

Dec. 10, 2012

Location:	Central Estuary Area which is bounded by 19 th Avenue to the north, 54 th Avenue to the south, I-880 to the east and the Bay to the west.
Proposal:	Conduct a public hearing and solicit /provide comments on the cultural resource aspects of the Draft Central Estuary Implementation Guide (CEIG) and the associated new Draft Zoning Chapter, Draft Design Guidelines and Draft Estuary Policy Plan Amendments, as well as the Public Review Draft of the Supplemental Environmental Impact Report (SEIR).
Applicant:	City of Oakland, Department of Planning, Building and Neighborhood Preservation
Case File Number:	ER11-0016/ ZT12109 / GP12110
Planning Permits Required:	Adoption of the CEIG and the associated new Zoning Chapter, Design Guidelines and Estuary Policy Plan amendments
General Plan:	Waterfront
Estuary Policy Plan:	Light Industry-2, Waterfront Commercial Recreation-2, Planned Waterfront Development-2, Residential Mixed Use, Heavy Industrial, and General Commercial-1, Light Industry-3, Planned Waterfront Development-3, Parks
Zoning:	M-30 General Industrial, M-40 Heavy Industrial, and HBX-3 Housing and Business Mix
Historic Status:	Four Areas of Secondary Importance in the Project Area plus Local Register Properties
Environmental Determination:	A Supplemental Environmental Impact Report (SEIR) to the 1998 Oakland Estuary Policy Plan EIR is being prepared. The Draft SEIR was published for a 45 day public review period from November 9, 2012, to December 24, 2012.
City Council District:	2, 5
Action to be Taken:	None; solicit and provide comments to planning staff on the above documents
For Further Information:	Contact Alicia Parker at 510-238-3362 , aparker@oaklandnet.com

SUMMARY

The purpose of the public hearing is to solicit/provide comments from the Landmarks Preservation Advisory Board and the public on the cultural resource aspects of the Draft Central Estuary Implementation Guide (CEIG) and the associated new Draft Zoning Chapter, Draft Design Guidelines and Draft Estuary Policy Plan Amendments, as well as the Public Review Draft of the Supplemental Environmental Impact Report (SEIR).

The Oakland Estuary waterfront has experienced significant development interest in recent years. However, a number of physical and policy challenges, including conflicting land use priorities and essential infrastructure deficiencies, have highlighted the need for a district-wide planning process. Historically, many industries have depended on waterfront access for raw materials or distribution, and

some of the industrial uses in the Oakland Estuary Area do to this day. As a result, the area was historically predominantly zoned for industrial use, and a number of well-established industrial uses remain.

In recent years, many residential development interests have focused on industrial areas throughout the City because of the relative affordability of large land parcels, and the Oakland Central Estuary waterfront has been particularly appealing because of its attractive views and central location. At the same time, the desire to increase public access to, and the recreational use of, the City's waterfront adds another potentially conflicting demand on this area. The CEIG and related documents is intended to address these many demands by clarifying City policy for this dynamic area.

The City of Oakland is preparing the CEIG and related documents to guide future development in the Central Estuary waterfront area. The project focuses on ten sub-districts within the larger Estuary area where some land use change from existing conditions is anticipated. The project entails rezoning of these areas consistent with direction from the 1999 Estuary Policy Plan, as well as General Plan (GP) Amendments to: (1) update existing GP goals, and strategies to reflect direction established in the CEIG, and (2) increase the allowable Floor Area Ratios (FARs). In addition, the Draft CEIG includes proposed design guidelines and development standards for the various subareas. A Supplemental Environmental Impact Report (SEIR) has been prepared for the project; the Public Review Draft SEIR is discussed in this report.

The Draft SEIR analyzes potentially significant environmental impacts in the following categories: Air Quality, Greenhouse Gas Emissions/ Global Climate Change, Noise, Transportation/Traffic, Aesthetics, Biological Resources, Cultural and Historic Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Population and Housing, Public Services, Recreation, and Utilities and Service Systems.

The Draft SEIR identifies significant and unavoidable impacts related to Air Quality (exposure to TACs and odors), Greenhouse Gas Emissions/Global Climate Change (GHG emissions), and Transportation/Traffic (intersection/roadway) impacts.

The Landmarks Board is being asked to provide any additional feedback on the cultural resource aspects of the CEIG package (Draft CEIG, Draft Zoning, Draft General Plan Amendments and Draft Design Guidelines) to planning staff. The Landmarks Board is also being asked to take public testimony on the cultural resource aspects of the Draft SEIR and provide comments to staff on the cultural resource aspects of the Draft SEIR. The Draft CEIG package was recently presented to advisory boards, including the Landmarks Board on September 17, 2012, as well as the Zoning Update Committee and Design Review Committee of the Planning Commission, and the Bicycle and Pedestrian Advisory Committee, each of which provided comments unique to their topic area. Comments received at this Landmarks Board meeting will help further shape the preparation of the final documents. Once final documents are prepared, the formal adoption process will commence beginning with the Planning Commission and continuing onto the Community and Economic Development Agency of the City Council and full City Council.

BACKGROUND

The Central Estuary Implementation Guide (CEIG) that is currently being prepared is intended to serve as a companion to the City of Oakland's **Estuary Policy Plan (EPP)**, which was adopted in 1999. The Estuary Policy Plan (EPP) is an element of the Oakland General Plan, and sets forth policies and principles to guide development in the Estuary waterfront area. An "Implementation Guide" is called for in Policy MF-2 of the Estuary Policy Plan. The CEIG identifies specific steps to be undertaken to implement the recommendations of the EPP. These include detailed strategies and work programs to create and implement projects, site design and development standards, funding and institutional strategies, and other administrative steps necessary to carry out EPP recommendations.

The impetus to prepare the CEIG came from the **Citywide Industrial Land Use Policy** discourse, aimed at preserving certain industrial areas and establishing a more integrated and predictable approach to the management of industrial lands in Oakland. In 2008, City Council decided that the CEIG planning process would analyze the Central Estuary area in depth and make recommendations regarding appropriate uses. The CEIG planning process included six community workshops held between March and November 2009. The workshops resulted in a draft community-preferred alternative that was presented at a series of public hearings between December 2009 and July 2010.

The CED Committee of the City Council discussed modifications to the community-preferred alternative, including maintaining existing land uses envisioned for the Con Agra site, Owens Brockway site and the south of Tidewater area; there was general consensus about the proposals for the areas west of Fruitvale Avenue that were part of the community-preferred alternative. The City Council endorsed the CED Committee modifications and ultimately adopted a land use program that represented less change than the community-preferred alternative.

Planning Context

The Oakland Estuary waterfront is a significant citywide and regional resource that connects the City of Oakland and the surrounding region to the San Francisco Bay. The Central Estuary, the focus of the Draft Central Estuary Implementation Guide (CEIG), is an area generally encompassed by 19th Ave. to the north, 54th Ave. to the south, I-880 to the east and the Oakland Estuary to the west. The landside portion of the Central Estuary area is roughly 416 acres.

Planning for the Central Estuary is complicated due to the diversity of the area, where conditions vary markedly across the district. For the purposes of the Draft CEIG, the area has been divided into 10 sub-districts described below:

- **Embarcadero Cove** - this waterfront area currently includes a number of commercial and recreational uses, predominantly oriented to the waterfront. Among these are office spaces, commercial retail and services including Port of Oakland-owned offices and Quinn's Lighthouse. There are also a number of marine activity-related facilities. The waterfront orientation and constrained parcel depth make this area well suited for continued commercial-recreational and water-dependent uses.
- **Mixed-Use Triangle** - this area includes an office development owned by Alameda County, a private school, and other commercial and industrial uses. Many of the early industrial and warehouse buildings have remained intact, salvaged by adaptive reuse into lofts, live-work, offices and educational facilities. The pattern of land uses is relatively fine-grained, with some older structures and smaller increments of development oriented to the street. Additional adaptive reuse, and new

educational, office and commercial uses should be encouraged, as well as multi-family residential and work/live units, where these uses would not create land use conflicts with existing industrial activities.

- **Food Industry Cluster** - this area is generally characterized by light industrial and service uses, and larger scale food processing and food warehousing/distribution operations. Food processing is a major source of employment in this portion of the waterfront, with some 450 individuals employed, many in skilled positions. Manufacturing and food processing/distribution should be encouraged, both for incubator businesses as well as for established and growing concerns.
- **Con-Agra** - this area, primarily in heavy industrial use, is dominated by the 11-acre Con-Agra facility, which mills grain for flour that is distributed throughout the Bay Area and Northern California. Cemex and Star Marine are two other large operators immediately adjacent to the Con-Agra facility. While the area historically attracted construction-related uses because of barge access via the Estuary, these business operations remain in the area today largely because of its central location and good freeway accessibility, and because of investments in existing facilities. Policies encourage heavy industry in the vicinity of the Con-Agra plant to continue, while providing for the transition to a mix of new uses if heavy industrial users choose to relocate.
- **Union Point Park** - a 10-acre waterfront park that was completed in late 2005 and expanded in 2010, offering spectacular views of the marina and Estuary, waterfront access, park activities and open space.
- **Jingletown/Elmwood** - the area between 23rd and Fruitvale Avenues, and along Elmwood Avenue east of Fruitvale Avenue, includes a substantial amount of residential mixed in with lower-intensity and smaller scale industrial and commercial uses. The area is home to an increasingly vibrant residential and artist population. Housing includes work/live spaces in renovated warehouses as well as single-family bungalows, houses and more recently developed multi-family housing. A mixture of residential, live/work, work/live, light industrial and neighborhood-serving uses should be maintained in the future, with an emphasis on affordability, livability, and an enhanced relationship with the Estuary.
- **Owens/Brockway** - this site consists of approximately 28 acres of land devoted entirely to the business of glass recycling and manufacturing. These operations are expected to remain viable for the foreseeable future. Improvements along the edges of the Owens-Brockway plant should be undertaken to establish a more positive relationship with surrounding uses, including the neighborhood and the waterfront.
- **High Street Retail** - this commercial center includes a Home Depot and various other commercial uses, including a gym. This is a relatively successful regional commercial destination that capitalizes on its close proximity to the I-880 and High Street, capturing traffic from both the Estuary area and Alameda. At the 42nd Street interchange, there is the opportunity for the expansion and development of new commercial activities that are oriented to both regional and local markets. Specific uses that should be encouraged in this area include region-serving retail, office, general commercial, and light industrial. Street-facing retail uses along High Street, and landscaping and streetscape improvements should be incorporated into all new development, subject to development standards and design guidelines developed for the Central Estuary Area.
- **High Street Warehouse Wedge** - On the east side of Alameda Avenue, the Brinks warehouse and a cluster of small-scale light industrial uses and warehouses are located along the Estuary, impeding public access opportunities. While Bay Trail segments have been completed along some of these uses, a portion of the waterfront remains inaccessible. Public access opportunities should be pursued over time along the shoreline.
- **Tidewater North** - This portion of the Central Estuary District functions as a service support area, with links to the adjacent Coliseum area. It supports wholesale and retail businesses, container

storage, and smaller industrial uses. In addition, Pacific Gas & Electric (PG&E) and East Bay Municipal Utility District (EBMUD) have service facilities within this area. Current uses and activities should be maintained and encouraged, but there are opportunities to intensify underutilized sites, now used for equipment and container storage. These sites should be targeted for redevelopment as industrial and service-oriented uses, which would contribute to the overall viability of the area.

- **Tidewater South** - This area is unique in that it adjoins Martin Luther King Jr. Regional Shoreline, one of the larger assemblies of waterfront open space within the Estuary. The East Bay Regional Parks District (EBRPD) continues to develop the MLK Regional Shoreline, including the Tidewater Aquatic Center completed in 2009. Economic development objectives for this sub-district can be realized by deemphasizing service, storage and heavy industry and focusing more on employment-intensive uses that are more complementary with the public nature of the waterfront. Successful development will require an effort to balance competing objectives brought about by the proximity of the sites to regional park and nearby utility facilities.

REGULATORY AND POLICY FRAMEWORK

Citywide policies, such as the Historic Element of the City's General Plan, the Estuary Policy Plan and zoning, contribute to defining the potential future for the Central Estuary.

General Plan and Estuary Policy Plan

Because of the long history of the Central Estuary as a vibrant industrial and residential district of the City, a number of policies in the **Historic Preservation Element** of the Oakland General Plan apply to the area. The Historic Preservation Element encourages the preservation and enhancement of significant historic properties that contribute to Oakland's economy, affordable housing stock, overall image, and quality of life.

Also, the Land Use and Transportation Element (LUTE) of the Oakland General Plan established important general goals and policies for the waterfront and created a single broad land use designation, "Waterfront," which is applied to the entire Estuary waterfront, including the Central Estuary. The **Estuary Policy Plan** (EPP), adopted in June 1999, is an element of the General Plan that sets forth policies and principles to guide development in the Estuary area, refining and superseding the policy guidance for this area contained in the City's General Plan LUTE. Since the 1999 Estuary Policy Plan was adopted, two other districts included in the EPP, the Jack London District and Oak to Ninth, have undergone significant redevelopment and planning.

The EPP divided the Estuary Area into three districts: Jack London, Oak to Ninth, and 'San Antonio/Fruitvale' (since re-named the Central Estuary). The EPP also recommended nineteen unique land use designations for the Estuary Waterfront, which supersede and subdivide the broad Waterfront designation of the General Plan LUTE into more fine-grained land use areas. The existing EPP land use designations for the Central Estuary consist of Light Industrial, Planned Waterfront Development, Residential Mixed Use, Heavy Industrial, and General Commercial and variations thereof.

Zoning Regulations

With the exception of the Housing and Business Mix-3 (HBX-3) zone adopted in 2006, much of the existing zoning for the Central Estuary was put in place in the 1960's, and has not yet been updated to be in conformance with the EPP land use designations. The existing zoning for the Central Estuary is

primarily M-40 Heavy Industrial, with a sliver of M-30 General Industrial, and the designation of HBX-3 Housing and Business Mix in the residential area known as Jingtown/Elmwood. The Housing and Business Mix-3 (HBX-3) zone is intended to provide development standards for areas that have a mix of industrial, heavy commercial and higher density residential development. This zone is intended to promote housing with a strong presence of commercial and industrial activities.

OVERVIEW OF THE CENTRAL ESTUARY IMPLEMENTATION GUIDE

The Draft Central Estuary Implementation Guide (CEIG) includes recommendations related to land use, development, urban design, shoreline access, public spaces, regional circulation, and local street improvements for the Central Estuary waterfront and individual districts within it.

The Visions, Goals and Objectives of the Estuary Policy Plan and Draft CEIG aim to retain, encourage and support a diverse and vibrant mix of uses; a destination waterfront; complete, safe and clear transportation connections; and infrastructure to support development.

The Draft CEIG includes the following sections:

- **Section I** includes introductory elements, which provide an overview and summary of the planning process, the planning area and surrounding context, as well as the vision for the Central Estuary and the goals and objectives established for implementation.
- **Section II** describes the land use context and includes an overview of existing land uses, zoning, and General Plan designations, along with a discussion of planned land use changes.
- **Section III** includes a review of existing transportation conditions and recommendations for near-term and long-term improvements, including an introduction to transportation policy and issues.
- **Section IV** describes the existing conditions of infrastructure throughout the Central Estuary and provides recommendations for required upgrades that should occur along with new development in the area.
- **Appendix A** provides policy-level recommendations for future transportation projects throughout the Central Estuary. Appendix A is proposed to be expanded to include an Implementation Section (see **Attachment A**)

Concurrently with the creation of the Draft CEIG, staff has prepared proposed new zoning for the area, consistent with direction from the EPP, as well as proposed General Plan Amendments, to increase the allowable Floor Area Ratios (FARs) in some areas and update policy language. The Draft CEIG also includes a related document under separate cover, a Design Review Manual for the Central Estuary, that contains proposed design guidelines for the various sub-districts. The Draft CEIG and related documents are available online at:

<http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD009073>

KEY ISSUES AND IMPACTS

The CEIG package (CEIG, Draft Zoning, Draft General Plan Amendments and Draft Design Guidelines) was presented to the City's advisory boards beginning in July of 2012. Meetings were held at the Zoning Update Committee, Design Review Committee, Bicycle and Pedestrian Advisory Committee, and Landmarks Preservation Advisory Board (LPAB). The following section summarizes the key issues discussed on the CEIG package at the LPAB meeting.

Landmarks Preservation Advisory Board

On September 17, 2012, the LPAB reviewed the Draft CEIG, Draft Design Guidelines, Draft Zoning, and Draft General Plan Amendments with an emphasis on cultural resources. The presence of known archeological and historic resources was reviewed along with possible impacts to historic resources due to proposed zoning changes. Additionally, urban design issues and historic incentives were also discussed. **Attachment B** contains the September 17, 2012, LPAB report which summarized the historic resources in the project area, as well as the key historic-related issues from the proposals. The LPAB comments are summarized as follows.

General LPAB Comments

- **Were any sites identified for the placement of relocated structures, such as vacant lots, etc.?**

Staff Response: The anticipated future land use character of the area will generally allow the same types of uses that exist today thereby reducing displacement potential and pressure to convert or demolish historic buildings. Where FAR and height limits have been increased, design guidelines are proposed that include guidance to consider surrounding context. Therefore, staff has not identified relocation sites at this time.

LPAB Comments Related to Draft Zoning

- **More area specific incentives are needed to preserve historic resources such as the Mills Act and also through possible zoning changes in Jingtletown. The Jingtletown neighborhood has a specific architectural context (Queen Ann cottage); one incentive could be to allow live/work in single-family historic homes in Jingtletown.**

Staff Response: The Mills Act will be available to the residents of the Central Estuary, as it is citywide. Staff is supportive of the proposal to allow live/work uses in single-family historic homes in Jingtletown. Staff is following up with the City's Building Department to ensure this approach would comply with the Building Code.

- **The 45' height limit in Jingtletown seems a little arbitrary. Why only reduce it by 10'? What is the rationale for 45' here?**

Staff Response: 45 feet is consistent with a four-story structure with a tall ground floor which is encouraged by both the zoning code and the design guidelines. A maximum 55' height limit is proposed to be permitted if the proposed building is scaled to a context that will be compatible with adjacent uses.

LPAB Comments Related to Draft Design Guidelines

- **Currently, the Draft Guidelines seem to have no distinction between subareas. The Draft Guidelines should help to create a sense of place. What gives each sub-district its unique sense of character? (This should be called out specifically.) The guidelines should be unique to help achieve the vision for the sub-district and for the improved feel of the area overall.**

Staff Response: To reflect the various building types in the area, the guidelines are written for residential, commercial and industrial development. Due to the mixed use nature of this area, this distinction in development type provides design guidance for different types of development (e.g., industrial and residential) that may be located adjacent to one another.

- **The Draft Guidelines need to call out character defining features of Jingtletown and other historic districts; the style of building should be included as a character-defining feature.**

Staff Response: Staff is currently compiling information from the Oakland Cultural Historic Survey for early industrial warehouse buildings and other historic districts in the Central Estuary area. Staff intends to use this information to compile the character-defining features of the buildings in the area to include in the design guidelines.

- **New buildings should respect and help maintain surrounding historic buildings.**

Staff Response: The Site Planning and Building Design sections of the Draft Guidelines include guidance on creating development that fits in with its surrounding context in terms of its configuration on the lot, and its building envelope (height, setbacks and lot coverage). The addition of character-defining features will further guide new development to relate to surrounding development.

All changes to the proposed zoning code to reflect advisory board feedback are shown in track changes in **Attachment C**. Changes to the Draft CEIG, Draft Design Guidelines, Draft Zoning and Draft General Plan Amendments will be made upon conclusion of the Planning Commission and LPAB meeting (and the final drafts will be brought before the Planning Commission for recommendation of adoption to City Council).

ENVIRONMENTAL REVIEW

Project Description

The CEIG would, if approved, modify or clarify land uses and associated densities within the Central Estuary area. As previously discussed in this report, the CEIG requires changes to the Oakland General Plan (text and map changes) and Zoning Code; the development of design guidelines to reconcile conflicting land use priorities, and the implementation of transportation improvements to address infrastructure deficiencies. The Project consists of the Draft CEIG, Draft Zoning, Draft General Plan Amendments and Draft Design Guidelines.

Scope

The City is the Lead Agency pursuant to the California Environmental Quality Act (CEQA), and has the responsibility to prepare the Supplemental Environmental Impact Report (SEIR) for the Project. No Initial Study was prepared for the Project, pursuant to Section 15060(d) of the CEQA Guidelines. The Draft SEIR integrates all environmental topics identified in the City of Oakland CEQA Thresholds of Significance. The Draft SEIR addresses each environmental topic at a level of detail warranted by each topic.

A Notice of Preparation (NOP) was issued on November 21, 2011, and a scoping session held before the Planning Commission on December 14, 2011. The Draft SEIR is supplemental to the 1998 Oakland Estuary Plan EIR and evaluates potential environmental impacts from adopting the CEIG. The following environmental topics are addressed in detail in the Draft SEIR, as other topics (agriculture and minerals) were found to not be significant and not evaluated in detail in the Draft SEIR.

- Air Quality
- Greenhouse Gas Emissions/ Global Climate Change
- Noise
- Transportation/Traffic
- Aesthetics

- Biological Resources
- Cultural and Historic Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use Planning
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems

Analysis of Potential Impacts

All environmental impacts, City *Standard Conditions of Approval* (SCA) and mitigation measures are summarized in Chapter 2, Table 2-1 in the Draft SEIR (see **Attachment D**). Table 2-1 also identifies the level of significance of the impact after application of the SCAs and/or mitigation. Impacts to historic and cultural resources were found to be less-than-significant with adherence to the existing policies in the Historic Preservation Element and LUTE of the General Plan and the City's SCAs.

The Cultural and Historic Resources section of the CEIG Draft EIR (Chapter 4.5 pages 39 through 56) summarizes the existing historic and cultural resources. As shown on the map in **Attachment E** the Jingletown/Elmwood district, a residential neighborhood located in the center of the Plan Area, and the immediately surrounding development are considered to have a high potential for historic resources. The residential and industrial buildings within Jingletown/Elmwood district, as well as bridges (i.e. Park Street Bridge, Fruitvale Bridge, and High Street Bridge), wharves, and piers are also considered potential historical architectural resources in the Plan Area, as are the early industrial warehouse buildings (California Wire Cloth, California Cotton Mills, and Owens Brockway) spread throughout the Plan Area. Several sites are considered to have a high likelihood of archeological sensitivity. Additionally, the Southern Pacific Railroad Spur is considered a potential historic site. Refer to Appendix C of the CEIG Draft SEIR for a detailed discussion of potential historic architectural resources in the Plan Area.

