

	Location:	Lake Merritt Station Planning Area is generally bounded by 14 th Street to the north, I-880 to the south, Broadway to the west and 5 th Avenue to the east.
	Proposal:	Continue a public hearing to provide comments on the Final Environmental Impact Report (FEIR), Final Station Area Plan, and associated General Plan amendments, Municipal Code and Planning Code amendments, and Design Guidelines (collectively called “Related Actions”).
	Applicant:	City of Oakland
	Case File Number:	ZS11225, ER110017, GP13268, ZT13269, RZ13270
	General Plan:	<u>Land Use and Transportation Element (LUTE) Areas:</u> Central Business District, Institutional, Urban Open Space, Urban Residential, Business Mix, Community Commercial, Neighborhood Center Mixed Use <u>Estuary Policy Plan Areas:</u> Planned Waterfront Development 1, Mixed Use District
	Zoning:	CBD-X, CBD-P, CBD-P/CH, CBD-R, CBD-C, OS-(SU), OS-(LP), OS-(NP), OS-(RCA), S-2, RU-4, RU-5, M-40/S-4
Environmental Determination:		All comments that were received during the Draft Environmental Impact Report (DEIR) public comment period have been compiled and responded to in the Response to Comments (RTC) Document, along with changes and clarifications to the DEIR. The RTC Document, together with the DEIR, constitutes the Final EIR (FEIR) for the Station Area Plan
	Historic Status:	The Plan Area includes cultural/historic resources that include CEQA Historic Resources and may be eligible for, or are on an historical resource list (including the California Register of Historic Resources, the National Register of Historical Resources, and/or the Local Register); as well as several cultural/historic resources designated by the City of Oakland as Areas of Primary Importance (API); Areas of Secondary Importance (ASI); properties individually rated A, B, C, or D by the Oakland Cultural Heritage Survey; and Landmark properties.
	Service Delivery District:	Metro, 3
	City Council District:	2, and a small portion of 3
	Status:	The RTC/FEIR and Specific Plan was released on July 28, 2014.
	Action to be Taken:	Receive public comments, close the hearing and consider certifying the FEIR, and recommending to the City Council adoption of the Final Station Area Plan and Related Actions.
	Finality of Decision:	N/A
	For Further Information:	Contact Christina Ferracane at 510-238-3903 or cferracane@oaklandnet.com Project website: http://www.business2oakland.com/lakemerrittsap

SUMMARY

This Planning Commission hearing is a continuation of a public hearing held on September 3, 2014. The materials prepared for that public hearing are attached to this staff report as Exhibit A, and include the staff report and attachments prepared for that prior date. Minor revisions and clarifications were made to several pieces of Attachment E, as summarized in this staff report.

The purpose of this Planning Commission hearing is to receive comments from the Planning Commission and the public on the Final Lake Merritt Station Area Plan (LMSAP), Final Environmental Impact Report (FEIR), and associated General Plan amendments, Planning Code amendments, Zoning Maps, Height Maps, and Design Guidelines (collectively called “Related Actions”), before considering the following actions:

- Adoption of the CEQA findings for the LMSAP in **Attachment A**, which include certification of the FEIR, rejection of alternatives as infeasible, and a Statement of Overriding Considerations;
- Adoption of the Standard Conditions of Approval and Mitigation Monitoring Reporting Program (SCAMMRP) in **Attachment B**;
- Recommend the City Council adopt the LMSAP, new Design Guidelines, General Plan and Planning Code Amendments, based, in part, upon the LMSAP Adoption Findings in **Attachment C**; and
- Authorize staff to make minor ongoing revisions to the adopted Design Guidelines for the Lake Merritt Station Area Plan and to make non-substantive, technical conforming edits (essentially correction of typographical and/or clerical errors) to the Planning Code that may have been overlooked in deleting old sections and cross-referencing new sections to the new Lake Merritt Station Area Zones Regulations prior to formal publication of the Amendments in the Oakland Planning Code, and to return to the Planning Commission for major revisions only;

This staff report includes the draft General Plan Amendments as **Attachment D**; the Planning Code Amendments as **Attachment E** (a new zoning chapter for the Lake Merritt Station Planning Area and conforming changes to other parts of the Planning Code); a summary of responses to Station Area Plan Comments as **Attachment F**; a summary of changes to the Station Area Plan since publication of the Draft Plan (in December 2012) as **Attachment G**; maps of Historic Resources in the Plan Area as **Attachment H**; summary of the proposed Parking In-lieu Fee as **Attachment I**; a proposed Open Space In-lieu Fee as **Attachment J**; summary of comments from the recent Landmarks Preservation Advisory Board meeting to discuss the Final Plan and EIR as **Attachment K**; and comment letters received following publication of the Final Plan and EIR as **Attachment L**. These documents are also available for review on the project’s website at: www.business2oakland.com/lakemerrittsap.

The LMSAP, Design Guidelines, and the Final EIR were previously furnished separately to the Planning Commission, and are available to the public, through the City’s websites:

- LMSAP, Design Guidelines: www.business2oakland.com/lakemerrittsap.
- FEIR: <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>

Limited copies of the Final EIR are also available, at no charge, at the Oakland Bureau of Planning offices at 250 Frank Ogawa Plaza, Suite 3315, Oakland, California 94612.

REVISIONS TO ATTACHMENT E

The following pieces of Attachment E have been revised as follows:

- E3. Proposed Planning Code Chapter 101.G. D-LM Lake Merritt Station Area District Zones Regulations – ***REVISED for 10/8/14 Public Hearing***
 - Clarifications were made to the limitation (now L5) for non-retail type land use activities in the Permitted and Conditionally Permitted Activities table
 - The size threshold for General Food Sales was clarified.
 - A limitation (L12) was eliminated as it had not be utilized in the Permitted and Conditionally Permitted Activities table
 - Added 17.101G.070 Special regulations for large scale development, which would require a conditional use permit for development over 100,000 square feet.
- E4. Proposed Changes to Chapter 17.116 Off-Street Parking and Loading Requirements – ***REVISED for 10/8/14 Public Hearing***
 - Eliminated parking requirements for transient habitation (hotels) to be more consistent with parking requirements other commercial activities in the D-LM zones.
- E5.(c) Chapter 17.134 CONDITIONAL USE PERMIT PROCEDURE Section 17.134.020 Definition of major and minor conditional use permits– ***REVISED for 10/8/14 Public Hearing***
 - Clarified that the conditional use permits required for “exceptions to height/bulk/intensity standards” in the D-LM zones is *Major* Conditional Use Permit (not minor).

The revised versions of the attachments are included in this staff report, and illustrate additional changes made following publication of the September 3, 2014 staff report as double-underline for additions and ~~double-strikeout~~ for deletions.

RECOMMENDATIONS:

Staff recommends that the Planning Commission take public testimony, close the public hearing, and:

1. Adopt the CEQA findings for the Lake Merritt Station Area Plan (LMSAP) in **Attachment A**, which include certification of the EIR, rejection of alternatives as infeasible, and a Statement of Overriding Considerations;
2. Adopt the Standard Conditions of Approval and Mitigation Monitoring Reporting Program (SCAMMRP) in **Attachment B**;
3. Recommend the City Council adopt the LMSAP, Design Guidelines and General Plan and Planning Code Amendments based, in part, upon the LMSAP Adoption Findings in **Attachment C**; and
4. Authorize staff to make minor ongoing revisions to the adopted Design Guidelines for the Lake Merritt Station Area and to make non-substantive, technical conforming edits to the Planning Code that may have been overlooked in deleting old sections and cross-referencing new sections to the new Lake Merritt Station Area Plan District Zone Regulations (which are essentially correction of typographical and/or clerical errors) and to return to the Planning Commission for major revisions only.

Prepared by:

Christina Ferracane, Planner II

Approved for forwarding to the
City Planning Commission:

Darin Ranelletti, Deputy Director
Planning and Building Department

NOTE: The LMSAP, Design Guidelines, and the Final EIR were previously furnished separately to the Planning Commission, and are available to the public, through the City's websites:

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ATTACHMENTS**Exhibit 1 – Staff Report - September 3, 2014**

- A.** CEQA Findings: Certification of the EIR, Rejection of Alternatives and Statement of Overriding Considerations For the Broadway Valdez District Specific Plan
- B.** Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP)
- C.** LMSAP Adoption Findings
- D.** Proposed General Plan Amendments
- E.** Planning Code Amendments
 - E1. Existing and Proposed Zoning Maps
 - E2. Existing and Proposed Height Area Maps
 - E3. Proposed Planning Code Chapter 101.G. D-LM Lake Merritt Station Area District Zones Regulations – **REVISED for 10/8/14 Public Hearing**
 - E4. Proposed Changes to Chapter 17.116 Off-Street Parking and Loading Requirements – **REVISED for 10/8/14 Public Hearing**
 - E5. Proposed Changes to Other Chapters/Sections in the Planning Code:
 - (a) Chapter 17.58 CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS
 - (b) Chapter 17.108 GENERAL HEIGHT, YARD, AND COURT REGULATIONS Section 17.108.080 Minimum side yard opposite living room windows
 - (c) Chapter 17.134 CONDITIONAL USE PERMIT PROCEDURE Section 17.134.020 Definition of major and minor conditional use permits– **REVISED for 10/8/14 Public Hearing**
 - (d) Chapter 17.136 DESIGN REVIEW PROCEDURE
 - Section 17.136.040.D Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the City Planning Commission—Decisions Ultimately Appealable to City Council.
 - Section 17.136.055 Special regulations for historic properties in the Central Business District zones
- F.** Summary of Responses to Station Area Comments
- G.** Summary of Changes to the Station Area Plan
- H.** Map of Plan Area Historic Resources
- I.** Proposed Parking In-lieu Fee
- J.** Proposed Open Space In-lieu Fee
- K.** Summary of Comments from the Landmarks Preservation Advisory Board
- L.** Comment Letters Received Following Publication of the Final LMSAP and Final EIR

Location:	Lake Merritt Station Planning Area is generally bounded by 14 th Street to the north, I-880 to the south, Broadway to the west and 5 th Avenue to the east.
Proposal:	Conduct a public hearing to provide comments on the Final Environmental Impact Report (FEIR), Final Station Area Plan, and associated General Plan amendments, Municipal Code and Planning Code amendments, and Design Guidelines (collectively called “Related Actions”).
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This staff report includes the draft General Plan Amendments as **Attachment D**; the Planning Code Amendments as **Attachment E** (a new zoning chapter for the Lake Merritt Station Planning Area and conforming changes to other parts of the Planning Code); a summary of responses to Station Area Plan Comments as **Attachment F**; a summary of changes to the Station Area Plan since publication of the Draft Plan (in December 2012) as **Attachment G**; maps of Historic Resources in the Plan Area as **Attachment H**; summary of the proposed Parking In-lieu Fee as **Attachment I**; a proposed Open Space In-lieu Fee as **Attachment J**; summary of comments from the recent Landmarks Preservation Advisory Board meeting to discuss the Final Plan and EIR as **Attachment K**; and comment letters received following publication of the Final Plan and EIR as **Attachment L**. These documents are also available for review on the project’s website at: www.business2oakland.com/lakemerrittsap.

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OVERVIEW

The discussion below provides a project description, brief history of the Lake Merritt Station Area Plan (Plan) public participation and planning process and General Plan conformity analysis.

1. Project Description

The Lake Merritt Station Area Plan Area (Plan Area) encompasses approximately 315 acres generally bound by 14th Street to the north, I-880 to the south, Broadway to the west, and 5th Avenue to the east. The Planning Area includes the Lake Merritt BART Station, Oakland Chinatown business and residential districts, Laney College and Peralta Community College District facilities, the Oakland Public Library, the Oakland Museum of California, the Alameda County Courthouse and other County offices, the building currently occupied by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), the Lake Merritt Channel, and a portion of the East Lake district.

With a planning horizon to 2035, the Plan builds on extensive community feedback to articulate a roadmap for future development, continued revitalization and economic growth, and community enhancement in the Plan Area. The Plan establishes a long-range vision for a high-intensity neighborhood, including the addition of 4,900 new housing units expected to accommodate 4,700 households, 4,100 new jobs, 404,000 square feet of additional retail, and about 1,230,000 square feet of office uses.

The Plan includes land use changes that will reduce the barriers to increased transit use from both the immediate area and surrounding neighborhoods. The Plan seeks to create an activity core around a rejuvenated Lake Merritt BART station. Simultaneously, the Plan seeks to reinforce and integrate the cultural and recreational resources that make this transit station unique. The Plan identifies ways in which streets, open spaces, and other infrastructure in the area can be improved, and establishes regulations for development projects that further the area's vitality and safety.

2. Public Participation and Planning Process

In 2009, the City of Oakland, Bay Area Rapid Transit (BART) and the Peralta Community College District, through a grant from the Metropolitan Transportation Commission (MTC), came together to prepare a Station Area Plan (a specific plan) for the area that encompasses a generally one-half mile radius around the Lake Merritt BART Station.

Community outreach for the Station Area planning process began in 2008 through the Lake Merritt BART Station Area Community Engagement Process, conducted by Asian Health Services (AHS) and other community-based organizations, in partnership with the City of Oakland. That initial process included research, public meetings and a 1,400-person survey were conducted in order to analyze the needs of residents, workers, visitors, students, businesses and BART users in area surrounding the Lake Merritt BART Station.

The outreach process for the Station Area Plan has been guided by a Community Stakeholder Group (CSG), composed of key community-based organizations, merchant groups, advocacy groups, service providers, public agencies and other community members. The CSG met on an ongoing basis between 2009 and 2013 to identify and review issues, vision and goals, as well as the Draft Station Area Plan and zoning concepts.

In close collaboration with the CSG, the City conducted five large community workshops, each attended by over 200 people and facilitated in English, Cantonese, Mandarin and Vietnamese. Attendees participated in hands-on, map-based activities to illustrate preferences for how the area should be

developed and improved in the future and were able to directly engage with one another, and with key stakeholders and staff to discuss many of the concepts that are now included in the Station Area Plan.

In addition to large community workshops, focus group meetings were held for sectors of the public that may not typically attend large community workshops – including:

- Families (in partnership with Lincoln Elementary School)
- Laney College students and faculty
- Merchants (in collaboration with the Chinatown and Vietnamese Chambers of Commerce)
- Youth (in collaboration with Asian Health Services and Lincoln Recreation Center)
- Realtor and Brokers in Chinatown (in collaboration with the Chinatown Chamber of Commerce)

Focus group meetings, workshops, other public meetings, print and web materials have all utilized a multilingual presentation approach and have been organized in close partnership with community stakeholders to ensure authentic participation by both traditionally well-organized groups, such as local business associations, community based organizations and developers, as well as traditionally underrepresented lower-income, renter, and non-English speaking communities.

Over 40 public meetings and hearings have been held to date, and public participation has been an important element at each point of the planning process:

Step in Planning Process	Timing	Opportunities for Public Participation
Vision and Goals	Year 2008- 2010	<ul style="list-style-type: none"> • Engagement Meetings • Stakeholder Oral Surveys • Written Public Survey • Community Workshop • Community Stakeholder Group (CSG) Meetings • Technical Advisory Group (TAG) Meetings
Draft Emerging Plan and Alternatives	(2010-2011)	<ul style="list-style-type: none"> • Focus Groups • Subarea Workshops • CSG /TAG Meetings • Community Open House • Public Hearings
Draft Preferred Plan	(2011-2012)	<ul style="list-style-type: none"> • Focus Groups • Public Hearings • CSG /TAG Meetings
Draft Plan and DEIR	(2012-2013)	<ul style="list-style-type: none"> • CSG /TAG Meetings • Community Open House
Final Plan and FEIR	(2014)	<ul style="list-style-type: none"> • Community Stakeholder Group Meetings

In addition to the above meetings, staff has participated in numerous additional meetings requested by stakeholders to help refine the concepts, policies and implementation measure in the Station Area Plan.

3. Vision and Goals

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

summarized here:

- Create an active, vibrant and safe district;
- Encourage services and retail;
- Encourage equitable, sustainable and healthy development;
- Encourage non-automobile transportation;
- Increase and diversify housing;
- Encourage job creation and access;
- Provide services and retail options;
- Identify additional open space and recreation opportunities;
- Celebrate and enhance Chinatown as an asset and a destination;
- Maximize opportunities for preservation and re-use of historic buildings;
- Model progressive innovations (i.e., economic, environmental, social).

4. Previous Review by Advisory Boards and the Planning Commission

Between December 2012 and December 2013, the Draft Lake Merritt Station Area Plan, Design Guidelines, draft zoning concepts, including Zoning and Height Area Maps, draft General Plan Amendments, followed by the Draft Environmental Impact Report (DEIR), have been presented to advisory boards, including the Zoning Update and Design Review Committees of the Planning Commission, as well as the Bicycle and Pedestrian Advisory Committee, and Parks and Recreation Advisory Committee, each of which provided comments unique to their topic area.

The Planning Commission itself has discussed the Lake Merritt Station Area Plan topic on three occasions:

- January 18, 2012 – Discussion of the *Draft Preferred Plan* (an earlier iteration of the *Draft Plan*)
- February 25, 2012 – Joint meeting with the Lake Merritt Station Area Plan’s Community Stakeholder Group to discuss the *Draft Preferred Plan*
- January 30, 2013 – Joint meeting with the City of Oakland Landmarks Preservation Advisory Board to discuss the *Draft Lake Merritt Station Area Plan*.

In addition, three duly noticed public hearings on the DEIR were held including a Landmarks Preservation Advisory Board public hearing on November 18, 2013, and two Planning Commission hearings on November 20, 2013 and December 4, 2013.

5. Addressing Comments Received during the Previous Public Review Period

Staff received numerous comments on the Draft Lake Merritt Station Area Plan and Draft Environmental Impact Report (DEIR) during the previous public review period. Plan-related major comments/responses are organized by category and provided in **Attachment F**. Often more than one person or agency had the same comment so these have been summarized into more general comments. Based on direction received at the various previously mentioned meetings, hearings, and written comments, staff has made changes to the Station Area Plan and related documents, and a summary of these changes is presented below. Also, CEQA-related comments are separately addressed in the Final EIR/Response to Comment document.

6. Comments Received following Publication of the Final Plan (July 28, 2014), including Comments from Landmarks Preservation Advisory Board Meeting (August 11, 2014)

The Landmarks Preservation Advisory Board (LPAB) supported the City staff’s historic resource-related

changes to the Draft LMSAP, including the new incentives and policies to encourage the preservation and reuse of existing buildings. The LPAB recommended that view corridors be considered by the Planning Commission as the Plan goes forward. A summary of these and other LPAB comments are provided in **Attachment K**.

Additionally, the City received three letters from Alameda County Transportation Commission, Caltrans and the East Bay Bicycle Coalition in support of the Final Plan and EIR. These letters are included in **Attachment L**.

7. Changes Made to the Draft Plan, Draft Design Guidelines, and Draft Zoning Since Prior Publication

Changes made to the Draft Station Area Plan and Design Guidelines since they were published in December 2012, as well to the draft zoning regulations since they were presented to the Zoning Update Committee of the Planning Commission in May 2013, are summarized in **Attachment G**. Key substantive changes are also discussed in the Key Issues section of this staff report. Since publication of the Final Station Area Plan and Final EIR (on July 28, 2014), a few additional, minor, clarifying changes have been made to Zoning and Height Area Maps, mainly related to nomenclature of zoning districts and height areas and the way information is displayed. The only substantive changes were to add the designation of “Commercial Corridor” and “Transitional Commercial Corridor” to Broadway and Franklin Streets, in line with the Plan’s vision for these corridors.

8. Proposed General Plan Amendments

Certain General Plan land use classifications in the Planning Area will be reclassified to implement the Station Area Plan’s Land Use Character diagram. In addition to mapping changes, General Plan text amendments are proposed to allow development intensities that are somewhat higher than currently prescribed by the ‘Urban Residential’ and ‘Community Commercial’ land use classifications in the area east of the Lake Merritt Channel. The General Plan mapping and text amendments are included in **Attachment D**.

9. Proposed New Zoning Regulations

A new zoning chapter is proposed for the Plan Area to reflect new policy direction contained in the Station Area Plan, providing specific land use and physical development regulations, such as permitted activities, buildings heights and tower design, required parking and open space. The proposed zoning for the Lake Merritt Station Area Plan would include five (5) new district-specific zoning districts. Conforming changes are also proposed to other parts of the Planning Code.

The new zoning framework would designate key corridors with special requirements for active ground floor uses. For example, new construction would be required to provide ground floor commercial space, and provide features, such as a minimum storefront depth and width and minimum ground floor height that will help to create viable commercial space.

Development intensity would be regulated by a Height Map, separate from the zoning districts. Each Height Area would have an associated set of property development standards, including Height, Density, Bulk, and Tower regulations.

These proposed zoning regulations, including proposed Zoning and Height Area maps are provided in **Attachment E**.

10. Design Guidelines

The Station Area Plan is accompanied by a set of Design Guidelines for the Plan Area, which provide qualitative guidance and graphic and photographic examples that will complement the development regulations included in the zoning district regulations. The Guidelines are intended to give residents, building designers, property owners, and business owners a clear guide to achieving development that improves the area's livability while retaining its character.

11. General Plan Conformity Analysis

The LMSAP and Related Actions are consistent with and further advance the Oakland General Plan – including the Land Use and Transportation Element (LUTE); Open Space, Conservation and Recreation (OSCAR) Element; Historic Preservation Element; Safety Element; and Housing Element; as well as the Bicycle and Pedestrian Master Plans, as discussed in detail in the LMSAP Adoption Findings, **Attachment C**.

KEY ISSUES

This section highlights key issues, which are also discussed in the comments/responses contained in **Attachment F** and the Plan changes described in **Attachment G**:

- Height and Intensity Limits
- Historic and Cultural Resources
- Transportation Improvements
- Affordable Housing
- Open space and Recreation Improvements

Height and Intensity Limits

The height and massing concepts in the Plan seek to balance the varied goals and preferences of the community. Detailed height and intensity limit regulation proposals are included in **Attachment E**. Key themes related to height and massing include community character, compatibility with historic resources, and support for transit-oriented high-density development.

Height and massing is regulated at three levels:

- Base height: Base heights complement the existing context, and ensure that a consistent character is maintained from the pedestrian perspective.
- Tower height: Tower height is an additional amount of height above the base height. In order to ensure more slender towers, the portions of a building above the base would be subject to massing regulations, such as setbacks, percent lot coverage above the base and tower length limits.
- Additional Tower Height: Additional tower height could be conditionally permitted for a limited number of buildings, with findings required for design compatibility and consistency with the goals and policies of the Station Area Plan.

The Height Areas were mapped based on a number of factors including:

- Adjacency to I-880 Freeway, where taller buildings might act as a buffer between the neighborhood and the traffic (275 feet)
- Proximity to the transit hubs at the Lake Merritt and 12th Street BART Stations (275 feet)
- Proximity to Broadway spine, the City's traditional high density corridor (175 and 275 feet)
- Existing context – size of buildings, parcel, blocks, and opportunity sites
 - Portions of the area between 11th and 12th Street contains larger buildings, parcels and blocks (175 feet)
 - East of the Lake Merritt Channel and portions of the Planning Area between 6th and 11th Street contain mostly smaller parcels and buildings (85 feet)
- Existing height of historic Landmarks (85 feet)
- Existing height of buildings in Historic Districts, if height is a character-defining feature, such as in the 7th Street/ Harrison Square Residential District of Primary Importance (45 feet).

The height limit proposals in the Plan and accompanying Planning Code amendments have changed since publication of the Draft Plan. Height limits have been reduced (compared to the previous proposal and compared to existing regulations) throughout the Plan Area to levels that better address the existing context but still allow for the Plan's high-density, transit-oriented vision to be achieved. The Development Program described in the Draft Plan - approximately 4,900 new housing units, 4,100 new jobs, 404,000 square feet of additional retail, and about 1,230,000 square feet of office uses - is still expected to be achievable with the revised height and intensity limits described in the Final Plan.

The current proposal provides a 25-year vision for development of the Planning Area with a large portion of the Planning Area mapped for the type of development that is mostly feasible in the short-term (85 feet tall and lower), while the opportunity for taller buildings (with a Conditional Use Permit) still exists for property owners who are willing to move forward with higher intensity development, since these exceptions are limited in number and would be granted on a first-come, first-serve basis. The current proposal also addresses concerns that over-zoning (prescribing height limits higher than the real estate market is likely to produce) has encouraged land-banking. Instead, with allowances for only a limited number of higher height buildings in many of the proposed new zoning districts, the current proposal will create an environment in which property owners and developers who plan for more intense development will have an incentive to pursue projects sooner rather than later.

Massing regulations detailed in zoning seek to establish coherence in building massing; respect historic buildings and patterns of lot size and scale; be sensitive to existing buildings, and existing and new parks; and incorporate transitions between developments of differing scales.

Some commenters have stated that the maximum height limits for new development should only be allowed with the provision of community benefits. Mechanisms for achieving community benefits is a policy issue that is addressed in the Station Area Plan and in the Planning Code Amendments, as well as in the current citywide processes underway to update of the City's Housing Element and to study potential citywide Impact Fees and Incentive Programs for transportation, capital improvements, and affordable housing.

Historic and Cultural Resources

The Planning Area contains numerous individual historic properties and historic districts, as illustrated in **Attachment H**. Stakeholders have requested a fine-grained exploration of how new development might occur in historic districts, in order to ensure preservation of those districts and individual historic

buildings. To that end, the *Final Plan* includes a finer-grained height limit proposal than found in existing zoning regulations and in the *Draft Plan*. The *Final Plan* proposes reduced heights limits throughout much of the Plan Area in order to encourage a scale of development that better responds to the existing context while still encouraging high density transit-oriented development.

An 85-foot Height Area covers the vast majority of historic resources considered significant under CEQA and the Plan Area's major historic landmarks, such as the Kaiser Auditorium, the Chinatown Commercial API, sites adjacent to Madison Park and the 7th Street/Harrison Square Residential API, and the block bounded by 9th, 11th, Webster and Harrison Streets. The height proposal remains unchanged from the Draft Plan for the King Block (proposal – 85 feet, existing – No Limit), the block bounded by 13th, 14th, Webster and Harrison Streets (proposal – 175 feet, existing – No Limit), and for the apartment buildings within the block bounded by 9th, 10th, Oak, and Fallon Streets (proposal – 275 feet, existing – 275 feet). While the height limits for these areas may be higher than the existing historic buildings, the Final Plan and Design Guidelines call for historic preservation and adaptive reuse of historic resources.

In fact, the LMSAP policies and regulations are actually more protective of historic resources than current regulations. For example, a new section in the Design Guidelines highlights the 10th and Oak Street Apartment Group is an important historic resource exemplary of early 20th Century building in the Lake Merritt Area. The Final Plan includes additional incentives for reuse existing historic buildings, including:

- Zoning district designation for many locations with historic resources that allows maximum flexibility in permitted activities, so that historic buildings can be adaptively re-used even after their original function is no longer viable.
- No parking or open space requirements when converting from commercial to residential use or vice versa when it is a Potential Designated Historic Property (PDHP) or a CEQA Historic Resource;
- If a PDHP or a CEQA Historic Resource is incorporated as part of a larger project, the area that is incorporated will be exempt from parking and open space requirements.

The Final Plan also highlights the adaptive reuse possibility of two City-owned historic resources, the Kaiser Auditorium and the Fire Alarm Building, identifying ideas for potential uses (such as a community workshop space, food court and/or auditorium) that would make them community amenities, and outlines steps necessary to move forward with reuse.

Furthermore, existing City regulations for historic properties require stringent City findings for any proposed demolition. And all historic resources are eligible for preservation incentives, such as the Mills Act (property tax reduction) or Federal Tax Credits for improvements of historic buildings.

In addition, the Final Design Guidelines were revised to further emphasize the importance of design details, such as traditional storefront widths for ground floors, ample window placement and articulation above the ground floor, and distinction of ground floors from upper floors.

Photos throughout the Design Guidelines have been updated to better illustrate all guidelines related to building massing, stepbacks, façade articulation, storefronts, entryways, and ground level design. Additional photos illustrate how new development could appropriately respond to and reinforce the existing historic character of adjacent buildings, including additional examples of precedents for new buildings that are appropriate to their historic context.

