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| 3. | <p>Project Name: Coliseum Area Specific Plan and EIR</p> <p>Location: The Coliseum Area Specific Plan area (“Plan Area”) is located in Oakland and covers an area of approximately 800 acres bounded by 66th Avenue to the north, San Leandro Street and Hawley Street to the east, Hegenberger Road to the south, and San Leandro Bay and the Oakland International Airport to the west. The Plan Area includes the Oakland-Alameda County Coliseum and Arena, and the Oakland Airport Business Park.</p> <p>Proposal: Conduct a public hearing to receive public comment and to consider certifying the Final Environmental Impact Report (FEIR), and recommending to the City Council the adoption of the proposed Final Coliseum Area Specific Plan, associated General Plan and Planning Code amendments (text and map changes), and Design Guidelines associated with the Specific Plan (collectively called “Related Actions”). The proposals include the creation of six new district-specific zoning classifications: “D-CO-1” through “D-CO-6”, as well as additional necessary changes to the Oakland Planning Code to incorporate the proposed new zones, and changes to the Zoning Maps to implement them. There will also be proposed General Plan Amendments associated with the Plan— both to the <i>Estuary Policy Plan</i> and the <i>Land Use and Transportation Element</i> of the Oakland General Plan.</p> <p>Contact Person/Phone Number: Devan Reiff, 510-238-3550 or Ed Manasse, 510-238-7733</p> <p>Applicant: City of Oakland</p> <p>Case File Number: ZS13103 / ER130004 / SP14001 / GP14002 / ZA14001</p> <p>General Plan: <u>Land Use and Transportation Element (LUTE) Areas:</u> Regional Commercial, Community Commercial, Business Mix. <u>Estuary Policy Plan Areas:</u> General Commercial 2, Light Industry 3, Parks.</p> <p>Zoning: CR-1, IO, M-40, S-15, CIX-2</p> <p>Environmental Determination: An Environmental Impact Report (EIR) has been prepared for the Coliseum Area Specific Plan. The Draft EIR (DEIR) was published on August 22, 2014, and the comment period ended October 6, 2014. All comments that were received during the Draft Environmental Impact Report (DEIR) public comment period have been compiled and responded to in the Response to Comments (RTC) Document, along with changes and clarifications to the DEIR. The RTC Document, together with the DEIR, constitutes the Final EIR (FEIR) for the Specific Plan. The Final EIR (FEIR) was published on February 20, 2015.</p> <p>Historic Status: CEQA historic resources currently identified in the Plan Area (resources that are on or may be eligible for National, California, or Local Registers of Historical Resources) include the Coliseum and Arena (individually rated A and B by the Oakland Cultural Heritage Survey and together constituting an Area of Primary Importance) and the Warehouse Union Local 6 building at 99 Hegenberger Road (PDHP, preliminary rating *c3, of potential future significance; now over 50 years old). Portions of the Project Area contain other older buildings and structures not currently evaluated as significant but of possible future interest.</p> <p>Service Delivery Districts: 5, 6</p> <p>City Council Districts: 7 (with City Council District 6 representing the 66th Ave. frontage of Plan Area)</p> <p>Commission Action to Be Taken: Receive public comments, close the hearing and consider certifying the FEIR, and recommending to the City Council adoption of the Final Draft Specific Plan and Related Actions.</p> <p>Finality of Decision: n/a</p> <p>For Further Information: Contact project planner Devan Reiff at 510-238-3550 or dreiff@oaklandnet.com Project website: www.oaklandnet.com/coliseumcity</p> |
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SUMMARY

On March 4, 2015, the Oakland Planning Commission held a legally-noticed public hearing to consider recommending adoption of the Coliseum Area Specific Plan (Specific Plan), General Plan Amendments, Planning Code Amendments, and certification of the Environmental Impact Report (Related Actions). The March 4, 2015 Staff report is **Attachment A** to this report.

Because two legally required sets of findings, (1) the CEQA findings and the statement of overriding considerations, and (2) the Specific Plan adoption findings, were not completed in sufficient time before the March 4, 2015 meeting to meet the requirements of Oakland's Sunshine Ordinance, of the the City Attorney determined that the hearing on March 4th could be held, but no action could be taken, except to continue the item for a vote at a Special Meeting of the Planning Commission on March 11th. A motion to continue the item to March 11th was unanimously passed by the Commission on March 4th. All of the material in the March 4th staff report remains valid for the deliberation to be held at this March 11th Special Meeting of the Planning Commission.

The CEQA findings which include Certification of the EIR, Rejection of Alternatives, and a Statement of Overriding Considerations are **Attachment B** to this report. The Coliseum Area Specific Plan Adoption Findings are **Attachment C**.