A summary of the potential impact analysis for historic and cultural resources follows, grouped by the City's CEQA Thresholds of Significance.

1. Would the project cause a substantial adverse change in the significance of an historical resource?

Although no known properties are listed as historical resources, due to the relative age of existing buildings and structures, there is potential that unrecognized historic architectural resources exist in the Plan Area. It is possible that future development projects in the Plan Area could involve demolition of, or impacts to cultural or historic resources. However, prior to the issuance of approvals from the City of Oakland, each of these projects would be subject to CEQA review, as well as to the SCAs, and policies of the Historic Preservation Element and LUTE of the General Plan. Adherence to these SCAs and policies reduces the potential impact to less than significant. Additionally, the following "recommended measure" is an advisory protocol to follow regarding the assessment of potential impacts to cultural resources in the Plan Area.

Recommended Measure: Should specific development projects be submitted, as part of the environmental review process, an OCHS intensive survey shall be conducted/confirmed (even if one already exists or if an OCHS reconnaissance survey exists). This provision would generally apply to buildings, structures, objects, districts, sites, and natural features related to human presence 50 years old and older.

- If an OCHS intensive survey exists on the property it should be updated and confirmed; or
- If an OCHS reconnaissance survey exists for the property, an OCHS intensive survey shall be conducted; or
- If there is not an OCHS intensive survey, the OCHS shall be consulted to determine if it appears that a parcel may include property types that may have historical significance, and if so, an OCHS intensive survey shall be conducted.

2. Would the project cause a substantial adverse change in the significance of an archaeological resource?

Based on a California Historical Resources Information System (CHRIS) records search at the Northwest Information Center, two historic archaeological sites are located within the Plan Area, including the Southern Pacific Railway rail spur, and a cluster of ten historic period features near High Street and I-880. In addition, the mix of residential and commercial land uses in the Plan Area suggests a high likelihood of encountering historic-era archaeological resources during the construction of development facilitated by the CEIG, such as the archaeological remains of building foundations beneath the existing potentially historic structures. If ground-disturbing activities during construction are not sensitive to those cultural resources, then physical impacts could result. Disruption of such resources could result in a significant impact under CEQA.

However, prior to the issuance of approvals from the City of Oakland, each future development project would be subject to CEQA review, as well as to the SCAs, and policies of the Historic Preservation Element of the General Plan. Compliance with the Historic Preservation Element Policy 4.1 and SCA 52, Archaeological Resources; SCA 53, Human Remains and SCA E, Archaeological Resources – Sensitive Areas, would ensure that the excavation contractor and associated construction personnel are clear about how unanticipated discoveries of archeological resources are to be treated. The provision of halting all activity when such a discovery is made, and the requirement for the evaluation of the resource by qualified personnel, would reduce potential impacts to archaeological resources to a less-than-significant level.

3. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

While the Plan Area does not contain known paleontological resources, previously unrecorded materials may be encountered during the construction of future development projects facilitated by the CEIG. If ground-disturbing activities during construction are not sensitive to the potential discovery of unknown resources, then physical impacts could result. Disruption of such resources could result in a significant impact under CEQA.

However, prior to the issuance of approvals from the City of Oakland, each of these projects would be subject to CEQA review, as well as to SCA 54, Paleontological Resources. Compliance

SCA 54 would avoid any potential adverse effects to paleontological resources as a result of the future development in the Plan Area, reducing potential impacts to a less-than-significant level.

4. Would the project disturb any remains, including those interred outside of formal cemeteries?

While the Plan Area does not contain known Native American cultural resources, previously unrecorded materials, including human remains, may be encountered during the construction of future development projects. If ground-disturbing activities during construction are not sensitive to the potential discovery of unknown resources, then physical impacts could result. Disruption of such resources could result in a significant impact under CEQA.

However, prior to the issuance of approvals from the City of Oakland, each of these projects would be subject to CEQA review, as well as to the SCA 53, Human Remains. Implementation of SCA 53 would ensure that the excavation contractor and associated construction personnel are clear about how unanticipated discoveries of human remains are to be treated. The provision of halting all activity when such a discovery is made, and the requirement for the evaluation of the resource by qualified personnel, would reduce potential impacts to human remains to a less-than-significant level.

Project Alternatives

Chapter 5 of the Draft SEIR includes the analysis of five alternatives to the proposed project that meet the requirements of CEQA, which include a reasonable range of alternatives to the Project that would feasibly attain most of the Project's basic objectives, and avoid or substantially lessen many of the Project's significant environmental effects. These alternatives include:

Alternative 1 – No Project Alternative – CEQA requires a “no Project” alternative to be considered in the EIR. For the project under consideration, this alternative would be the existing regulatory framework consisting of the Estuary Policy Plan of the City's General Plan and existing zoning regulations. These existing regulations would continue to allow for new development in the Plan Area, but at generally lower intensities/densities than without the project and without implementation of the Design Guidelines which are intended to better promote harmony among the area's diverse land uses.

Alternative 2 - Reduced Retail - This alternative was developed with the intent of reducing significant project impacts while adhering to most basic project objectives. Alternative 2 considers a reduction in the allowable intensity of retail development in the High Street area as a basis for comparison against the proposed project. Specifically, Alternative 2 lessens the allowable retail intensity in the Central-East sub area by 50 percent. With such a reduction, Alternative 2 as a whole would thus result in a total of about 1,500 P.M. peak hour trips, a reduction of about 500 P.M. peak –hour trips compared to the project.

Alternative 3 – Mitigated Alternative - While Alternative 2 cuts the amount of allowable new retail development in the Central East area so as to achieve a reduction of about 500 P.M. peak hour trips at buildout, Alternative 3 further cuts the level of allowable development across the Plan Area such that total P.M. peak hour trips would not exceed 150 (relative to about 2000 for the proposed project). In essence, Alternative 3 would entail an 80 to 90 percent reduction in allowable growth relative to the CEIG. For the purposes of this analysis, Alternative 3 is assumed to include about 150 residential units – and no new commercial or industrial uses.

Alternative 4 – Theoretical Maximum Build-out - Because the CEIG's regulations would be applicable to every parcel within the Central Estuary Area, Alternative 4 evaluates the theoretical possibility that every parcel would be built out to the new maximum level permissible under the suite of changed regulations set forth in the CEIG.

Alternative 5 – Maximum Infrastructure - The CEIG does not propose, include, or provide funding for any new transportation improvements. The SEIR is thus focused on the potential effects of the CEIG's proposed changes in land use regulations. However, the planning work undertaken in development of the CEIG identified a number of transportation improvements currently contemplated by the city or other responsible agencies. As these improvements are neither approved nor funded, they are appropriately excluded from the main body of the SEIR's analysis. However, these unapproved, unfunded transportation improvements whose potential implementation could affect the physical environment of the Plan Area. Alternative 5 thus contemplates the environmental effects likely to result from the combination of approval of the CEIG plus implementation of these improvements.

The Environmentally Superior Alternative results from a comparison of the impacts associated with each alternative. Based on a thorough comparison of all five alternatives, Alternative 3 (the Mitigated Alternative) is considered environmentally superior because it would avoid significant transportation and greenhouse gas effects associated with the project. Alternative 3 would also reduce the severity of other project impacts in several other environmental topic areas.

Publication and Distribution of the Draft SEIR

The Draft SEIR was made available for public review on November 9, 2012. The Notice of Availability (NOA) for the Draft SEIR was mailed to interested parties, responsible agencies and local planning agencies. The NOA was posted in the office of the County Clerk, and published in the Oakland Tribune. Copies of the Draft SEIR were also previously distributed to City officials, including the Planning Commission and is available at the Department of Planning, Building and Neighborhood Preservation (250 Frank Ogawa Plaza, Suite 3315) and the City's website at:
<http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>

NEXT STEPS

Comments received at this Landmarks Board meeting will help further shape the preparation of the final documents. After the Final SEIR/Response to Comments Document and the final planning-related documents are presented to the full Planning Commission, further public hearings will be held before the Community & Economic Development Committee of the City Council and the City Council will consider final adoption.

RECOMMENDATIONS

1. LPAB take public testimony on the cultural resource aspects of the Draft SEIR and provide comments to staff on the cultural resource aspects of the Draft SEIR.
2. Provide any additional comments on the cultural resource aspects of the CEIG package described in this report (Draft CEIG, Draft Zoning, Draft General Plan Amendments and Draft Design Guidelines).

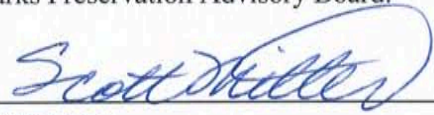
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Approved for forwarding to the
Landmarks Preservation Advisory Board:


SCOTT MILLER
Interim Planning Director

Attachments:

- A. Draft Central Estuary Implementation Guide Implementation Section
- B. September 17, 2012, Landmarks Board Staff Report
- C. Revised Proposed Zoning Chapter
- D. Summary of Environmental Impacts
- E. Areas of Cultural Sensitivities Map

Implementation of Recommended Transportation and Utility Improvements

The implementation section includes a cost estimate for midterm roadway network enhancements recommended in Appendix A of the Central Estuary Implementation Guide (CEIG) and other area-wide improvements. These cost estimates are based on detailed utility and roadway cost estimates, which follow this overview summary. The long-term network enhancements recommended in Appendix A are excluded from the cost estimate, as these policy connections are dependent on major, long-term changes in existing land uses currently occupied by economically viable uses. A brief write up of possible funding mechanisms is also included.

Mid-term roadway network enhancements recommended in Appendix A: Appendix A identifies twelve mid-term roadway segment projects. Some of these projects are new streets, while many are enhancements to existing facilities. Each segment is associated with a street cross-section type, which dictates the right-of-way width, number and width of travel lanes, width of landscape strips and sidewalks, and the provision of bike lanes.

For each cross-section type, a unit cost estimate per linear foot (LF) has been developed. The unit cost estimate includes all of the construction and materials costs, including:

- Demolition and mobilization costs
- Roadway paving
- Sidewalk construction
- Landscaping (1 tree every 400 sf, 1 shrub every 200 sf, sod and irrigation systems)
- Curb and gutter improvements
- Traffic signals
- Traffic signage

To determine the cost for each roadway segment in Appendix A, the length of each segment was measured and multiplied by the unit cost per LF for that street type. Recommended improvements to the Park Street Triangle from the *Park Street Triangle Traffic Study, Final Report* (Dowling Associates, September 28, 2006) are also included.

Other area-wide improvements: Other area-wide improvements include items recommended in the CEIG but not explicitly captured in the mid-term roadway network enhancements. These would include the following:

- Improved undercrossings of I-880 at Fruitvale Avenue and High Street: The existing undercrossings at Fruitvale and High Street will be improved with the funded transportation projects discussed in the CEIG and the mid-term roadway network enhancements. However, additional improvements are recommended to make these pathways under the freeway attractive places to walk and bicycle. These improvements could include enhanced lighting, painting, public art and murals, and acoustic measures to reduce noise impacts.

- Improved signage and way finding: While the street cost estimates include signage, additional signage is recommended to improve way finding through the Plan Area and to help orient visitors to key amenities such as the Bay Trail, BART, and the main pathways across I-880.
- Improved lighting and pedestrian and bicycle amenities: Improved amenities would include pedestrian scaled lighting, enhanced landscaping, and additional traffic calming devices such as a curb extensions and bulb-outs.

Utilities: The CEIG infrastructure section identified the demand and constraints of the existing utility systems. System upgrades for potable water, fire protection, recycled water, sanitary sewer, storm drainage, gas, telecommunications, and electrical systems have been identified and unit cost estimates for each system have been developed. Upgrades to utilities can be shared with utility providers and are not expected to be fully placed on new development or the City.

Findings: Table A1 summarizes overall estimated costs and implementation actions to achieve the recommendations in the Plan. The estimated cost for the twelve roadway section improvements amounts to \$15.4 million, \$6 million for other area-wide improvements and \$34.4 million for utility improvements.

Table A1: Recommendations

Recommendation	Description	Cost Estimate
Mid-Term Roadway Network Enhancements		
Fruitvale Avenue: I-880 to the Estuary	Cross section A-2*	To be completed
High Street: I-880 to the Estuary	Cross section A-3*	To be completed
East 7 th : Kennedy to 23 rd Avenue	Cross section A-4*	To be completed
42 nd Avenue Extension: Jensen to Tidewater	Cross section A-5*	To be completed
Tidewater Avenue: High Street to Oakport	Cross section A-6*	To be completed
Livingston Street	Cross section A-7*	To be completed
22 nd Avenue	Cross section A-8*	To be completed
East 7 th : 23 rd Avenue to Fruitvale Avenue	Cross section A-9*	To be completed
Derby Avenue	Cross section A-10*	To be completed
Lesser Street Extension	Cross section A-11*	To be completed
New Street "A"/New Street "B"	Cross section A-12 & A-13*	To be completed
Soft Costs & Contingency		To be completed
Total Roadway		\$15.4 million
Other Area-Wide Improvements		
Improved undercrossing of I-880 at Fruitvale Avenue and High Street	\$1 million per undercrossing	\$2 million
Improved signage and wayfinding	\$1 million	\$1 million
Improved lighting and pedestrian/bicycle amenities	\$2 million	\$2 million
Utilities		\$34.4 million
Total Costs		To be completed

*Corresponds to cross sections include in Figure A-1 of Appendix A; for a description of the improvements for each street, see Table XX in the Detailed Cost Estimate (forthcoming).

Funding Mechanisms

Future development facilitated by the CEIG will likely result in construction of some of the needed infrastructure improvements described above. However, the breadth of infrastructure deficiencies in the Central Estuary Area is well beyond the means of any one private developer to design and construct. Likewise, the City's Capital Improvement Program is spread extremely thin, and cannot shoulder the burden of the making all the necessary improvements. Therefore, an integrated approach to addressing the Plan Area infrastructure deficiencies is needed.

A combination of both property-based financing tools and public funding sources should be further studied to determine which is appropriate for the area. Community support and City Council approval would be needed for some of the tools such as special districts and impact fees, as would additional economic and feasibility studies. The following table outlines possible funding mechanisms, the improvements funded by the mechanism and the various requirements of the mechanism.

Table A2: Potential Property-Based Financing Tools and Public Funding Sources

Funding Mechanism	Description and Improvements Funded	Requirements
Property-Based Financing Tools		
1. Landscape and Lighting District	Would establish new assessments to fund installation and maintenance of public improvements, such as street trees, sidewalks, parkways, and landscaping.	Requires 2/3 voter approval to create or amend a Landscape and Lighting District. The district would need to establish a benefit formula and each parcel in the service area would be assessed according to the benefit it receives from the services and improvements.
2. Community Facilities District (CFD)	A CFD could levy additional property taxes on land located inside the district to pay for new infrastructure.	Requires 2/3 approval by the voters to form district and issue bonds. The particular method of allocating the special tax, and the facilities and services to be authorized, would need to be specified. If bonds are to be authorized, their amount and maximum term must be specified as well.

Funding Mechanism	Description and Improvements Funded	Requirements
3. Fees and Exactions (Development Impact Fees and In-lieu Fees)	City may impose fees on new development to fund things such as transportation improvements to offset the impact of new development.	City would need to prepare a Nexus study to: <ol style="list-style-type: none"> 1) Identify the purpose of the fee. 2) Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities must be identified. 3) Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed (commonly called a Nexus).
4. Infrastructure Finance District (IFD)	IFDs can fund regional public facilities by diverting property taxes for 30 years to fund identified for improvements (such as transit improvements, water systems and sewer projects).	<ul style="list-style-type: none"> May not be used to pay for maintenance, repairs, operating costs, or services. Requires 2/3 approval by the voters to form and issue bonds. Requires a complex infrastructure financing plan.
5. Community Benefit District (CBD) / Business Improvement District (BID)	Business community could voluntarily assess themselves to fund marketing, promotion, security, limited streetscape improvements, maintenance and special events.	<ul style="list-style-type: none"> Would require the Planning Area business community to pay annual fees to fund activities and programs. Not sufficient to fund infrastructure improvements.
6. Mills Act	The Mills Act is a voluntary program in which the City and an owner of an historic property enter into a contract whereby the property owner agrees to repair and maintain the historic character of the property in exchange for reduced property taxes.	<ul style="list-style-type: none"> A limited number of contracts are processed annually \$400 application fee
Public Funding Sources		
1. Measure B	Measure B provides funds for transportation projects in Alameda County including public transit and local street improvements and bicycle and pedestrian infrastructure.	<ul style="list-style-type: none"> Strict project deadlines: Each project must have environmental clearance and a funding plan seven years from first revenue collection. Timely use of funds: Jurisdictions and transit agencies must spend funds in a timely manner and report on these expenditures each year. Performance and accountability measures: These will be included in every contract with fund recipients. Competitive process
2. One Bay Area Grant (OBAG)	OBAG is an integrated approach to distributing federal transportation dollars regionally. Grant funds cover, in part, local street and bicycle and pedestrian improvements,	<ul style="list-style-type: none"> Investments primarily directed to Priority Development Areas City needs a Complete Streets Policy Resolution City is required to have its general plan housing element adopted and certified by the State City is required to provide performance reporting Competitive process

Detailed Roadway and Utility Cost Estimates

(Forthcoming)

Attachment B

Landmarks Preservation Advisory Board

STAFF REPORT

Sept. 17, 2012

Location:	Central Estuary Area which is bounded by 19 th Avenue to the north, 54 th Avenue to the south, I-880 to the east and the Bay to the west.
Proposal:	Per the City Council's direction, the City of Oakland is creating the Central Estuary Implementation Guide (CEIG) for the Oakland Central Estuary Area, as called for in Policy MF-2 of the Estuary Policy Plan (an Element of the City of Oakland General Plan). Staff will present the Draft CEIG and associated Draft Zoning Chapter, Draft Design Guidelines and Draft General Plan Estuary Policy Plan Amendments and highlight historic preservation issues.
Applicant:	Department of Planning, Building and Neighborhood Preservation
Planning Permits Required:	Environmental Impact Report (ER11-0016); General Plan Amendment (GP12-110); Zoning Text Amendment (ZT12-109)
General Plan:	Estuary Policy Plan Area
Estuary Policy Plan:	Light Industry-2, Waterfront Commercial Recreation-2, Planned Waterfront Development-2, Residential Mixed Use, Heavy Industrial, and General Commercial-1, Light Industry-3, Planned Waterfront Development-3, Parks
Zoning:	M-30 General Industrial, M-40 Heavy Industrial, and HBX-3 Housing and Business Mix
Historic Status:	Four Areas of Secondary Importance in the Project Area plus Local Register Properties
Service Delivery District:	3, 4, 5
City Council District:	5
Action to be Taken:	Review proposal and provide preliminary feedback to planning staff
For Further Information:	Contact Alicia Parker at 510-238-3362, aparker@oaklandnet.com

SUMMARY

As called for in Policy MF-2 of the Estuary Policy Plan, the City of Oakland is preparing the Central Estuary Implementation Guide (CEIG) and related documents to guide future development in the Central Estuary Area. The project focuses on ten sub-districts within the larger Estuary area where some land use change from existing conditions is anticipated. The project includes the rezoning of these areas consistent with direction from the Estuary Policy Plan, as well as General Plan (GP) Amendments to: (1) update existing General Plan goals and strategies to reflect the direction established in the Central Estuary Implementation Guide; and (2) increase the allowable Floor Area Ratios (FARs). In addition, the Draft CEIG includes proposed design guidelines and development standards for the various subareas. A Supplemental Environmental Impact Report (EIR) is currently in preparation.

The Landmarks Board is being asked to provide preliminary feedback on the Draft CEIG, draft design guidelines, draft zoning and draft GP amendments to planning staff. The drafts of these documents were

also recently presented to the Zoning Update and Design Review Committees of the Planning Commission, as well as to the Bicycle and Pedestrian Advisory Committee, each of which provided comments unique to their topic area. Once a public review draft of the Supplemental EIR is prepared, staff will be presenting the project again to the Landmarks Board and to the Planning Commission (along with the Draft CEIG, design guidelines, zoning and GP amendments). At that point, all comments received from the advisory boards and Planning Commission will be compiled, reviewed, and incorporated where feasible into the final documents. 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 the full City Council.

BACKGROUND

The Central Estuary Implementation Guide (CEIG) that is currently being prepared is intended to serve as a companion to the City of Oakland's **Estuary Policy Plan (EPP)**, which was adopted in 1999. The Estuary Policy Plan (EPP) is an element of the Oakland General Plan, and sets forth policies and principles to guide development in the Estuary waterfront area. An "Implementation Guide" is called for in Policy MF-2 of the Estuary Policy Plan. The CEIG identifies specific steps to be undertaken to implement the recommendations of the EPP. These include detailed strategies and work programs to create and implement projects, site design and development standards, funding and institutional strategies, and other administrative steps necessary to carry out EPP recommendations.

In 2008, the City established a **Citywide Industrial Land Use Policy**, based on Council direction, aimed at preserving certain industrial areas and establishing a more integrated and predictable approach to the management of industrial lands in Oakland. In the final 2008 report recommending the adoption of the Industrial Land Use Policy, staff recommended that the City Council not make a recommendation about the future of the Policy Sub-Areas that fall within the Central Estuary, as the CEIG planning process would analyze them in depth and make recommendations regarding appropriate uses.

On December 9, 2008, the Oakland City Council initiated a planning process for the Central Estuary to develop a coordinated vision for the future development of the area that would address infrastructure deficiencies and conflicting land uses. The CEIG and the related zoning and Estuary Policy Plan amendments and Supplemental Environmental Impact Report will provide the policy framework for improving the Central Estuary area.

As part of the public outreach effort, six community workshops were held between March and November 2009. Initial workshops focused on developing a shared vision statement for the area, and subsequent workshops involved hands-on small group activities to develop and evaluate land use and transportation alternatives and reach consensus on a community-preferred alternative. Technical analysis of the alternatives included land use, transportation, sustainability, public health and fiscal impact analyses.

The three alternative concepts and a draft community-preferred alternative were presented for comment at hearings before the Parks and Recreation Advisory Commission, Landmarks Preservation Advisory Board, Planning Commission, Community & Economic Development (CED) Committee, and City Council between December 2009 and July 2010.

The CED Committee discussed modifications to the community-preferred alternative, including the proposed land uses envisioned for the Owens Brockway site and the south of Tidewater area; there was general consensus about the proposals for the areas west of Fruitvale Avenue that were part of the community-preferred alternative.