A new chapter has been added to the Design Guidelines (Chapter 3 - Historic Character), which describes the character-defining features of the Plan Area's historic building typologies. This new chapter provides context not only for the building design guidelines directly pertaining to historic resources, but to other design guidelines related to building form, façade articulation, materials, and the ground level pedestrian experience that respond to the unique context of the Plan Area. The chapter also summarizes features relating to building scale and form, architectural styles, materials, ornamentation, and interaction with the right of way for the following categories of historic resources: Small-scale Residential, Midrise Residential, Chinatown Commercial, Downtown Commercial, and Civic. Emphasis has been given to the significance of Oakland's Chinatown, the 7th Street/Harrison Historic Residential District, the early 20th century mid- and high-rise buildings, and distinct historic landmarks in defining the Planning Area's aesthetic character.

Another key goal for the Lake Merritt Station Area Plan (LMSAP) is to celebrate the cultural heritage that is a unique aspect of the Planning Area. To that end, the LMSAP and Design Guidelines address the importance of enhancing streetscapes to support an active Chinatown Core, providing robust multilingual signage, and enhancing community gathering spaces to support a range of public events, as ways to enhance the cultural heritage of Chinatown.

The Design Guidelines specifically address a Chinatown Gateway, wayfinding systems, and the need for streetscape elements, such as lighting, seating, signage, and other street furnishings to respond to the cultural heritage of the Chinatown Core.

Finally, a brief subsection, "Lake Merritt BART Station," has been added to Chapter 7 Community Resources. This acknowledges the interest in reconsidering the name of the Lake Merritt BART Station and notes that a new name could include references to Oakland Chinatown, Laney College, Oakland Museum of California, and/or Alameda County Services.

Transportation Improvements

Traffic safety, particularly safety for pedestrians was a key issue throughout the planning process. The Plan recommends transportation improvements in the Plan Area that focus on establishing interconnected and safe travel for people walking, riding bicycles, taking transit, and driving. The overall circulation improvement strategy is split into two phases. Phase I includes short-term actions that are studied in the EIR, including implementation of bicycle lanes on portions of 8th, 9th, 10th, Oak and Madison Streets; streetscape improvements such as pedestrian-scaled lighting, corner bulbouts, pedestrian countdown signals, and street trees. Phase II improvements includes long-term actions not evaluated in the EIR that require additional technical and/or feasibility studies, such as the recommendation to study the feasibility of converting many of the Plan Area's one-way streets to two-way traffic and/or narrowing roadway width and widening sidewalks. The Phase I recommendations are affordable and easily implementable circulation improvements that will not preclude the possibility of two-way conversion in the future.

The City has already initiated the next steps towards studying the Phase II circulation improvements. In fall of 2013, the City applied for and was awarded a grant from the Alameda County Transportation Commission (ACTC) to create a Downtown Circulation Plan. The Downtown Circulation Plan will comprehensively study and propose solutions to circulation issues in Downtown Oakland, taking into account changing land uses and traffic generated from new developments in Oakland and Alameda, benefits to business, and improved safety for all road users. It will study the feasibility of converting one-way streets in downtown Oakland to two-way operation. Specific lane reconfigurations could be

determined as part of this Circulation Plan with consideration given to transit operations, pedestrian safety and reduction of collisions. The Downtown Circulation Plan will also be able to examine the circulation and safety issues related to drivers accessing the I-880 Freeway and the Alameda Tubes via surface streets in the Planning Area.

ACTC, in conjunction with the City of Oakland, issued a request for proposals for the development of the Downtown Circulation Plan. Consultant selection was completed in August, contract negotiation and finalization will occur in September/October, and project kick-off/initiation is likely in November and expected to continue over the next 15-20 months.

The Station Area Plan also recommends management of on-street parking supply to better serve visitors and improve circulation in the Plan Area. It recommends establishing a Parking Benefits District that could generate revenue, and encourage better use of existing parking and shared parking. The new proposed zoning regulations for the Plan Area includes reduced off-street parking requirements for residential development, with further reductions for senior housing, affordable housing; requirements for parking to be unbundled for sale or rental in multifamily residential facilities of ten units or more; and the option to pay a voluntary parking in-lieu fee instead of providing code-required parking spaces. The proposed in-lieu fees would be a voluntary fee for those developments that choose not to provide code-required parking spaces (because of site constraints, financial feasibility, or both). The purpose of these fees would be to provide more flexibility to developers, as well as to provide funding to support the transportation policies and improvements called for in the Station Area Plan.

Affordable Housing

Staff has received comments expressing that the Station Area Plan should have provisions requiring affordable housing, specifically that the Plan should ensure that the number of affordable housing units in the Plan Area continues to match current levels of affordability, and that the City achieve the percentage of affordable housing units identified in the Regional Housing Needs Allocation (RHNA) process.¹

Affordable housing is a policy issue that is addressed in the Station Area Plan and proposed Planning Code amendments, as well as in the processes to update the City's Housing Element and to develop a Housing Equity Roadmap, which are currently underway.

The Housing Element, a state-mandated element of the City's General Plan, includes data and a systematic analysis of that data that provide the basis for policies and actions to meet Oakland's housing needs for the future. The Housing Equity Roadmap is intended to provide a concrete set of short-term policy and program recommendations for City implementation, and will address housing issues such as housing habitability, new affordable housing production, preservation of existing non-subsidized affordable housing stock, and transforming abandoned properties into new affordable housing.

The provision of affordable housing choices is a concern and goal for the City of Oakland as a whole and must be addressed comprehensively, on a citywide basis. Existing incentives in the Planning Code, including reduced parking and open space requirements for senior and affordable housing, aimed at

¹ As noted in the Final Plan, the California Department of Housing and Community Development determines the amount of housing needed for income groups in each region based on existing housing need and expected population growth. Each city's share of the regional housing demand is prepared by the Association of Bay Area Governments (ABAG) through the RHNA process. During the planning period 2014-2022, the City of Oakland must plan for 14,765 new housing units (28 percent of these units are designated to be affordable to very low and low-income households, 19 percent affordable to moderate income and 53 percent affordable to above moderate income).

facilitating the production of housing for a range of incomes and ages. The City is exploring the feasibility of additional mechanisms for achieving affordable housing, including an Impact Fee, which would require new development to make financial contributions toward a fund that could help pay for new affordable housing units, and a Housing Overlay Zone (HOZ), which would provide incentives or bonuses for development that included affordable housing units in target areas throughout the city with the greatest development potential, such as the Plan Area.

The Station Area Plan facilitates development of new housing at a range of densities and for a range of incomes, in a neighborhood that is very well-served by transit and is proximate to major employment centers. Furthermore, proposed zoning changes for the Plan Area include augmenting existing incentives in the Planning Code for the production of housing for a range of incomes and for seniors. Specifically, the proposed zoning:

- No longer requires a Conditional Use Permit (CUP) to have reduced parking for senior housing;
- Reduces parking requirements for the provision of affordable housing;
- Reduces open space requirements for both senior and affordable housing.

Additional detail about affordable housing is provided in **Attachment F**; full text of the proposed LMSAP zoning regulations is provided in **Attachment E**.

Open Space and Recreation Improvements

The Station Area Plan recognizes the need for neighborhood-serving and active open spaces in the Plan Area and includes the following specific goals:

- *Improve existing parks and recreation centers, including improving access to existing parks; and add new parks and recreation centers to serve higher housing density and jobs.*
- *Provide space for community and cultural programs and activities, such as multi-use neighborhood parks, athletic fields, areas for cultural activities such as tai chi, community gardens, and expanded library program.*

Existing parks within the Plan Area include Chinese Garden, Madison Square, and Lincoln Square parks. These parks are assets to the community, particularly Lincoln Square Park which is used extensively, to the point that it is often beyond capacity. A portion of Lake Merritt and the Estuary parks are also within the planning area, including the new park created out of excess roadway near Kaiser Auditorium, Linear parks, such as Peralta Park and the Lake Merritt Channel Park, are located on the east side of the planning area.

The open space strategy in the Plan furthers the objective of the Open Space, Conservation, and Recreation (OSCAR) Element of the Oakland General Plan, which includes policies intended to reduce deficiencies in parkland acreage and recreational facilities in the most equitable, cost effective way possible.

The Plan accomplishes this by first striving to make the most out of existing open spaces; secondly, by encouraging partnerships with the Oakland Unified School District and other schools and public agencies, and third, by expanding the amount of new open space and recreation facilities.

There are concerns among some in the community that the Plan will prioritize an expansion of the Lake Merritt Channel Park to the estuary shoreline over the creation of parks closer to the residential core of Chinatown. The community believes that very few people in the neighborhood use the existing Lake Merritt Channel Park and therefore few will use additional open space created along the Channel. However, this

perception may be changing, as those spaces have become increasingly better connected and accessible thru roadway and trail improvements. The Plan seeks to meet BOTH neighborhood and city-wide goals for open space, rather than one over the other.

The Plan identifies funding mechanisms to support investments in public open space. The proposed Open Space in-lieu fees would be a voluntary fee for those developments that choose not to provide code-required private open space (because of site constraints, financial feasibility, or both). The purpose of these fees would provide more flexibility to developers, as well as to provide funding to improve existing plazas or for new plazas/open space within the Plan Area.

An impact fee would be another means for generating investment in community amenities such as public open space. As with any non-voluntary program, such as the open space dedication program described above, a nexus study would be required. In July 2014, the City of Oakland issued a Request for Proposal (RFP) for the preparation of an impact fee nexus study. Details of a program proposal are yet to be determined. In addition, funding for new parks and parks improvements may come from a variety of grant sources, the City's Capital Improvement Program, or the establishment of an Infrastructure Finance, Community Benefits, Community Facilities, or an augmented Landscape and Light Assessment District.

The Plan's proposed zoning would expand the definition of required usable open space to include a community room space or other recreational space (within the existing building envelope) in order to provide greater flexibility in meeting the recreational and leisure needs of the development's residents.

ENVIRONMENTAL REVIEW

An Environmental Impact Report (EIR) has been prepared for the Lake Merritt Station Area Plan (LMSAP). The LMSAP does not propose specific private developments, but for the purposes of environmental review, establishes the Lake Merritt Station Area Development Program, which represents the maximum feasible development that the City has projected can reasonably be expected to occur in the Plan Area over a 25-year planning period. In total, the Lake Merritt Station Area Development Program includes approximately 4,900 new housing units expected to accommodate 4,700 households, 4,100 new jobs, 404,000 square feet of additional retail, and about 1,230,000 square feet of office uses.

The EIR was provided to the Planning Commission under separate cover, and is available to the public, through the City's website:

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

The EIR is also available at no charge at the Oakland Planning and Building Department, Strategic Planning Division, 250 Frank Ogawa Plaza, Suite 3315, Oakland, California, 94612.

A summary of the environmental review for the project is as follows:

- A Notice of Preparation (NOP) of an Environmental Impact Report (EIR) issued on March 1, 2012;
- EIR Scoping meeting before the Landmarks Preservation Advisory Board on March 12, 2012;
- EIR Scoping meeting was held before the Planning Commission on March 21, 2012;
- The Public comment period on the NOP closed on April 1, 2012;
- A "Notice of Availability / Notice of Release of a Draft EIR" issued on October 24, 2013;
- Draft EIR was published on November 1, 2013;
- Landmarks Preservation Advisory Board Meeting (LPAB) held a public hearing on the Draft EIR on

November 18, 2013;

- Two Planning Commission hearings on the Draft EIR were held - November 20, 2013 and December 4, 2013;
- The Public comment period on the Draft EIR closed on December 16, 2013;
- A “Notice of Availability/Release of a Final EIR” and the Final EIR were published on July 28, 2014;

The following are actions anticipated as part of the environmental review for the project:

- Planning Commission certification of the Final EIR to be recommended at the September 3, 2014 public hearing;
- Meetings of the Community and Economic Development (CED) Committee of the City Council and full City Council to consider certification of the Final EIR on September 30 and October 7, 2014, respectively.

Less-than-Significant Impacts

As detailed in Chapter 3 of the EIR, the following environmental topics included issue areas where there were no impacts or less than significant impacts with incorporation of Project mitigation measures, or where indicated, through the implementation of Standard Conditions of Approval (which are an integral part of the SCAMMRP): Aesthetics, Air Quality, Biology, Cultural Resources, Geology and Geohazards, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Noise, Population and Housing, Public Services, Traffic and Transportation and Utilities/Service Systems. See **Attachment A: CEQA Findings** for a description of the less than significant impacts and applicable SCA and mitigation measure(s).

Significant and Unavoidable Environmental Impacts

The proposed LMSAP will result in significant and unavoidable impacts associated with the following environmental topics: Air Quality; Cultural Resources; and Traffic and Transportation. Therefore, in order to approve the proposed LMSAP, the City will have to adopt Statements of Overriding Consideration for these significant unavoidable impacts, finding that the benefits of the Project outweigh any significant and unavoidable impacts. A discussion of all significant and unavoidable environment impacts is provided below; and a more detailed discussion can be found in **Attachment A: CEQA Findings**.

- **Air Quality AQ-3 (plan and project levels), AQ-4 (project) and AQ-5 (cumulative):** Adoption and development under the Station Area Plan could expose sensitive receptors 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 would reduce risk from gaseous TACs to a less-than-significant level. Therefore, the impact with respect to gaseous TACs is deemed significant and unavoidable under plan/project and cumulative conditions.
- **Cultural Resources CUL-1 (project), CUL-5 (cumulative):** There are 187 properties that meet the City Oakland’s criteria to be considered Historic Resources for purposes of environmental review under CEQA. These resources are shown in Draft EIR Table 3.8-1 and mapped in Figure 3.8-1 (see **Attachment H**). Three of these properties are identified as Opportunity Sites in the LMSAP:

- 1) Kaiser Auditorium;
- 2) 1025 2nd Avenue (OUSD Administration Building); and
- 3) 121 East 11th Street (OUSD - Ethel Moore Building).

The Kaiser Auditorium is expected to be adaptively reused rather than redeveloped, but that is not necessarily the case for the two OUSD buildings. In addition to projected LMSAP development on opportunity sites in the Planning Area, there are 12 projects on the City of Oakland's Major Active Development Projects list within the Planning Area and its vicinity (studied for the purposes of cumulative analysis). Three of these projects would affect known historic resources. Two of these projects would restore, adapt, and reuse historic resources as part of new development, while demolition of a historic resource is proposed as part of the Brooklyn Basin (Oak to Ninth Avenue) development.

The LMSAP does not mandate the physical demolition, destruction, relocation, or alteration of any properties, historic or otherwise. However, adoption and development under the Station Area Plan potentially could result in the physical demolition, destruction, relocation, or alteration of historical resources that are listed in or may be eligible for listing in the federal, state, or local registers of historical resources (which are described above). Adoption and development under the Plan combined with cumulative development in the Plan Area and its vicinity, including past, present, existing, approved, pending, and reasonably foreseeable future development, would contribute considerably to a significant adverse cumulative impact to cultural resources. Implementation of proposed Station Area Plan policies and proposed zoning incentives to preserve or adaptively reuse existing buildings, Oakland Planning Code 17.136.075 (*Regulations for Demolition or Removal of Designated Historic Properties and Potentially Designated Historic Properties and Potentially Designated Historic Properties*), SCA 52, 53, 54, 56, 57, and E, as well as Mitigation Measure CUL-1 would reduce potential impacts, but not to a less-than-significant level for the Plan Area and its vicinity (see also Key Issues section above for more detail about the proposed LMSAP policies and zoning regulations).

- The EIR also found significant and unavoidable Traffic and Transportation impacts, primarily related to vehicle congestion and delay, at the study intersections and roadway segments listed below. The EIR found no impacts to safety of any roadway users, including no impacts to pedestrian safety.
 - **TRANS-2**, Intersection #15: *1st Avenue/International Boulevard* (under Existing Plus Project conditions);
 - **TRANS-4**, Intersection #21: *Oak Street/10th Street* (under Existing Plus Project conditions);
 - **TRANS-6**, Intersection #38: *Oak Street/6th Street* (under Existing Plus Project conditions);
 - **TRANS-7**, Intersection #39: *Jackson Street/5th Street* (under Existing Plus Project conditions);
 - **TRANS-8**, I-880 freeway segments between Oak and 5th Streets in both directions (under Existing Plus Project conditions);
 - **TRANS-9**, Intersection #10: *Brush Street/12th Street* (Interim 2020 Plus Project conditions);
 - **TRANS-10**, Intersection #36: *Jackson Street/6th Street* (Interim 2020 Plus Project conditions);
 - **TRANS-11**, Intersection #38: *Oak Street/6th Street*, (Interim 2020 Plus Project conditions);
 - **TRANS-12**, Intersection #41: *Oak Street/5th Street*, (Interim 2020 Plus Project conditions);
 - **TRANS-14**, Intersection #5: *Madison Street/ 14th Street* (Cumulative 2035 Plus Project conditions);
 - **TRANS-15**, Intersection #19: *Madison Street/ 11th Street* (Cumulative 2035 Plus Project

- conditions);
- **TRANS-16**, Intersection #20: *Madison Street/ 10th Street* (Cumulative 2035 Plus Project conditions);
 - **TRANS-17**, Intersection #21: *Oak Street/ 10th Street* (Cumulative 2035 Plus Project conditions);
 - **TRANS-18**, Intersection #26: *Harrison Street/ 8th Street* (Cumulative 2035 Plus Project conditions);
 - **TRANS-19**, Intersection #20: *Jackson Street/ 8th Street* (Cumulative 2035 Plus Project conditions);
 - **TRANS-20**, Intersection #29: *Oak Street/ 8th Street* (Cumulative 2035 Plus Project conditions);
 - **TRANS-21**, Intersection #32: *Jackson Street/ 7th Street* (Cumulative 2035 Plus Project conditions);
 - **TRANS-22**, Intersection #34: *Oak Street/ 7th Street* (Cumulative 2035 Plus Project conditions);
 - **TRANS-23**, Intersection #35: *5th Avenue and 7th Street/ 8th Street* (Cumulative 2035 Plus Project conditions);
 - **TRANS-24**, Intersection #36: *Jackson Street/ 6th Street* (Cumulative 2035 Plus Project conditions);
 - **TRANS-25**, Intersection #38: *Oak Street/ 6th Street* (Cumulative 2035 Plus Project conditions);
 - **TRANS-26**, Intersection #41: *Oak Street/ 5th Street* (Cumulative 2035 Plus Project conditions);
 - **TRANS-27**, roadway segments of Oak Street between 2nd Street and Embarcadero (Cumulative 2035 Plus Project conditions);
 - **TRANS-28**, Intersection #43: *Constitution Way/ Marina Village Parkway* (in the City of Alameda), (Existing Plus Project conditions);
 - **TRANS-29**, Intersection #45: *Constitution Way/ Marina Village Parkway* (in the City of Alameda), (Existing Plus Project conditions).

No feasible mitigation measures were identified for these intersections, since the intersections are either outside of City jurisdiction (in City of Alameda or in Caltrans jurisdiction) or mitigation measures would have created negative secondary impacts on pedestrian safety. For example, additional travel lanes for vehicles would reduce the impacts on motor vehicle delay, but would also increase crossing distances for pedestrians and increase pedestrian exposure to potential conflicts with motor vehicles.

While a Transportation Impact Study may still be required, in accordance with standard City policy and practice, the impacts are nevertheless significant and unavoidable. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.

CEQA Alternatives

Chapter 4 of the Draft EIR includes the analysis of four potentially feasible 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 many of the Project's basic objectives, and avoid or substantially lessen many of the Project's significant environmental effects. These alternatives include: 1): the Alameda County Transportation Commission (ACTC) Defined No Project Alternative, 2): the Planning Area Trends-Based No Project Alternative, 3): the Reduced Scope Alternative, 4): the Enhanced Transportation Demand Management (TDM) Alternative, and 5): Maximum Theoretical Buildout Alternative. The

Reduced Scope Alternative was identified as the environmentally superior alternative.² As presented in the EIR, the alternatives were described and compared with each other and with the proposed project.

- **ACTC Defined No Project Alternative 1** — Under the ACTC Defined No Project Alternative, the Station Area Plan would not be adopted, and therefore the Lake Merritt Development Program would not occur. However, the ACTC Defined No Project Alternative does include reasonably foreseeable development that could occur even without adoption and development under the Station Area Plan. The ACTC Defined No Project Alternative assumes continuation of the current General Plan and zoning regulations with growth projections consistent with ACTC growth projections. The ACTC Defined No Project Alternative would result in virtually the same overall population and job growth as the proposed Plan with approximately 200 fewer persons and just under 100 jobs more than the proposed Plan (see Table 4.2-1 in the Draft EIR). This alternative would differ from the proposed Plan in terms of type and location of development, resulting in less retail and office development, and more institutional development.
- **Planning Area Trends-Based No Project Alternative 2** - Under the Planning Area Trends-Based No Project Alternative, the Station Area Plan would not be adopted, and therefore the Lake Merritt Development Program would not occur. The Plan Area would be developed at a reduced intensity (roughly 50 percent of the residential development, 44 percent of the office development, 18 percent of the retail development and 185 percent of the institutional development, compared with the LMSAP Development Program), assuming future growth based on current and historical trends (see Table 4.2-1 in the Draft EIR)..
- **Reduced Scope Alternative 3** – The Reduced Scope Alternative assumes reduced maximum height limits for key height areas, thereby resulting in a lower development program than the Project. All other aspects of the Station Area Plan would be adopted with this Alternative. Under this Alternative, retail development would be reduced by 30 percent; office development would be reduced by 30 percent and residential development would be reduced by 20 percent or 1000 fewer units, as compared to the proposed Plan. Institutional uses for this Alternative and the Project are assumed to be the same (see Table 4.2-1 in the Draft EIR).
- **Enhanced Transportation Demand Management (TDM) Alternative 4:** The Enhanced TDM Alternative is a policy-based alternative that focuses on a range of transportation demand management measures and parking management strategies, over and above those identified in the LMSAP. The additional measures consist of reducing off-street residential parking standards, the creation of a parking management district, additional bicycle parking policies and employer-based TDM measures. All other aspects of the Station Area Plan, including the LMSAP Development Program, would be adopted with this Alternative.
- **Maximum Theoretical Buildout Alternative 5** – The Maximum Theoretical Buildout Alternative evaluates the theoretical possibility that every parcel would be built out to the new maximum level permissible under the General Plan and Planning Code regulations as revised through adoption of the Station Area Plan. Under this alternative, the Plan Area would be developed at an increased density/intensity (roughly 7 times the residential development and 19 times of the non-residential development assumed in the LMSAP Development Program). All other aspects of the Plan would

² The Planning Area Trends-Based No Project Alternative was found to be the environmentally superior alternative. However, as noted in CEQA Guidelines 15126.6(e)(2), if the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

occur with this Alternative.

The set of selected alternatives above are considered to reflect a “reasonable range” of feasible alternatives in that they include reduced scenarios that lessen and/or avoid significant and unavoidable effects, as well as less-than-significant effects, of the Station Area Plan and generally would align with the basic objectives of the Plan, which the City would assess when it considers the merits of the Plan and the alternatives.

The Reduced Scope Alternative, which is the Environmentally Superior Alternative, due to the lower development program assumed, would reduce but not avoid several of the Significant and Unavoidable (SU) transportation and air quality (related to gaseous TACs) impacts, as compared to Plan impacts. This Alternative also would result in slightly less severe impacts with respect to greenhouse gases, noise and air quality (regarding particulate TACs and odors), however, these impacts would still be less than significant for both this Alternative and the proposed Plan; all other impacts would be similar to the proposed Plan. Moreover, under this Alternative, the proposed land use policies and zoning regulations, height and massing, and other policies in the proposed Plan would be adopted (which is not the case under the Trends-Based No Project Alternative).

The alternatives are being rejected in favor of the Project because they do not meet the basic project objectives to encourage new attractive, transit-oriented development that is context-sensitive and also provides needed housing at range of affordability levels, transportation improvements and additional recreation and open space. Therefore, a Statement of Overriding Considerations is recommended for adoption despite the Project’s significant and unavoidable impacts (see **Attachment A**).

Responses to Draft EIR Comments (Final EIR)

City staff received comments on the Draft EIR from nine public agencies. Additional oral comments were provided at the Landmarks Preservation Advisory Board meeting on November 18, 2013 and at the Planning Commission hearings on November 20, 2013 and December 4, 2013. Responses to all of the comments provided by agencies, organizations and individuals are provided in the Final EIR/Response to Comment document, including certain revisions and changes to text in the Draft EIR. None of these changes to the Draft EIR involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from that presented in the Draft EIR. Recirculation of the Draft EIR is not warranted.

In sum, City Planning staff recommends the Planning Commission adopt the CEQA findings in **Attachment A**, which include certification of the EIR, rejection of alternatives as infeasible, and a Statement of Overriding Considerations. See **Attachment F** for responses to non-CEQA related issues.

Level of Analysis and Streamlining Future Environmental Review

The EIR is intended to assess the environmental impacts of the LMSAP. The City intends to use the streamlining/tiering provisions of CEQA to the maximum feasible extent, so that future environmental review of specific projects are expeditiously undertaken without the need for repetition and redundancy, as provided in CEQA Guidelines section 15152 and elsewhere. Specifically, pursuant to CEQA Guidelines Section 15183, streamlined environmental review is allowed for projects that are consistent with the development density established by zoning, community plan, LMSAP, or general plan policies for which an EIR was certified, unless such a project would have environmental impacts peculiar/unique to the project or the project site. Likewise, Public Resources Code section 21094.5 and CEQA Guidelines

Section 15183.3 also provides for streamlining of certain qualified, infill projects. In addition, CEQA Guidelines Sections 15162-15164 allow for the preparation of a Subsequent (Mitigated) Negative Declaration, Supplemental or Subsequent EIR, and/or Addendum, respectively, to a certified EIR when certain conditions are satisfied. Moreover, California Government Code section 65457 and CEQA Guidelines section 15182 provide that once an EIR is certified and a LMSAP adopted, any residential development project, including any subdivision or zoning change that implements and is consistent with the LMSAP is generally exempt from additional CEQA review under certain circumstances. The above are merely examples of possible streamlining/tiering mechanisms that the City may pursue and in no way limit the City's ability to conduct future environmental review of specific projects.


When a specific public improvement project or development application comes before the City, the proposal will be subject to its own, project-specific, environmental determination by the city that either: 1) the action's environmental effects were fully disclosed, analyzed, and as needed, mitigated within the LMSAP EIR; 2) the action is exempt from CEQA; 3) the action warrants preparation of a (Mitigated) Negative Declaration; or 4) the action warrants preparation of a supplemental or subsequent focused EIR limited to certain site-specific issues. Again, the above are merely examples of possible streamlining/tiering mechanisms that the City may pursue and in no way limit the City's ability to conduct future environmental review of specific projects.

RECOMMENDATIONS:

Staff recommends that the Planning Commission take public testimony, close the public hearing, and:

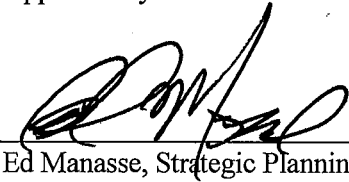
1. Adopt the CEQA findings for the Lake Merritt Station Area Plan (LMSAP) in **Attachment A**, which include certification of the EIR, rejection of alternatives as infeasible, and a Statement of Overriding Considerations;
2. Adopt the Standard Conditions of Approval and Mitigation Monitoring Reporting Program (SCAMMRP) in **Attachment B**;
3. Recommend the City Council adopt the LMSAP, Design Guidelines and General Plan and Planning Code Amendments based, in part, upon the LMSAP Adoption Findings in **Attachment C**; and
4. Authorize staff to make minor ongoing revisions to the adopted Design Guidelines for the Lake Merritt Station Area and to make non-substantive, technical conforming edits to the Planning Code that may have been overlooked in deleting old sections and cross-referencing new sections to the new Lake Merritt Station Area Plan District Zone Regulations (which are essentially correction of typographical and/or clerical errors) and to return to the Planning Commission for major revisions only.

Prepared by:



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Approved by:



Ed Manasse, Strategic Planning Manager

Approved for forwarding to the
City Planning Commission:



Darin Ranelletti, Deputy Director
Planning and Building Department

NOTE: The LMSAP, Design Guidelines, and the Final EIR were previously furnished separately to the Planning Commission, and are available to the public, through the City's websites:

- LMSAP, Design Guidelines: www.business2oakland.com/lakemerrittsap.
- FEIR: <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>

Limited copies of the Final EIR are also available, at no charge, at the Oakland Bureau of Planning offices at 250 Frank Ogawa Plaza, Suite 3315, Oakland, California 94612.