In advance of the Planning Commission hearing on March 4th, staff received a number of comment letters from public agencies, community groups, and individuals. Those letters were distributed to the Planning Commission at the dais, but are now included as **Attachment D** to this report.

In response to some of the comments received suggesting revisions to a number of items in the Specific Plan, the Commission directed staff to bring back revised text for the Specific Plan to the March 11th hearing, and in those cases where staff did not agree with the suggested revisions, to explain the reasoning. Staff has produced text revisions to the Specific Plan as **Attachment E** to this report - which include but are not limited to, changes proposed by Public Advocates and their coalition partners in a letter dated March 2nd. **Attachment E** also contains revisions that address other requests made during the public comment period. As with other Specific Plans adopted by the City in the last year, staff expects there to be further refinements to the Specific Plan policies and actions, as well as graphics changes, as the Plan is reviewed by the City Council at public hearings in March 2015. Further changes to the Specific Plan after the March 11th Planning Commission meeting could be made, if necessary, as directed by Council.

Because the Commission indicated near unanimous support in the comments on March 4th for not "bifurcating" the zoning into a first phase (Sub Areas A, B and E), and a later phase (Sub Areas C and D), staff has prepared revised General Plan and Zoning Maps (see **Attachment F**), which show the entire 800-acre Plan Area mapped with the proposed new General Plan designations and proposed new zoning districts (D-CO-1 through D-CO-6). However, the Edgewater Seasonal Wetland is shown in the revised General Plan and Zoning maps as hatched, indicating staff is looking for direction from the Planning Commission for one of three designations for this 8-acre property:

General Plan Options for the Edgewater Seasonal Wetland:

1. Change to "Regional Commercial" designation
2. Keep existing "Business Mix" designation
3. Change to "Urban Open Space" designation

Zoning Map Options for the Edgewater Seasonal Wetland:

1. Rezone to new D-CO-3
2. Keep existing IO zoning
3. Rezone to OS (Open Space)

Further, staff, in collaboration with the partner agencies and in consideration of public requests, proposes to revise some of the Mitigation Measures (MM) from the Final Environmental Impact Report (Final EIR), released by the City on February 20, 2015. See below for these proposed changes. Staff is considering other revisions suggested by other agencies, and will make those recommendations verbally at the Planning Commission hearing on March 11th. Staff have also made a change to a limitation in the proposed D-CO-4 zoning, in response to environmental groups concerned with adaptation measures to sea-level rise.

CHANGES MADE TO MITIGATION MEASURES IN FINAL EIR

Staff proposes that the following Mitigation Measures (MM) in the Final EIR be changed as indicated (new text shown in underline, deleted text in ~~strikeout~~).

Changes requested by the Port of Oakland

As noted above, the City and the Port have worked closely to align mutual interests, and at the Port's request, the following changes are proposed for the Final EIR:

MM Land-7A: No structures that exceeds 159.3 feet above mean sea level or otherwise exceeds the applicable Part 77 surfaces of the Oakland International Airport Land Use Compatibility Plan, and/or which exceed 200 feet above the ground level of its site, will be approved by the City unless such a structure has been reviewed by the FAA in accordance with FAR Part 77 and the City receives either:

a) ~~An FAA finding that the structure is “not a hazard to air navigation” and would not result in the FAA altering, curtailing, limiting, or restricting instituting any alterations or curtailing of flight operations in any manner, and a conclusion by the ALUC that the proposed structure is acceptable; or~~

b) ~~A conclusion by the ALUC that the proposed structure is acceptable (i.e., no hazard and no alterations to flight operations) only with appropriate marking and lighting, and that the applicant agrees to mark and light that structure in a manner consistent with FAA standards as to color and other features.~~

a) An FAA finding that the structure is “No Hazard To Air Navigation” and would not result in the FAA altering, curtailing, limiting, or restricting flight operations in any manner; and an ALUC determination that the proposed structure is consistent with the December 2010 Oakland International Airport Land Use Compatibility Plan (ALUCP); and

b) Agreement from the applicant to mark and light that structure in a manner consistent with FAA standards.

MM Land-7C: An aviation easements shall be dedicated to the Port of Oakland as a condition for any discretionary approvals of future residential or non-residential development within the Project Area. The aviation easement shall:

- a) Identify the potential hazard associated with the proposed project and its location within

protected airspace;

b) Identify the airport owner's right to clear or maintain the airspace from potential hazards;

c) Identify the right to mark potential obstructions and notify aviators of such hazards;

d) Provide the right to pass within the identified airspace.

e) Restrict the heights of structures and trees on the property to conform to the Oakland International Airport Land Use Compatibility Plan, unless otherwise approved by the FAA and ALUC as described in Mitigation Measure Land-7A.