On July 20, 2010, the City Council adopted the following land use alternative (in Resolution 82944; illustrated in **Attachment A**) which represents less change from existing conditions than envisioned during the community outreach process of 2009:

- (1) West Subarea: mixed-use infill, strengthening the existing specialty food producing industrial area;
- (2) Central West Subarea: preservation of the existing neighborhood including live/work uses;
- (3) Central-East Subarea: no change from existing conditions at the Owens Brockway site and retail/commercial use between High Street and (the new alignment for) 42nd Street; and
- (4) East Subarea: commercial-industrial mix, similar to the existing CIX-1 zone, in the area at the tip of Tidewater Ave., adjacent to Martin Luther King Jr. Regional Shoreline Park, with research and development (R&D) uses to the north and west.

Planning Context

The Oakland Estuary waterfront is a significant citywide and regional resource that connects the City of Oakland and the surrounding region to the San Francisco Bay. The Central Estuary, the focus of the Draft Central Estuary Implementation Guide (CEIG), is an area generally encompassed by 19th Ave. to the north, 54th Ave. to the south, I-880 to the east and the Oakland Estuary to the west. The landside portion of the Central Estuary area is roughly 416 acres.

The Oakland Estuary waterfront has experienced significant development interest in recent years. However, a number of physical and policy challenges, including conflicting land use priorities and essential infrastructure deficiencies, have highlighted the need for a district-wide planning process. A significant citywide challenge of the last decade has been the importance of preserving a healthy diversity of employment and industry in Oakland. Historically, many industries have depended on waterfront access for raw materials or distribution, and some of the industrial uses in the Estuary Area do to this day. As a result, the area was historically predominantly zoned for industrial use, and a number of well-established industrial uses remain.

In recent years, residential development interests have focused on industrial areas throughout the City because of the relative affordability of large land parcels, and the Central Estuary waterfront has been particularly appealing because of its attractive views and central location. At the same time, the desire to increase public access to, and recreational use of, the City's waterfront adds another potentially conflicting demand on this area. The CEIG is intended to address these many demands by clarifying City policy for this dynamic area.

Planning for the Central Estuary is further complicated by the complexity of the area, where conditions vary markedly across the district. For the purposes of the Draft CEIG, the area has been divided into 10 sub-districts, as shown in **Attachment B** and described below:

- **Embarcadero Cove** - this waterfront area currently includes a number of commercial and recreational uses, predominantly oriented to the waterfront. Among these are office spaces, commercial retail and services including Port of Oakland-owned offices and Quinn's Lighthouse. There are also a number of marine activity-related facilities. The waterfront orientation and constrained parcel depth make this area well suited for continued commercial-recreational and water-dependent uses.
- **Mixed-Use Triangle** - this area includes an office development owned by Alameda County, a private school, and other commercial and industrial uses. Many of the early industrial and warehouse buildings have remained intact, salvaged by adaptive reuse into lofts, live-work, offices and educational facilities. The pattern of land uses is relatively fine-grained, with some older structures

and smaller increments of development oriented to the street. Additional adaptive reuse, and new educational, office and commercial uses should be encouraged, as well as multi-family residential and work/live units, where these uses would not create land use conflicts with existing industrial activities.

- **Food Industry Cluster** - this area is generally characterized by light industrial and service uses, and larger scale food processing and food warehousing/distribution operations. Food processing is a major source of employment in this portion of the waterfront, with some 450 individuals employed, many in skilled positions. Manufacturing and food processing/distribution should be encouraged, both for incubator businesses as well as for established and growing concerns.
- **Con-Agra** - this area, primarily in heavy industrial use, is dominated by the 11-acre Con-Agra facility, which mills grain for flour that is distributed throughout the Bay area and Northern California. Cemex and Star Marine are two other large operators immediately adjacent to the Con-Agra facility. While the area historically attracted construction-related uses because of barge access via the Estuary, these business operations remain in the area today largely because of its central location and good freeway accessibility, and because of investments in existing facilities. Policies encourage heavy industry in the vicinity of the Con-Agra plant to continue, while providing for the transition to a mix of new uses if heavy industrial users choose to relocate.
- **Union Point Park** - a 10-acre waterfront park that was completed in late 2005 and expanded in 2010, offering spectacular views of the marina and Estuary, waterfront access, park activities and open space.
- **Jingletown/Elmwood** - the area between 23rd and Fruitvale Avenues, and along Elmwood Avenue east of Fruitvale Avenue, includes a substantial amount of residential mixed in with lower-intensity and smaller scale industrial and commercial uses. The area is home to an increasingly vibrant residential and artist population. Housing includes work/live spaces in renovated warehouses as well as single-family bungalows, houses and more recently developed multi-family housing. A mixture of residential, live/work, work/live, light industrial and neighborhood-serving uses should be maintained in the future, with an emphasis on affordability, livability, and an enhanced relationship with the Estuary.
- **Owens/Brockway** - this site consists of approximately 28 acres of land devoted entirely to the business of glass recycling and manufacturing. These operations are expected to remain viable for the foreseeable future. Improvements along the edges of the Owens-Brockway plant should be undertaken to establish a more positive relationship with surrounding uses, including the neighborhood and the waterfront.
- **High Street Retail** - this commercial center includes a Home Depot and various other commercial uses, including a gym. This is a relatively successful regional commercial destination that capitalizes on its close proximity to the I-880 and High Street, capturing traffic from both the Estuary area and Alameda. At the 42nd Street interchange, there is the opportunity for the expansion and development of new commercial activities that are oriented to both regional and local markets. Specific uses that should be encouraged in this area include region-serving retail, office, general commercial, and light industrial. Street-facing retail uses along High Street, and landscaping and streetscape improvements should be incorporated into all new development, subject to development standards and design guidelines developed for the Central Estuary Area.
- **High Street Warehouse Wedge** - On the east side of Alameda Avenue, the Brinks warehouse and a cluster of small-scale light industrial uses and warehouses are located along the Estuary, impeding public access opportunities. While Bay Trail segments have been completed along some of these uses, a portion of the waterfront remains inaccessible. Public access opportunities should be pursued over time along the shoreline.

- **Tidewater North** - This portion of the Central Estuary District functions as a service support area, with links to the adjacent Coliseum area. It supports wholesale and retail businesses, container storage, and smaller industrial uses. In addition, Pacific Gas & Electric (PG&E) and East Bay Municipal Utility District (EBMUD) have service facilities within this area. Current uses and activities should be maintained and encouraged, but there are opportunities to intensify underutilized sites, now used for equipment and container storage. These sites should be targeted for redevelopment as industrial and service-oriented uses, which would contribute to the overall viability of the area.
- **Tidewater South** - This area is unique in that it adjoins Martin Luther King Jr. Regional Shoreline, one of the larger assemblies of waterfront open space within the Estuary. The East Bay Regional Parks District (EBRPD) continues to develop the MLK Regional Shoreline, including the Tidewater Aquatic Center completed in 2009. Economic development objectives for this sub-district can be realized by deemphasizing service, storage and heavy industry and focusing more on employment-intensive uses that are more complementary with the public nature of the waterfront. Successful development will require an effort to balance competing objectives brought about by the proximity of the sites to regional park and nearby utility facilities.

REGULATORY AND POLICY FRAMEWORK

Citywide policies, such as the City General Plan and zoning, as well as a number of other plans and studies that have focused on the Estuary area, define the potential future for the Central Estuary:

General Plan and Estuary Policy Plan

The **Land Use and Transportation Element (LUTE)** of the Oakland General Plan, entitled *Envision Oakland*, outlines a long-range vision for land use and transportation in the City of Oakland. Adopted in 1998, the General Plan LUTE was designed to emphasize integration of planning, economic development, and implementation, and spur a commitment to action while serving as the ongoing policy guide regarding physical development for the City. The LUTE defined a number of subsequent planning efforts that would be required to complete this process and further delineate the vision for certain areas, including the waterfront in particular. The General Plan LUTE includes policies and detail applicable to the Central Estuary, most notably the recommendation for a subsequent planning effort that created the Estuary Policy Plan.

The General Plan LUTE also recommends that future residential growth in Oakland be targeted to areas with high transit connectivity (Transit Oriented Districts) and the waterfront, and suggests that land uses, densities, and transportation systems be planned to support increased development in these areas. It identifies the importance of regional commercial uses in Oakland's future, and suggests the waterfront as one opportune location for these uses. Key goals and policies address the importance of increasing public access to the waterfront and better connecting waterfront areas to the rest of the city, integration of mixed-use development with adjacent land uses, and defining the type, density, and quality of development that should be encouraged along the waterfront.

The City of Oakland's **Bicycle and Pedestrian Master Plans** provide important policy guidance for bike and pedestrian connections throughout the City. The Bicycle Master Plan includes policies and implementation measures to create safe bicycling opportunities. The Pedestrian Master Plan sets forth the policy, design standards and implementation plan to create a pedestrian friendly environment. Both of these plans contain recommendations applicable to the Central Estuary Area.

The ***Shoreline and Creeks*** section of the **Open Space, Conservation and Recreation (OSCAR) Element** of the Oakland General Plan includes policies and actions that emphasize the Jack London to High Street waterfront as an opportunity area for improved public access, recreational amenities, and land uses which capitalize on the waterfront's presence. This section recognizes two significant challenges to improving the waterfront: (1) the tenuous balance between the importance of increasing access to the waterfront without interrupting active and essential maritime uses, and (2) the challenge of creating linkages to bring the rest of the City to the waterfront. The section proposes the promotion of some beneficial waterfront uses, such as maritime industry, and coordinated waterfront planning in balance with the increased dedication of accessible shoreline.

Because of the long history of the Central Estuary as a vibrant industrial and residential district of the City, a number of policies of the **Historic Preservation Element** of the Oakland General Plan also apply to the area. The Historic Preservation Element encourages the preservation and enhancement of significant historic properties that contribute to Oakland's economy, affordable housing stock, overall image, and quality of life.

The General Plan LUTE established important general goals and policies for the waterfront and created a single broad land use designation, "Waterfront," which is applied to the entire Estuary waterfront, including the Central Estuary. The **Estuary Policy Plan (EPP)**, adopted in June 1999, is an element of the General Plan that sets forth policies and principles to guide development in the Estuary area, refining and superseding the policy guidance for this area contained in the City's General Plan LUTE. Since the 1999 Estuary Policy Plan was adopted, two other districts included the EPP, the Jack London District and Oak to Ninth, have undergone significant redevelopment and planning.

The EPP divided the Estuary Area into three districts: Jack London, Oak to Ninth, and 'San Antonio/Fruitvale' (since re-named the Central Estuary). The EPP also recommended nineteen unique land use designations for the Estuary Waterfront, which supersede and subdivide the broad Waterfront designation of the General Plan LUTE into more fine-grained land use areas. The existing EPP land use designations for the Central Estuary consist of Light Industrial, Planned Waterfront Development, Residential Mixed Use, Heavy Industrial, and General Commercial and variations thereof.

Zoning Regulations

With the exception of the Housing and Business Mix (HBX-3) zone adopted in 2006, much of the existing zoning for the Central Estuary was put in place in the 1960's, and has not yet been updated to be in conformance with the EPP land use designations. The existing zoning for the Central Estuary is primarily M-40 Heavy Industrial, with a sliver of M-30 General Industrial, and the designation of HBX-3 Housing and Business Mix, in the residential area known as Jingtown/Elmwood. The Housing and Business Mix (HBX-3) zone is intended to provide development standards for areas that have a mix of industrial, heavy commercial and higher density residential development. This zone is intended to promote housing with a strong presence of commercial and industrial activities.

Citywide Industrial Land Use Policy

As numerous areas throughout the region and the City have converted from industrial to residential use, industrial land has become increasingly important to maintaining the city's diversity. In 2008, the City established a Citywide Industrial Land Use Policy, based on Council direction, aimed at preserving certain industrial areas and establishing a more integrated and predictable approach to the management of industrial lands in Oakland.

In the recommendations of the Industrial Land Use Policy, the Central Estuary was divided between two different Policy Sub-Areas (4 and 11a). Policy Sub-Area 4, which falls within the eastern portion of the Central Estuary, was identified in the Estuary Policy Plan (EPP) as moving towards industrial business park. The Industrial Land Use Policy, on the other hand, found that industrial uses on the upper part of High Street between Tidewater and the 1-880 will likely remain, as more intense uses including residential would further aggravate the existing traffic congestion at High Street and Interstate 880 caused by commuters crossing the High Street Bridge from the City of Alameda. The Industrial Land Use Policy also recommended that the Central Estuary retain the core industrial uses south of Embarcadero Cove through Jingtowen/Elmwood north (Park Street Bridge), due to the importance of the existing food production, warehousing and distribution sector in the area, a strong and growing part of the Oakland industrial economy. It also cites the growing presence of craftsmen and artisans in the Jingtowen/Elmwood area and their growing importance in Oakland, as well as the need for the material industries that support them.

In the final 2008 report recommending the adoption of the Industrial Land Use Policy, staff recommended that the City Council not make a recommendation about the future of the Policy Sub-Areas that falls within the Central Estuary, as the CEIG planning process would analyze them in depth and make recommendations regarding appropriate uses. Although the Industrial Land Use Policy was never formally adopted by City Council, it remains the City's only industrial land use guidance.

Regional and Other Agency Regulation and Planning Efforts

The San Francisco Bay Trail

One of the most significant current regional planning efforts, the creation of a continuous San Francisco Bay Trail, has many direct implications for the Central Estuary. The *Oakland Waterfront Trail: Bay Trail Feasibility and Design Guidelines* (2003) includes a detailed feasibility study, site plans and design standards for development of a waterfront promenade and Bay Trail alignment along the Oakland Estuary shoreline. Significant resources were invested to develop and partially implement these improvements. Construction of new parks and trail connections is on-going throughout Oakland, but is particularly pronounced within the Central Estuary, as the waterfront is rapidly being transformed by new projects.

Army Corps of Engineers

The Oakland Inner Harbor Tidal Canal (OIHTC), which includes areas of the Estuary to the east of Coast Guard Island, is federal property governed by the United States Army Corps of Engineers (USACE). Some additional waters of the Estuary not considered part of the OIHTC are still regulated by the USACE, though the federal government is not the owner. The USACE is responsible for overseeing, managing, developing and maintaining the nation's water and related environmental resources, including its navigable waterways. As such, any improvements to facilities that come into contact with the Estuary, such as bridges and piers, will require the cooperation of the USACE. Docks, piers and other structures abutting from private parcels along the Estuary are considered encroachments into federal property where they stretch into the OIHTC and require permits, called Section 404 Permits, and licensing from the USACE for repair, modification, or any new construction.

Bay Conservation and Development Commission

Waterfront development in the Central Estuary, as throughout the Bay Area, is regulated by the San Francisco Bay Conservation and Development Commission (BCDC). BCDC is dedicated to the protection and enhancement of San Francisco Bay and to the encouragement of the Bay's responsible use, through governance of the Bay and its adjacent areas to ensure compliance with federal, State, and

regional laws and policies governing the Bay. BCDC has review and permit authority over all land areas in the entire San Francisco Bay that lie within a 100-foot 'Shoreline Band.' Within the Shoreline Band, BCDC ensures that development is consistent with the *San Francisco Bay Plan* and *San Francisco Bay Area Seaport Plan*, as well as the Public Trust Doctrine. BCDC also works to improve public access to the waterfront and along the water's edge as waterfront projects are developed.

Port of Oakland

The Port of Oakland is a major landowner in the Central Estuary. The Oakland City Charter gives the Port the responsibility to own, develop and manage lands along the Estuary on behalf of the California State Lands Commission under the Tidelands Trust. Through this role, the Port has the ability to plan for, permit, and manage development in parts of the Central Estuary governed by the Tidelands Trust. Specifically, the Port acts as the owner of Embarcadero Cove and areas on either side of Embarcadero to the west of Dennison Street. Also, the Port owns Union Point Park, including the Cryer Site Waterfront Park expansion; these properties are leased to the City of Oakland to provide this park.

OVERVIEW OF THE CENTRAL ESTUARY IMPLEMENTATION GUIDE

The Draft Central Estuary Implementation Guide (CEIG) presents recommendations related to land use, development, urban design, shoreline access, public spaces, regional circulation, and local street improvements for the Central Estuary waterfront and individual districts within it. **Attachment C** contains the Draft CEIG.

The Visions, Goals and Objectives of the Estuary Policy Plan (EPP) and Draft CEIG aim to retain, encourage and support a diverse and vibrant mix of uses; a destination waterfront; complete, safe and clear transportation connections; and infrastructure to support development.

The Draft CEIG includes the following sections:

- **Section I** includes introductory elements, which provide an overview and summary of the planning process, the planning area and surrounding context, as well as the vision for the Central Estuary and the goals and objectives established for implementation.
- **Section II** describes the land use context and includes an overview of existing land uses, zoning, and General Plan designations, along with a discussion of planned land use changes.
- **Section III** includes a review of existing transportation conditions and recommendations for near-term and long-term improvements, including an introduction to transportation policy and issues.
- **Section IV** describes the existing conditions of infrastructure throughout the Central Estuary and provides recommendations for required upgrades that should occur along with new development in the area.
- **Appendix A** provides policy-level recommendations for future transportation projects throughout the Central Estuary.

Concurrently with the Draft CEIG, proposed **new zoning** has been prepared for the area (See **Attachment D**), consistent with direction from the EPP, as well as proposed General Plan Amendments (See **Attachment E**), to increase the allowable Floor Area Ratios (FARs) in some areas and update policy language. The Draft CEIG also includes a related document under separate cover, a **Design Review Manual for the Central Estuary** (See **Attachment F**), that contains proposed design guidelines for the various sub-districts.

The following sections outline the historic resources in the project area.

POTENTIAL FOR CHANGE ANALYSIS

As part of the planning process, a range of qualitative and quantitative data was utilized to identify the parcels in the project area that represent the greatest opportunities for change over the short- and long-term horizons. This assessment is based on the level of future change endorsed by the Oakland City Council. The physical and economic characteristics of individual properties were assessed, with a focus on identifying the opportunity sites with the fewest barriers to redevelopment and those that are most likely to support higher intensity uses.

Sites identified as opportunity sites were overlaid with Areas of Secondary Importance (ASIs) and Potential Designated Historic Properties (PDHPs) from the Oakland Cultural Heritage Survey (OCHS), and the Local Register of Historic Places and are indicated on the Cultural Resource Map included in **Attachment G** of this report. As the environmental review of the Central Estuary Implementation Guide commences, any significant environmental impacts of the development program on historic resources will be identified, along with appropriate mitigation measures.

PRESENCE OF KNOWN SENSITIVE ARCHEOLOGICAL RESOURCES

Less than 15% of the Central Estuary Study Area has been inspected to date for prehistoric and historic cultural resources. While the southeastern portion of the study area has been the subject of several projects, including subsurface testing, very little is known about the archaeology of the northwestern portion of the study area. It is expected that several types and classes of archeological sites may be present in the project area, particularly along the bayshore and in close proximity to drainages and geomorphic features. The Cultural Resource Map attached (**Attachment G**) shows the locations with moderate potential for the presence of buried prehistoric resources.

Two historic archeological sites are located within the project area, including the Southern Pacific Railway rail spur that runs through the West Subarea of the project area and a cluster of 10 historic period features near High Street and I-880, four of which were determined eligible for the National Register of Historic Places. The mix of residential and commercial uses in the Project area also suggests that there is a likelihood of encountering historic-era archeological resources, including the archeological remains of building foundations beneath the existing potentially historic structures. Historic-era archaeological resources may include, but are not limited to: the archaeological remains of both commercial and residential building foundations and walls and transportation systems such as railroad sidings, roadways, wharves, or railroad tracks. Archaeological features most likely to be abundant would be archaeological artifact accumulations containing bottles, cans, ceramics and other materials found in trash pits or privies.

PRESENCE OF KNOWN HISTORIC RESOURCES

The Oakland Cultural Heritage Survey (OCHS) rates historic resources such as Landmarks, Areas of Primary Importance (API), Areas of Secondary Importance (ASI), and Local Register properties, the presence of each of which is described below. The OCHS study was a reconnaissance level survey,

performed in 1997, and many buildings and structures in the project area were given ratings indicating potential historic significance and potential eligibility for listing in local, state or federal registers of historic properties. The Jingtowntown/Elmwood residential neighborhood is considered to have a potential for historic resources in need of further historic review in subsequent environmental analysis. The residential and industrial buildings within Jingtowntown, as well as bridges (i.e. Park Street Bridge, Fruitvale Bridge, and High Street Bridge), wharves, and piers are also considered potential historical architectural resources in the project area (because OCHS has not yet intensively surveyed these structures, and these resources have potential for significance for association with the tidal canal and the Oakland inner harbor and waterfront history, the area has a high sensitivity for historic architectural resources).

Historic architectural resources sensitivity considerations include, but are not limited to the following:

- Businesses that produced material for the World War II effort (e.g., Owens-Brockway);
- Some of the earliest local railroads in the 1850's and 1860s (e.g., Alameda Wharf Railroad, Central Pacific, Southern Pacific);
- The possibility that areas within the Jingtowntown neighborhood could qualify, upon further study, as a Potential Designated Historic District, Area of Secondary Importance;
- A few properties close to the freeway, along E. 7th Street have been identified as possibly being significant;
- Properties associated with early industrial developments, and Oakland's role as the largest grain port on the West Coast (e.g. Con Agra); American Can Company (currently Home Depot site);
- Remaining wharf, pier and bridge structures, descendants of the original USACE tidal canal dredging project and subsequent industrial development it encouraged.

A Supplemental EIR in compliance with the California Environmental Quality Act (CEQA) is currently being prepared. This review will include the identification of historic resources under CEQA and is supplemental to the Estuary Policy Plan EIR adopted in 1999.

Landmarks

The Project area contains no known properties listed in the National Register of Historic Places, California Register of Historic Places, or City Landmarks designated (or "listed") by the Landmarks Preservation Advisory Board.

Areas of Primary Importance

The Project area does not contain any Areas of Primary Importance (API) identified by the OCHS.

Areas of Secondary Importance

At least three Areas of Secondary Importance (ASI) are present in the Project area, including:

The 36th Ave./East 8th residential district: There are a handful of parcels within the ASI known as the 36th Av/East 8th St. residential district encompassing the Jingtowntown neighborhood, which is located between Fruitvale and 37th Avenue, south of I-880 north of the Owens Brockway plant. The buildings are not considered to be part of the Oakland Local Register of Historical Resources and therefore are not currently considered to be historical resources for the purposes of CEQA. No alteration of the existing buildings is proposed as part of the Implementation Guide, and infill development in this area would reflect direction contained in the design guidelines to ensure appropriate design and scale.

California Cotton Mills (CCM): The California Cotton Mills ASI includes multiple parcels that are located on both sides of I-880. Although the main CCM building is on the other side of I-880 there is one

building in the CCM ASI that is a Local Register Property (see below), there are other related buildings in the Project area: (APN 019_004900303) is rated C2+; (APN 019_004900306) is rated C2+. C2+ = of Secondary Importance and contributing to the ASI. These ratings make them Potential Designated Historic Properties (PDHPs) that are not considered part of the Oakland Local Register of Historical Resources.

