial and intensive commercial business areas;
- prevent new land use incompatibilities that might adversely affect existing neighborhoods; and
- restore neighborhoods at the residential/ industrial interface.

The Draft Plan would allow the following limited number of carefully selected industrial sites to be converted to new residential or live/work development, resulting in General Plan amendments and re-zonings. Criteria by which such sites have been selected includes sites within already established residential and live/work patterns, sites with established buffers between less compatible industrial neighbors, and sites with immediate proximity to parks and other residential amenities:

#### **Phoenix Iron Works Site** (*consisting of the Pine Street frontage between 8<sup>th</sup> and 9<sup>th</sup> Street*)

The Pine Street frontage portion of the Phoenix Iron Works site is currently surrounded on three sides by residential and small scaled commercial use, so the Plan recommends the site be converted from business/industrial to live/work use:

- Amend the General Plan to change the land use designation of the frontage of this site from Business Mix to Housing and Business Mix, similar to the General Plan land use designations across Pine Street to the east.
- Re-zone a portion of this site from its current zoning as Commercial/Industrial Mix (CIX-1/S-19), to Housing/Business Mix (HBX-2).

#### **Roadway Site** (*consisting of the two blocks bounded by 17th Street, 18th Street, Wood Street and Campbell Street, the adjacent south block face on 17th Street between Willow Street and Campbell Street, and the two south blocks bounded by 17th Street, Wood Street, 15th Street, and Willow Street*)

The current General Plan land use designation for this site is Business Mix. In order to allow a wider variety of land uses on these properties and ensure compatible development, the following is recommended:

- Amend the General Plan to change the land use designation of this site to Housing and Business Mix.
- Re-zone this site from its current zoning as Commercial/Industrial Mix (CIX-1/S-19), to Housing/Business Mix (HBX-2).

#### **Coca Cola Bottling/Mayway Site** (*consisting of a portion of the northern block at 12<sup>th</sup> Street and Mandela Parkway*)

- Amend the General Plan to change the land use designation of this site from Business Mix to Housing and Business Mix.
- Re-zone this site from its current zoning as Commercial/Industrial Mix (CIX-1), to Housing/Business Mix (HBX-2).

**Adeline Street** (consisting of the two blocks on the east side of Adeline Street bounded by 26th Street to the north, Adeline Street to the west, West Grand Avenue to the south, and Chestnut Street to the east)

On the east side of Adeline Street bounded by 26th Street to the north, Adeline Street to the west, West Grand Avenue to the south, and Chestnut Street to the east, amend the General Plan to change the land use designation for the two blocks along the east side of Adeline Street north of West Grand from Business Mix to Housing and Business Mix.

**Ettie at 28th Street** (consisting of the portion of the block generally bound by Ettie, 28<sup>th</sup> 32<sup>nd</sup>, and Hannah Street that is not now zoned HBX-2)

- Amend the General Plan to change the land use designation of these properties from Business Mix to Housing and Business Mix.
- Amend the Zoning designation from Commercial Industrial Mix (CIX-1) to Housing and Business Mix (HBX-2). The existing S-19 Health and Safety Protection Overlay would be retained for these properties.

### ***Proposed Design Guidelines***

Design Guidelines for the West Oakland Specific Plan will cover a wide range of topics, including guidelines for building design, streetscapes and open space, and will complement Zoning regulations to provide certainty and predictability in the design review process.

Here is a selection of Draft Design Guidelines specifically related to historic and cultural resources:

**Character Defining Features:** One- and two story late 19th and early 20th century houses, usually on narrow lots.

**Intent:** New construction and additions to residential homes in the Residential Enhancement Area should be designed to enhance and maintain the existing historical residential character of each neighborhood.

- *Pedestrian Circulation.* New additions to existing buildings and infill development should reinforce the pedestrian scale and character of the neighborhoods by including raised, street-facing porches and front entries approached from the street with ample space for seating.
  - Smaller buildings should generally fill out their entire sites.
  - Larger buildings should be organized with landscaped courtyards and be located primarily in the middle of blocks.
- *Vehicular Circulation.* A garage should be located in a separate structure behind the main house or as part of a “raised basement” below the main house. The garage should always be viewed as secondary to the larger and more significant pedestrian entrance.
- *Service Circulation.* Service areas for larger structures, such as multi-family residential and commercial buildings should be shielded from view from city sidewalks whenever possible.
- *Building Footprint.* New infill structures and additions to existing structures should be set back from front and side lot lines on the site in a manner consistent with those historical buildings in the immediate vicinity.
- *Open Space.* New projects should have front yards similar in scale and character to historical buildings in the immediate vicinity.
- *Massing.* Roof elements, bay windows, and other projections should be consistent with those of buildings in the immediate vicinity.

