

<b>Location:</b>	The Planning Area encompasses approximately 92-96 acres on either side of Broadway, and is generally bound by Interstate-580 to the north, Grand Avenue to the south, Webster Street and Valley Street to the west, and Harrison Street, Bay Place, 27 <sup>th</sup> Street, Richmond Avenue, and Brook Street to the east.
<b>Proposal:</b>	Conduct a public scoping session, as required by the California Environmental Quality Act (CEQA), to receive comments on the scope of a Draft Environmental Impact Report (DEIR) on the Broadway/Valdez District Specific Plan.
<b>Applicant:</b>	City of Oakland
<b>Case File Number:</b>	ZS12046, ER120005
<b>General Plan:</b>	Central Business District, Community Commercial, Neighborhood Center Commercial, Urban Residential, Mixed Housing Type Residential, Institutional
<b>Zoning:</b>	CBD-P, CBD-C, CC-2, CC-2/D-BR, CN-2/D-BR, RU-3/D-BR, RU-4/D-BR, RM-3/D-BR, RM-4/D-BR
<b>Environmental Determination:</b>	An Environmental Impact Report (EIR) will be prepared for the Broadway/Valdez District Specific Plan.
<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); 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>Service Delivery District:</b>	2
<b>City Council District:</b>	3
<b>Status:</b>	A Notice of Preparation (NOP) of DEIR was published on April 30, 2012, and the public comment period on the NOP ends on May 30, 2012.
<b>Action to be Taken:</b>	Receive public and Planning Commissioner comments on the scope of the DEIR. No decisions will be made on the project at this hearing.
<b>Finality of Decision:</b>	N/A
<b>For Further Information:</b>	Contact project planner Laura Kaminski at <b>510-238-6809</b> or <a href="mailto:lkaminski@oaklandnet.com">lkaminski@oaklandnet.com</a> Project message line: <b>510-238-7905</b> Project email address: <a href="mailto:bvdsp@oaklandnet.com">bvdsp@oaklandnet.com</a> Project website: <a href="http://www.oaklandnet.com/bvdsp">www.oaklandnet.com/bvdsp</a>

**SUMMARY**

The City of Oakland’s Department of Planning, Building and Neighborhood Preservation is preparing a Draft Environmental Impact Report (DEIR) on the Broadway/Valdez District Specific Plan (“Plan,” “Project”) that will provide a roadmap for how the area develops over the next 25 years. The Planning Area encompasses approximately 92-96 acres on either side of Broadway, and is generally bound by Interstate-580 to the north, Grand Avenue to the south, Webster Street and Valley Street to the west, and Harrison Street, Bay Place, 27<sup>th</sup> Street, Richmond Avenue, and Brook Street to the east.

The City is both the applicant and lead agency for the project, represented by the Department of Planning, Building and Neighborhood Preservation (DPBNP). Under the California Environmental

Quality Act (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.

A Notice of Preparation (NOP) of a DEIR was published on April 30, 2012 (see **Attachment A**). The public comment period on the scope of the DEIR ends on May 30, 2012. The City anticipates that a Draft EIR for public review and comment will be available by fall of 2012.

The purpose of this Planning Commission public hearing is to receive comments on the scope of the environmental analysis that will be included in the DEIR. A scoping session was also held before the Landmarks Preservation Advisory Board (LPAB) on May 14, 2012.

**PLAN BOUNDARY**

As mentioned above, the Planning Area encompasses approximately 92 to 96 acres. The difference in acreage is due to the potential removal from the Plan boundary of a half block of properties between Broadway and Webster Street at 30<sup>th</sup> Street (see **Attachment B**). The City recently received a request to remove this half-block from the Specific Plan boundary, because the potential developer of a large retail development at this site has proposed doing their own EIR because their project is on a faster track than the anticipated timeline for completion of the Specific Plan. The City is considering this request and would like the input of the Planning Commission.

It is important to note that the developer can legally prepare their own separate EIR and seek their own entitlements, and the Specific Plan can still include the project site. Any challenge to the Specific Plan or Specific Plan EIR would not affect the separate EIR and project approvals if they proceed separately. Therefore, this boundary change request may be based more on the developer’s desire to ensure the future anchor tenant, who has already signed a “Letter of Intent” with the development company to occupy the proposed retail development at this site, a higher level of predictability and comfort in the entitlement process.

The following discussion provides a staff analysis of the pros and cons of this proposed Plan boundary change:

<b>CONSIDERATIONS</b>	<b>PRO</b>	<b>CON</b>
<p><b>The proposed boundary change would remove a potential major development area from consideration in the Specific Plan</b></p>	<ul style="list-style-type: none"> <li>▪ <i>The proposed retail development at this site would be consistent with the goals of the Specific Plan</i></li> </ul>	<p><i>Not studying this half-block as part of the Specific Plan means that the removed area is not part of the Specific Plan area, and thus would not be subject to the Specific Plan regulations for any other development if the currently proposed development is unable to move forward for any reason</i></p>

After meeting with the potential developer, reviewing their preliminary plans, and being informed of their receipt of an anchor tenant “Letter of Intent” and their willingness to do their own EIR as part of the required entitlement process, staff has a high level of confidence that this is a viable project and its construction would act as a significant catalyst toward implementation of the larger Specific Plan vision.