Embarcadero Cove: The OHCS identifies Embarcadero Cove as an ASI. There are at least 9 moved properties at Embarcadero Cove, including four residences on the east side of Embarcadero (APN 019_049000200). On the west side of Embarcadero (APN 019_00490001000), there are several moved buildings, including Quinn's Lighthouse, three Italianate residences, and the former East Oakland (Brooklyn) Railroad Station building. These buildings are all rated by the OCHS as C2+, of Secondary Importance, and are in the Embarcadero Cove ASI. The buildings are not considered to be part of the Oakland Local Register of Historical Resources.

California Wire Cloth (CWC): The property (including two parcels: APN 019_004800400 and 019_004800300) is rated by OCHS as an ASI. It is not considered to be part of the Oakland Local Register of Historical Resources.

Property of Major Importance with potential for Highest Importance (Local Register)

California Cotton Mills (CCM): The building at 1010 22nd Avenue (APN 019_004900201) is rated by the OCHS as B+a2+, which is a property of Major Importance with potential for Highest Importance, and is a contributor to the CCM Area of Secondary Importance. A Potential Designated Historic Property (PDHP) that has an existing rating of "A" or "B" is considered part of the Oakland Local Register of Historical Resources.

Properties of Secondary Importance, Not in a District

Owens-Brockway, aka Owens-Illinois: This property is rated by the OCHS as Cb+3, which is a property of Secondary Importance that is not in a district, but the OCHS considers it to be potentially eligible for the National Register if restored or re-evaluated (b+). As currently rated, however, this property is of Secondary Importance, and is not in a district. The buildings are not considered to be part of the Oakland Local Register of Historical Resources.

ConAgra, aka Western Milling - Oakland Elevator & Mill Co.: This property (APN 019_007100106) is rated by the OCHS as a C3, which is a property of Secondary Importance that is not in a district. It is not considered to be part of the Oakland Local Register of Historical Resources.

Numerous other properties with OCHS ratings of C3, of Secondary Importance, that are not in a district, are present in the Jingletown area. Some of these properties may be investigated further for potential reuse to preserve their historically significant architectural features and revitalize their use where appropriate.

Scope of Work for Environmental Review

As part of the Environmental Impact Report (EIR), an assessment will be made as to whether the Implementation Guide development program will cause a substantial adverse change (CEQA significant impact) to historical resources as identified in the description of current conditions. If a substantial

adverse change to historical resources is identified, proposed mitigation measures will be developed that would reduce or eliminate those impacts.

KEY ISSUES AND IMPACTS

I. Zoning Changes

The following table summarizes the zoning changes and resulting possible impacts to historic resources.

Subdistrict	Draft Zone	Proposed Changes to Existing Zoning	Possible Impacts to Historic Resources
Embarcadero Cove	CE-1	<p>Intent: promote marine, office and commercial uses.</p> <p>Activities: Residential, and many consumer services, wholesale sales, building material sales, surface parking lots and heavy industrial activities would be <i>prohibited</i>. Custom and light manufacturing, transient habitation (hotels) and boat and marine-related activities (boat repair, etc.) would be <i>conditionally permitted</i>.</p> <p>Development Standards: 45' ht limit, FAR increase from 1.0 to 2.0</p>	<p>The area includes the Embarcadero Cove ASI. The proposed allowed activities reflect and update current land uses. Existing businesses would generally be permitted by the new zoning, thereby reducing displacement potential and pressure to convert or demolish historic buildings for other uses.</p> <p>The FAR and height limit would allow buildings taller than those that exist today, however, the design guidelines include guidance to consider surrounding context (see discussion under the "Compatible Development" section below).</p>
High Street Retail	CE-2	<p>Intent: commercial uses with direct access to the freeway.</p> <p>Activities: encourage large format retail and prohibit heavy manufacturing, auto fee parking medical service and residential uses.</p> <p>Development Standards: 85' ht limit, FAR increase from 1.0 to 3.0.</p>	No identified historic resources present.
Jingletown/Elmwood	CE-3	<p>Intent: mix of industrial, heavy commercial and residential uses.</p> <p>Activities: permit fewer consumer services (medical service and dry cleaners, etc.); R&D and warehousing would be <i>permitted</i>; bed and breakfast activities would be <i>conditionally permitted</i>.</p>	Many C3 rated properties (PDHP properties) are found in this subdistrict including the 36th Ave./East 8th St. residential district (an Area of Secondary Importance). While the Implementation Guide does not contemplate redevelopment of the existing resources in the ASI, some vacant parcels in the area would likely be developed. The

Subdistrict	Draft Zone	Proposed Changes to Existing Zoning	Possible Impacts to Historic Resources
		<p>Development Standards: 45' ht limit (reduced from existing 50'), FAR increase from 2.5 to 3.0 (3.0 currently CUP)</p>	<p>proposed zoning regulations allow for the continuation of existing uses, thus reducing pressure to modify existing buildings to make way for new uses.</p> <p>The reduction in height helps to ensure that new development is compatible with existing development. Possible impacts from an outright permission of a 3.0 FAR will be mitigated through design guidelines which call for consideration of surrounding buildings when designing new development. The design guidelines prepared for this area will help to address the design and character of future development.</p>
Mixed Use Triangle	CE-4	<p>Intent: mix of industrial and heavy commercial activities; higher density residential.</p> <p>Activities: multi-family residential and commercial and less intense industrial uses would be <i>permitted</i> or <i>conditionally permitted</i>; consumer service (medical service, dry cleaning), general and heavy manufacturing and auto related uses would be <i>prohibited</i>.</p> <p>Development Standards: 85' ht limit; FAR increase from 1.0 to 3.0.</p>	<p>The California Cotton Mills (CCM) ASI and CCM Local Register Property are located in this subdistrict. The proposed zoning regulations further objectives to continue the custom production activities (e.g., olive oil, wine, and tea production) currently operating in the subdistrict. The zoning regulations bolster the area's role as a food processing hub within the City of Oakland. It is likely that future development will continue the current pattern of adaptively reusing existing warehouse buildings.</p> <p>The height limit and FAR increase would allow for significantly taller buildings than exist today. For new buildings locating in this and all subdistricts, the Design Review Manual for the Central Estuary contains guidelines that address the compatibility of new development with the existing context.</p>
Food Industry Cluster	CE-5	<p>Intent: Heavy commercial and industrial.</p> <p>Activities: general manufacturing would be <i>permitted</i>; heavy manufacturing and large scale hazardous waste storage and transfer would be <i>prohibited</i>.</p>	<p>A small amount of peripheral properties have been designated as PDHPs in this subdistrict.</p> <p>The zoning regulations will continue to allow the same types of uses that exist in the area today. Therefore, it is anticipated that conversion pressure will be minimal.</p>

Subdistrict	Draft Zone	Proposed Changes to Existing Zoning	Possible Impacts to Historic Resources
		<p>Development Standards: 85' ht limit; FAR increase from 0.5 to 3.0 (FAR change from 1.0 to 3.0 in High St. Warehouse Wedge subdistrict)</p> <p>*Additional standards would apply to address landscaping, driveways and site access (to CE-5 and CE-6)</p>	<p>The development standards will allow for the increased intensity of commercial/industrial activities to strengthen the area's role as an employment generating and food production area. Design guidelines are proposed to provide for the compatibility of new development with existing buildings.</p>
High Street Warehouse Wedge	CE-5	Same as Food Industry Cluster above.	No identified historic resources present.
Tidewater South	CE-5	Same as Food Industry Cluster above.	Two properties designated as PDHP in this subdistrict; see discussion of impacts to historic resources under the Food Industry Cluster subdistrict above.
Con Agra	CE-6	<p>Intent heavy industrial uses with potential for off-site impacts.</p> <p>Activities: few changes from current M-40 zoning; <i>prohibit</i> general retail sales currently allowed (unless an accessory use), as well as consumer service; auto sales would be <i>conditionally permitted</i>.</p> <p>Development Standards: no ht limit; FAR increase from 0.5 to 2.0 (FAR change from 0.75 to 2.0 at Owens-Brockway subdistrict)</p>	<p>Some PDHP properties including Con Agra (rated as C3) are located in this subdistrict. Very few changes from the existing range of uses are proposed, thereby reducing conversion pressure due to changes in use. The increase in development intensity will be mitigated through design guidelines that include provisions for relating new buildings to existing buildings and surroundings. Additionally, limitations are designed to protect waterfront resources. For example, the proposed limitation for open storage would require a conditional use permit if the open storage were located within 300 ft of the shoreline.</p>
Owens-Brockway	CE-6	Same as Con Agra above.	The Owens-Brockway facility has a Cb+3 rating which is a property of secondary importance, not in a district. See discussion of impacts to historic resources under the Con Agra subdistrict above.
Tidewater North	CE-6	Same as Con Agra above.	Some properties designated as PDHP. See discussion of impacts to historic resources under the Con Agra subdistrict above.

Subdistrict	Draft Zone	Proposed Changes to Existing Zoning	Possible Impacts to Historic Resources
Union Point Park	OS-NP	No changes to this sub-districts are contemplated as part of the new Central Estuary zoning	No designated historic resources are located in this subdistrict.
Martin Luther King Jr. Regional Shoreline	OS-RSP	No changes to this sub-districts are contemplated as part of the new Central Estuary zoning.	No designated historic resources are located in this subdistrict.

II. Compatible Development

The zoning changes described above would allow for increased density and intensity of future development to enhance the area's role as a working waterfront. Updated development standards that take into account the needs of modern industrial and research and development facilities, will, in part, make the area more competitive and attractive to these types of businesses. The compatibility of higher-intensity future development is addressed through existing policies, standards, proposed mitigation measures and proposed design guidelines.

Impacts from new development within areas of historic significance are addressed by policies in the Historic Preservation Element of the Oakland General Plan and the Standard Conditions of Approval applied to development projects. The Supplemental EIR to be prepared for this project will identify any additional measures to mitigate potential impacts from development contemplated as part of the development program. Furthermore, the design guidelines prepared for the Central Estuary will help address the appropriate design of new or altered buildings.

The general intent of the design guidelines is to retain the eclectic mix of industrial, warehousing, residential, and retail uses that define the character of the area, while encouraging its on-going informal evolution into a unique set of sub-districts that also take advantage of and enhance the area's waterfront, its historic character, and the fine-grained fabric of streets that define much of the Central Estuary. The guidelines define ways to minimize land use incompatibilities and their resulting impacts; guide appropriate employment-intensive and commercial development; and promote the enhancement of frontages along streets and the waterfront.

III. Urban Design

In addition to designing compatible development, new development must create a distinct sense of place. The Central Estuary area is diverse and eclectic. New development should reflect inspiration taken from the surrounding early industrial warehouse buildings and the spirited resident artist population. Specific guidelines and photo examples are used in the design guidelines to express ways to integrate character-defining features of surrounding development into new development. Some examples include:

Specific guidelines (for integrating neighborhood and historical context):

- Bay Trail development guidelines include emphasizing connections to the existing street grid, and retaining and integrating historic elements into shoreline protection.
- The Frontage Types include elements of the surrounding environment (such as the waterfront) to emphasize when designing new development.

- The Façade Articulation section includes a guideline to consider branding buildings with artistic elements.

Photo examples (using inspiration from surrounding structures and environmental elements):

- Guidelines for Walls and Fences contains a guideline that screens, walls and fences should be built out of attractive materials (wood, masonry, stone, metal) and the photo example shows a fence that has an industrial character.
- The Lighting section contains a photo example of integrated exterior lighting in an industrial building.

IV. Historic Preservation Incentives

As **Attachment G** illustrates, various identified historic resources are found throughout the Central Estuary area. The City's Mills Act offers potential property tax reductions in exchange for doing work that will extend the lifespan of historic buildings and/or improve their exterior physical appearance.

Adaptively reusing early industrial warehouse buildings for lofts, live/work, offices and educational facilities in the Mixed Use Triangle subdistrict is a pattern anticipated to continue in the Central Estuary area. This not only preserves historic buildings, but also enhances the unique character of the area.

Strategies for adaptively reusing historic resources include the following:

- ***Conversion to a Different Use.*** Buildings no longer well-located or well-suited for its original use can be converted to new uses, as is common in Mixed Use Triangle subdistrict.
- ***Incorporate Existing Low-Scale Development into New Structures.*** This would involve incorporating denser and larger development while preserving the existing low-scale buildings.
- ***Relocation of Historic Buildings.*** Preservation can also be facilitated by the relocation of some of the historic buildings that are scattered throughout the Planning Area into a district with similar character. These buildings could fill in the smaller vacant lots within the existing historic districts. Relocation is already facilitated via a CEQA exemption (City of Oakland Historic Preservation Element, Action 3.8.1.2) and could be further facilitated by establishment of a relocation assistance fund from financial mitigations for significant and unavoidable CEQA impacts on historic resources.

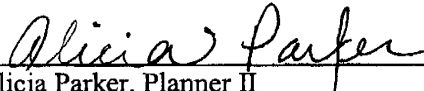
NEXT STEPS

The Draft Central Estuary Implementation Guide (CEIG), new Central Estuary zoning, and General Plan amendments were presented to the Zoning Update Committee, Design Review Committee and the Bicycle and Pedestrian Advisory Committee for review and comment in July 2012. The CEIG, new Central Estuary zoning, General Plan amendments and Supplemental Environmental Impact Report (SEIR) will be presented to the Landmarks Preservation Advisory Board and Planning Commission in the fall/winter. After the Final EIR/Response to Comments Document and the final planning-related documents are presented to the full Planning Commission, further public hearings will be held before the Community & Economic Development Committee of the City Council and the City Council will consider final adoption.

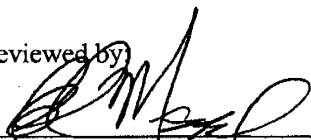
RECOMMENDATIONS

Provide preliminary feedback on the Draft Central Estuary Implementation Guide, Draft Estuary Policy Plan amendments, Draft Zoning Code, and Draft Central Estuary Design Guidelines Manual to planning staff.

Prepared by:


Alicia Parker, Planner II

Reviewed by:


Ed Manasse, Strategic Planning Manager

Approved for forwarding to the
Zoning Update Committee:


SCOTT MILLER
Interim Planning Director

Attachments:*

- A. City Council Adopted Land Use Alternative
- B. Sub-districts Map
- C. Draft Central Estuary Implementation Guide
- D. Draft Zoning Chapter
- E. Draft General Plan Amendments
- F. Draft Design Review Manual for the Central Estuary
- G. Cultural Resource Map

*Please note, attachments for this staff report are available online at:
<http://oaklandnet/oak/groups/ceda/documents/agenda/oak037690.pdf>

Chapter 17.60

CE CENTRAL ESTUARY DISTRICT ZONES REGULATIONS

SECTIONS:

17.60.010	Title, Intent, and Description
17.60.020	Required Design Review Process
17.60.030	Permitted and Conditionally Permitted Activities
17.60.040	Permitted and Conditionally Permitted Facilities
17.60.050	Property Development Standards
17.60.060	Permitted Frontage Types
17.60.070	Special Regulations for Work/Live Units
17.60.080	Special Regulations for Live/Work Units in the CE-3 and CE-4 Zones
17.60.090	Special Regulations for Mini-lot and Planned Unit Developments
17.60.010	Other Zoning Provisions

17.60.010 Title, Intent, and Description

A. **Title and Intent.** The provisions of this chapter shall be known as the CE Central Estuary District Zones Regulations. The intent of the CE zones are to:

1. Preserve and enhance opportunities for business and employment development in uses that can benefit from proximity to existing commercial, industrial and mixed use facilities in the area;
2. Implement the Estuary Policy Plan in the Central Estuary District;
3. Encourage the creation of mixed-use districts that integrate various combinations of residential, industrial, commercial, public open space and civic uses;
4. Establish development standards that allow residential, industrial, commercial, public open space and civic activities to compatibly co-exist;
5. Provide convenient access to public open space and the waterfront;
6. Improve access to the waterfront and recreational opportunities along the waterfront, including boat launches and marinas;
7. Encourage quality and variety in building and landscape design as well as compatibility in use and form;
8. Encourage development that is respectful of the environmental qualities that the area has to offer;
9. Provide a framework of development standards that takes into account the scale, massing and content of the surrounding community; and
10. Provide a set of procedures and practices to review and consider future design of new building construction.
11. Preserve and enhance distinct neighborhoods in the Central Estuary District. .

B. Description of Zones. This Chapter establishes land use regulations for the following six zones:

1. **CE-1 Central Estuary District Commercial Zone – 1** (Embarcadero Cove). The CE-1 zone is intended to create, maintain, and enhance areas of the Central Estuary that have a mix of marine, office and other commercial uses.
2. **CE-2 Central Estuary District Commercial Zone – 2** (High Street Retail). The CE-2 zone is intended to create, maintain, and enhance areas of the Central Estuary with a wide range of commercial uses with direct street frontage and access to the freeway.
3. **CE-3 Central Estuary District Mix Zone – 3** (Jingletown/Elmwood). The CE-3 zone is intended to create, preserve, and enhance areas of the Central Estuary that have a mix of industrial, heavy commercial and residential development. This zone is intended to promote housing with a strong presence of commercial and industrial activities.
4. **CE-4 Central Estuary District Mix Zone – 4** (Mixed Use Triangle). The CE-4 zone is intended to create, maintain and enhance areas of the Central Estuary that have a mix of industrial and heavy commercial activities. Higher density residential development is also appropriate in this zone.
5. **CE-5 Central Estuary District Industrial Zone – 5** (Food Industry Cluster/Warehouse Wedge/Tidewater South). The CE-5 zone is intended to create, preserve, and enhance areas of the Central Estuary that are appropriate for a wide variety of heavy commercial and industrial establishments. Uses with greater off-site impacts may be permitted provided they meet specific performance standards.
6. **CE-6 Central Estuary District Industrial Zone – 6** (Con Agra/Owens Brockway/Tidewater North). The CE-6 zone is intended to create, preserve and enhance areas of the Central Estuary that are appropriate for a wide variety of businesses and related commercial and industrial establishments that may have the potential to generate off-site impacts, such as noise, light/glare, odor, and traffic. This zone allows industrial and manufacturing uses, transportation facilities, warehousing and distribution, and similar related supporting uses. Uses that may inhibit such uses, or the expansion thereof, are prohibited. This district is applied to areas with good freeway, rail, seaport, and/or airport access.

17.60.020 Required Design Review

- A. Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.
- B. In addition to the design review criteria listed in Chapter 17.136, conformance with the design review guidelines in the Design Guidelines Manual for the Central Estuary is required for any proposal in the CE zones subject to the design review procedure in Chapter 17.136.
- C. Where there is a conflict between the design review criteria contained in Chapter 17.136 and the design review guidelines contained in the Design Guideline Manual for the Central Estuary, the design objectives in the Design Guidelines Manual for the Central Estuary shall prevail.

17.60.030 Permitted and Conditionally Permitted Activities

Table 17.60.01 lists the permitted, conditionally permitted, and prohibited activities in the CE zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory activities.

- “P” designates permitted activities in the corresponding zone.
- “C” designates activities that are permitted only upon the granting of a Conditional Use permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).
- “L” designates activities subject to certain limitations or notes listed at the bottom of the table.
- “-” designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

Table 17.60.01: Permitted and Conditionally Permitted Activities							
Activities	CE-1	CE-2	CE-3	CE-4	CE-5	CE-6	Additional Regulations
Residential Activities							
Permanent	--	--	P(L1)	P(L1)	--	--	
Residential Care	--	--	P(L1)	P(L1)	--	--	17.102.212
Service-Enriched Permanent Housing	--	--	C(L1)	C(L1)	--	--	17.102.212
Transitional Housing	--	--	C(L1)	C(L1)	--	--	17.102.212
Emergency Shelter	--	--	C(L1)	C(L1)	--	--	17.102.212
Semi-Transient	--	--	C	C	--	--	17.102.212
Bed and Breakfast	--	--	C	--	--	--	17.10.125
Civic Activities							
Essential Service	P	P	P	P	P	P	
Limited Child-Care Activities	--	--	P	--	--	--	
Community Assembly	--	--	P (L2)	--	C	--	
Recreational Assembly	P	C	P (L2)	C	C	--	
Community Education	P	P	C	C	C	--	
Nonassembly Cultural	P	P	P (L3)	P(L3)	C	--	
Administrative	P	P	P (L3)	P(L3)	C	--	
Health Care	--	--	C	C	--	--	
Special Health Care	--	--	--	--	--	--	
Utility and Vehicular	C	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	C	
Commercial Activities							
General Food Sales	P	P	P (L4)	P (L4)	P (L5)	P (L5)	
Full Service Restaurants	P	P	P (L4)	P (L4)	P (L5)	P (L5)	
Limited Service Restaurant and Café	P	P	P (L4)	P (L4)	P (L5)	P (L5)	
Fast-Food Restaurant	--	C	--	--	C	--	17.102.210 and 8.09
Convenience Market	C	C	C	C	--	--	17.102.210

Table 17.60.01 Permitted and Conditionally Permitted Activities							
Activities	CE-1	CE-2	CE-3	CE-4	CE-5	CE-6	Additional Regulations
Alcoholic Beverage Sales	C	C	C	C	C	--	17.102.21 & 17.102.040
Mechanical or Electronic Games	C	C	C	C	--	--	17.102.210
Medical Service	--	--	--	--	--	--	
General Retail Sales	P	P	P (L5)	P (L5)	P (L5)	--(L6)	
Large-Scale Combined Retail and Grocery Sales	--	C	--	--	--	--	
Consumer Service	P	P	P	P	P	--	
Consultative and Financial Service	P	P	P (L3)	P	C	--	
Check Cashier and Check Cashing	--	C	--	--	--	--	17.102.430
Consumer Cleaning and Repair Service	--	P	C	C	C	--	
Consumer Dry Cleaning Plant	--	C	--	--	C	C	
Group Assembly	C	C	C	C	C	C (L8)	
Personal Instruction and Improvement Services	P	P	C	C	C	C (L8)	
Administrative	P	P	P (L3)	P (L3)	P	--(L9)	
Business, Communication, and Media Services	P	P	P	P	P	P	
Broadcasting and Recording Services	P	P	P	P	P	P	
Research Service	P	P	P(L3)(L10)	P(L3)(L10)	P	P	
General Wholesale Sales	--	P (L7)	P (L3)	P (L3)	P (L3)	P(L11)	
Transient Habitation	C	C	C	C	--	--	17.102.370
Building Material Sales	--	P	P (L12)	P (L12)	P	--	
Boat and marine related sales, rental, repair and servicing	P	--	--	--	--	C	
Automobile and Other Light Vehicle Sales and Rental	--	C	--	--	--	C	
Automobile and Other Light Vehicle Gas Station and Servicing	--	C	--	--	C	P(L14)	
Automobile and Other Light Vehicle Repair and Cleaning	--	C (L13)	--	--	C	P(L14)	
Taxi and Light Fleet-Based Services	--	--	--	--	--	C	
Automotive Fee Parking	--	--	--	C	C	C	
Animal Boarding	--	C	C	C	--	--	
Animal Care	--	P	C	C	--	--	