- *Fenestration and Material:* Fenestration, which can be either more historic or more contemporary, should be articulated to project a sense of scale characteristic of West Oakland's residential areas.
- *Height and Materials:* Fencing for new projects located within or in proximity to Residential Enhancement Areas should be designed and of a height that doesn't result in the creation of 'fortresses' within the residential neighborhood.

### **Design Guidelines Applicable to All Opportunity Areas**

These guidelines are applicable throughout this Plan's industrial/business/commercial areas, generally described as the Opportunity Areas

**Intent:** New construction and renovation in the four Opportunity Areas should be designed to maintain continuity with West Oakland's unique history and character.

### **Site Planning**

- *Pedestrian Circulation.* Active street edges with entrances from city sidewalks should directly face streets, maximizing the utilization of city sidewalks by users of the buildings.
- *Vehicular Circulation.* Vehicular entrances and garages should be less prominent than pedestrian entrances.
- *Service Circulation.* Service areas should be hidden from view from sidewalks whenever possible.
- *Building Footprint.* New construction should be built to the edge of sidewalks to maintain the continuity of the area's street walls. Small ground-level inset bays for entrances, outdoor seating, and special corner features are appropriate variations within the street wall. In addition, an occasional plaza may be also appropriate.
  - Relate to existing buildings and utilitarian structures, which need to be rehabilitated and reused.
  - Expansion of existing buildings is encouraged, with unique aspects of existing buildings respected, featured, and protected.
  - Surface parking is strongly discouraged along frontages facing public streets.
- *Open Space.* West Oakland's public streetscapes along with its parks need to be embraced, improved, and enriched as public open space elements. Any new open space located in public view should not be walled from the street by dense planting or a tall fence.
- *Massing.* New buildings should be designed with major massing elements that are consistent with those found existing desirable buildings located in the immediate vicinity.
- *Fenestration and Materials.* Fenestration, which can be either more historic or more contemporary, should be articulated to maintain the sense of scale found in the immediate context.

### **Adjacent to Residential Enhancement Areas**

**Intent:** Buildings need to make gentle transitions from the larger commercial buildings facing 7th Street and San Pablo Avenue to the residential side streets of historic houses.

The following Design Guidelines apply to those buildings and properties facing residential side streets in the Residential Enhancement Areas.

- *Site Planning.* Create active entry points facing the street to roughly match porches and entrances on historic housing elsewhere on the street.

- *Massing* Modulate front facades facing streets into segments to roughly match the scale of historic housing elsewhere on the street. Bay windows and porches are encouraged. When buildings transition from neighborhood commercial arterials to residential side streets, create buildings that are taller and built to the lot line near the commercial street and have setbacks closer to the adjacent lower-scale residential buildings.
- *Height.* Buildings directly facing residential side streets should be appropriately massed to best relate to the residential scale within the immediate context.
- *Fenestration and Materials.* Employ high quality fenestration with high quality detail around entries and primary windows.
- *Landscape.* Establish landscaped front yards between the sidewalk and the face of the building that reflect the landscaping context in the immediate area.

### **Mandela Parkway/7th Street**

**Intent:** The intersection of Mandela Parkway and 7th Street, adjacent to the West Oakland BART station, needs to establish an important civic focus.

The following Design Guidelines apply to properties immediately fronting onto the intersection of Mandela Parkway and 7th Street.

- *Site Planning.* Close to the BART station, a large civic plaza should be created that is surrounded by ground floors that include publicly accessible uses such as restaurants, retail, building lobbies, galleries, and studios.
- *Massing, Height.* Taller buildings are encouraged along Mandela Parkway and in particular to mark the intersection of 7th Street and Mandela Parkway.
- *Height.* It is encouraged that taller buildings mark the intersection of 7th Street and Mandela Parkway.
- *Fenestration.* Ground floors should have large openings and a high degree of transparency in the blocks adjacent to the BART station.
- *Landscape.* Landscaping should be coordinated with that of the Mandela Parkway and should include a similarly high quality of planting and paving.

### **Pine Street**

**Intent:** The section of Pine Street with some of the oldest Victorian houses in West Oakland needs to be carefully respected.

The following Design Guidelines apply to new construction directly facing onto Pine Street.