Therefore, in order to facilitate the current forward momentum of a retail development that is consistent with the goals of the Specific Plan, staff recommends acceptance of the developer’s request that the city

remove from the Plan boundary the half block of properties at 30<sup>th</sup> Street between Broadway and Webster Streets.

**BACKGROUND**

See **Attachment C** for background information on the Broadway/Valdez District Specific Plan.

**PROJECT DESCRIPTION**

The Broadway/Valdez District Specific Plan will be a 25-year planning document, with a planning horizon to the year 2035. The Plan builds on extensive community feedback to meet its goals of:

- 1) Creating a destination retail, dining, and entertainment district that reduces sales tax leakage, while also serving neighborhood shopping needs;
- 2) Encouraging mixed-use housing development in the area that is economically and socially sustainable;
- 3) Facilitating the adaptive re-use of existing historic buildings where feasible, and contributing to a distinctive character and identity; and
- 4) Creating a network of “complete” streets that are designed to safely and efficiently balance pedestrians, bicycle, transit, and vehicular circulation.

The Plan will develop strategies to encourage more retail and mixed-use development in the areas on and off Broadway between Grand Avenue and Interstate 580. Broadway is viewed as the City’s “Main Street”, and the portion of Broadway within the Planning Area is significant due to its proximity to downtown, its location near the 19<sup>th</sup> Street and MacArthur BART transit stations, a major AC Transit bus route, as well as its relationship to nearby residential neighborhoods, the adjacent medical campuses of Kaiser and Alta Bates/Summit, the successful existing Uptown entertainment district, and the Piedmont Avenue retail street. The Plan will provide an area-wide set of development regulations and requirements, and will cover land use, development density, circulation and infrastructure, and financing mechanisms for public improvements, and it will have legal authority as a regulatory document.

The components of the Specific Plan will include:

- Text and diagrams showing the distribution, location and extent of all land uses, including open space;
- Proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy and other essential facilities needed to support the land uses;
- Standards and guidelines for development, and standards for the conservation, development and utilization of natural resources, where applicable;
- Program of implementation measures including regulations, programs, public works projects and financing measures; and
- Statement of Specific Plan’s relationship to the General Plan.

The overall development potential that is proposed for study in the Broadway/Valdez District Specific Plan was presented in the Draft Plan Concept (see **Attachment D**). The development categories below are not all likely to be achieved at the highest range - if the reasonably foreseeable development program includes the high range for one or more of the development categories below, then the other development types would likely be specified in the lower range:

- 800,000 to 1.4 million square feet of retail/commercial;
- 500,000 to 900,000 square feet of office;
- 50,000 to 120,000 square feet of hotel; and
- 900 to 1,800 housing units.

Copies of both the Draft Plan Concept and the NOP are attached to this report and also are available to the public as follows:

1. Electronically, at the project website: [www.oaklandnet.com/bvdsp](http://www.oaklandnet.com/bvdsp).
2. Printed reference copies, at the City of Oakland Planning Department (250 Frank Ogawa Plaza, Suite 3315).

## **ENVIRONMENTAL DETERMINATION**

The City has determined that an EIR will be prepared for the Broadway/Valdez District Specific Plan. An EIR is an informational tool to assist decision makers and the public regarding the project's environmental effects, mitigation measures, and project alternatives. The EIR will be a product of a structured information gathering process specified in the CEQA guidelines. The EIR will study the development envelope that is reasonably foreseeable, to assess potential impacts and mitigation requirements.

As previously noted, a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Broadway/Valdez District Specific Plan was published on April 30, 2012. It is anticipated that the proposed project would likely result in potentially significant environmental effects to the following: Aesthetics, Air Quality, Biological Resources, Cultural and Historic Resources, Geology and Soils, Greenhouse Gases and Global Climate Change, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services, Recreation, Transportation and Traffic and Utilities and Service Systems. All of the noted environmental factors will be analyzed in the DEIR.

The DEIR will also examine a reasonable range of alternatives to the Project, including the CEQA-mandated No Project Alternative, and other potential alternatives that may be capable of reducing or avoiding potential environmental effects.

It should also be noted that, as is typical with an EIR process, the details of the Specific Plan will not be finalized when the EIR process begins. CEQA is an iterative process, and analyzing a finalized plan would remove the value of the EIR as a decision-making tool. The EIR will serve to inform the ongoing community discussion on the details in the Specific Plan, and can direct the modification of proposed policies and programs in the Plan that would help to mitigate potential environmental impacts.