Table 17-60-00 Permitted and Conditionally Permitted Activities							
Activities	CE-1	CE-2	CE-3	CE-4	CE-5	CE-6	Additional Regulations
Undertaking Service	--	--	--	--	C	C	
Industrial Activities							
Custom Manufacturing	C	P	P (L3)	P (L3)	P	P	17.102.040
Light Manufacturing	C	P	P(L2)(L10)	P(L3)(L10)	P	P	17.102.040
General Manufacturing	--	--	--	--	P	P	
Heavy/High Impact	--	--	--	--	--	C	
Research and Development	P (L2)	P(L3)(L10)	P(L3)(L10)	P(L3)(L10)	P	P	
Construction Operations	--	--	--	C	P (L14)	P (L14)	
Warehousing, Storage, and Distribution							
A. General Warehousing, Storage and Distribution	C	--	P (L2)	P (L3)	P	P	
B. General Outdoor Storage	--	--	--	--	P (L14)	P (L14)	
C. Self- or Mini Storage	--	--	--	C	C	--	
D. Container Storage	--	--	--	--	P (L14)	P (L14)	
E. Salvage/Junk Yards	--	--	--	--	--	C	
Regional Freight Transportation							
A. Seaport	--	--	--	--	--	C	
B. Rail Yard	--	--	--	--	C	C	
Trucking and Truck-Related							
A. Freight/Truck Terminal	--	--	--	--	P (L14)	P(L14)	
B. Truck Yard	--	--	--	--	C	P(L14)	
C. Truck Weigh Stations	--	--	--	--	P	P(L14)	
D. Truck & Other Heavy Vehicle Sales, Rental & Leasing	--	--	--	--	P(L14)	P(L14)	
E. Truck & Other Heavy Vehicle Service, Repair, and Refueling	--	--	--	--	P(L14)	P(L14)	
Recycling and Waste-Related							
A. Satellite Recycling Collection Centers	--	P (L15)	P (L15)	P (L15)	P (L15)	P (L15)	17.10.040
B. Primary Recycling Collection Centers	--	--	--	--	--	C (L16)	17.73.035
Hazardous Materials Production, Storage, and Waste Management							

Table 17.60.01: Permitted and Conditionally Permitted Activities							
Activities	CE-1	CE-2	CE-3	CE-4	CE-5	CE-6	Additional Regulations
A. Small Scale Transfer and Storage	--	--	--	--	C	C(L14, L17)	
B. Industrial Transfer/Storage	--	--	--	--	--	C(L14, L17)	
C. Residuals Repositories	--	--	--	--	--	C(L14, L17)	
D. Oil and Gas Storage	--	--	--	--	--	C(L14, L17)	
Agriculture and Extractive Activities							
Crop and animal raising	C (L18)	C (L18)	C (L18)	C (L18)	C (L18)	C (L18)	
Plant nursery	--	C	C	C	P	P	
Mining and Quarrying	--	--	--	--	--	--	17.102.220
Accessory off-street parking serving prohibited activities	C	C	C	C	C	C	17.102.100 & 17.102.110
Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof.	C	C	C	C	C	C	17.102.110

Limitations on Table 17.60.01:

- L1. No Residential Care, Service-Enriched Permanent Housing, Transitional Housing, or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such activity. See Section 17.102.212 for other regulations regarding these activities.
- L2. The total floor area devoted to these activities by a single establishment shall only exceed ten thousand (10,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).
- L3. The total floor area devoted to these activities by a single establishment shall only exceed twenty-five thousand (25,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).
- L4. The total floor area devoted to a grocery store shall only exceed twenty thousand (20,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). The total floor area devoted to a restaurant shall only exceed three thousand (3,000) square feet upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).
- L5. These activities are only allowed on the ground floor of a building. Except in CE-4, the total floor area devoted to these activities by any single establishment may only exceed five-thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).
- L6. Retail is only allowed as an accessory use per Section 17.10.040.

- L7. The total floor area devoted to these activities by a single establishment shall not exceed five thousand (5,000) square feet.
- L8. Entertainment, educational and athletic services are not permitted.
- L9. Administrative activities accessory to an existing industrial activity are limited to twenty percent (20%) of floor area in CE-6.
- L10. Not including accessory activities, this activity shall take place entirely within an enclosed building. Other outdoor activities shall only be permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).
- L11. These activities are only allowed in the Tidewater South area of CE-5, not permitted in any other areas of CE-5.
- L12. This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134) if it is the principal activity on a lot that is twenty five thousand (25,000) square feet or larger or covers twenty five thousand (25,000) square feet or more of floor area.
- L13. This activity is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and that all repair and servicing is performed in an enclosed building.
- L14. A Conditional Use Permit is required if located within 300 feet of the shoreline; the CE-3 zone; or any Open Space zone (see Chapter 17.134 for the CUP procedure). This activity is permitted if beyond 300 feet.
- L15. Permitted within a grocery store or other large associated development, but if it is a stand alone collector center than a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) is required. If the recycling collection is placed within the parking lot the overall parking requirements for the principal activity shall still be met.
- L16. A Conditional Use Permit (see Chapter 17.134 for the CUP procedure) is required for this activity, but is not permitted within 300 feet of: a) the shoreline; b) the CE-1, CE-2, CE-3, or CE-4 zone; or c) any Open Space zone. All special regulations for primary collection centers in the industrial zones must be met as listed in Section 17.73.035.
 - 1. L17. 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: That the project is not detrimental to the public health, safety, or general welfare of the community;
 - 2. That the project is or will be adequately served by roads and other public or private service facilities;
 - 3. That the project is consistent with the regional fair-share facility needs assessment and siting criteria established in the Alameda County Hazardous Waste Management Plan;
 - 4. That the cumulative effects of locating the project within the proposed area have been analyzed and where applicable, measures that minimize adverse impacts to the surrounding community have been incorporated into the project.
- L18. Crop and Animal Raising 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. The proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood in terms of noise, water and pesticide runoff, farming equipment operation, hours of operation, odor, security, and vehicular traffic;
 - 2. Agricultural chemicals or pesticides will not impact abutting properties or the surrounding neighborhood; and

3. The soil used in growing does not contain any harmful contaminants and the activity will not create contaminated soil.

17.60.040 Permitted and conditionally permitted facilities

For the purposes of this chapter only, the following definitions are added as facility types. Definitions for the other facility types listed in Table 17.60.02 are contained in the Oakland Planning Code Chapter 17.10.

A. Definitions

1. **“Live/Work”** means a room or suite of rooms that are internally connected maintaining a common household that includes: (a) cooking space and sanitary facilities that satisfy the provisions of other applicable codes; and (b) adequate working space reserved for, and regularly used by, one or more persons residing therein. A Live/Work unit accommodates both residential and nonresidential activities. This definition is the equivalent to the definition for Residentially Oriented Joint Living and Working Quarters (JLWQ) contained in the Building Code, Chapter 3B, Section 3B.2.4.
2. **“Work/Live”** means a room or suite of rooms that are internally connected maintaining a common household that includes: (a) cooking space and sanitary facilities that satisfy the provisions of other applicable codes, and (b) adequate working space reserved for, and regularly used by, one or more persons residing therein. A Work/Live unit accommodates a primary nonresidential activity with an accessory residential component.

Table 17.60.02 lists the permitted, conditionally permitted, and prohibited facilities in the CE zones. The descriptions of these facilities are contained in Chapter 17.10.

“P” designates permitted facilities in the corresponding zone.

“C” designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

“L” designates facilities subject to certain limitations listed at the bottom of the Table.

“--” designates facilities that are prohibited.

Facilities	Zones						Additional Regulations
	CE-1	CE-2	CE-3	CE-4	CE-5	CE-6	
Residential Facilities							
One-Family Dwelling	--(L1)	--(L1)	P	--(L1)	--(L1)	--(L1)	
One-Family Dwelling with Secondary Unit	--(L1)	--(L1)	P	--(L1)	--(L1)	--(L1)	17.102.360
Two-Family Dwelling	--(L1)	--(L1)	P	--(L1)	--(L1)	--(L1)	
Multifamily Dwelling	--(L1)	--(L1)	P	P	--(L1)	--(L1)	
Rooming House	--(L1)	--(L1)	P	P	--(L1)	--(L1)	
Mobile Home	--	--	--	--	--	--	
Live/Work	--	--	P	P	--	--	
Nonresidential Facilities							
Enclosed Nonresidential	P	P	P	P	P	P	
Open Nonresidential	P	P	C	C	P	P	
Work/Live	--	--	P	P	C	--	

Table 17.60.02: Permitted and Conditionally Permitted Facilities							
Facilities	Zones						Additional Regulations
	CE-1	CE-2	CE-3	CE-4	CE-5	CE-6	
Sidewalk Café	P	P	P	P	C	--	17.102.335
Drive-In	C	C	--	C	--	--	
Drive-Through	C	C	--	C (L3)	C	C	17.102.290
Telecommunications Facilities							
Micro Telecommunications	C	P(L4)	C	C	P(L4)	P(L4)	17.128
Mini Telecommunications	C	P(L4)	C	C	P(L4)	P(L4)	17.128
Macro Telecommunications	C	C	C	C	C	P(L4)	17.128
Monopole Telecommunications	C	C	C	C	C	P(L4)	17.128
Tower Telecommunications	--	--	--	--	--	P(L4)	17.128
Sign Facilities							
Residential Signs	--	--	P	P	--	--	17.104
Special Signs	P	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	--	17.104
Realty Signs	P	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	P	17.104
Advertising Signs	--	--	--	--	--	--	17.104

Limitations on Table 17.60.02:

- L1. See Chapter 17.114 – Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities.
- L2. If a vacant lot is greater than 5,000 square feet, a new one-family dwelling unit may not be constructed without the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).
- L3. Drive through facilities are not allowed to locate between the front property line and the building.
- L4. See Section 17.128.025 for restrictions on Telecommunication Facilities near residential or CE-3 and CE-4 zones.

17.60.050 Property Development Standards

Table 17.60.03 below prescribes development standards specific to individual zones. The number designations in the “Additional Regulations” column refer to the regulations listed at the end of the Table. “N/A” designates the regulation is not applicable to that zone.

Table 17.60.03 Property Development Standards							
Development Standards	CE-1	CE-2	CE-3	CE-4	CE-5	CE-6	Additional Regulations
Minimum Lot Dimensions							
Width mean	25 ft	25 ft	35 ft.	35 ft.	25 ft.	25 ft.	1
Frontage	25 ft	25 ft	35 ft.	35 ft.	25 ft.	25 ft.	1
Lot area	4,000 sf.	4,000 sf.	4,000 sf.	4,000 sf.	10,000 sf.	10,000 sf.	1
Minimum/Maximum Setbacks - See Design Guidelines Section 3.3.							
Minimum front	0 ft	0 ft	10 ft	10 ft	5 ft.	5 ft.	2
Minimum interior side	0 ft	0 ft	4 ft	0 ft	0 ft.	0 ft.	2
Minimum street side of a corner lot	0 ft	0 ft	4 ft	5 ft	5 ft	5 ft	2
Rear (residential facilities)	N/A	N/A	10 ft	10 ft	N/A	N/A	3
Rear (nonresidential facilities)	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	2
Height Regulations - See Design Guidelines Section 4.2.							
Maximum height	45	85	45/55	85/75	85	N/A	4, 5, 6, 7
Fence heights & other regulations	See Chapter 17.108.140 for fences, dense hedges, barriers, & free standing walls; and Design Guidelines Section 3.8.						
Minimum fence height in yards adjacent to open space zones	See Chapter 17.108.140 for fences, dense hedges, barriers, & free standing walls; and Design Guidelines Section 3.8.				8 ft	8 ft	8
Maximum fence height adjacent to open space zones	8	N/A	8	8	12 ft	12 ft	8
Maximum Residential Density (square feet of lot area required per dwelling unit) - See Design Guidelines Section 4.3.							
Regular Units	N/A	N/A	700	700	N/A	N/A	9, 10
Rooming Units	N/A	N/A	350	350	N/A	N/A	9, 10
Maximum Nonresidential FAR - See Design Guidelines Section 4.3.	2.0	3.0	3.0	3.0	3.0	2.0	10
Minimum Usable Open Space - See Design Guidelines Section 3.10.							
Group Usable Open Space per regular unit	N/A	N/A	150 sf	100 sf	N/A	N/A	11
Group usable open space per regular unit when private open space substituted	N/A	N/A	30	20 sf	N/A	N/A	11
Group usable open space per rooming unit	N/A	N/A	75 sf	50 sf	N/A	N/A	11
Group usable open space per rooming unit	N/A	N/A	15 sf	10 sf	N/A	N/A	11

Table 17.60.03 Property Development Standards							
Development Standards	Zones						Additional Regulations
	CE-1	CE-2	CE-3	CE-4	CE-5	CE-6	
when private open space is substituted							
Minimum Parking and Loading Requirements	See Chapter 17.116 for loading and automobile parking; Chapter 17.117 for bicycle parking; and Design Guidelines Sections 3.2, 3.5, 3.6 and 3.8.						12
Courtyard Regulations	N/A	N/A	See Section 17.108.120	See Section 17.108.120	N/A	N/A	
Landscaping Regulations - See Design Guidelines Section 3.8 and 5.							
Site Landscaping (including parking lot)	See Chapters 17.110, 17.124 and 17.102.400 for buffering, landscaping and screening standards.						13, 14, 15
Site landscaping (% of lot area)	See Chapters 17.110, 17.124 and 17.102.400				5%	5%	14
Parking lot landscaping (% of lot area)	See Chapters 17.110, 17.124 and 17.102.400				10%	10%	14
Driveway and Site Access Regulations - See Design Guidelines Sections 3.4 and 3.7.							
Minimum Distance of driveway or site access from any residential or open space boundary	See Section 17.116.210 Driveways and Maneuvering Aisles for Parking				50 ft	50 ft	16
Driveway Width Maximum	See Section 17.116.210 Driveways and Maneuvering Aisles for Parking				35 ft	35 ft	17
Pedestrian Walkway	N/A	N/A	N/A	N/A	Required	Required	18
Frontage Type Standards	See Table 17.60.04. - See Design Guidelines Section 4.1.						

Additional Regulations for Table 17.60.03:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width mean, and street frontage regulations.
2. See also Section 17.108.130 for allowed projections into setbacks, and see the Design Review Manual for the Central Estuary, Sections 3.3 and 4.1.
3. In the CE-3 and CE-4 zones, see Section 17.108.080 for the required interior side and rear yard setbacks on a lot containing two or more living units and opposite a legally required living room window. Wherever a rear lot line abuts an alley, one-half (1/2) of the right-of-way width of the alley may be counted toward the required minimum rear setback; provided however, that the portion of the minimum rear setback actually on the lot itself shall not be so reduced to less than ten (10) feet. Also, see Section 17.108.130 for allowed projections into setbacks.
4. Buildings shall have a thirty (30) foot maximum height at the setback line associated with any lot line that directly abuts a lot with a residential building. This maximum height increases one (1) foot for every foot away from the applicable setback line if the residential building on the abutting lot has a height of thirty (30) feet or less. If the residential building on the abutting lot has a height of greater than thirty (30) feet, the maximum height increases four (4) feet for every foot away from the applicable setback line. An increase in allowable height resulting from construction away from a setback line shall not result in a

height greater than the maximum height allowed in the zone. See Section 17.108.030 for allowed projections above height limits and 17.108.020 for increased height limits for civic buildings.

5. In the CE-3 zone, the fifty-five (55) foot height maximum may only be achieved if the proposed building is scaled to a context that will be compatible with adjacent uses. See the Design Guidelines Manual for the Central Estuary, Section 3.1.
6. In the CE-3 zone, the maximum heights may be exceeded in the following situations:
Structures that are either: 1) on lots adjacent to, or directly across the street from a freeway right of way or Bay Area Rapid Transit (BART) right of way that contains above-ground tracks; and 2) located within the closest one hundred twenty five (125) feet of the lot from the freeway or BART right of way are eligible for a seventy five (75) foot height limit. This additional height is permitted only upon the granting of a conditional use permit (see Chapter 17.134) and approval pursuant to the regular design review procedure (see Chapter 17.136). See also the Design Guidelines Manual for the Central Estuary, Section 3.1.
7. In the CE-3 Zone, the outdoor storage of materials shall not exceed sixteen (16) feet in height on a lot. Further, outdoor storage may not be higher than eight (8) feet if both: (1) the storage is within fifteen (15) feet from any property line of a lot containing residential activities and (2) the storage faces any windows of a residential facility. Outdoor storage may also not be higher than eight (8) feet if it is within fifteen (15) feet from the front property line. The height of all outdoor storage shall also be restricted according to the Oakland Fire Code regulations. Sites with outdoor storage shall be screened in conformance to the Design Guidelines Manual for the Central Estuary. In the CE-5 and CE-6 zones, the height of outdoor materials stored within the required side or rear setback shall be no higher than eight (8) feet. However, outdoor materials may be stored up to ten (10) feet if they are no higher than a solid masonry wall that is located between the materials and the property line associated with the required setback in which the materials are located. In this case, buffer planting must be installed between the storage area and the masonry wall. The aisle width and material composition of all stored material, and the ultimate height of all outdoor materials stored beyond the required setback shall be according to the Fire Code regulations.
8. In the CE-5 and CE-6 zones, this regulation applies to all property lines which directly abut a residential or open space zone, except those fronting a public street. Buffering requirements also apply to: a) new development; or expansion of an industrial or commercial building by more than 20 percent (20%) of total floor area, or b) addition or expansion of an existing building so that the lot coverage exceeds 35 percent (35%), whichever is greatest. The planting requirement may be reduced but not eliminated if appropriate and approved by the Planning Director. The twelve (12) foot maximum fence height may only be achieved with additional screening. The fence or wall design shall be approved by the Planning Director. See also Design Guidelines Manual for the Central Estuary, Section 3.8 and 4.1.
9. In the CE-3 and CE-4 zones, see Chapter 17.107 and Section 17.106.060 for affordable and senior housing incentives. A Secondary Unit may be permitted when there is no more than one unit on a lot, subject to the provisions of Section 17.102.360. Also applicable are the provisions of Section 17.102.270 with respect to additional kitchens for a dwelling unit, and the provisions of Section 17.102.300 with respect to dwelling units with five or more bedrooms. New construction on a vacant lot that is greater than five thousand (5,000) square feet shall only result in a total of one unit on the lot upon the granting of a conditional use permit (see 17.134) for conditional use permit process. This requirement does not apply to the expansion of the floor area or other alteration of an existing Single Family Dwelling.
10. No portion of lot area used to meet the residential density requirements shall be used as a basis for computing the maximum nonresidential FAR unless the total nonresidential floor area on the lot is less than 3,000 square feet.
11. In the CE-3 and CE-4 zones, usable open space is not required for Work/Live, and is only required on lots with two residential or Live/Work units or more, and not required for single family homes with secondary units. Each square foot of private usable open space equals two square feet towards the total

usable open space requirement. All usable open space shall meet the standards contained in Chapter 17.126, except that group usable open space may be located anywhere on the lot, provided the Frontage Type design guidelines are followed (see Section 4.1 of the Design Guidelines Manual for the Central Estuary).

12. In the CE-5 zone, parking for new development shall be located at the rear of the site or at the side of the building except for drop-off areas, which may be at the entry, except where access to existing loading docks and/or rail lines is required. New truck loading docks shall not be located closer than fifty (50) feet from property line as measured from the subject dock to any property boundary if located within three hundred (300) feet of a residential zone, unless such a distance requirement will impede direct access to a rail line. Truck docks shall be located such that trucks do not encroach into the public right of way. All existing loading docks are not subject to this requirement.
13. Any new principal residential building or addition over five hundred (500) square feet requires submittal and approval of a landscaping and buffering plan for the entire site, excluding secondary units of five hundred (500) square feet or less. The landscaping and buffering plan shall contain the following:
 - a. Landscaping and buffering that is consistent with the "Design Guidelines Manual for the Central Estuary";
 - b. An automatic system of irrigation for all landscaping shown in the plan;
 - c. A minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping as approved by the Director of City Planning, for every twenty-five (25) feet of street frontage or portion thereof. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet, the trees shall be street trees to the satisfaction of the City's Tree Division.
 - d. At least one (1) fifteen (15) gallon tree in the parking lot for every six (6) parking spaces for projects that involve new or existing parking lots of three thousand (3,000) square feet or greater.
 - e. A minimum of five (5) feet of landscaping shall be required adjacent to the front and street side property lines for parking lots of three thousand (3,000) square feet or greater. Where parking stalls face into this required buffer area, the width of the required landscaping shall be increased by two (2) feet unless wheel stops are installed.
14. In the CE-5 and CE-6 Zones, the following landscape requirements apply:
 - a. Submittal and approval of a landscape plan for the entire site and street frontage is required for the establishment of a new Nonresidential Facility and for additions to Nonresidential Facilities of over one thousand (1,000) square feet (see Section 17.124.025). A minimum of five percent (5%) of the lot area shall be landscaped. Landscaping and buffering must be consistent with guidelines in the "Design Guidelines Manual for the Central Estuary".
 - b. Required parking lot landscaping: For all lots associated with new construction with more than 25,000 sf. of floor area, a minimum of ten percent (10%) of parking lot area shall be landscaped accompanied by an irrigation system that is permanent, below grade and activated by automatic timing controls; permeable surfacing in lieu of irrigated landscaping may be provided if approved through design review procedure in Chapter 17.136. Shade trees shall be provided at a ratio of one (1) tree for every ten (10) spaces throughout the parking lot. Parking lots located adjacent to a public right-of-way shall include screening consistent with the landscaping and buffering guidelines in the "Design Guidelines Manual for the Central Estuary".
15. For all non-residential projects over 1,000 square feet street trees are required. In addition to the general landscaping requirements set forth above, a minimum of one fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty (20) feet of street frontage or portion thereof and, if a curbside planting strip exists, for every twenty-five (25) feet of street frontage. On streets with sidewalks where the

distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet, the trees to be provided shall include street trees to the satisfaction of the Tree Division.