~~f) Require sponsors for fireworks displays or other aerial releases to coordinate in advance with the FAA to ensure that the proposed timing, height, and materials for the event do not pose a hazard to the safe operation of the Oakland International Airport.~~

gf) The City shall coordinate the wording of the easements with the Port of Oakland.

g) The aviation easement used shall be the standard Port aviation easement and should include language to release the Port from any damages arising from the imposition of the easement, and prohibit the grantor from bringing legal claims associated with the easement and airport operations.

MM Land-7D: In addition to obtaining required City permits for fireworks displays or other aerial releases, event sponsors shall coordinate in advance with the FAA to ensure that the proposed timing, height, and materials for the event do not pose a hazard to the safe operation of Oakland International Airport.

Recommendation Requirement Noise-9: The developer of residential uses in the Waterfront Mixed Use District within Sub-Area B ~~should consider~~ shall ~~conducting~~ noise studies to determine if overflight noise may warrant sound insulation and other design measures for new homes in Sub-Area B to reduce outdoor aircraft noise levels associated with the following flight patterns: .

- Downwind arrivals to North Field Runways 28L/R,
- Visual Flight Rules departures from North Field Runways 28 L/R
- OAK "Salad One" departures during North Field Quiet Hours (10 p.m. to 6 a.m.)
- "Pattern work" (training flights) performed on Runways 28R and Runway 33.

Changes requested in response to the Landmarks Preservation Advisory Board (LPAB)

As noted in the March 4, 2015 staff report, the City's CEQA consultant responded to concerns raised by the public and the LPAB about the proper mitigation to compensate for the potential loss of the Coliseum, a historic resource under CEQA. For clarity in this report, the two new mitigation measures presented at the March 4th Planning Commission are included here (MM 1A-4 and 1A-5), as well as revisions to MM 1A-3, with further revisions made at the suggestion of the Cultural Heritage Survey staff shown in grey outline or ~~strikeout~~:

MM Cultural 1A-4: Oral Histories. Oral histories shall be collected from people who have had a prominent role in those significant cultural events that occurred in the Coliseum and or Arena since these facilities were originally constructed. To the extent available for interview, oral histories shall be collected from the architecture and design firm Skidmore, Owings & Merrill (or an architectural historian with specific expertise on the works of this architectural firm), and ~~a credentialed historian or a representative from~~ the construction firm of Guy F. Atkinson Company. Oral histories shall also be obtained from willing sports personalities that have played a major roles in the sports histories that have occurred in these buildings, including players, coaches and team owners representing, and fans of, the Oakland Raiders, the Oakland Athletics, the Golden State Warriors and the Oakland Seals hockey team. Additional oral histories shall also be obtained from willing entertainers, event promoters, and sponsors of other major cultural

events which have occurred within the Coliseum and Arena and which have helped shape the cultural history of these venues. Such events may include, but are not limited to entertainment events such as Bill Graham's Day on the Green concerts, Grateful Dead concerts, and memorable and prominent speakers such as the celebration for Mr. Nelson Mandela. The scope of this oral history collection should include the following:

- a. professional quality publication of a master catalog of the interviews;
- b. a summary report made available at the Oakland Museum, the Oakland History room, and/or the UC Berkeley Regional Oral History Office at the Bancroft Library; and
- c. publication of copies of ~~audio-CD's~~ video or other stable recording medium, and the summary report for sale to the public; and
- d. all interviews shall be transcribed and saved in a long-term, archive-stable medium.

MM Cultural 1A-5: Comprehensive Written Document. A historical resource documentation effort shall be conducted involving a coordinated effort of primary research and documentation, with a substantial scholarly input and publicly available products. The first product of this program shall include a coordinated effort to conduct the research, writing, photo documentation, assembly and publication efforts needed to prepare a comprehensive book on the history of the Oakland Coliseum Complex. The book shall document the important contribution the Coliseum Complex has made to the architectural and cultural history of Oakland.

- a. The research and documentation needed to prepare this book should provide the basis and background for coordinated subsequent documentary mitigation such as the oral histories and public interpretation program.
- b. Primary source material such as construction documents, photographs (such as those currently on display in the Coliseum) and oral accounts should be considered for publication or re-publication within this book.
- c. An author, or authors with appropriate experience and qualifications should prepare the book. The author shall consult with the Bancroft Library, the Oakland History Room, University of California Press, and historical societies as appropriate.
- d. Copies of the book shall be provided to all Oakland public libraries and to other educational institutions.