- *Site Planning.* Create entries facing Pine Street that are compatible with the porches and entrances on historic houses on the opposite side of street.
- *Massing.* Articulate facades facing Pine Street into segments that roughly match the scale of historic housing on the opposite side of the street. Bay windows and porches are encouraged.
- *Height.* Buildings directly facing Pine Street should relate to the scale of historic housing on the opposite side of the street.
- *Fenestration and Materials.* Employ clear, logical, and high quality fenestration appropriate detail around entries and primary windows.
- *Landscape.* Establish landscaped yards between the sidewalk and the face of the building.

### ***Reasonably Foreseeable Maximum Development***

New development is assumed to occur on “Opportunity Sites,” as shown in ***Attachment B***.

The Project analyzed in this EIR is the amount of development that can be reasonably expected to occur in the Planning Area over the next 20-25 years. The amount of both residential and employment growth included under this reasonably foreseeable scenario is generally consistent with current Association of Bay Area Government (ABAG) projections for West Oakland, is consistent with the market projections of demand for new housing opportunities and employment growth potential as assessed for the Draft Plan, and it consistent with the urban design assumptions and development scenarios as presented in the Draft Plan. This development potential is the reasonably foreseeable maximum development that would occur within the Planning Area during the life of the proposed Plan and is the level of development envisioned by the proposed Plan.

The reasonably foreseeable maximum development that is the basis of this EIR analysis and described as buildout of the Plan is different from the theoretical maximum development potential in the Planning Area. A theoretical maximum buildout is the amount of development that would be permitted by full buildout (under maximum floor-area ration [FAR] and residential densities) under the revised General Plan and Planning Code regulations, and is substantially greater (especially in regard to non-residential building space) than the reasonably foreseeable buildout of the Plan. It is important to note that the maximum development potential under the Draft Plan is actually lower than a maximum theoretical buildout under the current General Plan and zoning because the proposed Draft Plan recommends lowering certain, currently applicable FARs in the industrial areas of West Oakland.

In addition to the reasonably foreseeable maximum development described above, the Draft Plan includes two options for buildout of the West Oakland BART station Transit Oriented Development (TOD):

- Under the option whereby the TOD would be primarily a high-density residential development above mostly ground-floor commercial, the Draft Plan would provide for an increase of up to approximately 5,000 new dwelling units accommodating an increased population of approximately 11,000 people; and approximately 4.03 million square feet of new business, industrial and commercial building space, providing nearly 15,000 new jobs.
- Under the option whereby the TOD would include a large component of commercial/office development, the Draft Pan would provide for an increase of approximately 4,000 new dwelling units accommodating an increased population of approximately 8,720 people; and slightly more than 4.7 million square feet of new business, industrial and commercial building space providing more than 16,500 new jobs.

Whereas buildout of the Plan Area is anticipated to occur over an extended period of time with incremental increases in new housing and job opportunities, the buildout assumptions included in the Draft Plan are assumed, for purposes of CEQA review, by year 2035.

## **ENVIRONMENTAL REVIEW**

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

### ***Scope***

On October 22, 2012, the City of Oakland issued a Notice of Preparation (NOP) to inform agencies and interested parties of its intent to prepare and distribute a “Draft EIR for the West Oakland Specific Plan.”

The NOP was distributed to governmental agencies, organizations, and persons interested in the Station Area Plan. The City sent the NOP to agencies with statutory responsibilities in connection with the Plan and requested their input on the scope and content of the environmental information that should be addressed in the EIR. The Landmarks Preservation Advisory Board (LPAB) and the City of Oakland Planning Commission held Scoping Meetings on November 5, 2012, and November 14, 2012, respectively, to accept comments regarding the scope of the EIR for the West Oakland Specific Plan. The NOP and comments that the City received in response to the NOP are included as *Appendix A* in the DEIR, which addresses all comments received in response to the NOP that are relevant to environmental issues.

### *Analysis of Potential Impacts*

The section below discusses the environmental analysis associated with “Cultural and Historic Resources” topic in the DEIR.

Existing City Standard Conditions of Approval (SCAs) and regulations protecting historical resources, as well as the Draft Plan policies and design guidelines, would mitigate any potential impact of overall redevelopment in the Plan Area, but will not be able to reduce the potential impact of demolition of these two buildings to a level that is less than significant. The Draft Plan includes an additional mitigation measure to implement Historic Preservation Element policy 3.8, and provides for multiple measures and approaches. Some approaches could reduce the impacts on historic resources to a less than significant level, and others could reduce impacts on historic properties, but not to a less than significant level. Only avoidance of direct effects to these structures would reduce the impacts on historic resources to a less than significant level. If demolition or substantial alteration of historically-significant resources is identified by the City as the only feasible option for development in the Plan Area, the impact of development under the Draft Plan would be considered significant and unavoidable. This finding should be viewed as conservative, as it is not certain that historic resources on Opportunity Sites will be demolished or otherwise impacted.