16. In the CE-5 and CE-6 Zones, the site and driveway access requirement applies to new development; or expansion of industrial or commercial buildings by more than 20 percent (20%) floor area; or b) addition or expansion of an existing building so that the building to land ratio exceeds 35 percent (35%), which ever is greater; and all new driveway projects. This requirement may be waived administratively if such distance requirement will impede direct access to a rail line. Also applicable are the provisions of Section 17.116.
17. In the CE-5 and CE-6 Zones, a driveway shall not exceed thirty-five (35) feet in width without obtaining approval from the Engineering Department of Building Services through the Driveway Appeal Process. Also applicable are the provisions of Section 17.116.
18. In the CE-5 and CE-6 Zones, a clearly defined and lighted walkway, at least four (4) feet wide, shall be provided between the main building entry and a public sidewalk for all new development. On-site walkways shall be separated from on-site automobile circulation and parking areas by landscaping, a change in paving material, or a change in elevation. See the Design Guidelines Manual for the Central Estuary, Section 3.4 and 3.7.

17.60.060 Permitted Frontage Types

A. Applicability.

The frontage types described below are only applicable to the Central Estuary zones.

B. Definitions. (See the Design Guidelines Manual for the Central Estuary, Section 4.1)

The following definitions apply to this chapter only:

1. **Public Frontage** - The Public Frontage type accommodates very public uses, where interaction with the street and open spaces is desirable and welcomed, requiring little or no transition between the two. The Public Frontage is fully open to the street with large amounts of glazing. Windows may go from ground floor to ceiling and may be operable to promote a close indoor/outdoor relationship. Entries and windows are frequent, creating an inviting visual and physical connection with activity along the street. This frontage type is often associated with shopfronts and dining establishments. Live/Work facilities where retail shopfronts are a component may also be associated with this frontage type.
2. **Semi-Public Frontage** - The Semi-Public Frontage is defined by a moderate amount of permeability. This frontage type requires some transition from the public realm, which may be in the form of a landscaped setback, vertical separation or less transparency. This frontage type maintains a fair amount of glazing, though in a configuration that offers more privacy to interior uses that require some separation from the street, such as higher window sills, than the Public Frontage type. Building access may be less frequent than the Public Frontage or defined by a singular entry lobby and though generally still open and welcoming, may be somewhat more restricted than the Public Frontage. Entries may be characterized by porches, stoops, terraces, or lobbies. It is most often associated with employment uses, though it is flexible enough to accommodate Work/Live, warehousing, distribution and manufacturing, as it allows ample amounts of natural light balanced with a greater sense of privacy and buffer from street activity.
3. **Private Frontage** - This frontage requires the most privacy and buffering between interior uses and adjacent streets, the waterfront, public plazas, and open spaces. A transition zone is

necessary to provide a clear distinction between public and private space. This frontage type is closely associated with residential and Live/Work facilities.

4. **Service Frontage** - Service Frontages are defined by large expanses of blank walls with few doors and windows, mostly broken by garage doors and truck bays. Building entries are minimal with few pedestrian amenities and are not elaborately detailed. This frontage is associated with warehousing, distribution, and sometimes manufacturing businesses. This frontage is also utilized by large-format, warehouse style retailers such as Costco and Home Depot. This frontage is commonly found in the Central Estuary area, but should be avoided or used sparingly along public spaces.

C. **Table 17.60.04 below prescribes development standards specific to frontage types allowed.** The number designations in the “Additional Regulations” column refer to the regulations listed at the end of the Table. Intent, guidance and application of building Frontage Types can be found in the CE Design Guidelines Manual.

Table 17.60.04: Frontage Type Standards See Design Guidelines 4.1.					
	Blank Wall (maximum length in feet)		Transparency min. glazed area (percent of building façade)	Access (spacing in feet or per unit)	Additional Regulations
	Primary lot frontage	Secondary lot frontage			
Public Frontage	10 ft.	15 ft.	50%	50 ft. max.	1, 2
Semi-Public Frontage	20 ft.	20 ft.	40%	75 ft. max.	1, 2
Private Frontage	25 ft.	25 ft.	N/A	Min. 1 per unit or lobby	1, 2
Service Frontage	35 ft.	35 ft.	N/A	Min. 1 per primary lot frontage	1, 2, 3

Additional Regulations for Table 17.60.04:

1. Minimum glazed area is measured between 2' - 0" and 9' - 0" above adjacent interior finished floor elevation.
2. Glazed garage doors and entry doors, transom windows and display windows may be counted toward minimum glazed area.
3. Not required to be interrupted by windows and doors, but shall incorporate other blank wall elements as described in the Façade Articulation (Section 4.7) and Building Frontage Types (Section 4.1) in the CE Design Guidelines Manual for the Central Estuary.

17.60.070 Special Regulations for Work/Live Units.

A. Applicability.

1. Work/Live space shall be considered Commercially/ Industrially Oriented Joint Living and Working Quarters under the Building Code. Any building permit plans for the construction or establishment of work/live units shall: (1) clearly state that the proposal includes Commercially/Industrially Joint Living and Working Quarters and (2) label the units intended to be these units as Commercially/ Industrially Joint Living and Working Quarters. This

requirement is to assure the City applies building codes that allow industrial activities in work/live units in the industrial zones.

2. Work/Live units are nonresidential facilities and counted towards the nonresidential floor area ratio, not the residential density.
3. CE-3 and CE-4 Zones. A Work/Live unit in the CE-3 and CE-4 zones must meet all applicable regulations contained in this section. The CE-3 and CE-4 zones regulations in this section supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters.
4. CE-5 Zone. A Work/Live unit in the CE-5 zone must meet all applicable regulations contained in this section. The CE-5 zones regulations in this section supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters for work/live units.
5. CE-1, CE-2, and CE-6 Zones. Work/Live units are not allowed in the CE-1, CE-2, or CE-6 zones.

B. Definition.

The following definitions apply to this chapter only:

1. For purposes of Work/Live conversion, an “existing building” must be at least ten (10) years old and originally designed for industrial or commercial occupancy.
2. “Residential floor area” shall be considered areas containing bedrooms, sleeping areas, kitchen areas and bathrooms and hallways serving such areas.
3. “Nonresidential floor area” shall include floor areas designated for working.

C. Regular design review required. Establishment of a Work/Live unit shall only be permitted upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:

1. That the exterior of a new building containing primarily Work/Live units in the industrial zones has a commercial or industrial appearance. This includes, but is not necessarily limited to, the use of nonresidential building styles or other techniques;
2. That units on the ground floor level of a building have a business presence on the street. This includes, but is not necessarily limited to, providing roll-up doors at the street or storefront style windows that allow interior space to be visible from the street, a business door that is oriented towards the street, a sign or other means that identifies the business on the door and elsewhere, a prominent ground floor height, or other techniques;
3. That the layout of nonresidential floor areas within a unit provides a functional and bona fide open area for working activities;
4. That the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:
 - a. Service elevators designed to carry and move oversized items,
 - b. Stairwells wide and/or straight enough to deliver large items,
 - c. Loading areas located near stairs and/or elevators,
 - d. Wide corridors for the movement of oversized items; and
 - e. That the floor and site plan for the project provide units that are easily identified as businesses and conveniently accessible by clients, employees and other business visitors.

D. Table 17.60.05 below prescribes special regulations for Work/Live units. The number designations in the “Additional Regulations” column refer to the regulations listed at the end of the Table.

“P” designates permitted activities in the corresponding zone.

“C” designates activities that are permitted only upon the granting of a Conditional Use permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

“--” designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

“N/A” designates the regulation is not applicable to that zone.

Table 17.60.05 Special Regulations for Work/Live Units							
Development Standard	Zones						Additional Regulations
	CE-1	CE-2	CE-3	CE-4	CE-5	CE-6	
Activities Allowed							
Work/Live - new construction	--	--	P	P	--	--	
Work/Live - conversion of existing building	--	--	P	P	C	--	1
Activities allowed in a Work/Live unit	N/A	N/A	Same permitted and conditionally permitted activities as described in Section 17.60.030	Same permitted and conditionally permitted activities as described in Section 17.60.030	Same permitted and conditionally permitted activities as described in Section 17.60.030	N/A	
Minimum Size of Work/Live Unit	N/A	N/A	800 sf	800 sf	800 sf	N/A	
Maximum Nonresidential FAR - See Design Guidelines Section 4.3.	N/A	N/A	3.0	3.0	N/A	N/A	2
Work/Live Unit Type Permitted See Table 17.60.06 for definitions of the different types of Work/Live units.							
Type 1	--	--	P	P	C	--	
Type 2	--	--	P	P	--	--	
Minimum Usable Open Space - See Design Guidelines Section 3.10.							
Group Usable Open Space per Work/Live unit	N/A	N/A	75 sf	75 sf	N/A	N/A	3
Parking and Loading Requirements - See Design Guidelines Sections 3.2, 3.5, 3.6 and 3.8.							
Minimum parking spaces required per Work/Live unit	N/A	N/A	1	1	N/A	N/A	4
Unassigned visitor or employee parking space required per 5 Work/Live units	N/A	N/A	1	1	N/A	N/A	4
Required Bicycle Parking with Private Garage							
Short-term space per 20 Work/Live units	N/A	N/A	1	1	N/A	N/A	5
Minimum short-term spaces	N/A	N/A	2	2	N/A	N/A	5
Required Bicycle Parking without Private Garage							
Short-term space per 20 Work/Live units and long-term space per 4 units	N/A	N/A	1	1	N/A	N/A	5
Minimum short-term	N/A	N/A	2	2	N/A	N/A	5

Table 17.60.05 Special Regulations for Work/Live Units							
Development Standards	Zones						Additional Regulations
	CE-1	CE-2	CE-3	CE-4	CE-5	CE-6	
spaces and minimum long-term spaces							
Required Loading - See Design Guidelines Section 3.6							
< 25,000 sf	N/A	N/A	No berth	No berth	N/A	N/A	6
25,000 – 69,999 sf	N/A	N/A	1 berth	1 berth	N/A	N/A	6
70,000 – 130,000 sf	N/A	N/A	2 berths	2 berths	N/A	N/A	6
Each additional 200,000 sf	N/A	N/A	1 more berth	1 more berth	N/A	N/A	6
Public Entrance to Nonresidential Floor Area	N/A	N/A	Yes	Yes	Yes	N/A	7

Additional Regulations for Table 17.60.05:

1. Use Permit Criteria. A conditional use permit for a work/live unit may be granted only 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 both of the following additional use permit criteria:
 - a. That the workers and others living there will not interfere with, nor impair, the purposes of the particular zone; and
 - b. That the workers and others living there will not be subject to unreasonable noise, odors, vibration or other potentially harmful environmental conditions (Ord. 12872 § 4 (part), 12289 § 4 (part), 2000; prior planning code § 7020).
2. Work/Live units are nonresidential facilities and counted towards the nonresidential floor area ratio, not the residential density.
3. See Table 17.60.06 for definitions of the different types of Work/Live units.
4. Open space standards apply to new construction only. For conversion of existing buildings, maintaining existing open space is required to at least these minimum standards. All required usable open space shall meet the useable open space standards contained in Chapter 17.126, except that all useable open space may be provided on roof tops, podiums or other non ground-level areas. Further, each square foot of private useable open space equals two square feet towards the total usable open space requirement.
5. Parking standards apply to new construction only. For conversion of existing buildings, maintaining existing parking is required to at least these minimum standards. See Chapter 17.116 for other off-street parking and loading standards.
6. See Chapter 17.117 for other bicycle parking requirements.
7. See Chapter 17.116 for other loading standards.
8. Each CE-3 and CE-4 Work/Live unit shall have at least one public entrance that is directly adjacent to nonresidential floor area. A visitor traveling through this business entrance shall not be required to pass through any residential floor area in order to enter into the nonresidential area of the unit.

- E. **Table 17.60.06 below describes the different types of Work/Live units.** Each new Work/Live unit shall qualify as at least one of the following Unit Types:

Table 17.60.06 Definitions of the Different Types of Work/Live Units				
Unit Type	Maximum residential floor area	Special requirements	Separation between residential and nonresidential floor area	Additional Regulations
Type 1	One-third	All remaining floor area to be used for the primary non-residential activity.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines) or be separated by an interior wall (see Note 2, below, for an exception for kitchens)	1, 2
Type 2	50 percent	1. At least 75% of the ground floor must be dedicated to nonresidential floor area; and 2. The ground floor must be directly accessible to the street and have a clearly designated business entrance.	Nonresidential floor area and residential floor area shall be located on separate floors (including mezzanines) or be separated by an interior wall (see Note 2, below, for an exception for kitchens).	1, 2, 3

Additional Regulations for Table 17.60.06:

1. All required plans for the creation of Work/Live units shall: (1) delineate areas designated to contain residential activities and areas designated to contain nonresidential activities, and (2) contain a table showing the square footage of each unit devoted to residential and nonresidential activities. See 17.102.190 for regulations regarding converting facilities originally designed for industrial or commercial occupancy to joint living and working quarters.
2. For Work/Live in CE-3 and CE-4 zones, a kitchen may be open to non-residential floor area if the kitchen is adjacent to and directly accessible from a residential floor area or stairs that lead to residential floor area. In these kitchens not separated by an interior wall, the kitchen is only required to be separated from the nonresidential floor area by a partition that can be opened and closed.
3. Each CE-3 and CE-4 Work/Live unit shall contain no more than one fully equipped kitchen. A CE-3 and CE-4 Work/Live unit may contain a second sink and counter to serve the nonresidential floor area.

F. Additional Regulations for all Work/Live units

1. Each Work/Live unit shall contain at least one tenant that operates a business within that unit. That tenant shall possess a valid and active City of Oakland Business Tax Certificate to operate a business out of the unit.
2. For any Work/Live unit, a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold, and (2) recorded with the County of Alameda as a Notice of Limitation and in any other covenant, conditions and restrictions associated with a facility. This statement of disclosure shall contain the following acknowledgments:
 - a. The Work/Live unit is in a nonresidential facility that allows commercial and/or industrial activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.
 - b. Each Work/Live unit shall contain at least one tenant that operates a business within that unit. This tenant must possess an active City of Oakland Business Tax Certificate for the operation out of the unit.

3. Each building with a Work/Live unit shall contain a sign that: (1) is permanently posted; (2) is at a common location where it can be frequently seen by all tenants such as a mailbox, lobby, or entrance area; (3) is made of durable material; (4) has a minimum dimension of nine by eleven inches and lettering at least one-half an inch tall. This sign shall contain the following language: "This development contains work/live units. As such, please anticipate the possibility of odors, truck traffic, noise or other impacts at levels and hours that residents may find disturbing."
4. The development of Work/Live units in the industrial zones shall not be considered adding housing units to the City's rental supply, nor does it create "conversion rights" under the City's condominium conversion ordinance, O.M.C. Chapter 16.36, nor are the development standards for work/live units intended to be a circumvention of the requirements of the City's condominium conversion ordinance, O.M.C. Chapter 16.36.

17.60.080 Special Regulations for Live/Work Units in the CE-3 and CE-4 Zones.

A. Applicability.

1. Live/Work units are residential facilities and shall be counted towards the residential density, not the nonresidential floor area ratio, and may create "conversion rights" under the City's condominium conversion ordinance, Chapter 16.36. The same requirements contained in the City's condominium conversion ordinance that relate to residential units shall apply to Live/Work units.
2. CE-3 and CE-4. A Live/Work unit in the CE-3 and CE-4 zones must meet all applicable regulations contained in this section. Regulations in this section supersede regulations contained in Section 17.102.190 relating to the conversion of buildings originally designed for commercial or industrial activities into joint living and working quarters.
3. CE-1, CE-2, CE-5, and CE-6. Live/work units are not allowed in the CE-1, CE-2, CE-5, or CE-6 zones.

B. Definition.

The following definitions apply to this chapter only: For purposes of Live/Work conversion, an "existing building" must be at least ten (10) years old and originally designed for industrial or commercial occupancy.

1. "Residential floor area" shall be considered areas containing bedrooms, sleeping areas, kitchen areas and bathrooms and hallways serving such areas.
2. "Nonresidential floor area" shall include floor areas designated for working.

C. New Floor Area. (applies only to Live/Work conversions of existing buildings). New floor area may be created that is entirely within the existing building envelope; however, in no case shall the height, footprint, wall area or other aspect of the exterior of the building proposed for conversion be expanded to accommodate Live/Work area, except to allow dormers not exceeding the existing roof height and occupying no more than ten (10) percent of the roof area, and incremental appurtenances such as elevator shafts, skylights, rooftop gardens or other facilities listed in Section 17.108.130.

D. Regular Design Review Required. Regular design review approval for CE-3 and CE-4 Live/Work units may be granted only upon determination that the proposal conforms to the regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:

1. That the layout of nonresidential floor areas within a unit provides a functional and bona fide open area for working activities;

2. That, where appropriate for the type of businesses anticipated in the development, the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:
 - a. Service elevators designed to carry and move oversized items,
 - b. Stairwells wide and/or straight enough to deliver large items,
 - c. Loading areas located near stairs and/or elevators and
 - d. Wide corridors for the movement of oversized items.

E. Table 17.60.07 below prescribes special regulations for Live/Work units. The number designations in the “Additional Regulations” column refer to the regulations listed at the end of the Table.

“P” designates permitted activities in the corresponding zone.

“C” designates activities that are permitted only upon the granting of a Conditional Use permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

“--” designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

“N/A” designates the regulation is not applicable to that zone.

Table 17.60.07 Special Regulations for Live/Work Units in CE-3 and CE-4 Zones			
Development Standards	CE-3	CE-4	Additional Regulations
Activities Allowed	Same permitted and conditionally permitted activities as described in Section 17.60.030 and any that would qualify as a home occupation in a residential facility (see Chapter 17.112)	Same permitted and conditionally permitted activities as described in Section 17.60.030 and any that would qualify as a home occupation in a residential facility (see Chapter 17.112)	
Live/Work new construction and conversion of existing building	P	P	
Commercial Activities			
Personal Instruction and Improvement Services	C	C	
Business, Communication and Media Service	P	P	
Consumer Service	P	P	
Consultative and Financial Service	P(L1)	P(L1)	
Administrative	P(L1)	P(L1)	
Industrial Activities			
Custom	C(L1)(L2)(L3)	C(L1)(L2)(L3)	
Light	C(L1)(L2)(L3)	C(L1)(L2)(L3)	
Maximum Residential Density	Same as Table 17.60.03	Same as Table 17.60.03	1
Minimum Usable Open Space See Design Guidelines Section 3.10.	Same as Table 17.60.03	Same as Table 17.60.03	
Parking and Loading Requirements See Design Guidelines Sections 3.2, 3.5, 3.6 and 3.8.			
Minimum parking spaces	1	1	2

Table 17.60.07: Special Regulations for Live/Work Units in CE-3 and CE-4 Zones			
	Zone		
Development Standards	CE-3	CE-4	Additional Regulations
required per work/live unit			
Required Bicycle Parking with Private Garage			
Short-term space per 20 Live/Work units	1	1	3
Minimum short-term spaces	2	2	3
Required Bicycle Parking without Private Garage			
Short-term space per 20 Live/Work units and long-term space per 4 units	1	1	3
Minimum short-term spaces and minimum long-term spaces	2	2	3
Required Loading See Design Guidelines Section 3.6			
< 50,000 sf	No berth	No berth	4
50,000 – 149,999 sf	1 berth	1 berth	4
150,000 – 299,000 sf	2 berths	2 berths	4
Each additional 300,000 sf	1 more berth	1 more berth	4

Limitations on Table 17.60.07:

- L1. The total floor area devoted to these activities by a single establishment shall only exceed five thousand (5,000) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).
- L2. Not including accessory activities, this activity shall take place entirely within an enclosed building. Other outdoor activities shall only be permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).
- L3. Activities must be limited in scale and intensity; construction of units to accommodate these activities must meet stringent Building Code regulations. (See Building Code Chapter 3B Section 3B.2.4.)

Additional Regulations for Table 17.60.07:

2. Live/Work units are residential facilities and shall be counted towards the residential density, not the nonresidential floor area ratio.
3. See Chapter 17.116 for other off-street parking and loading standards.
4. See Chapter 17.117 for other bicycle parking requirements.
5. See Chapter 17.116 for other loading standards. However, the minimum height or length of a required berth listed in Chapter 17.116 may be reduced upon the granting of regular design review approval (see Chapter 17.136), and upon determination that such smaller dimensions are ample for the size and type of trucks or goods that will be foreseeably involved in the loading operations of the activity served. This design review requirement shall supersede the requirement for a conditional use permit stated in Section 17.116.220.

F. Additional Regulations for Live/Work units

1. The amount of floor area in a CE-3 and CE-4 Live/Work unit designated as residential floor area is not restricted.

2. Any building permit plans for the construction of CE-3 and CE-4 Live/Work units shall: (1) clearly state that the proposal includes Live/Work facilities, and (2) label the units intended to be Live/Work units. This requirement is to assure the City applies building codes appropriate for a Live/Work facility.
3. For any Live/Work unit in a CE-3 and CE-4 zone, a statement of disclosure shall be: (1) provided to prospective owners or tenants before a unit or property is rented, leased, or sold, and (2) in any covenant, conditions, and restrictions associated with a facility. This statement of disclosure shall contain an acknowledgment that the property is in a facility that allows commercial and/or light industrial activities that may generate odors, truck traffic, vibrations, noise and other impacts at levels and during hours that residents may find disturbing.
4. Each building with a Live/Work unit in the CE-3 and CE-4 zone shall contain a sign that: (1) is permanently posted; (2) is at a common location where it can be frequently seen by all tenants such as a mailbox, lobby, or entrance area; (3) is made of durable material; (4) has a minimum dimension of nine by eleven inches and lettering at least one-half an inch tall. This sign shall contain the following language: "This development contains Live/Work units. As such, please anticipate the possibility of odors, truck traffic, noise or other impacts at levels and hours that residents may find disturbing."

17.60.090 Special Regulations for Mini-lot and Planned Unit Developments.

- A. Mini-lot Developments. In mini-lot developments, certain regulations that apply to individual lots in the CE-3 and CE-4 zones may be waived or modified when and as prescribed in Section 17.102.320.
- B. Planned Unit Developments. Large integrated developments shall be subject to the Planned Unit Development regulations in Chapter 17.142 if they exceed the sizes specified therein. In developments which are approved pursuant to said regulations, certain uses may be permitted in addition to those otherwise allowed in the CE-3 and CE-4 zones, and certain of the other regulations applying in said zone may be waived or modified.