ATTACHMENTS

- A.** CEQA Findings: Certification of the EIR, Rejection of Alternatives and Statement of Overriding Considerations For the Broadway Valdez District Specific Plan
- B.** Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP)
- C.** LMSAP Adoption Findings
- D.** Proposed General Plan Amendments
- E.** Planning Code Amendments
 - E1. Existing and Proposed Zoning Maps
 - E2. Existing and Proposed Height Area Maps
 - E3. Proposed Planning Code Chapter 101.G. D-LM Lake Merritt Station Area District Zones Regulations
 - E4. Proposed Changes to Chapter 17.116 Off-Street Parking and Loading Requirements
 - E5. Proposed Changes to Other Chapters/Sections in the Planning Code:
 - (a) Chapter 17.58 CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS
 - (b) Chapter 17.108 GENERAL HEIGHT, YARD, AND COURT REGULATIONS Section 17.108.080 Minimum side yard opposite living room windows
 - (c) Chapter 17.134 CONDITIONAL USE PERMIT PROCEDURE Section 17.134.020 Definition of major and minor conditional use permits.
 - (d) Chapter 17.136 DESIGN REVIEW PROCEDURE
 - Section 17.136.040.D Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the City Planning Commission—Decisions Ultimately Appealable to City Council.
 - Section 17.136.055 Special regulations for historic properties in the Central Business District zones
- F.** Summary of Responses to Station Area Comments
- G.** Summary of Changes to the Station Area Plan
- H.** Map of Plan Area Historic Resources
- I.** Proposed Parking In-lieu Fee
- J.** Proposed Open Space In-lieu Fee
- K.** Summary of Comments from the Landmarks Preservation Advisory Board
- L.** Comment Letters Received Following Publication of the Final LMSAP and Final EIR

CEQA FINDINGS:

**Certification of the EIR, Rejection of Alternatives and
Statement of Overriding Considerations for the Lake Merritt Station Area Plan**

I. INTRODUCTION

1. These findings are made pursuant to the California Environmental Quality Act (Pub. Res. Code section 21000 et seq; "CEQA") and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.) by the City of Oakland Planning Commission in connection with the Environmental Impact Report (EIR) prepared for the Lake Merritt Station Area Plan (LMSAP or Project), a 25-year planning document that provides goals, policies and development regulations to guide the Plan Area's future development and serves as the mechanism for insuring that future development is coordinated and occurs in an orderly and well-planned manner.

2. These CEQA findings are attached and incorporated by reference into each and every staff report, resolution and ordinance associated with approval of the Project.

3. These findings are based on substantial evidence in the entire administrative record and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings.

II. PROJECT DESCRIPTION

4. Lake Merritt Station Area Plan encompasses approximately 315 acres generally bound by 14th Street to the north, I-880 to the south, Broadway to the west, and 5th Avenue to the east. The Planning Area includes the Lake Merritt BART Station, Oakland Chinatown business and residential districts, Laney College and Peralta facilities, the Oakland Public Library, the Oakland Museum of California, the Alameda County Courthouse and other County offices, the building currently occupied by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), the Lake Merritt Channel, and a portion of the East Lake district.

With a planning horizon to 2035, the Plan builds on extensive community feedback to articulate a roadmap for future development, continued revitalization and economic growth, and community enhancement in the Station Area. The Plan establishes a long-range vision for a high-intensity neighborhood, including the addition of 4,900 new housing units expected to accommodate 4,700 households, 4,100 new jobs, 404,000 square feet of additional retail, and about 1,230,000 square feet of office uses.

The Plan includes land use changes that will reduce the barriers to increased transit use from both the immediate area and surrounding neighborhoods. The Plan seeks to create an activity core around a rejuvenated transit station. Simultaneously, the Plan seeks to reinforce and integrate the cultural and recreational resources that make this transit station unique. The Plan identifies ways in which streets, open spaces, and other infrastructure in the area can be improved, and establishes regulations for development projects that further the area's vitality and safety.

The LMSAP also includes a robust set of policies and incentives to preserve and enhance existing buildings, including those that are not deemed to be CEQA historic resources.

Concurrent, but separately, the project also includes changes to the General Plan (text and map changes); Planning Code amendments; Zoning Maps and Height Maps; and new design guidelines (collectively called "Related Actions") to help implement the LMSAP vision and goals.

(a) General Plan Changes: With respect to the General Plan, proposed General Plan Amendments are described below:

- i. **Lake Merritt Open Space.** The proposed General Plan amendment changes the area along Lake Merritt where Measure DD improvements are underway from Central Business District, Institutional, and Urban Residential to Urban Park and Open Space.
- ii. **Kaiser Auditorium.** The proposed General Plan amendment changes the Kaiser Auditorium from Institutional to Central Business District.
- iii. **Laney College.** The proposed General Plan amendment slightly expands the institutional area, replacing some Urban Park and Open Space area.
- iv. **Eastlake.** The proposed General Plan amendment changes areas in Eastlake—including State and County office sites, along with the newly created parcel from excess right of way—from Institutional to Urban Residential.
- v. **Peralta Community College District Administration.** The proposed General Plan amendment changes the Peralta Community College District Administration parcels to Community Commercial.
- vi. **Lake Merritt Channel.** The proposed General Plan amendment changes the southern edges of the Lake Merritt Channel from Planned Waterfront Development and Mixed Use District in the Estuary Policy Plan to Parks.

In addition, the development intensity for areas with the Urban Residential General Plan land use classification within the Lake Merritt Station Area Plan only would be increased to a maximum FAR of 12.0 and a maximum residential density of 250 units/acre (all other areas in the City classified as Urban Residential would still retain the maximum FAR of 8.0 and maximum residential density of 125 units per gross acre).

- (b) Planning Code and Map Changes: The LMSAP proposes five (5) new district-specific zoning classifications that would replace the existing zoning. These district-specific zones follow a nomenclature established by the City in other districts, such as the Wood Street District, Oak to Ninth, and the Kaiser Permanente Medical Center areas. The new Lake Merritt zone districts are identified by the descriptive prefix of “D-LM” which signifies “District – Lake Merritt.” The five (5) new district-specific zoning classifications would be as follows:
- i. **D-LM-1 Lake Merritt Station Area District Mixed Residential Zone.** The intent of the D-LM-1 zone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District appropriate for high-density residential development with compatible commercial uses.
 - ii. **D-LM-2 Lake Merritt Station Area District Pedestrian Commercial Zone.** The intent of the D-LM-2 zone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities.
 - iii. **D-LM-3 Lake Merritt Station Area District General Commercial Zone.** The intent of the D-LM-3 zone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District appropriate for a wide range of ground-floor commercial activities. Upper-story spaces are intended to be available for a wide range of residential and office or other commercial activities.
 - iv. **D-LM-4 Lake Merritt Station Area District Mixed Commercial Zone.** The intent of the D-LM-4 zone is to designate areas of the Lake Merritt Station Area Plan District appropriate for a wide range of upper story and ground level residential, commercial, and compatible light industrial activities.
 - v. **D-LM-5 Lake Merritt Station Area District Institutional Zone.** The intent of the D-LM-5 zone is to create, preserve, and enhance areas devoted primarily to major public and quasi-public facilities and auxiliary uses.

The new zoning framework would also designate key corridors with special regulations related to active ground floor uses, including features, such as a minimum storefront depth and width, minimum height of the ground floor, and location on a corner, that help to create viable commercial space.

These new zoning districts and corridors would require changes to the City’s Zoning Map. The LMSAP also proposes

changes in development intensity limits, which would be regulated by a new Height Map for the Lake Merritt Station Area Plan Area; each Height Area would have an associated set of property development standards, including Height, Density, Bulk, and Tower regulations. In addition to the (5) new district-specific zoning districts, the LMSAP also proposes a new parking in-lieu and open space in-lieu fees, where a project applicant can voluntarily choose to pay an in-lieu fee instead of providing the amount of parking spaces or open space that is required by the new zoning districts.

- (c) Design Guidelines: The LMSAP includes detailed design guidelines for future development in the Plan Area. In general, these design guidelines aim to influence the pattern, scale, character and quality of future development. The LMSAP includes guidelines for both the public realm, which includes public right-of-ways, streets, and plazas, and for private developments. The Design Guidelines for the LMSAP provide qualitative guidance and graphic and photographic examples that will complement the development regulations included in the new Lake Merritt zoning districts. The Guidelines are intended to give residents, building designers, property owners, and business owners a clear guide to achieving development that improves the area's livability while retaining its character. The Design Guidelines are one component of a full menu of implementation mechanisms that together will help achieve the LMSAP's goals and policies. They will complement other regulatory mechanisms to give residents, building designers, property owners, and business owners a clear guide to achieving high quality development.

III. ENVIRONMENTAL REVIEW OF THE PROJECT

5. Pursuant to CEQA and the CEQA Guidelines, a Notice of Preparation (NOP) of an EIR was published on **March 1, 2012**. The NOP, which included notice of the EIR scoping sessions mentioned below, was distributed to state and local agencies, published in the Oakland Tribune, mailed and emailed to individuals who have requested to specifically be notified of official City action on the project. On **March 12, 2012**, the Landmarks Preservation Advisory Board conducted a duly noticed EIR scoping session concerning the scope of the EIR. On, **March 21, 2012**, the Planning Commission conducted a duly noticed EIR scoping session concerning the scope of the EIR. The public comment period on the NOP ended on **April 1, 2012**.

6. A Draft EIR was prepared for the Project to analyze its environmental impacts. Pursuant to CEQA and the CEQA Guidelines, a Notice of Availability/Notice of Release was published on **October 24, 2013** and the Draft EIR was published on **November 1, 2013**. The Notice of Availability/Notice of Release of the Draft EIR was distributed to appropriate state and local agencies, published in the Oakland Tribune, posted at four locations throughout the project area, mailed and e-mailed to individuals who have requested to specifically be notified of official City actions on the project. Copies of the Draft EIR were also distributed to appropriate state and local agencies, City officials including the Planning Commission, and made available for public review at the Planning and Building Department (250 Frank H. Ogawa Plaza, Suite 3315) and on the City's website. A duly noticed Public Hearing on the Draft EIR was held at the **November 18, 2013** meeting of the Landmarks Preservation Advisory Board, and at the **November 20, 2013** and **December 4, 2013** meetings of the Planning Commission. The Draft EIR was properly circulated in excess of the required 45-day public review period. The public comment period on the Draft EIR closed on **December 16, 2013** (which was extended from the original closing date of November 4, 2013 after the Planning Commission decided to hold a second meeting on the Draft EIR, as noted above).

7. The City received written and oral comments on the Draft EIR. The City prepared responses to comments on environmental issues and made changes to the Draft EIR. The responses to comments, changes to the Draft EIR, and additional information were published in a Final EIR/Response to Comment document on **July 28, 2014**. The Draft EIR, the Final EIR and all appendices thereto constitute the "EIR" referenced in these findings. The Final EIR was made available for public review on **July 28, 2014**, thirty-seven (37) days prior to the duly noticed **September 3, 2014**, Planning Commission public hearing. The Notice of Availability/Notice of Release of the Final EIR was distributed on **July 21, 2014** to those state and local agencies who commented on the Draft EIR, posted at four locations throughout the project site, and mailed and e-mailed to individuals who have requested to specifically be notified of official City actions on the project. Copies of the Draft EIR and Final EIR were also distributed to those state and local agencies who

commented on the Draft EIR, City officials including the Planning Commission, and made available for public review at the Planning and Building Department (250 Frank H. Ogawa Plaza, Suite 3315), and on the City's website. Pursuant to CEQA Guidelines, responses to public agency comments have been published and made available to all commenting agencies-- through notice, publication and distribution of the Final EIR/Response to comments Document -- at least 10 days prior to the public hearing considering certification of the EIR and the Project. The Planning Commission has had an opportunity to review all comments and responses thereto prior to consideration of certification of the EIR and prior to taking any action on the proposed Project.

IV. THE ADMINISTRATIVE RECORD

8. The record, upon which all findings and determinations related to the approval of the Project are based, includes the following:

- a. The EIR and all documents referenced in or relied upon by the EIR.
- b. All information (including written evidence and testimony) provided by City staff to the Planning Commission and Landmarks Preservation Advisory Board relating to the EIR, the approvals, and the Project.
- c. All information (including written evidence and testimony) presented to the Planning Commission and Landmarks Preservation Advisory Board by the environmental consultant and sub-consultants who prepared the EIR or incorporated into reports presented to the Planning Commission and Landmarks Preservation Advisory Board.
- d. All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR.
- e. All final information (including written evidence and testimony) presented at any City public hearing or City workshop related to the Project and the EIR.
- f. For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.
- g. The Standard Conditions of Approval for the Project and Mitigation Monitoring and Reporting Program for the Project.
- h. All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

9. The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the Director of the Planning and Building Department, or his/her designee. Such documents and other materials are located at 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612.

V. CERTIFICATION OF THE EIR

10. In accordance with CEQA, the Planning Commission certifies that the EIR has been completed in compliance with CEQA. The Planning Commission has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By these findings, the Planning Commission confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment and analysis of the City and the Planning Commission.

11. The Planning Commission recognizes that the EIR may contain clerical errors. The Planning Commission reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.

12. The Planning Commission certifies that the EIR is adequate to support all actions in connection with the approval of the Project and all other actions and recommendations as described in the **September 3, 2014**, Planning Commission staff report and exhibits/attachments. The Planning Commission certifies that the EIR is adequate to support approval of the Project described in the EIR, each component and phase of the Project described in the EIR, any variant of the Project described in the EIR, any minor modifications to the Project or variants described in the EIR and the components of the Project.

VI. ABSENCE OF SIGNIFICANT NEW INFORMATION

13. The Planning Commission recognizes that the Final EIR incorporates information obtained and produced after the DEIR was completed, and that the Final EIR contains additions, clarifications, and modifications. The Planning Commission has reviewed and considered the Final EIR and all of this information. The Final EIR does not add significant new information to the Draft EIR that would require recirculation of the EIR under CEQA. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of a previously identified significant environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the City declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No information indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR. Thus, recirculation of the EIR is not required.

14. The Planning Commission finds that the changes and modifications made to the EIR after the Draft EIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or the CEQA Guidelines section 15088.5.

VII. STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

15. Public Resources Code section 21081.6 and CEQA Guidelines section 15097 require the City to adopt a monitoring or reporting program to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented. The Standard Conditions of Approval and Mitigation Monitoring and Reporting Program ("SCAMMRP") is attached and incorporated by reference into the May 21, 2014 Planning Commission staff report prepared for the approval of the Project, is included in the conditions of approval for the Project, and is adopted by the Planning Commission. The SCAMMRP satisfies the requirements of CEQA.

16. The standard conditions of approval (SCA) and mitigation measures set forth in the SCAMMRP are specific and enforceable and are capable of being fully implemented by the efforts of the City of Oakland, the applicant, and/or other identified public agencies of responsibility. As appropriate, some standard conditions of approval and mitigation measures define performance standards to ensure no significant environmental impacts will result. The SCAMMRP adequately describes implementation procedures and monitoring responsibility in order to ensure that the Project complies with the adopted standard conditions of approval and mitigation measures.

17. The Planning Commission will adopt and impose the feasible standard conditions of approval and mitigation measures as set forth in the SCAMMRP as enforceable conditions of approval. The City has adopted measures to substantially lessen or eliminate all significant effects where feasible.

18. The standard conditions of approval and mitigation measures incorporated into and imposed upon the Project approval will not themselves have new significant environmental impacts or cause a substantial increase in the severity of a previously identified significant environmental impact that were not analyzed in the EIR. In the event a standard condition of approval or mitigation measure recommended in the EIR has been inadvertently omitted from the conditions of approval or the SCAMMRP, that standard condition of approval or mitigation measure is adopted and incorporated from the EIR into the SCAMMRP by reference and adopted as a condition of approval.

VIII. FINDINGS REGARDING IMPACTS

19. In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the Planning Commission adopts the findings and conclusions regarding impacts, standard conditions of approval and mitigation measures that are set forth in the EIR and summarized in the SCAMMRP. These findings do not repeat the full discussions of environmental impacts, mitigation measures, standard conditions of approval, and related explanations contained in the EIR. The Planning Commission ratifies, adopts, and incorporates, as though fully set forth, the analysis, explanation, findings, responses to comments and conclusions of the EIR. The Planning Commission adopts the reasoning of the EIR, staff reports, and presentations provided by the staff as may be modified by these findings.

20. The Planning Commission recognizes that the environmental analysis of the Project raises controversial environmental issues, and that a range of technical and scientific opinion exists with respect to those issues. The Planning Commission acknowledges that there are differing and potentially conflicting expert and other opinions regarding the Project. The Planning Commission has, through review of the evidence and analysis presented in the record, acquired a better understanding of the breadth of this technical and scientific opinion and of the full scope of the environmental issues presented. In turn, this understanding has enabled the Planning Commission to make fully informed, thoroughly considered decisions after taking account of the various viewpoints on these important issues and reviewing the record. These findings are based on a full appraisal of all viewpoints expressed in the EIR and in the record, as well as other relevant information in the record of the proceedings for the Project.

21. As a separate and independent basis from the other CEQA findings, pursuant to Public Resources Code section 21083.3 and Guidelines section 15183, the Planning Commission finds: (a) the project is consistent with Land Use and Transportation Element (LUTE) of the General Plan (EIR certified in March 1998); (b) the Housing Element of the General Plan (EIR certified in January 2011); (c) the Estuary Policy Plan (EIR certified in November 1998); and (d) the Historic Preservation Element of the General Plan (EIR certified in May 1998); (e) feasible mitigation measures identified in the foregoing were adopted and have been, or will be, undertaken; (f) this EIR evaluated impacts peculiar to the project and/or project site, as well as off-site and cumulative impacts; (g) uniformly applied development policies and/or standards (hereafter called "Standard Conditions of Approval") have previously been adopted and found to, that when applied to future projects, substantially mitigate impacts, and to the extent that no such findings were previously made, the City Planning Commission hereby finds and determines that the Standard Conditions of Approval (or "SCA") substantially mitigate environmental impacts (as detailed below); and (h) no substantial new information exists to show that the Standard Conditions of Approval will not substantially mitigate project and cumulative impacts.

IX. SIGNIFICANT BUT MITIGABLE IMPACTS

22. Under Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b), and to the extent reflected in the EIR, the SCAMMRP, and the City's Standard Conditions of Approval, the Planning Commission finds that changes or alterations have been required in, or incorporated into, the components of the Project that mitigate or avoid potentially significant effects on the environment. The following potentially significant impacts will be reduced to a less than significant level through the implementation of Project mitigation measures, or where indicated, through the implementation of Standard Conditions of Approval (which are an integral part of the SCAMMRP):

23. Aesthetics: Implementation of the Station Area Plan and Related Actions proposed as part of the project would allow for increased land use densities and intensities possibly impacting the area's existing visual quality. However, application of SCA 12; SCA 13; SCA 15; SCA 17 and SCA 18-21, which address landscaping improvements and utilities and other improvements in the right-of-way reduce the project's potential impacts on existing visual quality to a less than significant level. Any potential impact of new lighting will be reduced to a less than significant level through implementation of SCA 40 which requires approval of plans to adequately shield lighting to prevent unnecessary glare onto adjacent properties. Moreover, compliance with various policies and goals contained in the City's general plans and mitigation measures contained in the Land Use and Transportation Element EIR, Housing Element EIR, and Historic Preservation Element

EIR would ensure there would not be significant adverse aesthetic impacts with respect to visual quality or scenic public vistas.

24. Air Quality: The LMSAP includes goals that address reduced trip generation and are consistent with the goals of the 2010 Bay Area Clean Air Plan (CAP). Furthermore, future development facilitated by LMSAP would include commercial and residential land uses that would be required to comply with SCA 25, *Parking and Transportation Demand Management*, if a proposed project generated 50 or more net new AM or PM peak hour vehicle trips. Therefore, development under the Station Area Plan would not be considered to fundamentally conflict with CAP, and would be considered to have a less-than-significant impact with regard to transportation control measures in the CAP.

25. Biology: Implementation of the Station Area Plan and Related Actions proposed as part of the project would allow for increased land use densities and intensities possibly impacting the area's biological resources. However, application of SCA 43 – 47, which address tree protection actions; SCA 35 which addresses hazards best management practices; SCA 55, SCA 75, SCA 80 – 88, which address erosion and sedimentation control, stormwater management and creek protection; and SCA D, which addresses bird collision reduction, reduce the project's potential impacts to biological resources to a less-than-significant level.

26. Cultural Resources: Implementation of the Station Area Plan and Related Actions proposed as part of the project would allow for increased land use densities and intensities possibly impacting the area's archeological or paleontological resources, or disturb human remains. However, application of SCA 52 and SCA E, SCA 53 and SCA 54 would reduce the project's potential impacts the aforementioned resources to a less-than-significant level.

27. Geology Soils and Geohazards: Implementation of the Station Area Plan and Related Actions proposed as part of the project would allow for increased land use densities and intensities possibly exposing people to seismic or geologic hazards. However, application of SCA 58 and SCA 60, which require geologic and soils reports under certain circumstances, SCA 34 and SCA 55, which address erosion and sedimentation controls; as well as SCA 93, which requires annexation into the Oakland Area Geologic Hazards Abatement District under certain circumstances would reduce the project's potential impacts the aforementioned resources to a less-than-significant level.

28. Greenhouse Gases: The proposed project would not fundamentally conflict with a plan, policy, or regulation adopted for the purpose of reducing greenhouse gas (GHG) emissions. The project would allow for a diverse mix of land uses and transportation and infrastructure improvements that provide stronger connections to transit, reflective of some of the strategies in place to reduce greenhouse gas emissions. Specifically, adoption and development under the Station Area Plan would not conflict with the ECAP, current City Sustainability Programs, or General Plan policies or regulations regarding GHG reductions and other local, regional and statewide plans, policies and regulations that are related to the reduction of GHG emissions and relevant to the Station Area Plan. Further, adoption and development under the Station Area Plan would be subject to all the regulatory requirements including the City's approach to reducing GHG emissions (and significant GHG emissions impacts, if applicable) by requiring the preparation and implementation of project-specific GHG Reduction Plans (SCA F), compliance with the City's Green Building Ordinance (SCA I and SCA H), which would reduce GHG emissions of the adoption and development under the Station Area Plan to the greatest extent feasible. SCAs also include conditions to address adherence to best management construction practices and equipment use (SCA A and SCA 41) and minimize post construction stormwater runoff that could affect the ability to accommodate potentially increased storms and flooding within existing floodplains and infrastructure systems (SCA 55, SCA 75, and SCA 83), to reduce demand for single occupancy vehicle travel (SCA 25), to increase landscaping to absorb CO₂e emissions (SCA 12, SCA 13, SCA 15, SCA 17, SCA 18, and SCA 46), and facilitate waste reduction and recycling (SCA 36). Overall, adoption and development under the Station Area Plan would not conflict with any applicable plans, policies or regulations adopted with the intent to reduce GHG emissions. The impact would be less than significant.

29. Hazards and Hazardous Materials: Implementation of the Station Area Plan and Related Actions proposed as part of the project would allow for increased land use densities and intensities that possibly would involve use of hazardous materials as part of routine transport of materials, building demolition or construction, or the operations of certain

businesses. However, Phase I and/or Phase II Reports would be required for sites that meet prescribed criteria, which is required by SCA 62; the use of construction best management practices which would be required to be implemented as part of construction and required by SCA 35, *Hazards Best Management Practices*, along with SCA 41, *Asbestos Removal in Structures*, SCA 63 and SCA 65, *Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment*; SCA 64, *Environmental Site Assessment Reports Remediation*; and SCA 67, *Health and Safety Plan per Assessment* would minimize the potential adverse effects to groundwater and soils; SCA 68, *Best Management Practices for Soil and Groundwater Hazards*, and SCA 69, *Radon or Vapor Intrusion from Soil or Groundwater Sources*. Furthermore, adoption and development under the Station Area Plan would be required to comply with the City's SCA 66, *Other Materials Classified as Hazardous Waste*, and SCA 74, *Hazardous Materials Business Plan*, which outlines the guidance for transporting hazardous materials safely to and from the project sites, in addition to SCA 61, *Site Review by Fire Services Division*, to ensure overall compliance of projects for hazardous materials. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse hazards and hazardous materials impacts.

30. Hydrology/Water Quality: Adoption and development under the Station Area Plan could include construction activities that employ excavation, soil stockpiling, grading, and use of hazardous chemicals, such as fuels and oil. Construction could also occur along the day-lighted portion of Glenn Echo Creek north of Grand Avenue along Harrison Street. All of the Plan Area except for a small area in the easternmost part located along Glenn Echo Creek is outside of the 100-year flood zone. The Plan area would not be susceptible to mudflow, seiche waves or inundation from tsunamis.

Implementation of the following Standard Conditions of Approval: 34 or 55 *Erosion and Sedimentation Control Plan*; SCA 64, *Environmental Site Assessment Reports Remediation*, SCA 68, *Best Management Practices for Soil and Groundwater Hazards*; SCA 69 *Radon or Vapor Intrusion from Soil from Groundwater Sources*; SCA 75, *Stormwater Pollution Prevention Plan*; SCA 78, *Site Design Measures for Post-Construction Stormwater Management*; SCA 79, *Source Control Measures to Limit Stormwater Pollution*; SCA 80, *Post-construction Stormwater Pollution Management Plan*; SCA 81, *Maintenance Agreement for Stormwater Treatment Measures*; SCA 82, *Erosion, Sedimentation, and Debris Control Measures*; SCA 83, *Creek Protection Plan*; SCA 84, *Regulatory Permits and Authorizations*, SCA 85, *Creek Monitoring*; SCA 86, *Creek Landscaping Plan*; SCA 88 *Creek Dewatering and Diversion*; and SCA 89 *Regulatory Permits and Authorizations*; SCA 90 *Structures within a Floodplain*; and SCA 91 *Stormwater and Sewer* would ensure that development under the BVDSP would not result in significant impacts as a result of runoff/erosion, groundwater and/or flooding/hazards, and would have a less than significant impact on hydrology and water quality. Furthermore, adherence to the Standard Conditions of Approval and compliance with the City of Oakland Grading Ordinance; the Creek Protection, Stormwater Management, and Discharge Control Ordinance would reduce the potential impact to a less-than-significant level.

31. Land Use: Although the Station Area Plan would allow for taller buildings, the adoption and development under the Station Area Plan would not physically divide the community. Although, as described above, adoption and development under the Station Area Plan would result in a change in land use patterns throughout the Plan Area, the transition would occur incrementally over time. In addition, the developed Plan Area would represent a strengthening and revitalization of the community represented in the larger area including the residential, institutional, and office uses surrounding the Plan Area. When considered in the context of this portion of the City, the transition of land use and land use intensity would benefit and serve the needs of land uses adjacent and nearby. A more active and pedestrian friendly environment would serve to enhance connections within the Plan Area, as well as to, and between, the surrounding neighborhoods. Therefore, the Station Area Plan would enhance connectivity in the community rather than result in a perceived or physical division. The General Plan's existing policy directions on compatible land uses would apply to future development under the Station Area Plan. Conformance to the General Plan, including Land Use and Transportation Element policies would discourage development of incompatible land uses or land uses that would result in a division within an established community. Implementation of Station Area Plan policies and General Plan policies, including but not limited to those described above, means that no significant land use impacts related to land use incompatibility or the physical division of an established community would occur as a result of the adoption and development under the Station Area Plan.

32. Noise: Project construction and operation would potentially increase construction noise levels and excessive ground borne vibration. Implementation of SCA 28, 29, 30, 38, 39 and 57 would reduce impacts from construction noise and vibration. SCA have been developed by the City of Oakland over the past decade to reduce construction noise impacts. SCA 28 restricts the hours and days of construction activity. SCA 29 requires contractors to implement a construction noise reduction program. SCA 30 establishes construction noise complaint procedures, while SCA 38, SCA 39 and SCA 57 establish a set of site-specific noise attenuation measures to address noise from pile driving, and to establish threshold levels of vibration and cracking that could damage buildings, including fragile historic buildings, during construction. These SCA are comprehensive in their content and for practical purposes represent all feasible measures available to mitigate construction noise. Implementation of these measures would reduce construction impacts associated with extreme noise actions and vibration to less than significant levels. Any noise from new ventilation equipment on the new residential construction would be required to comply with the stationary noise provisions of Chapter 17 of the Oakland Municipal Code and would reduce impacts to a less-than-significant level. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse noise impacts with respect to construction noise.