**Historic Resources:**

**Impact CR-1:** There are about a dozen Local Register properties within the Opportunity Areas. The Draft Plan does not propose demolition of any of these properties to allow for new development, and requires that any changes to these properties adhere to the Secretary of the Interior's Standards for the Treatment of Historic Properties. With compliance with existing SCAs and regulations protecting historical resources, implementation of the Draft Plan would not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5, and the impacts of the Draft Plan on historic resources would be less than significant with Standard Conditions of Approval.

**Archaeological Resources, Paleontological Resources and Human Remains:**

**Impact CR-2:** Development in accordance with the Draft Plan could cause a substantial adverse change in the significance of an archaeological resource or destroy a unique paleontological resource or site or unique geologic feature. However, with required implementation of the City's Standard Conditions of Approval, impacts on archaeological resources, paleontological resources and human remains would be less than significant with Standard Conditions of Approval.

**Cumulative Cultural and Historic Resources Impacts:**

**Cumulative Impact CR-3:** Cumulative development could cause a substantial adverse change in a historic resource or archaeological resource, or destroy a unique paleontological resource or site or unique geologic feature, which would be a significant cumulative impact. The Draft Plan would avoid significant impacts on the Local Register properties within the Opportunity Areas by requiring that any changes to Local Register properties adhere to the Secretary of the Interior's Standards for the Treatment of Historic Properties. SCA 57, *Vibrations Adjacent to Historic Structures*, would reduce potential construction period vibration impacts on historic resources to a less-than-significant level. With required implementation of SCA E, *Archaeological Resources – Sensitive Sites*, SCA 52, *Archaeological Resources*, SCA 53, *Human Remains*, and SCA 54, *Paleontological Resources*, the impacts of the Draft Plan on archaeological resources, paleontological resources and human remains would be less than significant. Because the impacts of the Draft Plan would be less than significant, the Draft Plan contribution to significant cumulative impacts on cultural resources would also be less than significant with Standard Conditions of Approval.

These impacts and associated mitigation measures are discussed further in the “Key Issues” section below.

Because it would reduce the extent of significant air quality impacts and would likely avoid many, if not all of the significant traffic impacts as compared to the Project, the No Project is considered environmentally superior to the Project. However, Section 15126.6(e)(2) of the CEQA Guidelines requires that if the No Project Alternative is identified as the environmentally superior alternative, then the EIR shall identify another alternative as the environmentally superior alternative.

Because it would lower the extent of environmental impacts overall (even those indicated as being less than significant) as compared to the Project, reduce the extent of significant and unavoidable air quality impacts (even though not to a less than significant level), and would avoid several of the traffic intersection impacts as identified under the Project, the Reduced Project is considered environmentally superior to the Project.

**Alternative 1: No Project**

The No Project Alternative would not cast shadows that substantially impair the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors; cast shadows that substantially impair the beneficial use of any public or quasi-public park, lawn, garden, or open space; or cast shadows on an historic resource such that the shadow would materially impair the resource's historic significance. The shadow impacts of the No Project Alternative would be less than significant.

**Alternative 2: Reduced Project**

Like the Project, the Reduced Alternative would not cast shadows that substantially impair the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors; cast shadows that substantially impair the beneficial use of any public or quasi-public park, lawn, garden, or open space; or cast shadows on an historic resource such that the shadow would materially impair the resource's historic significance. The shadow impacts of the Reduced Alternative would be less than significant. (LTS) The Reduced Alternative would not alter or change the manner in which historic resources are proposed to be addressed pursuant to the Draft Plan (the Project).

**Alternative 3: Scenario with Commercial and Jobs Emphasis**

Alternative #3 would not alter or change the manner in which the majority of historic resources are proposed to be addressed pursuant to the Draft Plan.

**Alternative 4: Maximum Theoretical Buildout Alternative**

Under the Maximum Theoretical Buildout Alternative, all sites containing existing historic resources within the Plan Area would be redeveloped, and it would be unlikely that such intense development would be able to avoid, adaptively reuse or appropriately relocate all historically significant structures. Therefore, the less than significant historic resource impact identified for the Project (because no demolition of historic resources is proposed or would be necessary to build out the Plan) would instead become a significant and unavoidable impact under the Maximum Theoretical Buildout Alternative. All other cultural resources impacts under the Maximum Theoretical Buildout Alternative would be similarly less than significant as identified for the Project.