17.60.010 Other Zoning Provisions

The following table contains referrals to other regulations that may apply:

- A. General Provisions. The general exceptions and other regulations set forth in Chapters 17.102, 17.104, 17.106, and 17.108 shall apply in the CE zones.
- B. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.112.
- C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- D. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the CE zones.
- E. Landscaping and Screening Standards. The regulations set forth in Chapter 17.124 and Chapter 17.102.400, screening of utility meters, etc., shall apply in the CE zones.
- F. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, storage areas, control of artificial illumination, and other matters specified therein.
- G. Noise, odor, smoke. Performance standards regarding the control of noise, odor, smoke, and other objectionable impacts in Chapter 17.120 shall apply in the CE zones.

- H. Microwave dishes and energy production facilities regulations in Chapter 17.102.140 shall apply in the CE zones.
- I. Electroplating activities. Special regulations applying to electroplating activities in Chapter 17.102.340, shall apply in the CE zones.
- J. S-19 Health and Safety Overlay Zone regarding proper location, handling and storage of hazardous materials, particularly in close proximity to residents living adjacent to industrial areas.

Table 2-1 Summary of Environmental Impacts

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Air Quality			
Impact AQ-1: Development facilitated by the proposed project would not conflict with the Bay Area 2010 CAP because the projected rate of increase in vehicle miles travelled and vehicle trips would be less than the projected rate of increase in population		None required.	LTS
Impact AQ-2: Development facilitated by the proposed project would not fundamentally conflict with the CAP because the plan demonstrates reasonable efforts to implement transportation control measures contained in the CAP.	SCA 25, Parking and Transportation Demand Management	None required	LTS
Impact AQ-3: Development facilitated by the proposed project could include residential developments that expose occupants to substantial health risks from toxic air contaminants (TACs) from sources including both diesel particulate matter (DPM) and gaseous emissions. While compliance with the City's Standard Conditions of Approval would entail the preparation of site-specific health risk assessments which would reduce DPM exposure to a less-than-significant level, there is no certainty that SCA adherence could reduce risk from gaseous TACs to a less-than-significant level.	SCA B, Exposure to Air Pollution (Toxic Air Contaminants: Particulate Matter) SCA C, Exposure to Air Pollution (Toxic Air Contaminants: Gaseous Emissions)	None feasible ¹	Gaseous TACs: SU at Plan and Project Levels DPM: LTS

¹ See the specific impact and mitigation measure discussion in Section 4.1, Air Quality (page 4.1-33), for details of why mitigation is infeasible.

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Impact AQ-4: Development facilitated by the proposed project could expose a substantial number of people to objectionable odors.			
<i>Greenhouse Gas Emissions/Global Climate Change</i>			
Impact GHG-1: Development facilitated by the proposed project would allow for the construction and operation of land uses that would produce greenhouse gas emissions from multiple sources, including stationary sources. The expected level of emissions is expected to exceed three of the four relevant thresholds (1,100 annual tons of MTCO ₂ e; 4.6 MTCO ₂ e annually per service population from non-stationary sources; more than 10,000 annual MTCO ₂ e from new stationary sources) but will be below the plan level threshold of 6.6 MTCO ₂ e annually per service population for non-stationary sources. Development facilitated by the proposed project would thus be expected to generate greenhouse gas emissions at levels that would result in a cumulatively considerable contribution to a significant adverse cumulative impact on the environment.	SCA 25, Parking and Transportation Demand Management; SCA 36, Waste Reduction and Recycling; SCA 12, Required Landscape Plan for New construction; SCA 13, Landscape Requirements for Street Frontages; SCA 15, Landscape Maintenance; SCA 17, Landscape Requirements for Street Frontages; SCA 18, Landscape Maintenance; SCA 45, Tree Replacement Plantings; SCA 55, Erosion and Sedimentation Control Plan; SCA 75, Stormwater Pollution and Prevention Plan; SCA 83, Creek Protection Plan; SCA F, Greenhouse Gas Reduction Plan	None feasible	SU at Plan and Project Levels
Impact GHG-2: The proposed project would not fundamentally conflict with a plan, policy, or regulation adopted for the purpose of reducing greenhouse gas emissions.	SCA F, Greenhouse Gas (GHG) Reduction Plan	Non required	LTS

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Noise			
Impact NO-1: Development facilitated by the CEIG would potentially increase construction noise at sensitive receptors located near construction sites. Compliance with the city's Standard Conditions of Approval would reduce these impacts to a less-than-significant level.	SCA 28, Days/Hours of Construction Operation; SCA 29, Noise Control; SCA 30, Noise Complaint Procedures; SCA 39, Pile Driving and Other Extreme Noise Generators	None required	LTS
Impact NO-2: Construction of development facilitated by the CEIG could generate noise at levels in excess of City of Oakland nuisance standards for persistent construction-related noise.	SCA 28, Days/Hours of Construction Operation; SCA 29, Noise Control; SCA 30, Noise Complaint Procedures; SCA 39, Pile Driving and Other Extreme Noise Generators; SCA 57, Vibrations Adjacent to Historic Structure SCA A(f), Construction-Related Air Pollution Controls (Dust and Equipment Emissions); SCA 32, Operational Noise-General	None required	LTS
Impact NO-3: Development facilitated by the CEIG could generate noise levels in excess of standards established in the city's Noise Ordinance for operational noise.		None required	LTS
Impact NO-4: Development facilitated by the CEIG could potentially increase ambient noise levels, but by less than a 5 dBA permanent increase.		None required	LTS
Impact NO-5: Development facilitated by the CEIG could expose persons to interior noise levels that exceed State building code requirements (45 dBA L_{dn}).	SCA 31, Interior Noise	Non required	LTS

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Noise Cont'd			
Impact NO-6: Development facilitated by the CEIG be exposed to noise levels in conflict with the land use compatibility guidelines of the Oakland General Plan.	SCA 31, Interior Noise	None required	LTS
Impact NO-7: Development facilitated by the CEIG may expose persons to or generate noise levels in excess of applicable occupational noise standards established by Cal-OSHA and the City's Planning Code.		None required	LTS
Impact NO-8: Construction of the development facilitated by the CEIG may expose persons to or generate groundborne vibration that exceeds the criteria established by the Federal Transit Administration (FTA).	SCA 38, Vibration; SCA 39, Pile Driving and Other Extreme Noise Generators	None required	LTS
Impact NO-9: Development facilitated by the CEIG would not be located within an airport land use plan and would not expose people residing or working in the Plan Area to excessive noise levels associated with airports.	SCA 38, Vibration	None required	LTS
Impact NO-10: The Plan Area is not located within the vicinity of a private airstrip. Therefore, no noise impacts from private airstrip activity would occur.		None required	NI
Impact CUM NO-1: Construction activity from development under the CEIG in combination with other foreseen development projects would not have cumulative noise effects.		None required	LTS

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Noise Control			
Impact CUM NO-2: The cumulative noise effect of a new development facilitated by the CEIG combined with the expected regional development and traffic growth would increase noise within the Plan Area, but not by a cumulatively considerable amount.		None required	LTS
Transportation/Traffic			
Impact TRAN-1: Under Existing plus Project conditions, project-related vehicle traffic would degrade the AM peak hour LOS at intersection #10 (E 9th St / E 8th St / NB 880 off-ramp, unsignalized all-way stop control) from LOS F with 80 seconds of delay (No Project) to LOS F with 85 seconds of delay (plus Project). The project would add greater than 10 vehicle trips at this intersection and it meets Caltrans peak hour traffic signal warrant (California MUTCD Warrant 3). This is considered a significant impact under CEQA threshold #6.		Mitigation TRAN-1: The 29th/23rd Overcrossing Project will be constructing a roundabout at this intersection and reconfiguring the street system. The NB I-880 off-ramp traffic will no longer be routed through this location, but instead will use a new off-ramp that will intersect 29th Avenue directly on the new overcrossing structure. The proposed roundabout and the change in traffic flows associated with the 29th/23rd Project will successfully mitigate this impact to LOS B, which will reduce the impact to a less-than-significant (LTS) level.	LTS
Impact TRAN-2: Under Existing plus Project conditions, project-related vehicle traffic would degrade the PM peak hour LOS at intersection #26 (High St / Coliseum Way, signalized) from LOS C with 30 seconds of delay (No Project) to LOS E with 75 seconds of delay (plus Project). This is considered a significant impact under CEQA threshold #1.		Mitigation TRAN-2: The 42nd Avenue/High Street Access Improvements Project will widen High Street to accommodate additional travel and left-turn lanes. These improvements will improve operations to LOS B, which will reduce the impact to a less-than-significant level.	LTS

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Transportation/Traffic Cont'd			
<p>Impact TRAN-3: Under Existing, Interim Year 2020, and Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the AM and PM peak hour LOS at intersection #29 (Coliseum Wy / NB 880 off-ramp, unsignalized side-street stop control) from LOS D with 25 seconds of delay (AM) and 28 seconds of delay (PM) to LOS F with 122 seconds of delay (PM) and 69 seconds of delay (PM). The project would add greater than 10 vehicle trips at this intersection and it meets Caltrans peak hour traffic signal warrant (California MUTCD Warrant 3). This is considered a significant impact under CEQA threshold #6.</p> <p>Impact TRAN-4: Under Interim Year 2020 and Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the PM peak hour LOS at intersection #1 (Embarcadero / 16th Avenue, unsignalized side-street stop control) from LOS E with 49 seconds of delay (No Project) to LOS F with 51 seconds of delay (plus Project). The project would add greater than 10 vehicle trips at this intersection and it meets Caltrans peak hour traffic signal warrant (California MUTCD Warrant 3). This is considered a significant impact under CEQA threshold #6.</p>		None Feasible	SU
		<p>Mitigation TRAN-4: Install a traffic signal and reconfigure the lanes at this location, optimize the signal timing (i.e., adjust the allocation of green time for each intersection approach for peak periods of the day), and coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group (if applicable). Construct other roadway improvements that support not only vehicle travel, but all other modes safely to and through the intersection. To implement this measure, the project sponsor shall submit to the City for review and approval Plans,</p>	LTS

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
<i>Impact TRAN-4 Cont'd</i>			
Impact TRAN-5: Under Interim Year 2020 and Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the PM peak hour LOS at intersection #3 (E 12th / 22nd Ave / 23rd Ave, signalized) from LOS E with 69 seconds of delay (No Project) to LOS E with 70 seconds of delay (plus Project). The project traffic would cause the average delay at two critical movements (northbound left and westbound left) to degrade by more than six seconds over the No Project condition. This is considered a significant impact under CEQA threshold #4.		None feasible	SU
Impact TRAN-6: Under Interim Year 2020 and Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the PM peak hour LOS at intersection #18 (Fruitvale Ave / E 9th St, signalized) from LOS D with 43 seconds of delay (No Project) to LOS E with 58 seconds of delay (plus Project). This is considered a significant impact under CEQA threshold #1.		Mitigation TRAN-6: At the SB approach on E 9th, provide a dedicated SB left-turn lane to EB Fruitvale, modify the signal operation and phasing to provide protected left-turn movements, and optimize the signal timings. To implement this measure, the project sponsor shall submit to the City for	LTS

² Refer to **Section 4.4, Transportation/Traffic** (page 4.4-76), for a detailed list of what is required as part of the PS&E submittal.

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
<i>Impact TRAN-6 Cont'd</i>		<p>review and approval Plans, Specifications, and Estimates (PS&E) as detailed in Mitigation TRAN-4.³ The SB left-turn lane could be accommodated by either: a) converting one of the NB travel lanes on E 9th to the SB left-turn lane, or b) widening E 9th on the west side of the roadway, which would require removing trees, reconfiguring the at-grade rail crossing, and rebuilding the traffic signal. No on-street parking would need to be removed. The existing single travel lane would be converted to a shared through/right-turn lane. This improvement would improve operations to LOS D, which would reduce the impact to a less-than-significant level.</p>	
<p>Impact TRAN-7: Under Interim Year 2020 and Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the PM peak hour LOS at intersection #22 (42nd Ave / International Blvd, signalized) from LOS E with 73 seconds of delay (No Project) to LOS F with 85 seconds of delay (plus Project). The increase in delay of 12 seconds is considered a significant impact under CEQA threshold #3.</p>		None feasible	SU

³ Refer to Section 4.4, Transportation/Traffic (page 4.4-76), for a detailed list of what is required as part of the PS&E submittal.

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Transportation/Traffic Control			
Impact TRAN-8: Under Interim Year 2020 and Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the PM peak hour LOS at intersection #25 (High St / San Leandro St, signalized) from LOS C with 22 seconds of delay (No Project) to LOS E with 56 seconds of delay (plus Project). This is considered a significant impact under CEQA threshold #1.		None feasible	SU
Impact TRAN-9: Under Interim Year 2020 and Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the AM peak hour LOS at intersection #28 (High St / Fernside Blvd, signalized) from LOS D with 52 seconds of delay (No Project) to LOS E with 68 seconds of delay (plus Project). This is considered a significant impact under the City of Alameda's CEQA traffic thresholds.		None feasible	SU
Impact TRAN-10: Under Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the PM peak hour LOS at intersection #8 (29th Ave / E 12th St, signalized) from LOS E with 58 seconds of delay (No Project) to LOS E with 59 seconds of delay (plus Project). The project traffic would cause the average delay at two critical movements (northbound left from E 12th to 29th and westbound left from 29th to E 12th) to degrade by more than six seconds over the No Project condition. This is considered a significant impact under CEQA threshold #4.		None feasible	SU

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Transportation/Traffic Count			SU
<p>Impact TRAN-11: Under Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the PM peak hour LOS at intersection #12 (29th Ave / Ford St, signalized with the 29th/23rd Overcrossing Project) from LOS D with 44 seconds of delay (No Project) to LOS E with 61 seconds of delay (plus Project). This is considered a significant impact under CEQA threshold #1.</p>		<p>The project sponsor shall develop a detailed design plan for intersection improvements to the Park Street Triangle (including 29th Ave/Ford St), subject to review and approval of the City of Oakland Transportation Services Division. Refer to Section 4.4.4 for a complete list of the items that shall be included in the plans and improvements submittal. The study of improvements to the Park Street Triangle shall be prepared no later than 2020, as the implementation of these improvements would be required by 2022.</p> <p>This impact is conservatively deemed to be significant and unavoidable (SU) because of the complex issues associated with the intersection, and because the specific improvements to be implemented, according to City standards, must be finalized after a detailed intersection/signalization engineering design study is performed and a preferred, detailed design selected by the City.</p>	

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
<i>Transportation/Traffic Count</i>			
Impact TRAN-12: Under Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would exacerbate the AM peak hour LOS F condition at intersection #13 (29th Ave / 23rd Ave / Park St, unsignalized side-street stop control). The project would add greater than 10 vehicle trips at this intersection and it meets Caltrans peak hour traffic signal warrant (California MUTCD Warrant 3). This is considered a significant impact under CEQA threshold #6.		Implement Mitigation Measure TRAN-11. This impact is conservatively deemed significant and unavoidable (SU) for the reasons stated above under TRAN-11.	SU
Impact TRAN-13: Under Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the PM peak hour LOS at intersection #14 (Park St / Lincoln Ave / Tilden Wy, signalized) from LOS F with 104 seconds of delay (No Project) to LOS F with 109 seconds of delay (plus Project). These conditions are considered a significant impact under the City of Alameda's CEQA traffic thresholds.		None feasible	SU
Impact TRAN-14: Under Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the AM and PM peak hour LOS at intersection #16 (Fruitvale Ave / E 12th St, signalized) from LOS E with 60 seconds of delay (AM, No Project) and 68 seconds (PM, No Project) to LOS E with 68 seconds of delay (AM, plus Project) and 73 seconds of delay (PM, plus Project). In both the AM and PM, the project traffic would cause		None feasible	SU

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Impact TRAN-14 Cont'd: the average delay at the intersection to degrade by more than four seconds over the No Project condition. This is considered a significant impact under CEQA threshold #3.			
Impact TRAN-15: Under Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would exacerbate the AM peak hour LOS F condition at intersection #17 (Fruitvale Ave / San Leandro St / E 10th St, signalized). The principle cause for the delay is the left-turn movement from westbound Fruitvale to southbound San Leandro. The intersection's v/c ratio would increase by 0.04, which is considered a significant impact under CEQA threshold #5.		None feasible	SU
Impact TRAN-16: Under Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the PM peak hour LOS at intersection #21 (Tilden Wy / Fernside Blvd / Blanding Ave, signalized) from LOS E with 71 seconds of delay (No Project) to LOS E with 75 seconds of delay (plus Project). These conditions are considered a significant impact under the City of Alameda's CEQA traffic thresholds.		None feasible	SU
Impact TRAN-17: Under Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would exacerbate the AM and PM peak hour LOS F condition at intersection #22 (42nd Ave / International Blvd, signalized). The intersection's v/c ratio increases by over 0.05 in the PM, which is considered a significant impact under CEQA threshold #5.		None feasible	SU

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Transportation/Traffic Count			
<p>Impact TRAN-18: Under Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the AM peak hour LOS at intersection #23 (High St / International Blvd, signalized) from LOS D with 44 seconds of delay (No Project) to LOS E with 69 seconds of delay (plus Project). In the PM peak hour, project traffic would degrade the LOS from LOS E to F. Both of these conditions are considered a significant impact under CEQA thresholds #1 (AM) and #3 (PM).</p>		None feasible	SU
<p>Impact TRAN-19: Under Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the AM peak hour LOS at intersection #25 (High St / San Leandro St, signalized) from LOS E to F. In the PM peak hour, project traffic would exacerbate a LOS F condition by causing the v/c ratio to increase by 0.20. These conditions are considered a significant impact under CEQA thresholds #1 and #3.</p>		None feasible	SU
<p>Impact TRAN-20: Under Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the AM peak hour LOS at intersection #27 (High St / SB 880 off-ramp / Oakport St, signalized plus additional improvements constructed with the 42nd Avenue / High Street Access Project) from LOS C with 44 seconds of delay (No Project) to LOS E with 80 seconds of delay (plus Project). In the PM peak hour, project traffic would degrade the LOS from LOS B to E. These conditions are considered a significant impact under CEQA threshold #1</p>		None feasible	SU

Environmental Impact Transportation/Traffic Count	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
<p>Impact TRAN-21: Under Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the AM peak hour LOS at intersection #28 (High St / Fernside Blvd, signalized) from LOS E with 80 seconds of delay (No Project) to LOS F with 94 seconds of delay (plus Project). In the PM peak hour, project traffic would cause LOS to degrade from LOS D to E. These conditions are considered a significant impact under the City of Alameda's CEQA traffic thresholds.</p>		None feasible	SU
<p>Impact TRAN-22: Under Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would exacerbate the PM peak hour LOS F condition at intersection #33 (23rd Ave / NB 880 on-ramp, new signalized intersection with the 29th/23rd Overcrossing Project). The v/c ratio increases by 0.01, which is considered a significant impact under CEQA threshold #5.</p>		None feasible	SU
<p>Impact TRAN-23: Under Interim Year 2020 plus Project conditions, project-related vehicle traffic would degrade the AM peak hour roadway segment LOS from LOS E to F on northbound I-880 at 50th Avenue. This is considered a significant impact under CEQA threshold #7.</p>		None feasible	SU
<p>Impact TRAN-24: Under Interim Year 2020 plus Project conditions, project-related vehicle traffic would degrade the PM peak hour roadway segment LOS from LOS E to F on northbound I-880 at 16th Avenue. This is considered a significant impact under CEQA threshold #7.</p>		None feasible	SU

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
<i>Transportation/Traffic Cont'd</i>			
Impact TRAN-25: Under Interim Year 2020 plus Project conditions, project-related vehicle traffic would degrade the PM peak hour roadway segment LOS from LOS E to F on northbound I-880 at Fruitvale Avenue. This is considered a significant impact under CEQA threshold #7.		None feasible	SU
Impact TRAN-26: Under Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the AM peak hour roadway segment LOS from LOS E to F on southbound I-880 at 16th Avenue. This is considered a significant impact under CEQA threshold #7.		None feasible	SU
Impact TRAN-27: Under Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the PM peak hour roadway segment LOS from LOS E to F on northbound I-880 at 16th Avenue. This is considered a significant impact under CEQA threshold #7.		None feasible	SU
Impact TRAN-28: Under Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the PM peak hour roadway segment LOS from LOS E to F on northbound I-880 at Fruitvale Avenue. This is considered a significant impact under CEQA threshold #7.		None feasible	SU

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
<i>Transportation/Traffic Control</i>			
Impact TRAN-29: Under Existing, Interim Year 2020, and Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the PM peak hour roadway segment LOS from LOS D or better to F on MTS segment #21 (High Street: I-880 to Tidewater). This is considered a significant impact under CEQA threshold #8.		Mitigation TRAN-29: The 42nd Avenue / High Street Access Improvements Project will widen High Street to accommodate additional travel and left-turn lanes. These improvements will improve operations to LOS B, which will reduce the impact to a less-than-significant level.	LTS
Impact TRAN-30: Under Existing, Interim Year 2020, and Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the AM peak hour roadway segment LOS from LOS D or better to F on MTS segment #22 (High St: Tilden to Central). This is considered a significant impact under CEQA threshold #8.		None feasible	SU
Impact TRAN-31: Under Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would degrade the AM peak hour roadway segment LOS from LOS E or better to F on MTS segment #3 (International Blvd: 29th Ave to Fruitvale Ave). This is considered a significant impact under CEQA threshold #8.		None feasible	SU
Impact TRAN-32: Under Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would exacerbate the LOS F condition during the AM and PM peak hour on MTS segment #4 (International Blvd: Fruitvale Ave to 42nd Ave). This is considered a significant impact under CEQA threshold #8.		None feasible	SU

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Transportation/Traffic Condition			
Impact TRAN-33: Under Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would exacerbate the LOS F condition during the AM peak hour on MTS segment #5 (International Blvd: 42nd Ave to High St). This is considered a significant impact under CEQA threshold #8.		None feasible	SU
Impact TRAN-34: Under Cumulative Year 2035 plus Project conditions, project-related vehicle traffic would exacerbate the LOS F condition during the AM and PM peak hour on MTS segment #6 (International Blvd: High St to 50th Ave). This is considered a significant impact under CEQA threshold #8.		None feasible	SU
Impact TRAN-35: The traffic analysis indicates that the project would result in a degradation of LOS at several intersections and roadway segments. The degradation of intersection operations at these locations, particularly along International Boulevard at High Street and 42nd Avenue, would result in an increase in AC Transit travel times for routes traveling along International Boulevard.		None required	LTS