33. Population and Housing: Because of: (a) the role of the Station Area Plan in facilitating development that fulfills key components of the General Plan's vision, notably in the area of fostering urban neighborhood development in the Eastlake Gateway area, (b) the relatively small magnitude of Station Area Plan-induced population and employment growth within the cumulative, citywide context, (c) the overall balance of growth of both jobs and housing anticipated in Oakland in the future, and (d) the Plan Area's location adjacent to Oakland's already developed Central Business District, the adoption and development under the Station Area Plan would have a less than significant impact in inducing substantial population growth in a manner not contemplated by the General Plan, either directed by facilitating development of housing or businesses, or indirectly through infrastructure improvements.

34. Public Services: Future development allowed under the LMSAP could result in additional residents and employees. This potential increase in population would result in increased demand for the City's fire, police, and school services. These impacts will be reduced to a less than significant level through the implementation of SCA 4, SCA 71 SCA 72 and SCA 73, conditions which require building plans for development and vegetation management plans for creekside properties to be submitted to the Planning Department, Environmental Services, Public Works Department, and Fire Services, as appropriate, for review and approval that the project adequately addresses fire hazards, and that construction equipment has spark arrestors. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse public services impacts.

35. Traffic and Transportation:¹

- a) Intersection #14 (Lake Merritt Boulevard/11th Street): The development under the Station Area Plan would degrade the Lake Merritt Boulevard and 11th Street intersection (Intersection #14) from LOS A to LOS F and increase delay by more than four or more seconds during the PM peak hour under Existing Plus Project conditions. Implementation of Mitigation TRANS-1 including: optimizing signal timing at this intersection, and coordinating signal timing changes with the adjacent intersections that are in the same signal coordination group would reduce this impact to a less than significant level.
- b) Intersection #20 (Madison Street/10th Street): The development under the Station Area Plan would degrade overall intersection operations from LOS B to LOS F and increase intersection average delay by four seconds or more at the Madison Street/10th Street intersection (Intersection #20) during the AM peak hour under Existing Plus Project conditions. Implementation of Mitigation TRANS-3 including optimizing signal timing at this intersection, and coordinating signal timing changes with the adjacent intersections that are in the same signal coordination group would reduce this impact to a less than significant level.

¹ In addition to the mitigation measures listed, the SCA that apply to transportation and circulation including: SCA 20 (Improvements in the Public Right-Of-Way - General), SCA 21 (Improvements in the Public Right-Of-Way - Specific), SCA 25 (Parking and Transportation Demand Management), SCA 33 (Construction Traffic and Parking) would also reduce the potentially significant impacts listed to less than significant.

- c) Intersection #32 (Jackson Street/7th Street): The development under the Station Area Plan Project would degrade overall intersection operations from LOS B to LOS F and increase intersection average delay by four seconds or more at the Jackson Street/7th Street intersection (Intersection #32) during the AM and PM peak hour under Existing Plus Project conditions. Implementation of Mitigation TRANS-5, including optimizing signal timing at this intersection, and coordinating signal timing changes with the adjacent intersections that are in the same signal coordination group would reduce this impact to a less than significant level.
- d) Intersection #1 (Grand Avenue/Broadway): The development under the Station Area Plan would increase the total intersection v/c ratio by 0.03 or more during the PM peak hour at the Grand Avenue/Broadway intersection (Intersection #1) under 2035 conditions. Implementation of Mitigation TRANS-13, including providing permitted-protected left turn phasing for the northbound and southbound approaches; optimizing signal timing; and coordinating signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group would reduce these impacts to a less than significant level.
- e) Transit, Vehicle/Bicycle/Pedestrian/Bus Rider Safety, Consistency with Adopted Policies or Plans Supporting Alternative Transportation, Construction-Period Impacts; Changes in Air Traffic Patterns: with implementation of applicable SCA and policies in the LMSAP, development under the Station Area Plan would result in less than significant impacts for all of the aforementioned issue areas, and no mitigation measures are required.

36. Utilities/Service Systems: New construction under the BVDSP would result in increased solid waste, stormwater and wastewater generation, as well as energy usage. These impacts will be reduced to a less than significant level through the implementation of SCA 36, which requires solid waste reduction and recycling and SCA 75, 78, 80 and 91, which require project applicants to submit stormwater pollution prevention plans, to confirm the state of repair of the City's surrounding stormwater and sanitary sewer system, and to make the necessary infrastructure improvements to accommodate the proposed project. Additionally, SCA H and SCA I require compliance with the City's Green Building Ordinance. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse utilities/service systems impacts.

X. SIGNIFICANT AND UNAVOIDABLE IMPACTS

37. Under Public Resources Code sections 21081(a)(3) and 21081(b), and CEQA Guidelines sections 15091, 15092, and 15093, and to the extent reflected in the EIR and the SCAMMRP, the Planning Commission finds that the following impacts of the Project remain significant and unavoidable, notwithstanding the imposition of all feasible Standard Conditions of Approval and mitigation measures as set forth below.

38. Air Quality AQ-3 (Gaseous TACs), AQ-4 (Odors), AQ-5 (Cumulative Air Quality Impacts):

Adoption and development under the LMSAP could potentially expose new sensitive receptors to substantial health risks from toxic air contaminants (TACs). Although application of the City's SCA B which would entail the preparation of site-specific health risk assessments would reduce diesel particulate matter (DPM) to a less-than-significant level, SCA adherence would not, with certainty, reduce risk from gaseous TACs to a less-than-significant level under project and cumulative conditions. Although the LMSAP would not include new sources of odors, the entire Planning Area is located within BAAQMD-recommended buffer areas for certain odor sources (e.g. food processing facilities, greenwaste/recycling and wastewater treatment facilities). Thus, because there are no feasible plan policies or mitigation measures identified for reducing the impact of siting receptors near odor sources, except for increasing the distance between the receptor and the source, and because new residential development proposed under the LMSAP is within the recommended odor buffer, the impact is conservatively deemed significant and unavoidable at both the plan- and project-levels of analysis. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.

39. Cultural Resources CUL-1 (project), CUL-5 (cumulative): Adoption and development under the Station Area Plan could result in the physical demolition, destruction, relocation, or alteration of historical resources that are listed in or may

be eligible for listing in the federal, state, or local registers of historical resources. Adoption and development under the Station Area Plan combined with cumulative development in the Plan Area and its vicinity, including past, present, existing, approved, pending, and reasonably foreseeable future development, would contribute considerably to a significant adverse cumulative impact to cultural resources. Implementation of proposed Station Area Plan policies, Oakland Planning Code 17.136.075 (*Regulations for Demolition or Removal of Designated Historic Properties and Potentially Designated Historic Properties and Potentially Designated Historic Properties*), SCA 52, 53, 54, 56, 57 and E, as well as Mitigation Measure CUL-1 would reduce potential impacts, but not to a less-than-significant level for the Plan Area and its vicinity. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.

40. Traffic and Transportation TRANS-2:² The development under the Station Area Plan would degrade the *1st Avenue/International Boulevard* intersection (**Intersection #15**) from LOS E to LOS F and increase intersection average delay by four seconds or more during the AM peak hour under Existing Plus Project conditions. No feasible mitigation measures were identified. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

41. Traffic and Transportation TRANS-4: The development under the Station Area Plan Project would degrade the *Oak Street/10th Street* intersection (**Intersection #21**) from LOS B to LOS F and increase intersection average delay by four seconds or more during the AM peak hour under Existing Plus Project conditions. No feasible mitigation measures were identified. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

42. Traffic and Transportation TRANS-6: The development under the Station Area Plan would degrade the *Oak Street/6th Street* intersection (**Intersection #38**) from LOS A to LOS F and increase intersection average delay by four seconds or more during the PM peak hour under Existing Plus Project conditions. No feasible mitigation measures were identified. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

43. Traffic and Transportation TRANS-7: The development under the Station Area Plan would degrade the *Jackson Street/5th Street* intersection (**Intersection #39**) from LOS C to LOS F and increase intersection average delay by four seconds or more during the PM peak hour under Existing Plus Project conditions. No feasible mitigation measures were identified. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

44. Traffic and Transportation TRANS-8: The development under the Station Area Plan would increase the v/c ratio by 0.03 or more in both directions of the I-880 freeway segments between Oak Street and 5th Avenue under Existing Plus Project conditions. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

45. Traffic and Transportation TRANS-9: The development under the Station Area Plan would degrade the *Brush Street/12th Street* intersection (**Intersection #10**) from LOS E to LOS F and increase intersection average delay by four seconds or more during the AM peak hour under Interim 2020 Plus Project conditions. No feasible mitigation measures were identified. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

46. Traffic and Transportation TRANS-10: The development under the Station Area Plan would increase the v/c ratio by 0.03 or more at the *Jackson Street/6th Street* intersection (**Intersection #36**) during the AM peak hour in Interim 2020 Plus Project conditions; and would degrade the intersection from LOS E to LOS F and increase average intersection delay by four seconds or more during the PM peak hour. With the implementation of Mitigation Measure TRANS-10, optimizing signal timing at this intersection for the PM peak hour, and coordinating signal timing changes with the adjacent intersections that are in the same signal coordination group, the impact during the PM peak hour would be reduced to a

² In addition to any applicable mitigation measures listed, the SCA that apply to transportation and circulation including: SCA 20 (Improvements in the Public Right-Of-Way - General), SCA 21 (Improvements in the Public Right-Of-Way - Specific), SCA 25 (Parking and Transportation Demand Management), SCA 33 (Construction Traffic and Parking) would also apply to all of the significant and unavoidable impacts listed.

less than significant level; however, the impact during the AM peak hour would remain significant and unavoidable. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

47. Traffic and Transportation TRANS-11: The development under the Station Area Plan would degrade the *Oak Street/6th Street* (**Intersection #38**) intersection operations from LOS B to LOS F in the AM peak hour and from LOS D to LOS F in the PM peak hour and increase intersection average delay by four seconds or more during both peak hours under Interim 2020 conditions. With the implementation of Mitigation Measure TRANS-11, optimizing signal timing at this intersection, creating an interconnected corridor along Oak Street from 5th to 14th Street and coordinating signal timing changes with the adjacent intersections that are in the same signal coordination group, delay would be slightly reduced but not to a less than significant level. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

48. Traffic and Transportation TRANS-12: The development under the Station Area Plan would increase the v/c ratio for the total intersection by 0.03 or more at the *Oak Street/5th Street* intersection (**Intersection #41**), which currently operates at LOS F, during the PM peak hour under Interim 2020 Plus Project conditions. With the implementation of Mitigation Measure TRANS-12 (which is the same as Mitigation Measure TRANS-11 noted above), traffic flow is improved, however impacts remain significant and unavoidable. These significant and unavoidable impact are overridden as set forth below in the Statement of Overriding Considerations.

49. Traffic and Transportation TRANS-14: The development under the Station Area Plan would degrade the *Madison Street/14th Street* (**Intersection #5**) intersection operations from LOS C to LOS F and increase intersection average delay by four or more seconds during the PM peak hour in the Cumulative 2035 Plus Project conditions. With the implementation of Mitigation Measure TRANS-14, optimizing signal timing at this intersection, creating an interconnected corridor along Madison Street from 5th to 14th Street and coordinating signal timing changes with the adjacent intersections that are in the same signal coordination group, delay would be slightly reduced but not to a less than significant level. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

50. Traffic and Transportation TRANS-15: The development under the Station Area Plan would degrade the *Madison Street/11th Street* (**Intersection #19**) intersection operations from LOS C to LOS F and increase intersection average delay by four or more seconds during the PM peak hour in the Cumulative 2035 Plus Project conditions. With the implementation of Mitigation Measure TRANS-14 (as described above) delay would be slightly reduced but not to a less than significant level. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

51. Traffic and Transportation TRANS-16: The development under the Station Area Plan would degrade the *Madison Street/10th Street* (**Intersection #20**) intersection operations from LOS B to LOS F and increase intersection average delay by four or more seconds during the AM and PM peak hours in the Cumulative 2035 Plus Project conditions. With the implementation of Mitigation Measure TRANS-14 (as described above) delay would be slightly reduced but not to a less than significant level. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

52. Traffic and Transportation TRANS-17: The development under the Station Area Plan would degrade the *Oak Street/10th Street* (**Intersection #21**) intersection operations from LOS D to LOS F during the AM peak hour and from LOS B to LOS F during the PM peak hour, and increase intersection average delay by four or more seconds during both AM and PM peak hours in the Cumulative 2035 Plus Project conditions. With the implementation of Mitigation Measure TRANS-17, optimizing signal timing at this intersection, coordinating signal timing changes with the adjacent intersections that are in the same signal coordination group within the Oak Street interconnected corridor from 5th to 14th Streets, delay would be slightly reduced but not to a less than significant level. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

53. Traffic and Transportation TRANS-18: The development under the Station Area Plan would increase the v/c ratio for the total intersection by 0.03 or more at the *Harrison Street/8th Street* intersection (**Intersection #26**) during the AM peak hour under Cumulative 2035 Plus Project conditions. No feasible mitigation measures were identified. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

54. Traffic and Transportation TRANS-19: The development under the Station Area Plan would increase the v/c ratio for the total intersection by 0.03 or more at the *Jackson Street/8th Street* (**Intersection #27**) during the AM and PM peak hours under the Cumulative 2035 Plus Project conditions. With the implementation of Mitigation Measure TRANS-19, optimizing signal timing at this intersection for the AM peak hour, coordinating signal timing changes with the adjacent intersections that are in the same signal coordination group, delay would be slightly reduced in the AM peak hour but not to a less than significant level; no feasible mitigation measures were identified for the PM peak hour. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
55. Traffic and Transportation TRANS-20: The development under the Station Area Plan would increase the v/c ratio for the total intersection by 0.03 or more at the *Oak Street/8th Street* (**Intersection #29**) during the AM peak hour, and during the PM peak hour would degrade intersection operations from LOS D to LOS F, and increase intersection average delay by four or more seconds under the Cumulative 2035 Plus Project conditions. With the implementation of Mitigation Measure TRANS-17 (as described above), traffic flow is improved, however impacts remain significant and unavoidable. These significant and unavoidable impact are overridden as set forth below in the Statement of Overriding Considerations.
56. Traffic and Transportation TRANS-21: The development under the Station Area Plan would increase the v/c ratio for the total intersection by 0.03 or more at the *Jackson Street/7th Street* intersection (**Intersection #32**) during the PM peak hour under Cumulative 2035 Plus Project conditions. No feasible mitigation measures were identified. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
57. Traffic and Transportation TRANS-22: The development under the Station Area Plan would increase the v/c ratio for the total intersection by 0.03 or more at the *Oak Street/7th Street* (**Intersection #34**) during the PM peak hour under the Cumulative 2035 Plus Project conditions. With the implementation of Mitigation Measure TRANS-17 (as described above) delay would be slightly reduced in the PM peak hour but not to a less than significant level. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
58. Traffic and Transportation TRANS-23: The development under the Station Area Plan would increase the v/c ratio for the total intersection by 0.03 or more at the *5th Avenue and 7th Street/8th Street* intersection (**Intersection #35**) during the AM and PM peak hours under Cumulative 2035 Plus Project conditions. No feasible mitigation measures were identified. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
59. Traffic and Transportation TRANS-24: The development under the Station Area Plan would increase the v/c ratio for the total intersection by 0.03 or more at the *Jackson Street/ 6th Street* intersection (**Intersection #36**) during the AM and PM peak hours under Cumulative 2035 Plus Project conditions. No feasible mitigation measures were identified. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
60. Traffic and Transportation TRANS-25: The development under the Station Area Plan would degrade the *Oak Street/6th Street* (**Intersection #38**) intersection operations from LOS D/E to LOS F during the AM and PM peak hours, and increase intersection average delay by four or more seconds during under Cumulative 2035 Plus Project conditions. With the implementation of Mitigation Measure TRANS-17 (as described above) delay would be slightly reduced but not to a less than significant level. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
61. Traffic and Transportation TRANS-26: The development under the Station Area Plan would increase the v/c ratio for the total intersection by 0.03 or more at the *Oak Street/5th Street* (**Intersection #41**) during both the AM and PM peak hours under the Cumulative 2035 Plus Project conditions. With the implementation of Mitigation Measure TRANS-17 (as described above), traffic flow is improved, however impacts remain significant and unavoidable. These significant and unavoidable impact are overridden as set forth below in the Statement of Overriding Considerations.
62. Traffic and Transportation TRANS-27: The development under the Station Area Plan would degrade from LOS E or better to LOS F for the roadway segment of Oak Street between 2nd Street and Embarcadero under Cumulative 2035 Plus Project conditions. No feasible mitigation measures were identified. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.
63. Traffic and Transportation TRANS-28: The development under the Station Area Plan could cause increases in

pedestrian delay at the *Constitution Way/Marina Village Parkway* (**Intersection #43, located in the City of Alameda**) under Existing Plus Project conditions. No feasible mitigation measures were identified. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

64. Traffic and Transportation TRANS-29: The development under the Station Area Plan could cause increases in pedestrian delay at the *Constitution Way/Atlantic Avenue* (**Intersection #45, located in the City of Alameda**) under Existing Plus Project conditions. No feasible mitigation measures were identified. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

65. Traffic and Transportation - Previously Identified Impacted Intersections: The City of Oakland has previously identified intersections which were found to have significant and unavoidable traffic-related impacts from recently published EIRs or traffic studies for development projects. These intersections (see Appendix D the Draft EIR, hereby incorporated by reference as if fully set forth herein) were identified in the Draft EIR in order to provide more information about potential traffic-related impacts and to provide CEQA clearance for future projects. No feasible mitigation measures were identified for these intersections, and while a Transportation Impact Study may still be required, in accordance with standard City policy and practice, the impacts are nevertheless significant and unavoidable. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.

XI. FINDINGS REGARDING ALTERNATIVES

66. The Planning Commission finds that specific economic, social, environmental, technological, legal and/or other considerations make infeasible the alternatives to the Project described in the EIR for the reasons stated below. And that despite the remaining significant unavoidable impacts, the Project should nevertheless be approved, as more fully set forth in Section XII below, Statement of Overriding Considerations.

67. The EIR evaluated a reasonable range of alternatives to the project that was described in the Draft EIR. Of the seven alternatives considered, two were not analyzed in detail as explained in the Draft EIR. The two alternatives that were not analyzed in detail in the Draft EIR include: a) No Transportation Impact Alternative and b) and variations of an alternative that modified maximum building heights in specified locations. The Planning Commission adopts the EIR's analysis and conclusions eliminating these two alternatives from further consideration. Each reason given in the EIR for rejecting an alternative constitutes a separate and independent basis for finding that particular alternative infeasible, and, when the reasons are viewed collectively, provides an overall basis for rejecting an alternative as being infeasible. The five potentially feasible alternatives analyzed in detail in the EIR represent a reasonable range of potentially feasible alternatives that reduce one or more significant impacts of the Project or provide decision makers with additional information. These alternatives include: Alternative 1: the ACTC Defined No Project Alternative, Alternative 2: the Planning Area Trends-Based No Project Alternative, Alternative 3: the Reduced Scope Alternative, Alternative 4: the Enhanced Transportation Demand Management (TDM), and Alternative 5: Maximum Theoretical Buildout Alternative. The Reduced Scope Alternative was identified as the environmentally superior alternative.

68. The Planning Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the EIR and in the record. The EIR reflects the Planning Commission's independent judgment as to alternatives. The Planning Commission finds that the Project provides the best balance between the City's goals and objectives and the Project's benefits as described in the Staff Report and in the Statement of Overriding Considerations below. While the Project may cause some significant and unavoidable environmental impacts, mitigation measures and the City's SCAs identified in the EIR mitigate these impacts to the extent feasible. The five potentially feasible alternatives proposed and evaluated in the EIR are rejected for the following reasons. Each individual reason presented below constitutes a separate and independent basis to reject the project alternative as being infeasible, and, when the reasons are viewed collectively, provide an overall basis for rejecting the alternative as being infeasible.

69. Alternative 1: ACTC Defined No Project: Under the ACTC Defined No Project Alternative, the Station Area Plan would not be adopted, and therefore the Lake Merritt Development Program would not occur. However, the ACTC

Defined No Project Alternative does include reasonably foreseeable development that could occur even without adoption and development under the Station Area Plan. The ACTC Defined No Project Alternative assumes continuation of the current General Plan and zoning regulations with growth projections consistent with ACTC growth projections. The ACTC Defined No Project Alternative would result in virtually the same overall population and job growth as the proposed Plan, with approximately 200 fewer persons and just under 100 jobs more than the proposed Plan (see Table 4.2-1 in the Draft EIR). This alternative would differ from the proposed Plan in terms of type and location of development, resulting in less retail and office development, and more institutional development. The ACTC Defined No Project Alternative would not avoid any significant and unavoidable impacts, and would result in a slightly worse SU Aesthetics impact (AES-4) under this Alternative than the proposed Plan since key land use, height and massing policies and standards in the Plan would not occur; all other impacts would be similar when compared to Plan impacts. The ACTC Defined No Project Alternative was rejected as infeasible because it does not meet most of the basic project objectives including, but not limited to:

- a. Encouraging new attractive, transit-oriented development that is context-sensitive and also provides needed housing at range of affordability levels, transportation improvements and additional recreation and open space;
- b. Recommending design standards and guidelines to promote a well-designed neighborhood that preserves the historic and cultural fabric of the community and integrates high quality design of the public and private realms to establish a socially and economically vibrant, and visually and aesthetically distinctive identity for the Plan Area;
- c. Providing a framework and identifying potential funding mechanisms to realize needed transportation, streetscape and infrastructure improvements in the Plan Area to achieve a balanced and complete circulation network of “complete streets” that accommodates the internal and external transportation needs of the Plan Area by promoting walking, biking, and transit while continuing to serve automobile traffic;
- d. Not updating the zoning which includes incentives for affordable housing, the preservation and enhancement of existing buildings of historical and architectural merit, shared parking and transportation demand management measures; and/or
- e. Many air quality, cultural resources and transportation impacts still remain significant and unavoidable.

70. Alternative 2: Planning Area Trends-Based No Project: Under the Planning Area Trends-Based No Project Alternative, the Station Area Plan would not be adopted, and therefore the Lake Merritt Development Program would not occur. The Plan Area would be developed at a reduced intensity (roughly 50 percent of the residential development, 44 percent of the office development, 18 percent of the retail development and 185 percent of the institutional development, compared with the LMSAP Development Program) assuming future growth based on current and historical trends (see Table 4.2-1 in the Draft EIR). Overall, the Planning Area Trends-Based No Project Alternative, would reduce but not avoid the SU cultural resources impact; this Alternative’s substantially lower traffic generation would reduce the overall number of significant impacts, the significant and unavoidable impacts occurring on freeways would still occur under this Alternative, as it would under the proposed Plan; all other impacts would be similar when compared to Plan impacts. The Planning Area Trends-Based No Project Alternative was rejected as infeasible because:

- a. See reasons in item 70. “a” through “d” above.
- b. The substantial reduction in residential, retail and office development would defeat the primary objective to enhance the high-density and –intensity transit-oriented neighborhood adjacent to Downtown Oakland and directly accessible to the regional transit system with needed housing at range of affordability levels, transportation improvements and additional recreation and open space;
- c. It would result in a reduced development program retail and office, as described above, thus reducing employment opportunities (both short-term construction jobs as well as permanent jobs) and revenues (sales, property and other taxes), lessening economic spin off activities and not promoting an appropriate jobs/housing balance; and/or

- d. Even with the reduced development, a number of air quality, cultural resource and transportation impacts still remain significant and unavoidable.

71. Alternative 3: Reduced Scope Alternative: The Reduced Scope Alternative assumes reduced maximum height limits for key height areas, thereby resulting in a lower development program than the Project. All other aspects of the Station Area Plan would be adopted with this Alternative. Under this Alternative, retail development would be reduced by 30 percent; office development would be reduced by 30 percent and residential development would be reduced by 20 percent or 1000 fewer units, as compared to the proposed Plan. Institutional uses for this Alternative and the Project are assumed to be the same (see Table 4.2-1 in the Draft EIR). Due to the lower development program assumed, this Alternative would reduce but not avoid several of the significant and unavoidable Transportation impacts, as compared to Plan impacts; all other impacts would be similar to the proposed Plan. The Reduced Scope Alternative is rejected as infeasible because:

- a. See reasons in item 71. “b” through “d” above.

72. Alternative 4: Enhanced Transportation Demand Management (TDM): The Enhanced TDM Alternative is a policy-based alternative that focuses on a range of transportation demand management measures and parking management strategies, over and above those identified in the LMSAP. The additional measures consist of reducing off-street residential parking standards, the creation of a parking management district, additional bicycle parking policies and employer-based TDM measures. To the extent that the additional measures are feasible, they have been incorporated into the Plan. All other aspects of the Station Area Plan, including the LMSAP Development Program, would be adopted with this Alternative. This Alternative would result in mitigable and significant and unavoidable impacts similar to the proposed Plan. However, overall, the Enhanced TDM Alternative is rejected as infeasible because:

- a. The aspect of the Enhanced TDM Alternative that would mandate employer-based TDM programs for private projects is cannot feasibly be imposed. The City cannot require private projects to adopt specific programs.³

73. Alternative 5: Maximum Theoretical Buildout: The Maximum Theoretical Buildout Alternative evaluates the theoretical possibility that every parcel would be built out to the new maximum level permissible under the General Plan and Planning Code regulations as revised through adoption of the Station Area Plan. Under this alternative, the Plan Area would be developed at an increased density/intensity (roughly 7 times the residential development and 19 times of the non-residential development assumed in the LMSAP Development Program). All other aspects of the Plan would occur with this Alternative. Overall, because the Maximum Theoretical Build-out Alternative assumes an increment of growth substantially greater than the Plan, many impacts would be similar but the intensity of the impact (whether less than significant or significant and unavoidable) would be comparatively greater. The Maximum Theoretical Buildout Alternative 3 is rejected as infeasible because:

- a. All environmental impacts were significantly more severe than the Project under Alternative 5;
- b. Build-out of each site to the maximum intensity is unrealistic given historical and projected development patterns; and/or
- c. The infrastructure necessary to support development would be cost prohibitive and have secondary impacts themselves.

³ For projects that would generate 50 or more net new AM or PM peak hour vehicle trips, the City’s Standard Condition of Approval requiring project applicants to submit a Transportation Demand Management Plan for City approval includes various employer-based programs in a menu of options that a project applicant may select to achieve required thresholds of vehicle trip reductions.

XII. STATEMENT OF OVERRIDING CONSIDERATIONS

74. The Planning Commission finds that each of the following specific economic, legal, social, technological, environmental, and other considerations and the benefits of the Project separately and independently outweigh the remaining significant unavoidable adverse impacts discussed above in Section X, and is an overriding consideration independently warranting approval. The remaining significant unavoidable adverse impacts identified above are acceptable in light of each of the overriding considerations that follow. Each individual benefit/reason presented below constitutes a separate and independent basis to override each and every significant unavoidable environmental impact, and, when the benefits/reasons are viewed collectively, provide an overall basis to override each and every significant unavoidable environmental impact.

75. The LMSAP updates the goals and policies of the General Plan, and provides more detailed guidance for specific areas within the Lake Merritt Station Area.

76. The LMSAP is consistent with and further advances the *Oakland General Plan* including the *Land Use and Transportation Element*, *Open Space, Conservation and Recreation (OSCAR)*, *Historic Preservation, Safety*, and *Housing Elements*, as well as the *Bicycle and Pedestrian Master Plans* and the *Estuary Policy Plan*; in addition to other related plans, including the *Central District Urban Renewal Plan*, *Central City East Redevelopment Plan* and the *Energy and Climate Action Plan*.

77. The LMSAP includes a robust set of policies and incentives to preserve and enhance existing buildings, including those that are not deemed to be CEQA historic resources.

78. The LMSAP includes measures to improve the pedestrian and bicycle safety and access.

79. The LMSAP provides a policy and regulatory framework to achieve one of the primary objectives to transform the Lake Merritt Station Area into an attractive, transit-oriented development that is context-sensitive and also provides needed housing at range of affordability levels, transportation improvements and additional recreation and open space.

80. The LMSAP would create employment opportunities (both short-term construction jobs as well as permanent jobs), increase revenues (sales, property and other taxes), and promote spin off activities (as Station Area Plan workers spend some of their income on goods in the Plan area).