MM Cultural 1A-3: Financial Contribution. If the Oakland Coliseum and/or Arena are demolished, project applicants) shall make a financial contribution to the City of Oakland to be used to fund historic preservation projects within or in the vicinity of the Coliseum district, as described below.

- a) The financial contributions can be applied to the programs such as a Façade Improvement Program or Tenant Improvement Program, applicable in East Oakland; and
- b) The Landmarks Preservation Advisory board may recommend a monetary value or a formula for assessing the amount of financial contribution for the City Council's consideration, but the amount of any such contribution shall be as negotiated between the City and the developer(s), as ultimately determined by the City Council. Mitigation shall be provided as financial and/or cultural enhancement. Such contribution shall be commensurate with the cultural value of the Coliseum. The level of contribution shall be, ~~to the maximum extent feasible,~~ based upon ~~financial~~ information to be provided by the applicant (such as pro forma information or other comparable information), the City and upon other relevant factors determined by the City; the dollar amount of the financial contribution shall be based, as applicable, on mitigations from other similar historic demolitions in the City of Oakland, after a ~~survey~~ review is done of comparable projects, and the amount of those mitigations is determined; the HABS and interpretive mitigations as specified in the EIR are to be completed; the City and/or developer(s) to conduct community outreach to capture cultural significance, under Criteria 1 and 2 of the California Register of Historical Resources

(equivalent to Criteria A and B in National Register per Preservation Bulletin 22), and publically disseminate the results (see MM 1-4 and 1-5, above).

CHANGES MADE TO PROPOSED ZONING

Staff has considered the suggestions made by environmental advocates to strengthen language about new zoning at the waterfront, in relation to adapting to sea-level rise. Staff proposes the following modifications to the proposed zoning (new language in underline):

Limitations on Table 17.101H.01:

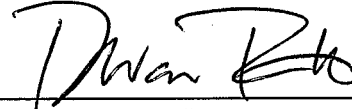
L4. This activity is only permitted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134, and to all of the following additional use permit criteria:

1. That the project is designed in a way that minimizes the potential health impacts of locating a residential use near the surrounding activities;
2. That new development will meet residential environmental safety standards;
3. That the design of the development accounts for the projected rise in sea levels and the potential for inundation by the Bay and other flood waters; in a manner that protects both human infrastructure as well as the natural aquatic resources of San Leandro Bay;
4. That avigation easements for the Oakland International Airport will be negotiated with future owners or tenants, and deed disclosures about proximity to Airport operations will be made; and
5. That measures that minimize adverse impacts to the surrounding activities and communities have been incorporated into the project.

RECOMMENDATIONS:

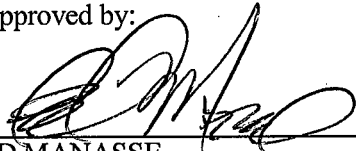
1. Adopt the CEQA findings for the Coliseum Area Specific Plan (Specific Plan) in **Attachment B** to this report, which include certification of the EIR, rejection of alternatives as infeasible, and a Statement of Overriding Considerations;
2. Adopt the Standard Conditions of Approval and Mitigation Monitoring Reporting Program (SCAMMRP) (**Attachment G** to the March 4, 2015 Staff report);
3. Recommend the City Council adopt the Specific Plan, General Plan and Planning Code Amendments based, in part, upon the Specific Plan Adoption Findings in **Attachment C** to this report;
4. Approve the changes made to mitigation measures in the Final EIR and the proposed zoning, in this staff report;
5. Approve the changes made to the Specific Plan text included in **Attachment E** to this report;
6. Direct staff as to the preferred General Plan and Zoning designation for the Edgewater Seasonal Wetland property; and
7. Authorize staff to make minor ongoing revisions and to make non-substantive, technical conforming edits to the Planning Code that may have been overlooked in deleting old sections and cross-referencing new sections to the new Coliseum District Zone (which are essentially correction of typographical and/or clerical errors) and to return to the Planning Commission for major revisions only.

Prepared by:




DEVAN REIFF, AICP
Planner III

Approved by:



ED MANASSE
Strategic Planning Manager

Approved for forwarding to the
City Planning Commission:



DARIN RANELLETTI, Deputy Director
Department of Planning and Building

ATTACHMENTS:

- A. March 4, 2015 Planning Commission Staff Report

- B. CEQA findings: Certification of the EIR, Rejection of Alternatives, and Statement of Overriding Considerations
- C. Coliseum Area Specific Plan Adoption Findings
- D. Letters received for the March 4, 2015 Planning Commission hearing
- E. Revisions to Coliseum Area Specific Plan
- F. General Plan Map and Zoning Map proposal