***Publication and Distribution of the DEIR***

The DEIR for the West Oakland Specific Plan was published on Wednesday, January 29, 2014, and the public review period extends to March 17, 2014. The Notice of Availability (NOA) for the DEIR was mailed to interested parties, responsible agencies and local planning agencies. The NOA was also posted in the office of the County Clerk, and published in the Oakland Tribune. Copies of the DEIR have been distributed to City officials, including the Landmarks Preservation Advisory Board and Planning Commission, and are electronically on the City's website and in printed form at the Department of Planning and Building (250 Frank Ogawa Plaza, Suite 3315) and the City's website.



## **KEY ISSUES**

CEQA Guidelines state that a substantial adverse change includes physical demolition, destruction, relocation, or alteration of a historic resource or its immediate surroundings such that the significance of the historical resource would be “materially impaired.” The significance of a historical resource is “materially impaired” when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance and that justify its inclusion on, or eligibility for inclusion on a historical resource list.

As one of the earliest-developed parts of Oakland, the Plan Area contains a large number of CEQA historical resources. In addition to the existing historic resources, the Plan Area may contain sites or structures that will become eligible for listing over the course of the planning period, and could be impacted by new development under the Draft Plan.

### ***Existing Historic Resource Regulations***

Policy 3.5 in the Historic Preservation Element of the Oakland General Plan requires the City to make findings with regard to the quality of an existing historic resource and the quality of the proposed design before approving development, where discretionary action is required. Policy 3.7 requires that a developer attempt to relocate rather than demolish historic resources; this policy is reinforced by SCA 56: Property Relocation Rather than Demolition. In addition, SCA 57: Vibrations Adjacent to Historic Structures would provide some level of protection for historical properties.

Under Planning Code provisions, any proposed development involving exterior alteration to a character-defining element of a Designated Historic Property (DHP) or Potentially Designated Historic Property (PDHP) must ensure that character-defining elements are not adversely affected. In any zone, projects involving a Landmark must respond to the Design Guidelines for Landmarks and Preservation Districts as adopted by the City Planning Commission and/or the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

Chapter 17.136.075 of the Oakland Planning Code requires that demolition or removal of any Landmark, Heritage Property, structure rated "A" or "B" by the Oakland Cultural Heritage Survey, and structure on the in an Area of Primary Importance (API) requires certain findings. The applicant must demonstrate that either the property has no reasonable use, or that it constitutes a hazard; that the design quality of the replacement is equal/superior to the existing facility; and that it is economically, functionally, architecturally, or structurally infeasible to incorporate the historic structure into the proposed development.

### ***Impacts from Adjacent Development or Reuse***

Incompatible new construction immediately adjacent to identified historic resources, as well as inappropriate reuse of such resources, could occur in the Plan Area. However, implementation of the proposed Design Guidelines, which encourage sensitive integration of new development in the immediate vicinity of historic buildings, would reduce impacts to a less-than-significant level.

## **NEXT STEPS**

The DEIR for the Draft West Oakland Specific Plan will also be presented to the Planning Commission on February 24, 2014, and to the Parks and Recreation Advisory Committee (PRAC) later in the spring, which will provide comments unique to their area of purview. Comments received at these public hearings will help further shape the preparation of the final documents, including the (Final) West Oakland Specific Plan, Design Guidelines, Zoning and General Plan amendments, and the Final Environmental Impact Report. Once final documents are prepared, the formal adoption process will commence beginning with the Planning Commission and continuing onto the Community and Economic Development Committee of the City Council and full City Council.

***Upcoming Public Hearings***

Additional public hearings will be held to review the DEIR. These are the proposed dates for upcoming public hearings:

- Planning Commission – **February 24, 2014**
- Parks and Recreation Advisory Commission – **March 12, 2014**

It is anticipated that in the spring of 2014, there will be additional public hearings and West Oakland Specific Plan Steering and Technical Advisory groups meetings to refine proposals for the new Plan Area Zoning regulations and Design Guidelines.

Following that round of public hearings, a Final EIR, along with recommended changes to the Draft Plan, zoning and General Plan amendments, and design guidelines will be presented to the Planning Commission for public review and comment before final adoption by City Council of the West Oakland Specific Plan and its concurrent components.

**RECOMMENDATIONS**

Take public testimony and provide comments to staff on the cultural resource aspects of the Draft Environmental Impact Report (DEIR) and Draft Plan and its concurrent components.

Prepared by:

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**ATTACHMENTS:**

- A. Notice of Availability – West Oakland Specific Plan DEIR
- B. Opportunity Areas and Sites map
- C. Proposed General Plan and Zoning Amendments map
- D. Historic Resources map – West Oakland Specific Plan DEIR
- E. Chapter 5.3 Preservation of Historic Resources
- F. Chapter 5.2 Neighborhood Enhancement