81. The LMSAP Development Program promotes increased densities housing in close proximity to employment generating land uses supports the City and regional objectives for achieving a jobs/housing balance and transit-oriented development.

82. The LMSAP design guidelines will ensure that future development contributes to the creation of an attractive, transit-oriented and pedestrian-oriented district characterized by high quality design and a distinctive sense of place.

83. The LMSAP identifies a series of needed and desired improvements related to transportation, affordable housing, historic resource preservation and enhancement, streetscape, plaza, parking and utility infrastructure and regulatory tools, policies and potential funding mechanisms to realize those improvements.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program

This Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) is based on the Environmental Impact Report prepared for the Lake Merritt Station Area Plan (“Station Area Plan”).

This SCAMMRP is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The SCAMMRP lists mitigation measures (“MM”) recommended in the EIR and identifies mitigation monitoring requirements, as well as the City’s Standard Conditions of Approval (“SCA”) identified in the EIR as measures that would minimize potential adverse effects that could result from implementation of the project, to ensure the conditions are implemented and monitored. In addition, “recommended measures,” not required by CEQA are also included in this SCAMMRP.

All MM, SCA, and recommended measures identified in the Lake Merritt Station Area Plan EIR are included herein.¹ To the extent that there is any inconsistency between the SCA and MM, the more restrictive conditions shall govern; to the extent any MM, recommended measures and/or SCA identified in the Lake Merritt Station Area Plan EIR were inadvertently omitted, they are automatically incorporated herein by reference.

- The first column indicates the environmental impact as identified in the Station Area Plan EIR;
- The second column identifies the SCA, MM or recommended measure applicable to that impact in the Station Area Plan EIR;
- The third column identifies the monitoring schedule or timing applicable the Project; and
- The fourth column names the party responsible for monitoring the required action for the Project.

¹ The City of Oakland’s SCA may be refined and updated subsequent to adoption of the Lake Merritt Station Area Plan SCAMMRP. The most current applicable SCA should be applied to any individual project when an application for development is approved by the City.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
Transportation and Traffic ²			
<p>Impact TRAN-1: The Project would degrade the intersection of Lake Merritt Boulevard and 11th Street (Intersection #14) from LOS A to LOS F and increase the average delay by four or more seconds during the PM peak hour in Existing Plus Project conditions.</p>	<p>Mitigation Measure TRAN-1: Implement the following measures:</p> <ul style="list-style-type: none"> Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) for the PM peak hour. Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the individual project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> Signal timing plans for the signals in the coordination group. Plans, Specifications, and Estimates (PS&E) to modify intersection. All elements shall be designed to City and Caltrans standards in effect at the time of construction and all new or upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and Americans with Disabilities Act (ADA) standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for the elements listed below: <ul style="list-style-type: none"> — 2070L Type Controller with cabinet assembly — GPS communications (clock) — Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile) — Countdown pedestrian head module switch out — City standard ADA wheelchair ramps — Video detection on existing (or new, if required) — Mast arm poles, full actuation (where applicable) — Polara push buttons (full actuation) — Bicycle detection (full actuation) 	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, at the time when about 50 percent of the Project is operational and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first. The City of Oakland will notify the Project Sponsor when this threshold is reached.</p> <p>If investigations at the required intervals show this mitigation is still required, the Project Sponsor will submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are</p>	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland, Transportation Services Division</p>

² In addition to the mitigation measures listed, the SCA that apply to transportation and circulation including: SCA 20 (Improvements in the Public Right-Of-Way - General), SCA 21 (Improvements in the Public Right-Of-Way - Specific), SCA 25 (Parking and Transportation Demand Management), SCA 33 (Construction Traffic and Parking) would also apply to all of the significant and unavoidable impacts listed.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<ul style="list-style-type: none"> — Pull boxes — Signal interconnect and communication with trenching (where applicable), or through (E) conduit (where applicable)- 600 feet maximum — Conduit replacement contingency — Fiber Switch — PTZ Camera (where applicable) — Transit Signal Priority (TSP) equipment consistent with other signals along corridor <p>The individual project applicant shall fund the cost of preparing and implementing the mitigation measures. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the individual project applicant shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate the impact to less than significant.</p> <p>A straight line interpolation of intersection delay between Existing and Existing Plus Project conditions indicates that mitigation at this intersection may be required when about 50 percent of the Project is developed. Investigation of the need for this mitigation shall be studied at the time when this threshold is reached and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p>	needed as reasonably determined by the City.	
<p>Impact TRAN-3: The Project would degrade the intersection of Madison Street and 10th Street (Intersection #20) from LOS B to LOS F and increases the average delay by four or more seconds during the AM peak hour in Existing Plus Project conditions.</p>	<p>Mitigation Measure TRAN-3: Implement the following measures:</p> <ul style="list-style-type: none"> • Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) for the AM peak hour. • Coordinate this signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the individual project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • Signal timing plans for the signals in the coordination group. • Plans, Specifications, and Estimates (PS&E) as detailed in Mitigation Measure TRAN-1. <p>The individual project applicant shall fund the cost of preparing and implementing the mitigation measures. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the individual project applicant shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate the impact to less than significant.</p> <p>A straight line interpolation of intersection delay between Existing and Existing Plus Project conditions indicates that mitigation at this intersection may be required when about 75 percent</p>	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, at the time when about 75 percent of the Project is operational and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first. The City of Oakland will notify the Project Sponsor when this threshold is reached.</p> <p>If investigations at the required intervals show</p>	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland, Transportation Services Division</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	of the Project is developed. Investigation of the need for this mitigation shall be studied at the time when this threshold is reached and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.	this mitigation is still required, the Project Sponsor will submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation. This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.	
Impact TRAN-5: The Project would degrade the intersection of Jackson Street and 7th Street (Intersection #32) from LOS B to LOS F and increases the average delay by four or more seconds during the AM and PM peak hours in Existing Plus Project conditions.	<p>Mitigation Measure TRAN-5: Implement the following measures:</p> <ul style="list-style-type: none"> Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection). Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the individual project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> Signal timing plans for the signals in the coordination group. Plans, Specifications, and Estimates (PS&E) as detailed in Mitigation Measure TRAN-1. <p>The individual project applicant shall fund the cost of preparing and implementing the mitigation measures. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the individual project applicant shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate the impact to less than significant.</p> <p>A straight line interpolation of intersection delay between Existing and Existing Plus Project conditions indicates that mitigation at this intersection may be required when about 54 percent of the Project is developed. Investigation of the need for this mitigation shall be studied at the time when this threshold is reached and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p>	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, at the time when about 54 percent of the Project is operational and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first. The City of Oakland will notify the Project Sponsor when this threshold is reached.</p> <p>If investigations at the required intervals show this mitigation is still required, the Project Sponsor will submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this</p>	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland, Transportation Services Division</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
		mitigation. This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.	
<p>Impact TRAN-10: The project would degrade the intersection of Jackson Street and 6th Street (Intersection #36) during the AM peak hour in Interim 2020 Plus Project conditions by increasing the v/c ratio by 0.03 or more; during the PM peak hour in Interim 2020 Plus Project conditions it would degrade the intersection from LOS E to LOS F and increase the average delay by four or more seconds.</p>	<p>Mitigation Measure TRAN-10: Implement the following measures:</p> <ul style="list-style-type: none"> Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) for the PM peak hour. Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the individual project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> Signal timing plans for the signals in the coordination group. Plans, Specifications, and Estimates (PS&E) as detailed in Mitigation Measure TRAN-1. <p>The individual project applicant shall fund the cost of preparing and implementing the mitigation measures. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the individual project applicant shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall be considered the equivalent of implementing the mitigation measure, which would still result in significant and unavoidable impact.</p> <p>A straight line interpolation of intersection delay between Existing and Interim 2020 Plus Project conditions indicates that mitigation at this intersection may be required by 2018 to address the first impacted peak hour (AM). Investigation of the need for this mitigation shall be studied at the time when this threshold is reached and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p>	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, in 2017 (one year prior to the horizon date), and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first. The City of Oakland will notify the Project Sponsor when this threshold is reached.</p> <p>If investigations at the required intervals show this mitigation is still required, the Project Sponsor will submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.</p>	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland, Transportation Services Division</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
<p>Impact TRAN-11: The Project would degrade the intersection of Oak Street and 6th Street (Intersection #38) from LOS B to LOS F in the AM peak hour and from LOS D to LOS F in the PM peak hour and increases the average delay by four or more seconds during both peak hours in Interim 2020 Plus Project conditions.</p>	<p>Mitigation Measure TRAN-11: Implement the following measures:</p> <ul style="list-style-type: none"> Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection). Create an interconnected corridor along Oak Street from 5th to 14th Streets, and coordinate the signal timing changes at this intersection with the coordination group. <p>To implement this measure, the individual project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> Signal timing plans for the signals in the coordination group. Plans, Specifications, and Estimates (PS&E) as detailed in Mitigation Measure TRAN-1. <p>The individual project applicant shall fund the cost of preparing and implementing the mitigation measures. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the individual project applicant shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall be considered the equivalent of implementing the mitigation measure, which would still result in significant and unavoidable impact.</p> <p>A straight line interpolation of intersection delay between Existing and Interim 2020 Plus Project conditions indicates that mitigation at this intersection may be required by 2015 to address the first impacted peak hour (PM). Investigation of the need for this mitigation shall be studied at the time when this threshold is reached and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p>	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, in 2014 (one year prior to the horizon date), and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first. The City of Oakland will notify the Project Sponsor when this threshold is reached.</p> <p>If investigations at the required intervals show this mitigation is still required, the Project Sponsor will submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.</p>	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland, Transportation Services Division</p>
<p>Impact TRAN-12: The Project would degrade the intersection of Oak Street and 5th Street (Intersection #41), which is currently operating at LOS F, by increasing the total intersection v/c ratio by 0.03 or more during the PM peak hour in Interim 2020 Plus Project conditions.</p>	<p>Mitigation Measure TRAN-12: Implement Mitigation Measure TRAN-11 (see Mitigation Measure TRAN-11 above).</p>		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
Impact TRAN-13: The Project would degrade the V/C ratio by 0.03 or more at the intersection of Grand Avenue and Broadway (Intersection #1) operating at LOS F in the PM peak hour in Cumulative 2035 Plus Project Conditions.	Mitigation Measure TRAN-13: Implement the following measures: <ul style="list-style-type: none"> • Provide permitted-protected left-turn phasing for the northbound and southbound approaches. • Optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection). • Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. <p>To implement this measure, the individual project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> • Plans, Specifications, and Estimates (PS&E) to modify intersection as detailed in Mitigation Measure TRAN-1. • Signal timing plans for the signals in the coordination group. <p>The individual project applicant shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the individual project applicant shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall mitigate the impact to a less than significant level.</p> <p>A straight line interpolation of intersection delay between Existing and Cumulative 2035 Plus Project conditions indicates that mitigation at this intersection may be required by 2016. Investigation of the need for this mitigation shall be studied at the time when this threshold is reached and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p>	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, in 2015 (one year prior to the horizon date), and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first. The City of Oakland will notify the Project Sponsor when this threshold is reached.</p> <p>If investigations at the required intervals show this mitigation is still required, the Project Sponsor will submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.</p>	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland, Transportation Services Division</p>
Impact TRAN-14: The Project would degrade the intersection of Madison Street and 14th Street (Intersection #5) from LOS C to LOS F and increases the average delay by four or more seconds during the PM peak hour in the Cumulative 2035 Plus Project conditions.	Mitigation Measure TRAN-14: Implement the following measures: <ul style="list-style-type: none"> • Optimize the signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection). • Create an interconnected corridor along Madison Street from 5th to 14th Streets, and coordinate the signal timing changes at this intersection with the coordination group. <p>To implement this measure, the individual project applicant shall submit the following to City</p>	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, in 2016 (one year prior to the</p>	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> Plans, Specifications and Estimates (PS&E) to modify intersection as detailed in Mitigation Measure TRAN-1. Signal timing plans for the signals in the coordination group. <p>The individual project applicant shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the individual project applicant shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall be considered the equivalent of implementing the mitigation measure, which would still result in significant and unavoidable impact.</p> <p>A straight line interpolation of intersection delay between Existing and Cumulative 2035 Plus Project conditions indicates that mitigation at this intersection may be required by 2017. Investigation of the need for this mitigation shall be studied at the time when this threshold is reached and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p>	<p>horizon date), and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first. The City of Oakland will notify the Project Sponsor when this threshold is reached.</p> <p>If investigations at the required intervals show this mitigation is still required, the Project Sponsor will submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.</p>	<p>Inspection</p> <p>City of Oakland, Transportation Services Division</p>
Impact TRAN-15: The Project would degrade the intersection of Madison Street and 11th Street (Intersection #19) from LOS C to LOS F and increases the average delay by four or more seconds during the PM peak hour under Cumulative 2035 Plus Project conditions.	Mitigation Measure TRAN-15: Implement Mitigation Measure TRAN-14 (see Mitigation Measure TRAN-14 above)		
Impact TRAN-16: The Project would degrade the intersection of Madison Street and 10th Street (Intersection #20) from LOS B to LOS F and increases the average delay by four or more seconds during the AM and PM peak hours under Cumulative 2035 Plus Project conditions.	Mitigation Measure TRAN-16: Implement Mitigation Measure TRAN-14 (see Mitigation Measure TRAN-14 above)		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
<p>Impact TRAN-17: The Project would degrade the intersection of Oak Street and 10th Street (Intersection #21) from LOS D to LOS F during the AM peak hour and from LOS B to LOS F during the PM peak hour, and increases the average delay by four or more seconds during the AM and PM peak hours under Cumulative 2035 Plus Project conditions.</p>	<p>Mitigation Measure TRAN-17: Implement the following measures:</p> <ul style="list-style-type: none"> Optimize the signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group within the Oak Street interconnect corridor (5th to 14th Streets). <p>To implement this measure, the individual project applicant shall submit the following to City of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> Plans, Specifications, and Estimates (PS&E) to modify intersection as detailed in Mitigation Measure TRAN-1. Signal timing plans for the signals in the coordination group. <p>The individual project applicant shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the individual project applicant shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall be considered the equivalent of implementing the mitigation measure, which would still result in significant and unavoidable impacts.</p> <p>A straight line interpolation of intersection delay between Existing and Cumulative 2035 Plus Project conditions indicates that mitigation may be required by 2016 to address Impact TRAN-25 which is the first intersection in the signal coordination group on the Oak Street interconnect corridor (5th to 14th Streets) to be impacted. Investigation of the need for this mitigation shall be studied at the time when this threshold is reached and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p>	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, in 2015 (one year prior to the horizon date), and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first. The City of Oakland will notify the Project Sponsor when this threshold is reached.</p> <p>If investigations at the required intervals show this mitigation is still required, the Project Sponsor will submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.</p>	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland, Transportation Services Division</p>
<p>Impact TRAN-19: The Project would degrade the intersection of Jackson Street and 8th Street (Intersection #27) by increasing the V/C ratio by 0.03 or more during the AM and PM peak hours under Cumulative 2035 Plus Project conditions.</p>	<p>Mitigation Measure TRAN-19: Implement the following measures:</p> <ul style="list-style-type: none"> Optimize the signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) for the AM peak hour. Coordinate the signal timing changes at this intersection with the adjacent intersections. <p>To implement this measure, the individual project applicant shall submit the following to City</p>	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, in 2018 (one year prior to the</p>	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>of Oakland's Transportation Services Division for review and approval:</p> <ul style="list-style-type: none"> Plans, Specifications, and Estimates (PS&E) to modify intersection as detailed in Mitigation Measure TRAN-1. Signal timing plans for the signals in the coordination group. <p>The individual project applicant shall fund the cost of preparing and implementing these plans. However, if the City adopts a transportation impact fee program prior to implementation of this mitigation measure, the individual project applicant shall have the option to pay the applicable fee in lieu of implementing this mitigation measure and payment of the fee shall be considered the equivalent of implementing the mitigation measure, which would still result in significant and unavoidable impacts.</p> <p>A straight line interpolation of intersection delay between Existing and Cumulative 2035 Plus Project conditions indicates that mitigation at this intersection may be required by 2019 to address the first impacted peak hour (AM). Investigation of the need for this mitigation shall be studied at the time when this threshold is reached and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p>	<p>horizon date), and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first. The City of Oakland will notify the Project Sponsor when this threshold is reached.</p> <p>If investigations at the required intervals show this mitigation is still required, the Project Sponsor will submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.</p>	<p>Inspection</p> <p>City of Oakland, Transportation Services Division</p>
<p>Impact TRAN-20: The Project would degrade the intersection of Oak Street and 8th Street (Intersection #29) during the AM peak hour by increasing the V/C ratio by 0.03 or more, and during the PM peak hour from LOS D to LOS F and increases the average delay by four or more seconds under Cumulative 2035 Plus Project conditions.</p>	<p>Mitigation Measure TRAN-20: Implement Mitigation Measure TRAN-17 (see Mitigation Measure TRAN-17 above)</p>	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, in 2015 (one year prior to the horizon date), and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first.</p>	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland, Transportation Services Division</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
		<p>The City of Oakland will notify the Project Sponsor when this threshold is reached.</p> <p>If investigations at the required intervals show this mitigation is still required, the Project Sponsor will submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.</p>	
<p>Impact TRAN-22: The Project would degrade the intersection of Oak Street and 7th Street (Intersection #34) from LOS E to LOS F and increases the average delay by four or more seconds during the PM peak hour under Cumulative 2035 Plus Project conditions.</p>	<p>Mitigation Measure TRAN-22: Implement Mitigation Measure TRAN-17 (see Mitigation Measure TRAN-17 above)</p>	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, in 2015 (one year prior to the horizon date), and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first. The City of Oakland will notify the Project Sponsor when this threshold is reached.</p> <p>If investigations at the required intervals show this mitigation is still</p>	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland, Transportation Services Division</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
		<p>required, the Project Sponsor will submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p> <p>This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.</p>	
<p>Impact TRAN-25: The Project would degrade the intersection of Oak Street and 6th Street (Intersection #38) from LOS D/E to LOS F and increases the average delay by four or more seconds during the AM and PM peak hours, respectively, under Cumulative 2035 Plus Project conditions.</p>	<p>Mitigation Measure TRAN-25: Implement Mitigation Measure TRAN-17 (see Mitigation Measure TRAN-17 above)</p>	<p>Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, in 2015 (one year prior to the horizon date), and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first. The City of Oakland will notify the Project Sponsor when this threshold is reached.</p> <p>If investigations at the required intervals show this mitigation is still required, the Project Sponsor will submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation.</p>	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland, Transportation Services Division</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
		This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.	
Impact TRAN-26: The Project would degrade the intersection of Oak Street and 5th Street (Intersection #41) by increasing the V/C ratio by more than 0.03 during the AM and PM peak hours under Cumulative 2035 Plus Project conditions.	Mitigation Measure TRAN-26: Implement Mitigation Measure TRAN-17 (see Mitigation Measure TRAN-17 above)	Investigation of the need for this mitigation shall be studied and submitted for review and approval to the City of Oakland, in 2015 (one year prior to the horizon date), and every three years thereafter until 2035 or until the mitigation measure is implemented, whichever occurs first. The City of Oakland will notify the Project Sponsor when this threshold is reached. If investigations at the required intervals show this mitigation is still required, the Project Sponsor will submit Plans, Specifications, and Estimates (PS&E) for review and approval by the City for implementation of this mitigation. This requirement may be requested at an earlier date than listed if the improvements are needed as reasonably determined by the City.	City of Oakland, Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection City of Oakland, Transportation Services Division
Air Quality			

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
<p>Impact AQ-1: Implementation of the proposed Plan would not fundamentally conflict with the Bay Area Clean Air Plan (CAP) because the Plan demonstrates reasonable efforts to implement control measures contained in the CAP.</p>	<p>SCA-A. Construction-Related Air Pollution Controls (Dust and Equipment Emissions). During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the Bay Area Air Quality Management District (BAAQMD):</p> <p><u>Basic³:</u></p> <ol style="list-style-type: none"> Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer). All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). Limit vehicle speeds on unpaved roads to 15 miles per hour. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required on-site signage. 	<p>Ongoing throughout demolition, grading, and/or construction</p> <p>Prior to starting operations</p>	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>

³ Applies to ALL construction sites.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>j. Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.</p> <p><u>Enhanced⁴:</u></p> <p>a. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.</p> <p>b. All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.</p> <p>c. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</p> <p>d. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).</p> <p>e. Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.</p> <p>f. Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind blown dust. Wind breaks must have a maximum 50 percent air porosity.</p> <p>g. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.</p> <p>h. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.</p> <p>i. All trucks and equipment, including tires, shall be washed off prior to leaving the site.</p> <p>j. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.</p> <p>k. Minimize the idling time of diesel-powered construction equipment to two minutes.</p> <p>l. The project applicant shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate matter (PM) reduction compared to the most</p>		

⁴ All "Basic" controls listed above plus the following controls if the project involves: i) 114 or more single-family dwelling units; ii) 240 or more multi-family units; iii) Nonresidential uses that exceed the applicable screening size listed in the Bay Area Air Quality Management District's CEQA Guidelines; iv) Demolition permit; v) Simultaneous occurrence of more than two construction phases (e.g., grading and building construction occurring simultaneously); vi) Extensive site preparation (i.e., the construction site is four acres or more in size); or vii) Extensive soil transport (i.e., 10,000 or more cubic yards of soil import/export).

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>recent California Air Resources Board (CARB) fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as they become available.</p> <p>m. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).</p> <p>n. All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.</p> <p>o. Off-road heavy diesel engines shall meet the CARB's most recent certification standard.</p>		
	<p>SCA-B. Exposure to Air Pollution (Toxic Air Contaminants)⁵</p> <p>a. Health Risk Reduction Measures. Requirement: The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose one of the following methods:</p> <ol style="list-style-type: none"> 1. The project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the California Air Resources Board (CARB) and the Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be included on the project drawings submitted for the construction-related permit for City review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. 2. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be included on the project 	<p>Incorporation of measures: Prior to issuance of a demolition, grading, or building permit</p> <p>Maintenance: Ongoing</p>	<p>Incorporation of measures: City of Oakland, Planning and Zoning Division</p> <p>Incorporation of measures, Maintenance: City of Oakland - Building Services Division, Zoning Inspection</p> <p>Maintenance: City of Oakland - Building Services Division, Code Enforcement</p>

⁵ The following condition applies to all projects that meet ALL of the following criteria:

1. The project involves either of the following sensitive land uses: a. New residential facilities or new dwelling units; or b. New or expanded schools, daycare centers, parks, nursing homes, or medical facilities; and
2. The project is located within 1,000 feet of one or more of the following sources of air pollution: a. Freeway; b. Roadway with significant traffic (at least 10,000 vehicles per day); c. Rail line (except BART) with over 30 trains per day; d. Distribution center that accommodated more than 100 trucks per day, more than 40 trucks with operating Transportation Refrigeration Units (TRU) per day, or where the TRU unit operations exceed 300 hours per week; e. Major rail or truck yard (such as the Union Pacific rail yard adjacent to the Port of Oakland; f. Ferry terminal; g. Port of Oakland; or, h. Stationary pollutant source requiring a permit from BAAQMD (such as a diesel generator; **and** the project exceeds the health risk screening criteria after a screening analysis is conducted in accordance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>drawings submitted for the construction-related permit for City review and approval or on other documentation submitted to the City for review and approval.</p> <ul style="list-style-type: none"> • Installation of air filtration to reduce cancer risks and particulate matter (PM) exposure for residents, and other sensitive populations, in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required. • Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible. • The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods, if feasible. • Sensitive receptors shall not be located on the ground floor, if feasible. • Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (<i>Pinus nigra</i> var. <i>maritima</i>), Cypress (<i>X Cupressocyparis leylandii</i>), Hybrid poplar (<i>Populus deltoids X trichocarpa</i>), and Redwood (<i>Sequoia sempervirens</i>). • Within the project site, sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible. • Within the project site, existing and new diesel generators shall meet CARB's Tier 4 emission standards. • Within the project site, emissions from diesel trucks shall be reduced through implementing the following measures, if feasible: <ul style="list-style-type: none"> ○ Installing electrical hook-ups for diesel trucks at loading docks. ○ Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards. ○ Requiring truck-intensive projects to use advanced exhaust technology (e.g. hybrid) or alternative fuels. ○ Prohibiting trucks from idling for more than two minutes. ○ Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented. <p>b. Maintenance of Health Risk Reduction Measures. <u>Requirement:</u> The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HV system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the</p>		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	building manager/operator an operation and maintenance manual for the HV system and filter including the maintenance and replacement schedule for the filter.		
	<p>SCA 25. Parking and Transportation Demand Management. This SCA would apply to development projects under the Specific Plan generating 50 or more net new AM or PM peak hour vehicle trips.</p> <p><i>Prior to issuance of a final inspection of the building permit.</i> The project applicant shall submit a Transportation and Parking Demand Management (TDM) for review and approval by the City. The intent of the TDM plan shall be to reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable consistent with the potential traffic and parking impacts of the project.</p> <p>The goal of the TDM shall be to achieve the following project vehicle trip reductions (VTR):</p> <ul style="list-style-type: none"> Projects generating 50 – 99 net new AM or PM peak hour vehicle trips: 10 percent VTR Projects generating 100 or more net new AM or PM peak hour vehicle trips: 20 percent VTR <p>The TDM plan shall include strategies to increase pedestrian, bicycle, transit, and carpool use, and reduce parking demand. All four modes of travel shall be considered, as appropriate. VTR strategies to consider include, but are not limited to, the following:</p> <ol style="list-style-type: none"> Inclusion of additional long term and short term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan, and Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement. Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority Bikeway Projects, on-site signage and bike lane striping. Installation of safety elements per the Pedestrian Master Plan (such as cross walk striping, curb ramps, count-down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project. Installation of amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan. Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements. Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency). 	Prior to issuance of a final inspection of the building permit.	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Public Works Department, Traffic Services Division</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>g. Provision of a transit subsidy to employees or residents, determined by the project sponsor and subject to review by the City, if the employees or residents use transit or commute by other alternative modes.</p> <p>h. Provision of an ongoing contribution to AC Transit service to the area between the development and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle or streetcar service; and 3) Establishment of new shuttle or streetcar service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario3).</p> <p>i. Guaranteed ride home program for employees, either through 511.org or through separate program.</p> <p>j. Pre-tax commuter benefits (commuter checks) for employees.</p> <p>k. Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants.</p> <p>l. Onsite carpooling and/or vanpooling program that includes preferential (discounted or free) parking for carpools and vanpools.</p> <p>m. Distribution of information concerning alternative transportation options.</p> <p>n. Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties.</p> <p>o. Parking management strategies; including attendant/valet parking and shared parking spaces.</p> <p>p. Requiring tenants to provide opportunities and the ability to work off-site.</p> <p>q. Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week).</p> <p>r. Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours.</p> <p>The TDM Plan shall indicate the estimated VTR for each strategy proposed based on published research or guidelines. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report.</p> <p>The project applicant shall implement the approved TDM Plan on an ongoing basis. For projects that generate 100 or more net new a.m. or p.m. peak hour vehicle trips and contain</p>		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.		
Impact AQ-3: Development facilitated by the proposed Plan would potentially expose sensitive receptors 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 would not with certainty reduce risk from gaseous TACs to a less-than-significant level.	SCA-B Exposure to Air Pollution (Toxic Air Contaminants). Refer to SCA-B under Impact AQ-1.		
Impact AQ-5: Cumulative Air Quality Impacts.	SCA-A. Construction-Related Air Pollution Controls (Dust and Equipment Emissions). Refer to SCA-A under Impact AQ-1.		
	SCA-B Exposure to Air Pollution (Toxic Air Contaminants). Refer to SCA-B under Impact AQ-1.		
	SCA-25. Parking and Transportation Demand Management. Refer to SCA-25 under Impact AQ-1.		
Greenhouse Gases and Global Climate Change			
Impact GHG-1: New development under the proposed Plan would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, specifically:	SCA-A. Construction-Related Air Pollution Controls (Dust and Equipment Emissions). Refer to SCA-A under Impact AQ-1	Ongoing throughout demolition, grading, and/or construction	City of Oakland, Planning and Zoning Division