### ***Issues to be Addressed in the DEIR***

The main purpose of this scoping session is to solicit comments from the Planning Commission and the public on what types of information and analysis should be considered in the DEIR. Comments about the environmental issues that should be considered, the types of environmental information that should be included, and the range of alternatives to the project that should be assessed are all appropriate comments. Staff and our consultants have identified the following preliminary list of environmental and project issues that need to be addressed in the DEIR:

#### Aesthetics

- Potential for new buildings to result in impacts to vistas;

- Potential for new buildings to cast shadows that could substantially impair the beneficial use of public spaces, historic resources, and solar collectors;
- Potential for the design guidelines to minimize any identified visual character/visual quality effects.

Air Quality

- Although not required by CEQA, identify areas where adding new sensitive receptors would be constrained by existing, substantial sources of air pollutants;
- Identify any health risks associated with the proposed land use changes;
- Implement design standards to avoid or minimize air quality-related health risks.

Biological Resources

- Assessment of area biological resources (vegetation and wildlife);
- Potential impacts to protected species.

Cultural and Historic Resources

- Assessment of the presence of and potential impacts to historic structures;
- Cultural records search to determine the potential presence of prehistoric or archaeological sites;
- Appropriate coordination with Native American organizations as required under CEQA and SB 18.

Geology and Soils

- Evaluate the potential for newly allowable land uses to result in potential seismic safety concerns.

Greenhouse Gas and Global Climate Change

- Identify how the proposed land use changes could affect global climate change and greenhouse gas emission trends.

Hazards and Hazardous Materials

- Identify known sources of soil and groundwater contamination;
- Include appropriate mitigation to ensure protection of human health in light of potential soil and groundwater contamination.

Hydrology and Water Quality

- Evaluate the potential for the project to result in increased risk related to flooding;
- Evaluate how project construction and operation could affect the quantity and/or quality of stormwater.

Land Use and Planning

- Evaluate the proposed land use changes in light of adopted policy documents, such as the Oakland General Plan's Land Use and Transportation Element (LUTE), Open Space Conservation and Recreation Element (OSCAR), and the Historic Preservation Element.

Noise

- Identify areas where adding new sensitive receptors would be constrained by existing, substantial noise and vibration sources;

- Identify any significant noise or vibration impacts associated with the proposed land use changes;
- Develop design standards that would avoid or minimize any identified noise or vibration effects.

Population and Housing

- Evaluate how the proposed land use changes compare to local and regional projections.

Public Services

- Determine whether proposed land use changes could affect demands for fire and emergency response, police protection, schools, and libraries.

Recreation

- Determine whether proposed land use changes could affect demands on park and recreation services such that physical environmental effects could occur.

Transportation and Traffic

- Analyze existing baseline conditions;
- Evaluate the potential for the proposed land use changes to increase traffic on local roadways under appropriate scenarios.

Utilities and Service Systems

- Identify known infrastructure deficiencies in the project area;
- Determine the extent of demand increases associated with proposed land use changes and whether such increases could be accommodated within existing infrastructure or if new or expanded facilities would be required.

***Alternatives***

The DEIR will also examine a reasonable range of alternatives to the Project, including the CEQA-mandated No Project Alternative, and other potential alternatives that may be capable of reducing or avoiding potential environmental effects.

**NEXT STEPS**

Under the City's Planning Code and the State CEQA Guidelines, several opportunities for public comment on the Project and on the environmental review of the Project are provided. These opportunities include the 30-day comment period on the NOP; a Scoping Session before the Landmarks Preservation Advisory Board (LPAB); this public Scoping Session before the Planning Commission; a 45-day public review period on the DEIR; public hearing(s) before the Planning Commission and LPAB to receive comments on the DEIR; and public hearing(s) before the LPAB, Planning Commission, and City Council to consider certification of the Final EIR.

The 30-day public comment period on the NOP ends on Wednesday, May 30, 2012.

We anticipate that the Draft Specific Plan and Draft EIR will be prepared, circulated and presented to the Planning Commission and other public bodies (including the LPAB) in fall 2012. Then a Final Specific Plan and Final EIR will need to be reviewed and certified by the Planning Commission and other public bodies (including the LPAB), before final Plan adoption by City Council, tentatively in mid to late 2013.

**RECOMMENDATIONS:**

Staff requests that the Planning Commission:

- (1) Receive comments from interested citizens, and provide comments themselves, on the scope of the contents of the DEIR for the Broadway/Valdez District Specific Plan; and
- (2) Determine that the half block of properties between Broadway and Webster Street at 30<sup>th</sup> Street should be removed from the Specific Plan boundary area.

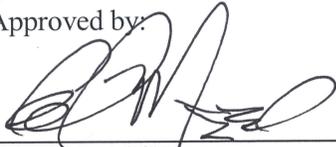
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**ATTACHMENTS:**

- A. Notice of Preparation (NOP) for the Broadway/Valdez District Specific Plan EIR
- B. Map of potential boundary change for the Specific Plan Area
- C. Background information on the Broadway/Valdez District Specific Plan
- D. Broadway/Valdez District Specific Plan "Draft Plan Concept" (dated December 1, 2011)