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
<p>Transportation/Traffic Count'd</p> <p>Impact TRAN-36: The project will have no significant safety-related impact to traffic, pedestrian movement, or transit. The projected number of vehicle trips generated by project land uses is not significant enough, particularly at the locations listed above, to cause a measurable impact on the rate or severity of collisions. The majority of the project-related trips are concentrated on High Street and 42nd Avenue. Both of these roadway facilities are slated for future improvements, which will enhance the design of the street. These future improvements are anticipated to enhance vehicular and pedestrian safety. No transit service currently operates along High Street. Therefore, bus rider safety would be unaffected by the proposed High Street/42nd Avenue improvements.</p>		None required	NI
<p>Impact TRAN-37: The project has the potential to introduce additional vehicle, bicycle and pedestrian traffic to existing at-grade railroad crossings thereby potentially contributing to safety issues along railroad corridors. For example vehicle traffic generated by new development may potentially cause vehicle queuing at intersections resulting in traffic backing up onto at-grade railroad crossings, possibly resulting in train/automobile/pedestrian collisions and potentially causing injuries and/or fatalities. A substantial increase in traffic generated by development could substantially increase</p>	SCA-G, Railroad Crossings	None feasible	SU

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
<i>Impact TRAN-37 Cont'd:</i> hazards that occur between incompatible uses (i.e. motor vehicles and trains, or pedestrians and trains) and would constitute a significant impact.			
Impact TRAN-38: Activities related to the construction of various elements of the Project, particularly the retail and commercial uses in the Central-East and East sub-areas, could lead to temporary congestion. Construction requires the delivery of building materials, sometimes the import or export of earth fill materials, as well as travel by construction workers on a daily basis to and from the sites, potentially disrupting local traffic flow depending on the specific construction site.		None required	LTS
Aesthetics			
Would the project have a substantial adverse effect on a public scenic vista?		None required	LTS
Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, located within a state or locally designated scenic highway?		None required	NI

Environmental Impact Aesthetics Cont'd	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Would the project substantially degrade the existing visual character or quality of the site and its surroundings?	<p>SCA 5, Conformance to Approved Plans; Modifications of Conditions or Revocation;</p> <p>SCA 12, Required Landscape Plan for New Construction and Certain Additions to Residential Facilities;</p> <p>SCA 13, Landscape Requirements for Street Frontages;</p> <p>SCA 14, Assurance of Landscaping Completion;</p> <p>SCA 15, Landscape Maintenance;</p> <p>SCA 16, Landscape Requirements for Downslope Lots;</p> <p>SCA 17, Landscape Requirements for Street Frontages;</p> <p>SCA 18, Landscape Maintenance;</p> <p>SCA 19, Underground Utilities;</p> <p>SCA 43, Tree Removal Permit on Creekside Properties;</p> <p>SCA 44, Tree Removal During Breeding Season;</p> <p>SCA 45, Tree Removal Permit;</p> <p>SCA 46, Tree Replacement Plantings;</p> <p>SCA 47, Tree Protection During Construction</p>	None required	LTS
Would the project create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area?	SCA 40, Lighting Plan	None required	LTS

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
<i>Aesthetics Cont'd</i>			
Would the project introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code Section 25980-25986)?		None required	LTS
Would the project cast shadow that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors?		None required	LTS
Would the project cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space?		None required	LTS
Would the project cast shadow on an historic resource, as defined by CEQA Section 15064.5(a), such that the shadow would materially impair the resource's historic significance by materially altering those physical characteristics of the resource that convey its historical significance and that justify its inclusion on or eligibility for listing in the National Register of Historic Places, California Register of Historical Resources, Local register of historical resources, or a historical resource survey form (DPR Form 523) with a rating of 1-5?		None required	LTS
Would the project require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses?		None required	NI

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
<i>Aesthetics Cont'd</i>			
Would the project create winds that exceed 36 mph for more than one hour during daylight hours during the year?		None required	NI
<i>Agriculture and Forest Resources</i>			
Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?		None required	NI
Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?		None required	NI
Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?		None required	NI
Would the project result in the loss of forest land or conversion of forest land to non-forest use?		None required	NI
Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?		None required	NI

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Biological Resources			
Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	SCA D, Bird Collision Reduction	None required	LTS
Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		None required	LTS
Would the project have a substantial adverse effect on federally protected wetlands (as defined by section 404 of the Clean Water Act) or state protected wetlands, through direct removal, filling, hydrological interruption, or other means?	SCA 84, Regulatory Permits and Authorizations	None required	LTS
Would the project substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	SCA 43, Tree Removal Permit on Creekside Properties; SCA 44, Tree Removal During Breeding Season; SCA 45, Tree Removal Permit; SCA 46, Tree Replacement Plantings; SCA 47, Tree Protection During Construction	None required	LTS

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Biological Resources Cont'd			
Would the project fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?		None required	NI
Would the project fundamentally conflict with the City of Oakland Tree Protection Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removal of protected trees under certain circumstances?	SCA 43, Tree Removal Permit on Creekside Properties; SCA 44, Tree Removal During Breeding Season; SCA 45, Tree Removal Permit; SCA 46, Tree Replacement Plantings; SCA 47, Tree Protection During Construction	None required	LTS
Would the project fundamentally conflict with the City of Oakland Creek Protection Ordinance (Chapter 13.16) intended to protect biological resources?		None required	NI
Cultural and Historic Resources			
Would the project cause a substantial adverse change in the significance of an historical resource as defined CEQA Guidelines section 15064.5? Specifically, a substantial adverse change includes physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be "materially impaired?" The significance of a historical resource is	SCA 56, Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition); SCA 57, Vibrations Adjacent Historic Structures;	None required	LTS

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
<p><i>Cont'd: "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 an historical resource list (including the California Register of Historical Resources, the National Register of Historical Resources, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5).</i></p>			
Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5?	SCA 52, Archaeological Resources; SCA 53, Human Remains; SCA E, Archaeological Resources – Sensitive Areas	None required	LTS
Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	SCA 54, Paleontological Resources	None required	LTS
Would the project disturb any human remains, including those interred outside of formal cemeteries?	SCA 53, Human Remains	None required	LTS
Geology and Soils			
Would the project expose people or structures to substantial risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or Seismic Hazards Map issues by the State Geologist for the area based on other substantial evidence of a known fault; Strong seismic ground shaking; Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, or collapse; and Landslides?	SCA 58, Soils Report; SCA 60, Geotechnical Report	None required	LTS

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
<i>Geology and Soils Cont'd</i>			
Would the project result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property, or creeks/waterways?	SCA 24, Construction Management Plan; SCA 34, Erosion and Sedimentation Control; SCA 55, Erosion and Sedimentation Control Plan; SCA 75, Stormwater Pollution Prevention Plan (SWPPP); SCA 77, Erosion, Sedimentation, and Debris Control Measures; SCA 82, Erosion, Sedimentation, and Debris Control Measures; SCA 85, Creek Monitoring	None required	LTS
Would the project be located on expansive soil, as defined in section 1802.3.2 of the California Building Code (2007, as it may be revised), creating substantial risks to life or property?	SCA 58, Soils Report; SCA 60, Geotechnical Report	None required	LTS
Would the project be located above a well, pit, swamp, mound, tank vault, or unmarked sewer line, creating substantial risks to life or property?	SCA 58, Soils Report; SCA 60, Geotechnical Report	None required	LTS
Would the project be located above landfills for which there is no approved closure and post-closure plan, or unknown fill soils, creating substantial risks to life or property?	SCA 58, Soils Report; SCA 60, Geotechnical Report	None required	LTS
Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	SCA 58, Soils Report; SCA 60, Geotechnical Report	None required	NI

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Hazards and Hazardous Materials			
Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	SCA 74, Hazardous Materials Business Plan	None required	LTS
Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	SCA 35, Hazards Best Management Practices; SCA 41, Asbestos Removal in Structures; SCA 42, Asbestos Removal in Soil; SCA 61, Site Review by the Fire Services Division SCA 62, Phase I and/or Phase II Reports SCA 63, Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment;	None required	LTS
Hazards and Hazardous Materials Cont'd			
<i>Cont'd from previous page</i>			
	SCA 64, Environmental Site Assessment Reports Remediation; SCA 65, Lead-Based Paint Remediation; SCA 66, Other Materials Classified as Hazardous Waste; SCA 67, Health and Safety Plan per Assessment; SCA 68, Best Management Practices for Soil and Groundwater Hazards; SCA 69, Radon or Vapor Intrusion from Soil or Groundwater Sources		

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Hazards and Hazardous Materials Cont'd			
Would the project create a significant hazard to the public through the storage or use of acutely hazardous materials near sensitive receptors?	SCA 74, Hazardous Materials Business Plan	None required	LTS
Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	SCA 74, Hazardous Materials Business Plan	None required	LTS
Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 (i.e., the "Cortese List") and, as a result, would create a significant hazard to the public or the environment?	SCA 61, Site Review by the Fire Services Division SCA 62, Phase I and/or Phase II Reports SCA 63, Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment; SCA 64, Environmental Site Assessment Reports Remediation; SCA 65, Lead-Based Paint Remediation; SCA 66, Other Materials Classified as Hazardous Waste; SCA 67, Health and Safety Plan per Assessment; SCA 68, Best Management Practices for Soil and Groundwater Hazards; SCA 69, Radon or Vapor Intrusion from Soil or Groundwater Sources	None required	LTS

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Would the project result in less than two emergency access routes for streets exceeding 600 feet in length unless otherwise determined to be acceptable by the Fire Chief, or his/her designee, in specific instances due to climatic, geographic, topographic, or other conditions?	SCA 4, Conformance with other Requirements	None required	LTS
Would the project be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and would result in a significant safety hazard for people residing or working in the project area?		None required	NI
Would the project be located within the vicinity of a private airstrip, and would result in a significant safety hazard for people residing or working in the project area?		None required	NI
Would the project fundamentally impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	SCA 4, Conformance with other Requirements	None required	LTS
Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.		None required	NI

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Hydrology and Water Quality			
Would the project violate any water quality standards or waste discharge requirements?		None required	LTS
Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or proposed uses for which permits have been granted)?		Non required	LTS
Would the project result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters?	SCA 24, Construction Management Plan; SCA 34, Erosion and Sedimentation Control (When no grading permit is required); SCA 35, Hazards and Best Management Practices; SCA 55, Erosion and Sedimentation Control Plan; SCA 75, Stormwater Pollution Prevention Plan (SWPPP); SCA 76, Drainage Plan for Projects on Slopes Greater than 20%; SCA 77, Erosion, Sedimentation, and Debris Control Measures; SCA 78, Site Design Measures for Post-Construction Stormwater	None required	LTS

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
<i>Cont'd from previous page</i>			
Would the project result in substantial flooding on- or off-site?	<p>SCA 78, Site Design Measures for Post-Construction Stormwater Management;</p> <p>SCA 79, Source Control Measures to Limit Stormwater Pollution;</p> <p>SCA 80, Post-Construction Stormwater Management Plan;</p> <p>SCA 81, Maintenance Agreement for Stormwater Treatment Measures;</p> <p>SCA 82, Erosion, Sedimentation, and Debris Control Measures;</p> <p>SCA 85, Creek Monitoring</p>	None required	LTS
Would the project create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems?	<p>SCA 78, Site Design Measures for Post-Construction Stormwater Management;</p> <p>SCA 79, Source Control Measures to Limit Stormwater Pollution;</p> <p>SCA 80, Post-Construction Stormwater Management Plan;</p> <p>SCA 83, Creek Protection Plan;</p> <p>SCA 86, Creek Landscaping Plan;</p> <p>SCA 91, Stormwater and Sewer</p>	None required	LTS

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
<i>Hydrology and Water Quality Cont'd</i>			
<i>Cont'd from previous page</i>			
	Stormwater Management Plan; SCA 83, Creek Protection Plan; SCA 86, Creek Landscaping Plan; SCA 91, Stormwater and Sewer		LTS
Would the project create or contribute substantial runoff which would be an additional source of polluted runoff?		None required	LTS
Would the project otherwise substantially degrade water quality?	SCA 24, Construction Management Plan; SCA 34, Erosion and Sedimentation Control (When no grading permit is required); SCA 35, Hazards and Best Management Practices; SCA 55, Erosion and Sedimentation Control Plan; SCA 75, Stormwater Pollution Prevention Plan (SWPPP); SCA 76, Drainage Plan for Projects on Slopes Greater than 20%; SCA 77, Erosion, Sedimentation, and Debris Control Measures; SCA 78, Site Design Measures for Post-Construction Stormwater Management; SCA 79, Source Control Measures to Limit Stormwater Pollution;	None required	LTS

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
<i>Cont'd from previous page</i>			
	SCA 80, Post-Construction Stormwater Management Plan; SCA 81, Maintenance Agreement for Stormwater Treatment Measures; SCA 82, Erosion, Sedimentation, and Debris Control Measures; SCA 85, Creek Monitoring		
Would the project place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, that would impede or redirect flood flows?	SCA 89, Regulatory Permits and Authorizations; SCA 90, Structures within a Floodplain	None required	LTS
Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?	SCA 89, Regulatory Permits and Authorizations; SCA 90, Structures within a Floodplain	None required	LTS
Would the project expose people or structures to a substantial risk of loss, injury, or death involving flooding?		None required	LTS
Would the project expose people or structures to a substantial risk of loss, injury, or death as a result of inundation by seiche, tsunami, or mudflow?		None required	LTS

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course, or increasing the rate or amount of flow, of a creek, river, or stream in a manner that would result in substantial erosion, siltation, or flooding, both on- or off-site?	SCA 78, Site Design Measures for Post-Construction Stormwater Management; SCA 79, Source Control Measures to Limit Stormwater Pollution; SCA 80, Post-Construction Stormwater Management Plan; SCA 83, Creek Protection Plan; SCA 86, Creek Landscaping Plan; SCA 91, Stormwater and Sewer	None required	LTS
Would the project fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrologic resources?	SCA 82, Erosion, Sedimentation, and Debris Control Measures; SCA 83, Creek Protection Plan; SCA 84, Regulatory Permits and Authorizations; SCA 85, Creek Monitoring	None required	LTS
Land Use Planning			
Would the project physically divide an established community?		None required	NI
Would the project result in a fundamental conflict between adjacent or nearby land uses?		None required	LTS
Would the project fundamentally conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment?		None required	LTS

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
<i>Land Use Planning Cont'd</i>			
Would the project fundamentally conflict with any applicable habitat conservation plan or natural community conservation plan?		None required	NI
<i>Mineral Resources</i>			
Would the project result in the loss of availability of a known mineral resources that would be of value to the region and the residents of the state?		None required	NI
Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan; specific plan, or other land use plan?		None required	NI
<i>Population and Housing</i>			
Would the project induce substantial population growth in a manner not contemplated in the General Plan, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extensions of roads or other infrastructure), such that additional infrastructure is required but the impacts of such were not previously considered or analyzed?		None required	LTS
Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element?		None required	LTS
Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element?		None required	LTS

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Public Services			
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services: Fire protection, Police protection, School, or; Other public facilities?	SCA 4, Conformance with other Requirements; SCA 61, Site Review by the Fire Service Division; SCA 71, Fire Safety Phasing Plan; SCA 73, Fire Safety		LTS
Recreation			
Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?		None required	LTS
Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have a substantial adverse physical effect on the environment?		None required	LTS
Utilities and Service Systems			
Would the project exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board?	SCA 91, Stormwater and Sewer	None required	LTS
Would the project require or result in construction of new storm water drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	SCA 91, Stormwater and Sewer	None required	LTS

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
<i>Utilities and Service Systems Cont'd</i>			
Would the project exceed water supplies available to serve the project from existing entitlements and resources, and require or result in construction of water facilities or expansion of existing facilities, construction of which could cause significant environmental effects?		None required	LTS
Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new wastewater treatment facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	SCA 91, Stormwater and Sewer	None required	LTS
Would the project be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and require or result in construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	SCA 36, Waste Reduction and Recycling	None required	LTS
Would the project violate applicable federal, state, and local statutes and regulations related to solid waste?	SCA 36, Waste Reduction and Recycling	None required	LTS
Would the project violate applicable federal, state and local statutes and regulations relating to energy standards?		None required	NI

Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
Utilities and Service Systems Cont'd			
Would the project result in a determination by the energy provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new energy facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	SCA H, Compliance with the Green Building Ordinance, OMC Chapter 18.02; SCA I, Compliance with the Green Building Ordinance, OMC Chapter 18.02, for Building and Landscape Projects Using the StopWaste.Org Small Commercial or Bay Friendly Basic Landscape Checklist	None required	LTS
Recommended Measures			
Cultural			
<i>The following measure recommends an advisory protocol to follow regarding the assessment of potential impacts to cultural resources in the plan area.</i>			
Should specific development projects be submitted, as part of the environmental review process, an OCHS intensive survey shall be conducted/confirmed (even if one already exists or if an OCHS reconnaissance survey exists). This provision would generally apply to buildings, structures, objects, district, sites, and natural features related to human presence 50 years old and older.			
<ul style="list-style-type: none"> ▪ If an OCHS intensive survey exists on the property it should be updated and confirmed; or ▪ If an OCHS reconnaissance survey exists for the property, an OCHS intensive survey shall be conducted; or 			
If there is not an OCHS intensive survey, the OCHS shall be consulted to determine if it appears that a parcel may include property types that may have historical significance, and if so, an OCHS intensive survey shall be conducted.			
Transportation/Traffic			
<i>The following measures recommend a series of future transportation projects included in the CEIG's Appendix A and other approved plans. The feasibility of individual street improvements will be tied to funding and approval by the City. These recommended measures are intended for informational purposes only.</i>			
Measure A: Implement the "Recommended Future Transportation Improvements" illustrated in Figure A-1 of Appendix A would help alleviate some of the impacts identified under Cumulative Year 2035 conditions. Additional street connectivity with appropriate bicycle and pedestrian accommodations (per City design guidelines) should be explored to help mitigate impacts along High Street and 42nd Avenue. The High Street Access Improvements Project assumes intersection widening along High Street. However, additional physical improvements would still be required to mitigate project-related traffic impacts at several locations under Cumulative 2035 conditions. Additional improvements along High Street and 42nd Avenue could prove infeasible because of various			

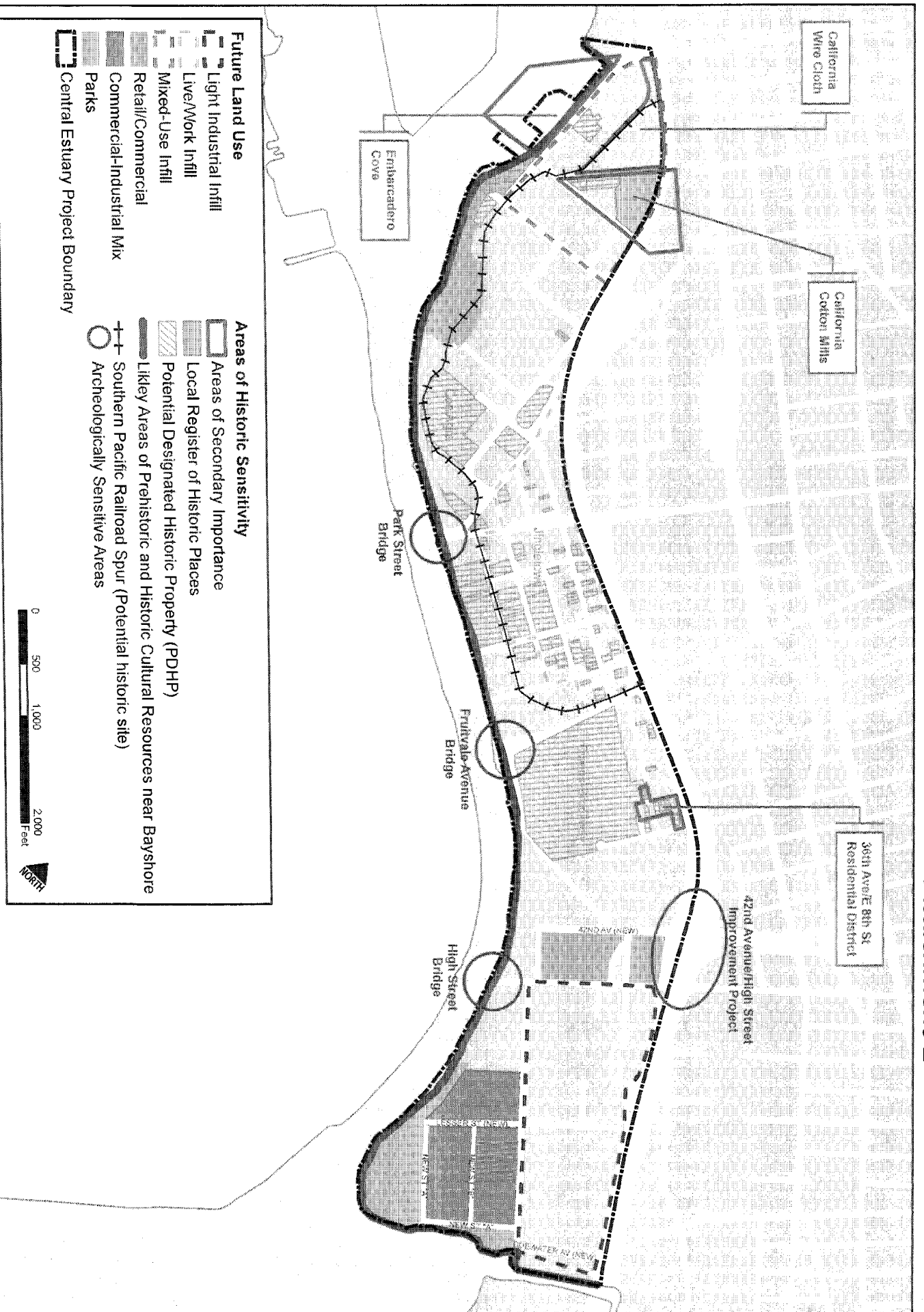
Environmental Impact	Standard Conditions of Approval (SCA)	Mitigation	Level of Significance After Application of SCAs and/or Mitigation
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Measure A Cont'd: right-of-way constraints. Instead of additional physical improvements at High Street, enhanced roadway connectivity in the Central-West and East sub-areas adopted as part of the CEIG would help to distribute traffic from High Street to 42nd Avenue. The High Street Access Project includes a direct connection from Alameda Avenue to 42nd Avenue and the intersections on 42nd Avenue have additional capacity to support higher traffic loads. Improved connectivity and the diversion of traffic to 42nd Avenue would better distribute traffic and reduce demands on High Street.

Measure B: Investigate ways to implement the feasible "Recommended Corridor-Wide Improvements" and "Recommended Localized Improvements" identified in Fruitvale Alive! Master Transportation Plan (CHS Consulting Group, June 2005). This plan provides recommended pedestrian, bicycle, traffic, transit, and parking improvements along Fruitvale Avenue at San Leandro, East 12th Street, and International Boulevard.

Source: Circlepoint, 2012.

Attachment E



CENTRAL ESTUARY IMPLEMENTATION GUIDE

Areas of Historic Sensitivity

CITY OF OAKLAND