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
for a project involving a land use development, produce total emissions of more than 1,100 metric tons of CO ₂ e annually AND more than 4.6 metric tons of CO ₂ e per service population annually; or for a project involving a stationary source, produce total emissions of more than 10,000 metric tons of CO ₂ e annually.			
Impact GHG-1	<p>SCA-F. Greenhouse Gas (GHG) Reduction Plan. This SCA applies under any of the following scenarios:</p> <ul style="list-style-type: none"> Scenario A: Projects which (a) involve a land use development (i.e., a project that does not require a permit from the BAAQMD to operate), (b) exceed the greenhouse gas (GHG) emissions screening criteria contained in the BAAQMD CEQA Guidelines, AND (c) after a GHG analysis is prepared would produce total GHG emissions of more than 1,100 metric tons of CO₂e annually AND more than 4.6 metric tons of CO₂e per service population annually (with "service population" defined as the total number of employees and residents of the project). Scenario B: Projects which (a) involve a land use development, (b) exceed the GHG emissions screening criteria contained in the BAAQMD CEQA Guidelines, (c) after a GHG analysis is prepared would exceed at least one of the BAAQMD Thresholds of Significance (more than 1,100 metric tons of CO₂e annually OR more than 4.6 metric tons of CO₂e per service population annually), AND (d) are considered to be "Very Large Projects." Scenario C: Projects which (a) involve a stationary source of GHG (i.e., a project that requires a permit from BAAQMD to operate) AND (b) after a GHG analysis is prepared would produce total GHG emissions of more than 10,000 metric tons of CO₂e annually. <p>The project applicant shall retain a qualified air quality consultant to develop a Greenhouse Gas (GHG) Reduction Plan for City review and approval. The applicant shall implement the approved GHG Reduction Plan.</p> <p>The goal of the GHG Reduction Plan shall be to increase energy efficiency and reduce GHG emissions to below <i>[INCLUDE IF SCENARIO A OR B] at least one of the Bay Area Quality Management District's (BAAQMD's) CEQA Thresholds of Significance (1,100 metric tons of CO₂e per year or 4.6 metric tons of CO₂e per year per service population) [INCLUDE IF SCENARIO C] the Bay Area Quality Management District's (BAAQMD's) CEQA Thresholds of Significance (10,000 metric tons of CO₂e per year) [INCLUDE IF SCENARIO B] AND to reduce GHG emissions by 36 percent below the project's "adjusted" baseline GHG emissions (as explained below) to help achieve the City's goal of reducing GHG emissions. The GHG Reduction Plan shall include, at a minimum, (a) a detailed GHG emissions</i></p>	Prior to issuance of a construction-related permit and ongoing as specified	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>inventory for the project under a “business-as-usual” scenario with no consideration of project design features, or other energy efficiencies; (b) an “adjusted” baseline GHG emissions inventory for the project, taking into consideration energy efficiencies included as part of the project (including the City’s Standard Conditions of Approval, proposed mitigation measures, project design features, and other City requirements); (c) a comprehensive set of quantified <u>additional</u> GHG reduction measures available to further reduce GHG emissions beyond the adjusted GHG emissions; and (d) requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. If the project is to be constructed in phases, the GHG Reduction Plan shall provide GHG emission scenarios by phase.</p> <p>Specifically, the applicant/sponsor of projects that fulfill Scenario A, B or C, above, shall adhere to the following:</p> <p>a. GHG Reduction Measures Program. Prepare and submit to the City Planning Director or his/her designee for review and approval a GHG Reduction Plan that specifies and quantifies GHG reduction measures that the project will implement by phase.</p> <p>Potential GHG reduction measures to be considered include, but are not be limited to, measures recommended in BAAQMD’s latest CEQA Air Quality Guidelines, the California Air Resources Board Scoping Plan (December 2008, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures Document (August 2010, as may be revised), the California Attorney General’s website, and Reference Guides on Leadership in Energy and Environmental Design (LEED) published by the U.S. Green Building Council.</p> <p>The proposed GHG reduction measures must be reviewed and approved by the City Planning Director or his/her designee. The types of allowable GHG reduction measures include the following (listed in order of City preference): (1) physical design features; (2) operational features; and (3) the payment of fees to fund GHG-reducing programs (i.e., the purchase of “offset carbon credits,” pursuant to item “b” below).</p> <p>The allowable locations of the GHG reduction measures include the following (listed in order of City preference): (1) the project site; (2) off-site within the City of Oakland; (3) off-site within the San Francisco Bay Area Air Basin; (4) off-site within the State of California; then (5) elsewhere in the United States.</p> <p>b. Offset Carbon Credits Guidelines. For GHG reduction measures involving the purchase of offset carbon credits, evidence of the payment/purchase shall be submitted to the City Planning Director or his/her designee for review and approval prior to completion of the project (or prior to completion of the project phase, if the project includes more one phase).</p> <p>As with preferred locations for the implementation of all GHG reductions measures,</p>		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>the preference for offset carbon credit purchases include those that can be achieved as follows (listed in order of City preference): (1) within the City of Oakland; (2) within the San Francisco Bay Area Air Basin; (3) within the State of California; then (4) elsewhere in the United States. The cost of offset carbon credit purchases shall be based on current market value at the time purchased and shall be based on the Project's operational emissions estimated in the GHG Reduction Plan or subsequent approved emissions inventory, which may result in emissions that are higher or lower than those estimated in the GHG Reduction Plan.</p> <p>c. Plan Implementation and Documentation. For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits. For operational GHG reduction measures to be incorporated into the project, the measures shall be implemented on an indefinite and ongoing basis beginning at the time of project completion (or at the completion of the project phase for phased projects).</p> <p>For physical GHG reduction measures to be incorporated into off-site projects, the measures shall be included on drawings and submitted to the City Planning Director or his/her designee for review and approval and then installed prior to completion of the subject project (or prior to completion of the project phase for phased projects). For operational GHG reduction measures to be incorporated into off-site projects, the measures shall be implemented on an indefinite and ongoing basis beginning at the time of completion of the subject project (or at the completion of the project phase for phased projects).</p> <p>d. Compliance, Monitoring, and Reporting. Upon City review and approval of the GHG Reduction Plan program by phase, the applicant/sponsor shall satisfy the following requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. The GHG Reduction Plan requires regular periodic evaluation over the life of the Project (generally estimated to be at least 40 years) to determine how the Plan is achieving required GHG emissions reductions over time, as well as the efficacy of the specific additional GHG reduction measures identified in the Plan.</p> <p>Implementation of the GHG reduction measures and related requirements shall be ensured through the project applicant/sponsor's compliance with Conditions of Approval adopted for the project. Generally, starting two years after the City issues the first Certificate of Occupancy for the project, the project applicant/sponsor shall prepare each year of the useful life of the project an Annual GHG Emissions Reduction Report (Annual Report), subject to the City Planning Director or his/her designee for review and approval. The Annual Report shall be submitted to an independent reviewer of the City Planning Director's or his/her designee's choosing, to be paid for by the project applicant/sponsor (see Funding, below), within two months of the anniversary of the Certificate of Occupancy.</p>		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>The Annual Report shall summarize the project's implementation of GHG reduction measures over the preceding year, intended upcoming changes, and compliance with the conditions of the Plan, and include a brief summary of the previous year's Annual Report results (starting the second year). The Annual Report shall include a comparison of annual project emissions to the baseline emissions reported in the GHG Plan.</p> <p>The GHG Reduction Plan shall be considered fully attained when project emissions are less than either applicable numeric BAAQMD CEQA Threshold <i>[INCLUDE IF SCENARIO B] AND GHG emissions are 36 percent below the project's "adjusted" baseline GHG emissions</i>, as confirmed by the City Planning Director or his/her designee through an established monitoring program. Monitoring and reporting activities will continue at the City's discretion, as discussed below.</p> <p>e. Funding. Within two months after the Certificate of Occupancy, the project applicant/sponsor shall fund an escrow-type account or endowment fund to be used exclusively for preparation of Annual Reports and review and evaluation by the City Planning Director or his/her designee, or its selected peer reviewers. The escrow-type account shall be initially funded by the project applicant/sponsor in an amount determined by the City Planning Director or his/her designee and shall be replenished by the project applicant/sponsor so that the amount does not fall below an amount determined by the City Planning Director or his/her designee. The mechanism of this account shall be mutually agreed upon by the project applicant/sponsor and the City Planning Director or his/her designee, including the ability of the City to access the funds if the project applicant/sponsor is not complying with the GHG Reduction Plan requirements, and/or to reimburse the City for its monitoring and enforcement costs.</p> <p>f. Corrective Procedure. If the third Annual Report, or any report thereafter, indicates that, in spite of the implementation of the GHG Reduction Plan, the project is not achieving the GHG reduction goal, the project applicant/sponsor shall prepare a report for City review and approval, which proposes additional or revised GHG measures to better achieve the GHG emissions reduction goals, including without limitation, a discussion on the feasibility and effectiveness of the menu of other additional measures (Corrective GHG Action Plan). The project applicant/sponsor shall then implement the approved Corrective GHG Action Plan.</p> <p>If, one year after the Corrective GHG Action Plan is implemented, the required GHG emissions reduction target is still not being achieved, or if the project applicant/owner fails to submit a report at the times described above, or if the reports do not meet City requirements outlined above, the City Planning Director or his/her designee may, in addition to its other remedies, (a) assess the project applicant/sponsor a financial penalty based upon actual percentage reduction in GHG emissions as compared to the percent reduction in GHG emissions established in the GHG Reduction Plan; or (b) refer the matter to the City Planning Commission for scheduling of a compliance hearing to determine whether the project's approvals should be revoked, altered or</p>		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>additional conditions of approval imposed.</p> <p>The penalty as described in (a) above shall be determined by the City Planning Director or his/her designee and be commensurate with the percentage GHG emissions reduction not achieved (compared to the applicable numeric significance thresholds) or required percentage reduction from the "adjusted" baseline.</p> <p>In determining whether a financial penalty or other remedy is appropriate, the City shall not impose a penalty if the project applicant/sponsor has made a good faith effort to comply with the GHG Reduction Plan.</p> <p>The City would only have the ability to impose a monetary penalty after a reasonable cure period and in accordance with the enforcement process outlined in Planning Code Chapter 17.152. If a financial penalty is imposed, such penalty sums shall be used by the City solely toward the implementation of the GHG Reduction Plan.</p> <p>g. <i>Timeline Discretion and Summary.</i> The City Planning Director or his/her designee shall have the discretion to reasonably modify the timing of reporting, with reasonable notice and opportunity to comment by the applicant, to coincide with other related monitoring and reporting required for the project.</p> <ul style="list-style-type: none"> • Fund Escrow-type Account for City Review: Certificate of Occupancy plus two months • Submit Baseline Inventory of "Actual Adjusted Emissions:" Certificate of Occupancy plus one year • Submit Annual Report #1: Certificate of Occupancy plus two years • Submit Corrective GHG Action Plan (if needed): Certificate of Occupancy plus four years (based on findings of Annual Report #3) • Post Attainment Annual Reports: Minimum every three years and at the City Planning Director's or his/her designee's reasonable discretion. 		
Impact GHG-1	<p>SCA-H. Compliance with the Green Building Ordinance, OMC Chapter 18.02.⁶ The applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the Green Building Ordinance, OMC Chapter 18.02.</p> <p><u>Prior to issuance of a demolition, grading, or building permit</u></p> <p>a. The following information shall be submitted to the Building Services Division for</p>	<p>Prior to issuance of a demolition, grading, or building permit/During construction/After construction as specified</p>	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning</p>

⁶ The SCA below applies to the projects listed below:

- Residential: a) New Construction of a One or Two Family Dwelling ; b) New Construction of a Multi-Family Dwelling (3+ units); c) Additions or Alterations to a One or Two Family Dwelling that is over 1,000 sq. ft. of total floor area; e) Construction of or Alteration to Residential Units (any amount) that receive City or Redevelopment Funding (e.g., NOFA projects);
- Non-Residential: a) New Construction of Non-Residential Building over 25,000 sq. ft. of total floor area; b) Major Alterations (see Green Building Definitions) over 25,000 sq. ft. of total floor area to a Non-Residential Building.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>review and approval with the application for a building permit:</p> <ol style="list-style-type: none"> 1. Documentation showing compliance with Title 24 of the 2008 California Building Energy Efficiency Standards. 2. Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit. 3. Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit. 4. Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (b) below. 5. Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance. 6. Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit. 7. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. <p>b. The set of plans in subsection (a) shall demonstrate compliance with the following:</p> <ol style="list-style-type: none"> 1. CALGreen mandatory measures. 2. All pre-requisites per the <u>LEED/GreenPoint Rated</u> checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit. 3. Insert green building point level/certification requirement: (See Green Building Summary Table; for New Construction of Residential or Non-residential projects that remove a Historic Resource (as defined by the Green Building Ordinance) the point level certification requirement is 75 points for residential and LEED Gold for non-residential) per the appropriate checklist approved during the Planning entitlement process. 4. All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Planning and Zoning Division that shows the previously approved points that will be eliminated or substituted. 5. The required green building point minimums in the appropriate credit categories. <p><u>During construction</u></p> <p>The applicant shall comply with the applicable requirements CALGreen and the Green Building Ordinance, Chapter 18.02.</p> <p>a. The following information shall be submitted to the Building Inspections Division of the</p>		Inspection

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>Building Services Division for review and approval:</p> <ol style="list-style-type: none"> 1. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit. 2. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance. 3. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. <p><u>After construction, as specified below</u></p> <p>Within sixty (60) days of the final inspection of the building permit for the project, the Green Building Certifier shall submit the appropriate documentation to <u>Build It Green / Green Building Certification Institute</u> and attain the minimum certification/point level identified in subsection (a) above. Within one year of the final inspection of the building permit for the project, the applicant shall submit to the Planning and Zoning Division the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.</p>		
Impact GHG-1	<p>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.⁷ The applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the Green Building Ordinance, (OMC Chapter 18.02.) for projects using the StopWaste.Org Small Commercial or Bay Friendly Basic Landscape Checklist.</p> <p>a. The following information shall be submitted to the Building Services Division for review and approval with application for a Building permit:</p> <ol style="list-style-type: none"> 1. Documentation showing compliance with the 2008 Title 24, California Building Energy Efficiency Standards. 2. Completed copy of the green building checklist approved during the review of a Planning and Zoning permit. 3. Permit plans that show in general notes, detailed design drawings and specifications as necessary compliance with the items listed in subsection (b) below. 4. Other documentation to prove compliance. 	Prior to issuance of a building permit/During Construction as specified	City of Oakland - Building Services Division, Zoning Inspection

⁷ The SCA below applies to the projects listed below AND that are rated using the Small Commercial or Bay Friendly Basic Landscape Checklists: a) New Construction of Non-Residential Buildings between 5,000 and 25,000 sq. ft. of total floor area; b) Alterations/Alterations 5,000 and 25,000 sq. ft. of total floor area to a Non-Residential Building; c) Additions/Alterations (not meeting the Major Alteration Definition) over 25,000 sq. ft. of total floor area to a Non-Residential Building; d) Alterations/Alterations 5,000 and 25,000 sq. ft. of total floor area to a Historic Non-Residential Building; e) Additions/Alterations (not meeting the Major Alteration Definition) over 25,000 sq. ft. of total floor area to a Historic Non-Residential Building; f) Construction projects with over 25,000 sq. ft. of total floor area of new construction requiring a landscape plan.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>b. The set of plans in subsection (a) shall demonstrate compliance with the following:</p> <ol style="list-style-type: none"> 1. CALGreen mandatory measures. 2. All applicable green building measures identified on the StopWaste.Org checklist approved during the review of a Planning and Zoning permit, or submittal of a Request for Revision Plan-check application that shows the previously approved points that will be eliminated or substituted. <p><u>During construction</u></p> <p>The applicant shall comply with the applicable requirements of CALGreen and Green Building Ordinance, Chapter 18.02 for projects using the StopWaste.Org Small Commercial or Bay Friendly Basic Landscape Checklist.</p> <p>a. The following information shall be submitted to the Building Inspections Division for review and approval:</p> <ol style="list-style-type: none"> 1. Completed copy of the green building checklists approved during review of the Planning and Zoning permit and during the review of the Building permit. 2. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. 		
	<p>SCA-24. Construction Management Plan. The project applicant shall submit to the Planning and Zoning Division and the Building Services Division for review and approval a construction management plan that identifies the conditions of approval and mitigation measures related to construction impacts of the project and explains how the project applicant will comply with these construction-related conditions of approval and mitigation measures.</p>	Prior to issuance of a demolition, grading, or building permit	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>
	<p>SCA-25. Parking and Transportation Demand Management. Refer to SCA-25 under Impact AQ-1.</p>		
	<p>SCA-36. Waste Reduction and Recycling. The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.</p> <p><u>Prior to issuance of demolition, grading, or building permit</u></p> <p>Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed Plan from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement</p>	Prior to issuance of demolition, grading, or building permit or ongoing, as specified	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Public Works Department, Environmental Services Division</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>the plan.</p> <p><u>Ongoing</u></p> <p>The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed Plan from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.</p>		
	<p>SCA-46. Tree Replacement Plantings. Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:</p> <ol style="list-style-type: none"> No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered. Replacement tree species shall consist of <i>Sequoia sempervirens</i> (Coast Redwood), <i>Quercus agrifolia</i> (Coast Live Oak), <i>Arbutus menziesii</i> (Madrone), <i>Aesculus californica</i> (California Buckeye) or <i>Umbellularia californica</i> (California Bay Laurel) or other tree species acceptable to the Tree Services Division. Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate. Minimum planting areas must be available on site as follows: <ol style="list-style-type: none"> For <i>Sequoia sempervirens</i>, three hundred fifteen square feet per tree; For all other species listed in #2 above, seven hundred (700) square feet per tree. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians. Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer of the Tree Division of the Public Works Agency may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within 	<p>Prior to issuance of a final inspection of the building permit</p>	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland Public Works Department, Tree Division</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	one year of planting shall be replanted at the project applicant's expense.		
Impact GHG-2: New development under the proposed Plan would not fundamentally conflict with an applicable plan, policy or regulation adopted for the purpose of reducing greenhouse gas emissions.	SCA-A. Construction-Related Air Pollution Controls (Dust and Equipment Emissions). Refer to SCA-A under Impact AQ-1.		
	SCA-F. Greenhouse Gas (GHG) Reduction Plan. Refer to SCA-F under Impact GHG-1.		
	SCA-H. Compliance with the Green Building Ordinance, OMC Chapter 18.02. Refer to SCA-H under Impact GHG-1.		
	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. Refer to SCA-I under Impact GHG-1.		
	SCA-24. Construction Management Plan. Refer to SCA-24 under Impact GHG-1.		
	SCA-25. Parking and Transportation Demand Management. Refer to SCA-25 under Impact AQ-1.		
	SCA-36. Waste Reduction and Recycling. Refer to SCA-36 under Impact GHG-1.		
	SCA-46. Tree Replacement Plantings. Refer to SCA-46 under Impact GHG-1.		
Impact GHG-3: New development under the proposed Station Area Plan in combination with regional growth would not result in a considerable contribution to the cumulative effects of global climate change.	SCA-F. Greenhouse Gas (GHG) Reduction Plan. Refer to SCA-F under Impact GHG-1.		
Impact GHG-3	SCA-H. Compliance with the Green Building Ordinance, OMC Chapter 18.02. Refer to SCA-H under Impact GHG-1.		
	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. Refer to SCA-I under Impact GHG-1.		
	SCA-24. Construction Management Plan. Refer to SCA-24 under Impact GHG-1.		
	SCA-25. Parking and Transportation Demand Management. Refer to SCA-25 under Impact AQ-1.		
	SCA-36. Waste Reduction and Recycling. Refer to SCA-36 under Impact GHG-1.		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	SCA-46. Tree Replacement Plantings. Refer to SCA-46 under Impact GHG-1.		
Public Services			
Impact PUB-1: Future development under the proposed Plan would not result in substantial adverse physical impacts associated with the provision of new or physically altered 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 fire protection.	SCA-4. Conformance with Other Requirements. <ol style="list-style-type: none"> The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval 3. The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion. 	Prior to issuance of a demolition, grading, P-job, or other construction related permit	City of Oakland, Planning and Zoning Division City of Oakland, Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection
	SCA-71. Fire Safety Phasing Plan. Prior to issuance of a demolition, grading, and/or construction and concurrent with any p-job submittal permit for a project constructed pursuant to the Redevelopment Plan, the project applicant shall submit a separate fire safety phasing plan to the Planning and Zoning Division and Fire Services Division for their review and approval. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. Fire Services Division may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase.	Prior to issuance of a demolition, grading, and/or construction and concurrent with any p-job submittal permit for a project constructed pursuant to the Redevelopment Plan	City of Oakland, Planning and Zoning Division City of Oakland, Fire Services Division
Utilities and Service Systems			
Impact UTL-2: The proposed Plan would not require or result in construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	SCA-75. Stormwater Pollution Prevention Plan (SWPPP). ⁸ The project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a notice of intent (NOI) with the SWRCB. The project applicant will be required to prepare a stormwater pollution prevention plan (SWPPP) and submit the plan for review and approval by the Building Services Division. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project	Prior to and ongoing throughout demolition, grading, and/or construction activities	City of Oakland, Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection

⁸ These Development Standards apply to ALL projects that disturb one (1) acre or more of surface area.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	applicant shall submit to the Building Services Division a copy of the SWPPP and evidence of submittal of the NOI to the SWRCB. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.		
	<p>SCA-78. Site Design Measures for Post-Construction Stormwater Management.⁹ The project drawings submitted for a building permit (or other construction-related permit) shall contain a final site plan to be reviewed and approved by Planning and Zoning. The final site plan shall incorporate appropriate site design measures to manage stormwater runoff and minimize impacts to water quality after the construction of the project. These measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> a. Minimize impervious surfaces, especially directly connected impervious surfaces; b. Utilize permeable paving in place of impervious paving where appropriate; c. Cluster buildings; d. Preserve quality open space; and e. Establish vegetated buffer areas. <p>Ongoing</p> <p>The approved plan shall be implemented and the site design measures shown on the plan shall be permanently maintained.</p>	Prior to issuance of building permit (or other construction-related permit)/Ongoing, as specified	City of Oakland, Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection
	<p>SCA-80. Post-Construction Stormwater Management Plan.¹⁰ The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related</p>	Construction-Permit-Phase Stormwater Supplemental Form Submittal: Prior to	City of Oakland, Planning and Zoning Division City of Oakland -

⁹ These Development Standards apply to ALL projects that create or replace LESS than 10,000 square feet of impervious service or involve construction of one single-family home. Exceptions to this standard include the following:

- a. Sidewalks, bicycle lanes, trails, bridge accessories, guardrails, and landscape features associated with the street.
- b. Routine maintenance and repair of existing impervious surfaces, including roof and pavement resurfacing and road pavement structural section rehabilitation work within the existing pavement footprint; and
- c. Reconstruction work within an existing public street right-of-way where both sides of the right-of-way are already developed.

¹⁰ These Development Standards apply to ALL projects 1) where the application for a zoning permit was deemed complete on or after February 15, 2005 that create or replace one (1) acre or MORE of impervious surface or 2) where the application for a zoning permit was deemed complete on or after August 15, 2006 that create or replace 10,000 square feet or more of impervious surface. Exceptions include the following:

- a. Sidewalks, bicycle lanes, trails, bridge accessories, guardrails, and landscape features associated with the street.
- b. Routine maintenance and repair of existing impervious surfaces, including roof and pavement resurfacing and road pavement structural section rehabilitation work within the existing pavement footprint; and
- c. Reconstruction work within an existing public street right-of-way where both sides of the right-of-way are already developed.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>permit) a completed Construction-Permit-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.</p> <p>a. The post-construction stormwater management plan shall include and identify the following:</p> <ol style="list-style-type: none"> 1. All proposed impervious surface on the site; 2. Anticipated directional flows of on-site stormwater runoff; and 3. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and 4. Source control measures to limit the potential for stormwater pollution; 5. Stormwater treatment measures to remove pollutants from stormwater runoff; and 6. Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit. <p>b. The following additional information shall be submitted with the post-construction stormwater management plan:</p> <ol style="list-style-type: none"> 1. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and 2. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e., non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project. <p>All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.</p>	<p>issuance of building permit (or other construction-related permit).</p> <p>Implement SWP: Prior to final permit inspection.</p>	<p>Building Services Division, Zoning Inspection</p>
	<p>SCA-91. Stormwater and Sewer.¹¹ Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to</p>	<p>Prior to completing the final design for the project's sewer service</p>	<p>City of Oakland, Planning and Zoning Division City of Oakland -</p>

¹¹ These Development Standards apply to ALL projects that involve a new connection to the City's stormwater and sewer system.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	accommodate the proposed Plan. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed Plan. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.		Building Services Division, Zoning Inspection
Impact UTL-4: The increased generation of wastewater by the proposed Plan would not result in a determination by the wastewater treatment provider which serves or may serve the proposed Plan that it does not have adequate capacity to serve the proposed Plan's projected demand in addition to the providers' existing commitments and require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	SCA-91. Stormwater and Sewer. Refer to SCA-91 under Impact UTL-2.		
Impact UTL-5: Implementation of the proposed Plan would not not be served by a landfill with insufficient permitted capacity to accommodate the proposed Plan'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, or cause the City to violate applicable federal, state, and local statutes and regulations related to solid waste.	SCA-36. Waste Reduction and Recycling. Refer to SCA-36 under Impact GHG-1.		
Impact UTL-7: Implementation of the proposed Plan, combined with past, present, and reasonably foreseeable maximum development, within and around the Planning Area, would not contribute to a significant adverse	SCA-36. Waste Reduction and Recycling. Refer to SCA-36 under Impact GHG-1.		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
cumulative impact on utilities services.			
	SCA-75. Stormwater Pollution Prevention Plan (SWPPP). Refer to SCA-75 under Impact UTL-2.		
	SCA-78. Site Design Measures for Post-Construction Stormwater Management. Refer to SCA-78 under Impact UTL-2.		
	SCA-80. Post-Construction Stormwater Management Plan. Refer to SCA-80 under Impact UTL-2.		
	SCA-91. Stormwater and Sewer. Refer to SCA-91 under Impact UTL-2.		
Cultural and Historic Resources			
Impact CUL-1: Future development under the proposed Plan would cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines section 15064.5.	SCA-56. Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition). ¹² The project applicant shall make a good faith effort to relocate the building to a site acceptable to the Planning and Zoning Division and the Oakland Cultural Heritage Survey. Good faith efforts include, at a minimum, the following: a. Advertising the availability of the building by: (1) posting of large visible signs (such as banners, at a minimum of 3' x 6' size or larger) at the site; (2) placement of advertisements in Bay Area news media acceptable to the City; and (3) contacting neighborhood associations and for-profit and not-for-profit housing and preservation organizations; b. Maintaining a log of all of the good faith efforts and submitting that along with photos of the subject building showing the large signs (banners) to the Planning and Zoning Division; c. Maintaining the signs and advertising in place for a minimum of 90 days; and d. Making the building available at no or nominal cost (the amount to be reviewed by the Oakland Cultural Heritage Survey) until removal is necessary for construction of a replacement project, but in no case for less than a period of 90 days after such advertisement.	Prior to issuance of a demolition permit	City of Oakland, Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection
Impact CUL-1	SCA-57. Vibrations Adjacent to Historic Structures. ¹³ The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage the [insert historic building name] (Historic Structure) and design means and methods of construction that shall be utilized to not exceed the thresholds.	Prior to issuance of a demolition, grading or building permit	City of Oakland, Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection

¹² These Development Standards apply to ALL projects that propose demolition of a potentially designated historic structure (PDHP) OR a CEQA Historic Resource.

¹³ These Development Standards apply to ALL projects that involve construction that is adjacent to a CEQA Historic Resource or a Potential Designated Historic Property (PDHP).

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
Impact CUL-1	<p>Mitigation Measure CUL-1: Mitigation Measure CUL-1 involving (a) Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures; (b) Future Site-specific Surveys and Evaluations; (c) Recordation and Public Interpretation; or (d) Financial Contributions.), would not reduce the impact to a less than significant level.</p> <p>a. Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures.</p> <ul style="list-style-type: none"> o <i>Avoidance.</i> The City shall ensure that all future redevelopment activities allowable under the Proposed Amendments, including demolition, alteration, and new construction, would avoid historical resources (i.e., those listed on federal, state, and local registers). o <i>Adaptive Reuse.</i> If avoidance is not feasible, adaptive reuse and rehabilitation of historical resources shall occur in accordance with the <i>Secretary of Interior's Standards for the Treatment of Historic Properties</i>. o <i>Appropriate Relocation.</i> If avoidance or adaptive reuse <i>in situ</i> is not feasible, pursuant to SCA CUL-4: Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition), redevelopment projects able to relocate the affected historical property to a location consistent with its historic or architectural character could reduce the impact less than significant (Historic Preservation Element Action 3.8.1), unless the property's location is an integral part of its significance, e.g., a contributor to a historic district. <p>b. Future Site-specific Surveys and Evaluations.</p> <p>Although most of the Project Area has been surveyed by the City of Oakland's OCHS, evaluations and ratings may change with time and other conditions. As such, there may be numerous other previously unidentified historical resources which would be affected by future redevelopment activities, including demolition, alteration, and new construction. For any future redevelopment project that would occur on or immediately adjacent to buildings 50 years old or older, and would occur between 2012 and 2023 (i.e., buildings constructed prior to 1973), the City shall require specific surveys and evaluations of such properties to determine their potential historical significance at the federal, state, and local levels. Intensive-level surveys and evaluations shall be completed by a qualified architectural historian who meets the <i>Secretary of the Interior's Standards</i> for architectural history. For all historical resources identified as a result of site-specific surveys and evaluations, the City shall ensure that future redevelopment activities, including demolition, alteration, and new construction, would avoid, adaptively reuse, and/or appropriately relocate such historical resources in accordance with measure "a" (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures), above.</p>	Prior to issuance of building permit (or other construction-related permit)	City of Oakland, Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>c. Recordation and Public Interpretation.</p> <p>If measure “a” (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically significant Structures) is determined infeasible as part of any future redevelopment scenarios, the City shall evaluate the feasibility of recordation and public interpretation of such resources prior to any construction activities which would directly affect them. Should City staff decide recordation and or public interpretation is required, the following activities would be performed:</p> <ul style="list-style-type: none"> ○ <i>Recordation.</i> Recordation shall follow the standards provided in the National Park Service’s Historic American Building Survey (HABS) program, which requires large-format photo-documentation of historic structures, a written report, and measured drawings (or photo reproduction of original plans if available). The photographs and report would be archived at local repositories, such as public libraries, historical societies, and the Northwest Information Center at Sonoma State University. The recordation efforts shall occur prior to demolition, alteration, or relocation of any historic resources identified in the Project Area, including those that are relocated pursuant to measure “a” (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically-significant Structures). Additional recordation could include (as appropriate) oral history interviews or other documentation (e.g., video) of the resource. ○ <i>Public Interpretation.</i> A public interpretation program would be developed by a qualified historic consultant in consultation with the Landmarks Preservation Advisory Board and City staff, based on a City-approved scope of work and submitted to the City for review and approval. The program could take the form of plaques, commemorative markers, or artistic or interpretive displays which explain the historical significance of the properties to the general public. Such displays would be incorporated into project plans as they are being developed, and would typically be located in a publicly accessible location on or near the site of the former historical resource(s). Public interpretation displays shall be installed prior to completion of any construction projects in the Project Area. ○ Photographic recordation and public interpretation of historically significant properties prior to their demolition or alteration does not typically mitigate the loss of potentially historic resources to a less than significant level [CEQA Section 15126.4(b)(2)]. <p>d. Financial Contributions.</p> <p>If measure “a” (Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically significant Structures) and measure “b” (Future Site-specific Surveys and Evaluations) are not satisfied, the project applicants of specific projects facilitated by the Proposed Amendments shall make a financial contribution to the City of Oakland, which can be used to fund other historic preservation projects within the Project Area or in the</p>		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>immediate vicinity. Such programs include, without limitation, a Façade Improvement Program, or the Property Relocation Assistance Program.</p> <p>This mitigation would conform to Action 3.8.1(9) of the Historic Preservation Element of the City of Oakland General Plan. Contributions to the fund(s) shall be determined by staff at the time of approval of site-specific project plans based on a formula to be determined by the Landmarks Preservation Advisory Board. However, such financial contribution, even in conjunction with measure "c" (Recordation and Public Interpretation), would not reduce the impacts to less than significant levels.</p>		
<p>Impact CUL-2: Future development under the proposed Plan would not cause a substantial adverse change in the significance of archaeological resources pursuant to CEQA Guidelines section 15064.5.</p>	<p>SCA-52. Archaeological Resources.</p> <p>a. Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or Lead Agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or Lead Agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.</p> <p>b. In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measures for historical resources or unique archaeological resources are carried out.</p> <p>c. Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measures, subject to approval by the City of Oakland. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.</p>	<p>Ongoing throughout demolition, grading, and/or construction</p>	<p>City of Oakland, Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<i>These Development Standards apply to ALL projects that involve a Grading Permit.</i>		
Impact CUL-2	<p>SCA-E. Archaeological Resources – Sensitive Areas.¹⁴ The project applicant shall implement either Provision A (Intensive Pre-Construction Study) or Provision D (Construction ALERT Sheet). However, if in either case a high potential presence of historic-period archaeological resources on the project site is indicated, or a potential resource is discovered, the project applicant shall also implement all of the following provisions:</p> <ul style="list-style-type: none"> • Provision B (Construction-Period Monitoring), • Provision C (Avoidance and/or Find Recovery), and • Provision D (to establish a Construction ALERT Sheet if the Intensive Pre-Construction Study was originally implemented per Provision A, or to update and provide more specificity to the initial Construction ALERT Sheet if a Construction ALERT Sheet was originally implemented per Provision D). <p>Provision A through Provision D are detailed as follows:</p> <p>Provision A: Intensive Pre-Construction Study - The project applicant, upon approval from the City Planning and Zoning Division, may choose to complete a site-specific, intensive archaeological resources study prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. If that approach is selected, the study shall be conducted by a qualified archaeologist approved by the City Planning and Zoning Division. If prepared, at a minimum, the study shall include:</p> <ol style="list-style-type: none"> An intensive cultural resources study of the project site, including subsurface presence/absence studies, of the project site. Field studies conducted by the approved archaeologist(s) may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources; A report disseminating the results of this research; Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources. <p>If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground-disturbing activities on the project</p>	Prior to issuance of a demolition, grading, or building permit	City of Oakland, Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection

¹⁴ This SCA further implements (and is in addition to) the 2008 SCA for Archeological Resources (SCA 52) The SCA applies to all projects that require a grading permit and are located in archaeologically sensitive areas. Archaeologically sensitive areas include areas in which previous CEQA documents or other information identified a higher likelihood of archaeological finds. Other development standards apply to all projects that include the redevelopment or reuse of historically industrial or commercial buildings, and concern hazardous materials.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>site during construction (see Provision B, Construction-Period Monitoring, below), implement avoidance and/or find recovery measures (see Provision C, Avoidance and/or Find Recovery, below), and prepare an ALERT Sheet that details what could potentially be found at the project site (see Provision D, Construction ALERT Sheet, below).</p> <p>Provision B: Construction-Period Monitoring - Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT Sheet, require per Provision D, Construction ALERT Sheet, below) and the procedures to follow if any are encountered, field recording and sampling in accordance with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, or preparing a report to document negative findings after construction is completed. If a significant archaeological resource is discovered during the monitoring activities, adherence to Provision C, Avoidance and/or Find Recovery, discussed below), would be required to reduce the impact to less than significant. The project applicant shall hire a qualified archaeologist to monitor all ground-disturbing activities on the project site throughout construction.</p> <p>Provision C: Avoidance and/or Find Recovery - If a significant archaeological resource is present that could be adversely impacted by the proposed project, the project applicant of the specific project site shall either:</p> <ol style="list-style-type: none"> Stop work and redesign the proposed project to avoid any adverse impacts on significant archaeological resource(s); or, If avoidance is determined infeasible by the City, design and implement an Archaeological Research Design and Treatment Plan (ARDTP). The project applicant shall hire a qualified archaeologist who shall prepare a draft ARDTP that shall be submitted to the City Planning and Zoning Division for review and approval. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if non-destructive methods are practical. The project applicant shall implement the ARDTP. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. <p>Provision D: Construction ALERT Sheet - The project applicant, upon approval from the City Planning and Zoning Division, may choose to prepare a Construction ALERT Sheet</p>		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>prior to soil-disturbing activities occurring on the project site, instead of conducting site-specific, intensive archaeological resources pursuant to Provision A, above. The project applicant shall submit for review and approval by the City prior to subsurface construction activity an ALERT sheet prepared by a qualified archaeologist with visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project's prime contractor; any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving); and/or utilities firm involved in soil-disturbing activities within the project site.</p> <p>The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, that in the event of discovery of the following cultural materials, all work must be stopped in the area and the City's Environmental Review Officer contacted to evaluate the find: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones.</p> <p>Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel.</p> <p>If the project applicant chooses to implement Provision D, Construction ALERT Sheet, and a potential resource is discovered on the project site during ground disturbing activities during construction, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction (see Provision B, Construction-Period Monitoring, above), implement avoidance and/or find recovery measures (see Provision C, Avoidance and/or Find Recovery, above), and prepare an updated ALERT Sheet that addresses the potential resource(s) and other possible resources based on the discovered find found on the project site.</p>		
Impact CUL-3: Future development under the proposed Plan would not disturb any human remains, including those interred outside formal cemeteries.	<p>SCA-53. Human Remains. In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, in accordance with the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with the specific steps and timeframe required to resume</p>	Ongoing throughout demolition, grading, and/or construction	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	construction activities. Monitoring, data recovery, and determination of significance and avoidance measures (if applicable) shall be completed expeditiously.		
Impact CUL-4: Future development under the proposed Plan would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	SCA-54. Paleontological Resources. In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such a plan shall be implemented. The plan shall be submitted to the City for review and approval.	Ongoing throughout demolition, grading, and/or construction	City of Oakland, Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection
Impact CUM CUL-5: The proposed Plan would contribute to a cumulative impact on historic resources.	SCA-56. Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition). Refer to SCA-56 under Impact CUL-1.		
	SCA-57. Vibrations Adjacent to Historic Structures. Refer to SCA-56 under Impact CUL-1.		
	Mitigation Measure CUL-1. Refer to Mitigation Measure CUL-1 under Impact CUL-1.		
Aesthetics			
Impact AES-1: New development under the proposed Plan would not have a substantial adverse effect on a public scenic vista.	SCA-13. Landscape Requirements for Street Frontages (Residential Construction). a. All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning. b. In addition to the general landscaping requirements set forth in Chapter 17.124, a minimum of one (1) 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-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 Director of Parks and Recreation.	Prior to issuance of a final inspection of the building permit	City of Oakland, Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection
	SCA-15. Landscape Maintenance (Residential Construction). All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences, walls and irrigation systems shall be permanently	Ongoing	City of Oakland, Planning and Zoning Division

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	maintained in good condition and, whenever necessary, repaired or replaced.		City of Oakland - Building Services Division, Zoning Inspection
	<p>SCA-17. Landscape Requirements for Street Frontages. 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 and does not interfere with access requirements, a minimum of one (1) twenty-four (24) inch box tree shall be provided for every twenty-five (25) feet of street frontage, unless a smaller size is recommended by the City arborist. The trees to be provided shall include species acceptable to the Tree Services Division.</p> <p><i>General Landscape Conditions of Approval for all new commercial and manufacturing construction.</i></p>	Prior to issuance of a final inspection of the building permit	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>
	<p>SCA-18. Landscape Maintenance (Commercial and Manufacturing). All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.</p>	Ongoing	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>
	<p>SCA-19. Underground Utilities. The project applicant shall submit plans for review and approval by the Building Services Division and the Public Works Agency, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground. The new facilities shall be placed underground along the project applicant's street frontage and from the project applicant's structures to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.</p> <p><i>These Additional General Conditions of Approval apply to major permits (initial decision is by the Planning Commission and can be appealed to City Council).</i></p>	Prior to issuance of a building permit	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>
<p>Impact AES-2: New development facilitated by the proposed Plan would not substantially degrade the existing visual character or quality of the Planning Area and its surroundings.</p>	<p>SCA-12. Required Landscape Plan for New Construction and Certain Additions to Residential Facilities. Submittal and approval of a landscape plan for the entire site is required for the establishment of a new residential unit (excluding secondary units of five hundred (500) square feet or less), and for additions to Residential Facilities of over five hundred (500) square feet. The landscape plan and the plant materials installed pursuant to the approved plan shall conform to all provisions of Chapter 17.124 of the Oakland Planning Code, including the following:</p> <ol style="list-style-type: none"> Landscape plan shall include a detailed planting schedule showing the proposed location, sizes, quantities, and specific common botanical names of plant species. Landscape plans for projects involving grading, rear walls on downslope lots requiring conformity with the screening requirements in Section 17.124.040, or 	Prior to issuance of a building permit	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>vegetation management prescriptions in the S-11 zone, shall show proposed landscape treatments for all graded areas, rear wall treatments, and vegetation management prescriptions.</p> <p>c. Landscape plan shall incorporate pest-resistant and drought-tolerant landscaping practices. Within the portions of Oakland northeast of the line formed by State Highway 13 and continued southerly by Interstate 580, south of its intersection with State Highway 13, all plant materials on submitted landscape plans shall be fire resistant. The City Planning and Zoning Division shall maintain lists of plant materials and landscaping practices considered pest-resistant, fire-resistant, and drought-tolerant.</p> <p>d. All landscape plans shall show proposed methods of irrigation. The methods shall ensure adequate irrigation of all plant materials for at least one growing season.</p> <p><i>General Landscape Conditions of Approval for all new residential construction or residential additions of over 500 sq. ft.</i></p>		
	SCA-13. Landscape Requirements for Street Frontages (Residential Construction). Refer to SCA-13 under Impact AES-1.		
	SCA-15. Landscape Maintenance (Residential Construction). Refer to SCA-15 under Impact AES-1.		
	SCA-17. Landscape Requirements for Street Frontages.). Refer to SCA-17 under Impact AES-1.		
	SCA-18. Landscape Maintenance (Commercial and Manufacturing). Refer to SCA-18 under Impact AES-1.		
	SCA-19. Underground Utilities. Refer to SCA-19 under Impact AES-1.		
	<p>SCA-20. Improvements in the Public Right-of-Way (General).</p> <p>a. The project applicant shall submit Public Improvement Plans to Building Services Division for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with the conditions and/or mitigations and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements located within the public ROW.</p> <p>a. Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition and/or mitigations.</p> <p>b. The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.</p>	Approved prior to the issuance of a P-job or building permit	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	c. The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.		
	<p>SCA-21. Improvements in the Public Right-of Way (Specific). Final building and public improvement plans submitted to the Building Services Division shall include the following components:</p> <ul style="list-style-type: none"> a. Install additional standard City of Oakland streetlights. b. Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter. c. Reconstruct drainage facility to current City standard. d. Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards. e. Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards. f. Remove and replace deficient concrete sidewalk, curb and gutter within property frontage. g. Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards. 	Approved prior to the issuance of a grading or building permit.	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>
	<p>SCA-33 Construction Traffic and Parking. The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:</p> <ul style="list-style-type: none"> a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. b. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur. c. Location of construction staging areas for materials, equipment, and vehicles at an approved location. d. A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services. e. Provision for accommodation of pedestrian flow. <p>Major Project Cases:</p> <ul style="list-style-type: none"> f. Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces or insert name of street.. 	Prior to the issuance of a demolition, grading or building permit.	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>g. Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy.</p> <p>h. Any heavy equipment brought to the construction site shall be transported by truck, where feasible.</p> <p>i. No materials or equipment shall be stored on the traveled roadway at any time.</p> <p>j. Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.</p> <p>k. All equipment shall be equipped with mufflers.</p> <p>l. Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.</p>		
	<p>SCA-40. Lighting Plan.¹⁵ The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.</p>	Prior to the issuance of an electrical or building permit	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>
<p>Impact AES-3: New development facilitated by the proposed Plan would not create a new source of substantial light or glare which would substantially and adversely affect day or nighttime views in the area.</p>	<p>SCA-40. Lighting Plan. Refer to SCA-40 under Impact AES-2.</p>		
<p>Impact CUM AES-6: New development under the proposed Plan, in combination with other past, present, and reasonably foreseeable future projects within and around the Planning Area, would not adversely affect scenic public vistas or scenic resources.</p>	<p>SCA-12. Required Landscape Plan for New Construction and Certain Additions to Residential Facilities. Refer to SCA-12 under Impact AES-2.</p>		

¹⁵ These Development Standards apply to ALL construction projects that will have new exterior lighting.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	SCA-13. Landscape Requirements for Street Frontages (Residential Construction). Refer to SCA-13 under Impact AES-1.		
	SCA-15. Landscape Maintenance (Residential Construction). Refer to SCA-15 under Impact AES-1.		
	SCA-17. Landscape Requirements for Street Frontages.). Refer to SCA-17 under Impact AES-1.		
	SCA-18. Landscape Maintenance (Commercial and Manufacturing). Refer to SCA-18 under Impact AES-1.		
	SCA-19. Underground Utilities. Refer to SCA-19 under Impact AES-1.		
	SCA-20. Improvements in the Public Right-of-Way (General). Refer to SCA-20 under Impact AES-2.		
	SCA-21. Improvements in the Public Right-of Way (Specific). Refer to SCA-21 under Impact AES-2.		
	SCA-40. Lighting Plan. Refer to SCA-40 under Impact AES-2.		
Noise			
Impact NO-1: New development under the proposed Plan would not generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding construction noise, except if an acoustical analysis is performed that identifies recommended measures to reduce potential impacts, or generate noise in violation of the City's nuisance standards (Oakland Municipal Code section 8.18.020) regarding persistent construction-related noise.	<p>SCA-28. Days/Hours of Construction Operation. The project applicant shall require construction contractors to limit standard construction activities as follows:</p> <ul style="list-style-type: none"> a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday. b. Any construction activity proposed to occur outside of the standard hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis, with criteria including the proximity of residential uses and a consideration of residents' preferences for whether the activity is acceptable if the overall duration of construction is shortened, and such construction activities shall only be allowed with the prior written authorization of the Building Services Division. c. Construction activity shall not occur on Saturdays, with the following possible exceptions: <ul style="list-style-type: none"> 1. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case-by-case basis, with criteria including the proximity of residential uses and a consideration of residents' preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with 	Ongoing throughout demolition, grading, and/or construction	City of Oakland, Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>the prior written authorization of the Building Services Division.</p> <p>2. After the building is enclosed, requests for Saturday construction activities shall only be allowed with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.</p> <p>d. No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.</p> <p>e. No construction activity shall take place on Sundays or Federal holidays.</p> <p>f. Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.</p> <p>g. Applicant shall use temporary power poles instead of generators where feasible.</p>		
	<p>SCA-29. Noise Control. To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division's and the Building Services Division's review and approval, which includes the following measures:</p> <p>a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, wherever feasible).</p> <p>b. Except as provided herein, Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.</p> <p>c. Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.</p> <p>d. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.</p>	Ongoing throughout demolition, grading, and/or construction	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>SCA-30. Noise Complaint Procedures. Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:</p> <ul style="list-style-type: none"> a. A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department (during regular construction hours and off-hours); b. A sign posted on-site pertaining to permitted construction days and hours, complaint procedures, and whom to notify in the event of a problem. The sign shall also include a listing of both the City's and construction contractor's telephone numbers (during regular construction hours and off-hours); c. The designation of an on-site construction complaint and enforcement manager for the project; d. Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and e. A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed. 	Ongoing throughout demolition, grading, and/or construction	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>
	<p>SCA-39. Pile Driving and Other Extreme Noise Generators. To further reduce potential pier drilling, pile driving, and/or other extreme noise generating construction impacts greater than 90 dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:</p> <ul style="list-style-type: none"> a. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings; b. Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more 	Ongoing throughout demolition, grading, and/or construction	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;</p> <p>c. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;</p> <p>d. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings—by the use of sound blankets, for example—and implement such measures if such measures are feasible and would noticeably reduce noise impacts; and</p> <p>e. Monitor the effectiveness of noise attenuation measures by taking noise measurements.</p> <p><i>These Development Standards apply to ALL projects that involve pile driving or other extreme noise generation greater than 90 dBA.</i></p>		
Impact NO-2: New development under the proposed Plan would not generate noise in violation of the City of Oakland Noise Ordinance (Oakland Planning Code section 17.120.050) regarding operational noise.	SCA-32. Operational Noise-General. Noise levels from the activity, property, or any mechanical equipment on-site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning and Building Services Divisions.	Ongoing	City of Oakland, Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection
Impact NO-3: New development under the proposed Plan would not generate noise resulting in a 5 dBA permanent increase in ambient noise levels in the Plan vicinity above levels existing without the proposed Plan.	<p>SCA-31. Interior Noise. If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls), and/or other appropriate features/measures, shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval prior to issuance of a building permit. Final recommendations for sound-rated assemblies, and/or other appropriate features/measures, will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phases. Written confirmation by the acoustical consultant, or HVAC or HERS specialist, shall be submitted for City review and approval, prior to Certificate of Occupancy (or equivalent), that:</p> <p>a. Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and</p> <p>b. Demonstrates compliance with interior noise standards based upon performance testing of a sample unit.</p> <p>c. Inclusion of a Statement of Disclosure Notice in the Covenants, Conditions, and Restrictions (CC&R) on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity and the single event noise occurrences. Potential features/measures to reduce interior noise could include, but are not limited</p>	Prior to issuance of a building permit and Certificate of Occupancy	City of Oakland, Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>to, the following:</p> <ol style="list-style-type: none"> 1. Installation of an alternative form of ventilation in all units identified in the acoustical analysis as not being able to meet the interior noise requirements due to adjacency to a noise generating activity, filtration of ambient make-up air in each unit, and analysis of ventilation noise if ventilation is included in the recommendations by the acoustical analysis. 2. Prohibition of Z-duct construction 		
	SCA-32. Operational Noise-General. Refer to SCA-32 under Impact No-2.		
Impact NO-4: New development under the proposed Plan would not expose persons to interior L_{dn} or CNEL greater than 45 dBA for multi-family dwellings, hotels, motels, dormitories and long-term care facilities (and may be extended by local legislative action to include single-family dwellings), per California Noise Insulation Standards (CCR Part 2, Title 24).	SCA-31. Interior Noise. Refer to SCA-31 under Impact NO-3.		
Impact NO-5: New development under the proposed Plan would not expose people in the Planning Area to community noise in conflict with the land use compatibility guidelines of the Oakland General Plan after incorporation of all applicable Standard Conditions of Approval.	SCA-31. Interior Noise. Refer to SCA-31 under Impact NO-3.		
Impact NO-7: During either project construction or operation, new development under the proposed Plan could expose persons to or generate groundborne vibration that exceeds criteria established by the Federal Transit Administration (FTA).	<p>SCA-38. Vibration A qualified acoustical consultant shall be retained by the project applicant during the design phase of the project to comment on structural design as it relates to reducing groundborne vibration at the project site. If required in order to reduce groundborne vibration to acceptable levels, the project applicant shall incorporate special building methods to reduce groundborne vibration being transmitted into project structures. The City shall review and approve the recommendations of the acoustical consultant and the plans implementing such recommendations. Applicant shall implement the approved plans. Potential methods include the following:</p> <ol style="list-style-type: none"> a. Isolation of foundation and footings using resilient elements such as rubber bearing pads or springs, such as a "spring isolation" system that consists of resilient spring supports that can support the podium or residential foundations. The specific system shall be selected so that it can properly support the structural loads, and provide adequate filtering of ground-borne vibration to the residences above. 	Prior to issuance of a building permit	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	b. Trenching, which involves excavating soil between the railway/freeway and the project so that the vibration path is interrupted, thereby reducing the vibration levels before they enter the project's structures. Since the reduction in vibration level is based on a ratio between trench depth and vibration wavelength, additional measurements shall be conducted to determine the vibration wavelengths affecting the project. Based on the resulting measurement findings, an adequate trench depth and, if required, suitable fill shall be identified (such as foamed styrene packing pellets (i.e., Styrofoam) or low-density polyethylene).		
	SCA-39. Pile Driving and Other Extreme Noise Generators. Refer to SCA-39 under Impact NO-1.		
Impact CUM NO-8: Under a cumulative scenario, new development under the proposed Plan, together with regional growth, would not result in a 5-dBA permanent increase in ambient noise levels in the proposed Plan vicinity without the proposed Plan (i.e., the cumulative condition including the proposed Plan compared to the existing conditions) and a 3-dBA permanent increase is attributable to the proposed Plan (i.e., the cumulative condition including the proposed Plan compared to cumulative baseline conditions without the proposed Plan.).	SCA-31. Interior Noise. Refer to SCA-31 under Impact NO-3.		
	SCA-32. Operational Noise-General. Refer to SCA-32 under Impact NO-2.		
Biological Resources			
Impact BIO-1: New development under the proposed Plan would not 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-44. Tree Removal During Breeding Season. To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent	Prior to issuance of a tree removal permit	City of Oakland, Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection City of Oakland – Public Works Department, Tree Division

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.		
	SCA-46. Tree Replacement Plantings. Refer to SCA-46 under Impact GHG-1.		
	<p>SCA-82. Erosion, Sedimentation, and Debris Control Measures. The project applicant shall submit an erosion and sedimentation control plan for review and approval by the Building Services Division. All work shall incorporate all applicable "Best Management Practices (BMPs) for the construction industry, and as outlined in the Alameda Countywide Clean Water Program pamphlets, including BMP's for dust, erosion and sedimentation abatement per Chapter Section 15.04 of the Oakland Municipal Code. The measures shall include, but are not limited to, the following:</p> <p><u>Basic:</u></p> <ol style="list-style-type: none"> On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the creek. In accordance with an approved erosion control plan, the project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent degradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible. All work in or near creek channels must be performed with hand tools and by a minimum number of people. Immediately upon completion of this work, soil must be repacked and native vegetation planted. Install filter materials (such as sandbags, filter fabric, etc.) acceptable to the Engineering Division at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains. Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek. Create a contained and covered area on the site for storage of bags of cement, paints, 	Prior to issuance of demolition, grading, or construction-related permit	City of Oakland, Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.</p> <p>i. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.</p> <p>j. Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.</p> <p>k. Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the creek, street, gutter, stormdrains.</p> <p>l. All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Board (RWQB).</p> <p>m. Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction (or both sides of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of Planning and Zoning.</p> <p>All erosion and sedimentation control measures shall be monitored regularly by the project applicant. The City may require erosion and sedimentation control measures to be inspected by a qualified environmental consultant (paid for by the project applicant) during or after rain events. If measures are insufficient to control sedimentation and erosion then the project applicant shall develop and implement additional and more effective measures immediately.</p>		
Impact BIO-1	<p>SCA-83. Creek Protection Plan.¹⁶</p> <p>a. The approved creek protection plan shall be included in the project drawings submitted for a building permit (or other construction-related permit). The project applicant shall implement the creek protection plan to minimize potential impacts to the creek during and after construction of the project. The plan shall fully describe in plan and written form all erosion, sediment, stormwater, and construction management measures to be implemented on-site.</p> <p>b. If the plan includes a stormwater system, all stormwater outfalls shall include energy dissipation that slows the velocity of the water at the point of outflow to maximize</p>	Prior to and ongoing throughout demolition, grading, and/or construction activities	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland. Public Works Department,</p>

¹⁶ These Development Standards apply to ALL projects that involve a Category III and IV Creek Protection permit).

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	infiltration and minimize erosion. The project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains.		Engineering and Construction Division
	<p>SCA-84. Regulatory Permits and Authorizations. Prior to construction within the vicinity of the creek, the project applicant shall obtain all necessary regulatory permits and authorizations from the U.S. Army Corps of Engineers (Corps), Regional Water Quality Control Board (RWQCB), California Department of Fish and Game, and the City of Oakland, and shall comply with all conditions issued by applicable agencies. Required permit approvals and certifications may include, but not be limited to the following:</p> <p>a. <u>U.S. Army Corps of Engineers (Corps)</u>: Section 404. Permit approval from the Corps shall be obtained for the placement of dredge or fill material in Waters of the U.S., if any, within the interior of the project site, pursuant to Section 404 of the federal Clean Water Act.</p> <p>b. <u>Regional Water Quality Control Board (RWQCB)</u>: Section 401 Water Quality Certification. Certification that the project will not violate state water quality standards is required before the Corps can issue a 404 permit, above.</p> <p>c. <u>California Department of Fish and Game (CDFG)</u>: Section 1602 Lake and Streambed Alteration Agreement. Work that will alter the bed or bank of a stream requires authorization from CDFG.</p>	Prior to issuance of a demolition, grading, or building permit within vicinity of the creek	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland. Public Works Department, Engineering and Construction Division</p>
	<p>SCA-85. Creek Monitoring. A qualified geotechnical engineer and/or environmental consultant shall be retained and paid for by the project applicant to make site visits during all grading activities; and as a follow-up, submit to the Building Services Division a letter certifying that the erosion and sedimentation control measures set forth in the Creek Protection Permit submittal material have been instituted during the grading activities.</p>	Prior to issuance of a demolition, grading, or building permit within vicinity of the creek	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland. Public Works Department, Engineering and Construction Division</p>
	<p>SCA-86. Creek Landscaping Plan. The project applicant shall develop a final detailed landscaping and irrigation plan for review and approval by the Planning and Zoning Division prepared by a licensed landscape architect or other qualified person. Such a plan shall include a planting schedule, detailing plant types and locations, and a system for temporary irrigation of plantings.</p> <p>a. Plant and maintain only drought-tolerant plants on the site where appropriate as well as native and riparian plants in and adjacent to riparian corridors. Along the riparian corridor, native plants shall not be disturbed to the maximum extent feasible. Any areas disturbed along the riparian corridor shall be replanted with mature native riparian vegetation and be maintained to ensure survival.</p>	Prior to issuance of a demolition, grading, or building permit within vicinity of the creek	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland. Public Works Department, Engineering and</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>b. All landscaping indicated on the approved landscape plan shall be installed prior to the issuance of a Final inspection of the building permit, unless bonded pursuant to the provisions of Section 17.124.50 of the Oakland Planning Code.</p> <p><i>All landscaping areas shown on the approved plans shall be maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All paving or impervious surfaces shall occur only on approved areas.</i></p>		Construction Division
	<p>SCA-87. Creek Dewatering and Aquatic Life.¹⁷</p> <p>a. If any dam or other artificial obstruction is constructed, maintained, or placed in operation within the stream channel, ensure that sufficient water is allowed to pass down channel at all times to maintain aquatic life (native fish, native amphibians, and western pond turtles) below the dam or other artificial obstruction.</p> <p>b. The project applicant shall hire a biologist, and obtain all necessary State and federal permits (e.g., CDFG Scientific Collecting Permit), to relocate all native fish/native amphibians/pond turtles within the work site, prior to dewatering. The applicant shall first obtain a project-specific authorization from the CDFG and/or the USFWS, as applicable to relocate these animals. Captured native fish/native amphibians/pond turtles shall be moved to the nearest appropriate site on the stream channel downstream. The biologist/contractor shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets, and by hand. Captured aquatic life shall be released immediately in the nearest appropriate downstream site. This condition does not allow the take or disturbance of any state or federally listed species, nor state-listed species of special concern, unless the applicant obtains a project specific authorization from the CDFG and/or the USFWS, as applicable.</p>	Prior to the start of and ongoing throughout any in-water construction activity	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland. Public Works Department, Engineering and Construction Division</p>
	<p>SCA-88. Creek Dewatering and Diversion. If installing any dewatering or diversion device(s), the project applicant shall develop and implement a detailed dewatering and diversion plan for review and approval by the Building Services Division. All proposed dewatering and diversion practices shall be consistent with the requirements of the Streambed Alteration Agreement issued by the California Department of Fish and Game.</p> <p>a. Ensure that construction and operation of the devices meet the standards in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB).</p> <p>b. Construct coffer dams and/or water diversion system of a non-erodable material which will cause little or no siltation. Maintain coffer dams and the water diversion system in</p>	Prior to the start of any in-water construction activities	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland. Public Works</p>

¹⁷ These Development Standards apply to ALL projects that involve a Creek Protection Permit AND dewatering or diversion of water.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>place and functional throughout the construction period. If the coffer dams or water diversion system fail, repair immediately based on the recommendations of a qualified environmental consultant. Remove devices only after construction is complete and the site stabilized.</p> <p>c. Pass pumped water through a sediment settling device before returning the water to the stream channel. Provide velocity dissipation measures at the outfall to prevent erosion.</p>		Department, Engineering and Construction Division
	<p>SCA-D. Bird Collision Reduction. The project applicant, or his or her successor, including the building manager or homeowners' association, shall submit plans to the Planning and Zoning Division, for review and approval, indicating how they intend to reduce potential bird collisions to the maximum feasible extent. The applicant shall implement the approved plan, including all mandatory measures, as well as applicable and specific project Best Management Practice (BMP) strategies to reduce bird strike impacts to the maximum feasible extent.</p> <p>a. Mandatory measures include all of the following:</p> <ol style="list-style-type: none"> 1. Comply with federal aviation safety regulations for large buildings by installing minimum intensity white strobe lighting with three-second flash instead of blinking red or rotating lights. 2. Minimize the number of and co-locate rooftop-antennas and other rooftop structures. 3. Monopole structures or antennas shall not include guy wires. 4. Avoid the use of mirrors in landscape design. 5. Avoid placement of bird-friendly attractants (i.e., landscaped areas, vegetated roofs, water features) near glass. <p>b. Additional BMP strategies to consider include the following:</p> <ol style="list-style-type: none"> 1. Make clear or reflective glass visible to birds using visual noise techniques. Examples include: <ol style="list-style-type: none"> A. Use of opaque or transparent glass in window panes instead of reflective glass. B. Uniformly cover the outside clear glass surface with patterns (e.g., dots, decals, images, abstract patterns). Patterns must be separated by a minimum 10 centimeters (cm). C. Apply striping on glass surface. If the striping is less than 2 cm wide it must be applied vertically at a maximum of 10 cm apart (or 1 cm wide strips at 5 cm distance). D. Install paned glass with fenestration patterns with vertical and horizontal mullions of 10 cm or less. E. Place decorative grilles or louvers with spacing of 10 cm or less. F. Apply one-way transparent film laminates to outside glass surface to make 	Prior to issuance of a building permit and ongoing	City of Oakland, Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>the window appear opaque on the outside.</p> <p>G. Install internal screens through non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects.</p> <p>H. Install windows which have the screen on the outside of the glass.</p> <p>I. Use UV-reflective glass. Most birds can see ultraviolet light, which is invisible to humans.</p> <p>J. If it is not possible to apply glass treatments to the entire building, the treatment should be applied to windows at the top of the surrounding tree canopy or the anticipated height of the surrounding vegetation at maturity.</p> <p>2. Mute reflections in glass. Examples include:</p> <p>A. Angle glass panes toward ground or sky so that the reflection is not in a direct line-of-sight (minimum angle of 20 degrees with optimum angle of 40 degrees).</p> <p>B. Awnings, overhangs, and sunshades provide birds a visual indication of a barrier and may reduce image reflections on glass, but do not entirely eliminate reflections.</p> <p>3. Reduce Light Pollution. Examples include:</p> <p>A. Turn off all unnecessary interior lights from 11 p.m. to sunrise.</p> <p>B. Install motion-sensitive lighting in lobbies, work stations, walkways, and corridors, or any area visible from the exterior and retrofitting operation systems that automatically turn lights off during after-work hours.</p> <p>C. Reduce perimeter lighting whenever possible.</p> <p>4. Institute a building operation and management manual that promotes bird safety. Example text in the manual includes:</p> <p>A. Donation of discovered dead bird specimens to authorized bird conservation organization or museums to aid in species identification and to benefit scientific study, as per all federal, state and local laws.</p> <p>B. Production of educational materials on bird-safe practices for the building occupants.</p> <p>C. Asking employees to turn off task lighting at their work stations and draw office blinds or curtains at end of work day.</p> <p>D. Schedule nightly maintenance during the day or to conclude before 11 p.m., if possible.</p>		
Impact BIO-2: New development under the proposed Plan would not 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	SCA-82. Erosion, Sedimentation, and Debris Control Measures. Refer to SCA-82 under Impact BIO-1.		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
California Department of Fish and Game or U.S. Fish and Wildlife Service.			
	SCA-83. Creek Protection Plan. Refer to SCA-83 under Impact BIO-1.		
	SCA-84. Regulatory Permits and Authorizations. Refer to SCA-84 under Impact BIO-1.		
	SCA-85. Creek Monitoring. Refer to SCA-85 under Impact BIO-1.		
	SCA-86. Creek Landscaping Plan. Refer to SCA-86 under Impact BIO-1.		
	SCA-87. Creek Dewatering and Aquatic Life. Refer to SCA-87 under Impact BIO-1.		
	SCA-88. Creek Dewatering and Diversion. Refer to SCA-88 under Impact BIO-1.		
Impact BIO-3: New development under the proposed Plan would not 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-82. Erosion, Sedimentation, and Debris Control Measures. Refer to SCA-82 under Impact BIO-1.		
	SCA-83. Creek Protection Plan. Refer to SCA-83 under Impact BIO-1.		
	SCA-84. Regulatory Permits and Authorizations. Refer to SCA-84 under Impact BIO-1.		
	SCA-85. Creek Monitoring. Refer to SCA-85 under Impact BIO-1.		
	SCA-86. Creek Landscaping Plan. Refer to SCA-86 under Impact BIO-1.		
	SCA-87. Creek Dewatering and Aquatic Life. Refer to SCA-87 under Impact BIO-1.		
	SCA-88. Creek Dewatering and Diversion. Refer to SCA-88 under Impact BIO-1.		
Impact BIO-4: New development under the proposed Plan would not 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. Prior to removal of any tree located on the project site which is identified as a creekside property, the project applicant must secure the applicable creek protection permit, and abide by the conditions of that permit. <i>These Development Standards apply to ALL projects that require a removal of any unprotected tree.</i>	Prior to issuance of a final inspection of the building permit	City of Oakland, Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection City of Oakland – Public Works Department, Tree Division
	SCA-44. Tree Removal During Breeding Season. Refer to SCA-44 under Impact BIO-1.		
	SCA-45. Tree Removal Permit. Prior to removal of any protected trees, per the Protected	Prior to issuance of a	City of Oakland,

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Agency, and abide by the conditions of that permit.</p> <p><i>These Development Standards apply to ALL projects that involve a Tree Protection/Removal Permit for removal of a protected tree.</i></p>	demolition, grading, or building permit	<p>Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland – Public Works Department, Tree Division</p>
	SCA-46. Tree Replacement Plantings. Refer to SCA-46 under Impact GHG-1.		
	<p>SCA-47. Tree Protection During Construction.¹⁸ Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:</p> <ol style="list-style-type: none"> Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the City Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be 	Prior to issuance of a demolition, grading, or building permit	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland – Public Works Department, Tree Division</p>

¹⁸ These Development Standards apply to ALL projects that involve a Tree Protection/Removal Permit because a protected tree is located within 10 feet of construction.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>attached to any protected tree.</p> <p>d. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.</p> <p>e. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Agency of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.</p> <p>f. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.</p>		
	SCA-82. Erosion, Sedimentation, and Debris Control Measures. Refer to SCA-82 under Impact BIO-1.		
	SCA-83. Creek Protection Plan. Refer to SCA-83 under Impact BIO-1.		
	SCA-84. Regulatory Permits and Authorizations. Refer to SCA-84 under Impact BIO-1.		
	SCA-85. Creek Monitoring. Refer to SCA-85 under Impact BIO-1.		
	SCA-86. Creek Landscaping Plan. Refer to SCA-86 under Impact BIO-1.		
	SCA-87. Creek Dewatering and Aquatic Life. Refer to SCA-87 under Impact BIO-1.		
	SCA-88. Creek Dewatering and Diversion. Refer to SCA-88 under Impact BIO-1.		
	SCA-D. Bird Collision Reduction. Refer to SCA-D under Impact BIO-1.		
Impact BIO-5: New development under the proposed Plan would not fundamentally conflict with the City of Oakland Tree Protection Ordinance (Oakland Municipal Code (OMC) Chapter 12.36) by removing protected trees under certain circumstances.	SCA-43. Tree Removal Permit on Creekside Properties. Refer to SCA-43 under Impact BIO-4.		
	SCA-44. Tree Removal During Breeding Season. Refer to SCA-44 under Impact BIO-1.		
	SCA-45. Tree Removal Permit. Refer to SCA-45 under Impact BIO-4.		
	SCA-46. Tree Replacement Plantings. Refer to SCA-46 under Impact GHG-1.		
	SCA-47. Tree Protection During Construction. Refer to SCA-47 under Impact BIO-4.		
Impact BIO-6: New development under	SCA-82. Erosion, Sedimentation, and Debris Control Measures. Refer to SCA-82 under		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
the proposed Plan would not fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect biological resources.	Impact BIO-1.		
	SCA-83. Creek Protection Plan. Refer to SCA-83 under Impact BIO-1.		
	SCA-84. Regulatory Permits and Authorizations. Refer to SCA-84 under Impact BIO-1.		
	SCA-85. Creek Monitoring. Refer to SCA-85 under Impact BIO-1.		
	SCA-86. Creek Landscaping Plan. Refer to SCA-86 under Impact BIO-1.		
	SCA-87. Creek Dewatering and Aquatic Life. Refer to SCA-87 under Impact BIO-1.		
	SCA-88. Creek Dewatering and Diversion. Refer to SCA-88 under Impact BIO-1.		
Impact CUM BIO-7: Development projects associated with the implementation of the Plan in conjunction with other past, present, and reasonably foreseeable maximum development in the City of Oakland would not result in cumulative adverse impacts on special-status species or other biological resources.	SCA-43. Tree Removal Permit on Creekside Properties. Refer to SCA-43 under Impact BIO-4.		
	SCA-44. Tree Removal During Breeding Season. Refer to SCA-44 under Impact BIO-1.		
	SCA-45. Tree Removal Permit. Refer to SCA-45 under Impact BIO-4.		
	SCA-46. Tree Replacement Plantings. Refer to SCA-46 under Impact GHG-1.		
	SCA-47. Tree Protection During Construction. Refer to SCA-47 under Impact BIO-4.		
	SCA-82. Erosion, Sedimentation, and Debris Control Measures. Refer to SCA-82 under Impact BIO-1.		
	SCA-83. Creek Protection Plan. Refer to SCA-83 under Impact BIO-1.		
	SCA-84. Regulatory Permits and Authorizations. Refer to SCA-84 under Impact BIO-1.		
	SCA-85. Creek Monitoring. Refer to SCA-85 under Impact BIO-1.		
	SCA-86. Creek Landscaping Plan. Refer to SCA-86 under Impact BIO-1.		
	SCA-87. Creek Dewatering and Aquatic Life. Refer to SCA-87 under Impact BIO-1.		
	SCA-88. Creek Dewatering and Diversion. Refer to SCA-88 under Impact BIO-1.		
	SCA-D. Bird Collision Reduction. Refer to SCA-D under Impact BIO-1.		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
Geology and Soils			
<p>Impact GEO-1: New development under the proposed Plan could expose people or structures to substantial risk of loss, injury, or death involving:</p> <ul style="list-style-type: none"> Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or Seismic Hazards Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; Strong seismic ground shaking; Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse; or Landslides. 	<p>SCA-58. Soils Report.¹⁹ A preliminary soils report for each construction site within the project area shall be required as part if this project and submitted for review and approval by the Building Services Division. The soils reports shall be based, at least in part, on information obtained from on-site testing. Specifically the minimum contents of the report should include:</p> <p>a. <u>Logs of borings and/or profiles of test pits and trenches:</u></p> <ol style="list-style-type: none"> The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two (2), when in the opinion of the Soils Engineer such borings shall be sufficient to establish a soils profile suitable for the design of all the footings, foundations, and retaining structures. The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures. All boring logs shall be included in the soils report. <p>b. <u>Test pits and trenches:</u></p> <ol style="list-style-type: none"> Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures. Soils profiles of all test pits and trenches shall be included in the soils report. <p>c. A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled.</p> <p>d. Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, sheer strength, active and passive pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit.</p> <p>e. <u>Soils Report.</u> A written report shall be submitted which shall include, but is not limited to, the following:</p> <ol style="list-style-type: none"> Site description; Local and site geology; Review of previous field and laboratory investigations for the site; 	<p>Required as part of the submittal of a Tentative Tract or Tentative Parcel Map</p>	<p>City of Oakland, Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection</p>

¹⁹ These Development Standards apply to ALL projects that require a Tentative Tract Map or Tentative Parcel Map (not part of this approval) except condominium conversions.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<ol style="list-style-type: none"> 4. Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Office of Planning and Building; 5. Site stability shall be addressed with particular attention to existing conditions and proposed corrective attention to existing conditions and proposed corrective actions at locations where land stability problems exist; 6. Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required; 7. Conclusions and recommendations for temporary and permanent erosion control and drainage. If not provided in a separate report they shall be appended to the required soils report; 8. All other items which a Soils Engineer deems necessary; and 9. The signature and registration number of the Civil Engineer preparing the report. <p>f. The Director of Planning and Building may reject a report that she/he believes is not sufficient. The Director of Planning and Building may refuse to accept a soils report if the certification date of the responsible soils engineer on said document is more than three years old. In this instance, the Director may be require that the old soils report be recertified, that an addendum to the soils report be submitted, or that a new soils report be provided.</p>		
	<p>SCA-60. Geotechnical Report.²⁰</p> <p>a. A site-specific, design level, Landslide or Liquefaction geotechnical investigation for each construction site within the project area shall be required as part if this project and submitted for review and approval by the Building Services Division. Specifically:</p> <ol style="list-style-type: none"> 1. Each investigation shall include an analysis of expected ground motions at the site from identified faults. The analyses shall be accordance with applicable City ordinances and polices, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults. 2. The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots, and sidewalks). 3. The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, 	Required as part of the submittal of a tentative Tract Map or tentative Parcel Map	City of Oakland, Planning and Zoning Division City of Oakland, Building Services Division, Zoning Inspection

²⁰ These Development Standards apply to ALL projects that require an application for a Tentative Tract Map or Tentative Parcel Map (not part of this approval) AND are located partially or wholly within the Seismic Hazards Zone. Exceptions include condominium conversions and single family wood or steel frame dwellings not exceeding two stories, when not part of a development of **4 or more dwellings**.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>shall be included in the final design, as approved by the City of Oakland.</p> <ol style="list-style-type: none"> 4. The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the "No Build" zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge. 5. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the projects design phase, shall be incorporated in the project. 6. Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project. 7. A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces. <p>b. Tentative Tract or Parcel Map approvals shall require, but not be limited to, approval of the Geotechnical Report.</p>		
	<p>SCA-93. Oakland Area Geologic Hazards Abatement District (GHAD).²¹ Prior to approval of the final map, the project shall complete annexation into the Oakland Area GHAD and provide evidence that all assessments, reserves and other requirements necessary to fund the GHAD with respect to the annexed properties have been established and authorized. The applicant shall prepare a Plan of Control, as defined in Public Resource Code Section 26509 which shall specify all anticipated operations and maintenance responsibilities of the GHAD for the annexed properties.</p> <ol style="list-style-type: none"> a. The applicant shall provide an initial funding on the annexed properties in the amount to be determined by the City Engineer in accordance with the Plan of Control and the Engineer's Report for the annexed properties which shall be no later than the recordation of the final map for the project. b. The Engineer's Report shall identify the projected costs and a budget for GHAD operations and reserve accumulation for the annexed properties. c. The Engineer's Report shall include costs for the services of the project manager, 	Prior to the approval of the final map	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>

²¹ These Development Standards apply to ALL projects that involve any new construction (residential, commercial, or industrial); AND includes a geologic hazard, as defined in California Public Resource Section 26507, as an actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement, or any other natural or unnatural movement of land or earth; AND technical, environmental peer review, or other applicable report pertaining to the actual or threatened geologic hazard specify the need to require a GHAD OR a greater than normal degree of construction attention, monitoring of the site, or maintenance of project improvements.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>attorney and treasurer/clerk for the GHAD.</p> <p>The applicant shall request the GHAD to defend, hold harmless, and indemnify the Indemnified Parties (as that is defined in Condition #7 and their insurers against any and all liability, damages, claims, demands, judgments, losses, ("Indemnified GHAD claims") or other forms of legal or equitable relief related to the operation (including, without limitation, maintenance of GHAD owned property) of the annexed properties and in the case of the City Council members, actions taken by said members while acting as the GHAD Board of Directors. This indemnity shall include, without limitation, payment of litigation expenses associated with any action herein. The Indemnified Parties shall have the right to select counsel to represent the Indemnified Parties, at the GHAD's expense, in defense of any action specified in this condition of approval insert condition of approval number. The Indemnified Parties shall take all reasonable steps to promptly notify the GHAD of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval. Within 90 days of the annexation to the GHAD, the applicant shall request the GHAD to enter into an Indemnification Agreement in a form acceptable to the City Attorney to establish in more specific detail the terms and conditions of the GHAD's indemnification obligations set forth herein. Any failure of any party to timely execute such Indemnification Agreement shall not be construed to limit any right or obligation otherwise specified in these Conditions of Approval.</p>		
Impact GEO-2: New development under the proposed Plan located on expansive soil, as defined in section 1802.3.2 of the California Building Code, would not create substantial risks to life, property, or creeks/waterways.	SCA-58. Soils Report. Refer to SCA-58 under Impact GEO-1.		
	SCA-60. Geotechnical Report. Refer to SCA-60 under Impact GEO-1.		
Impact GEO-3: New development under the proposed Plan would not be located above a well, pit, swamp, mound, tank vault, or unmarked sewer line, landfill for which there is no approved closure or post-closure plan, or unknown fill soils, creating substantial risks to life or property.	<p>SCA-34. Erosion and Sedimentation Control [When no grading permit is required.]</p> <p>The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. Plans demonstrating the Best Management Practices shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.</p>	Ongoing throughout demolition grading, and/or construction activities	<p>City of Oakland, Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p>
	SCA-55. Erosion and Sedimentation Control Plan. ²² The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.660 of the Oakland Municipal Code. The grading permit application shall include an	Prior to any grading activities/Ongoing throughout grading and	City of Oakland, Planning and Zoning

²² These Development Standards apply to ALL projects that require a Grading Permit, except for projects that involve construction on slopes that exceed 20 percent.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.</p> <p><u>Ongoing throughout grading and construction activities:</u></p> <p>The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.</p>	construction activities	Division City of Oakland - Building Services Division, Zoning Inspection
	SCA-58. Soils Report. Refer to SCA-58 under Impact GEO-1.		
	SCA-60. Geotechnical Report. Refer to SCA-60 under Impact GEO-1.		
Impact CUM GEO-4: Implementation of the proposed Plan, combined with past, present, and reasonably foreseeable future development in the vicinity, would not result in an increased risk of exposure of people and property to geologic hazards.	SCA-58. Soils Report. Refer to SCA-58 under Impact GEO-1.		
	SCA-60. Geotechnical Report. Refer to SCA-60 under Impact GEO-1.		
	SCA-93. Oakland Area Geologic Hazards Abatement District (GHAD). Refer to SCA-93 under Impact GEO-1.		
Hazards and Hazardous Materials			
Impact HAZ-1: New development under the proposed Plan would not create a significant hazard to the public or the environment through the routine	SCA-74. Hazardous Materials Business Plan. ²³ The project applicant shall submit a Hazardous Materials Business Plan for review and approval by Fire Prevention Bureau, Hazardous Materials Unit. Once approved this plan shall be kept on file with the City and	Prior to issuance of a business license	City of Oakland. Planning and Zoning Division,

²³ These Development Standards apply to ALL projects that involve the handling, storage, or transportation of hazardous materials on-site.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
transport, use, or disposal of hazardous materials.	will be updated as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle the materials and provides information to the Fire Services Division should emergency response be required. The Hazardous Materials Business Plan shall include the following: a. The types of hazardous materials or chemicals stored and/or used on site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids. b. The location of such hazardous materials. c. An emergency response plan including employee training information. d. A plan that describes the manner in which these materials are handled, transported and disposed		City of Oakland - Building Services Division, Zoning Inspection Oakland Fire Prevention Bureau, Hazardous Materials Unit
Impact HAZ-2: Development under the proposed Plan would not 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. The project applicant and construction contractor shall ensure that construction of Best Management Practices (BMPs) are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following: a. Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction; b. Avoid overtopping construction equipment fuel gas tanks; c. During routine maintenance of construction equipment, properly contain and remove grease and oils; d. Properly dispose of discarded containers of fuels and other chemicals; e. Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building; and f. If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.	Prior to commencement of demolition, grading, or construction	City of Oakland. Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection Oakland Fire Prevention Bureau, Hazardous Materials Unit

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	SCA-61. Site Review by the Fire Services Division. ²⁴ The project applicant shall submit plans for site review and approval to the Fire Prevention Bureau Hazardous Materials Unit. Property owner may be required to obtain or perform a Phase II hazard assessment.	Prior to the issuance of demolition, grading or building permit	City of Oakland. Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection Oakland Fire Prevention Bureau, Hazardous Materials Unit
	SCA-62. Phase I and/or Phase II Reports. Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment report, and a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.	Prior to issuance of a demolition, grading, or building permit	City of Oakland. Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection Oakland Fire Prevention Bureau, Hazardous Materials Unit
	SCA-63. Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment. The project applicant shall submit a comprehensive assessment report to the Fire Prevention Bureau, Hazardous Materials Unit, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.	Prior to issuance of any demolition, grading or building permit	City of Oakland. Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection Oakland Fire Prevention Bureau, Hazardous Materials Unit

²⁴ These Development Standards apply (a) to ALL projects that include the redevelopment or reuse of historically industrial or commercial buildings; (b) if the site has been identified in City records for hazardous materials, such as the Permit Tracking System (PTS), OR (c) if the site has been identified on the State Cortese List [NOTE: PRESENCE ON CORTESE LIST PRECLUDES USE OF A CATEGORICAL EXEMPTION].

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<p>SCA-64. Environmental Site Assessment Reports Remediation. If the environmental site assessment reports recommend remedial action, the project applicant shall:</p> <ol style="list-style-type: none"> Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps. Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency. Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans. 	Prior to issuance of a demolition, grading, or building permit	<p>City of Oakland. Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>Oakland Fire Prevention Bureau, Hazardous Materials Unit</p>
	<p>SCA-65. Lead-based Paint Remediation. If lead-based paint is present, the project applicant shall submit specifications to the Fire Prevention Bureau, Hazardous Materials Unit signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.</p>	Prior to issuance of any demolition, grading or building permit	<p>City of Oakland. Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>Oakland Fire Prevention Bureau, Hazardous Materials Unit</p>
	<p>SCA-66. Other Materials Classified as Hazardous Waste. If other materials classified as hazardous waste by State or federal law are present, the project applicant shall submit written confirmation to Fire Prevention Bureau, Hazardous Materials Unit that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.</p>	Prior to issuance of any demolition, grading or building permit	<p>City of Oakland. Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>Oakland Fire Prevention Bureau, Hazardous Materials Unit</p>
	<p>SCA-67. Health and Safety Plan per Assessment. If the required lead-based</p>	Prior to issuance of	City of Oakland.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	paint/coatings, asbestos, or PCB assessment finds presence of such materials, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal.	any demolition, grading or building permit	Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection
	<p>SCA-68. Best Management Practices for Soil and Groundwater Hazards. The project applicant shall implement all of the following Best Management Practices (BMPs) regarding potential soil and groundwater hazards.</p> <ul style="list-style-type: none"> a. Soil generated by construction activities shall be stockpiled onsite in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state and federal agencies laws, in particular, the Regional Water Quality Control Board (RWQCB) and/or the Alameda County Department of Environmental Health (ACDEH) and policies of the City of Oakland. b. Groundwater pumped from the subsurface shall be contained onsite in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies of the City of Oakland, the RWQCB and/or the ACDEH. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building (pursuant to the Standard Condition of Approval regarding Radon or Vapor Intrusion from Soil and Groundwater Sources c. Prior to issuance of any demolition, grading, or building permit, the applicant shall submit for review and approval by the City of Oakland, written verification that the appropriate federal, state or county oversight authorities, including but not limited to the RWQCB and/or the ACDEH, have granted all required clearances and confirmed that the all applicable standards, regulations and conditions for all previous contamination at the site. The applicant also shall provide evidence from the City's Fire Department, Office of Emergency Services, indicating compliance with the Standard Condition of Approval requiring a Site Review by the Fire Services Division pursuant to City Ordinance No. 12323, and compliance with the Standard Condition of Approval requiring a Phase I and/or Phase II Reports. 	Ongoing throughout demolition, grading, and construction activities	City of Oakland. Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection Oakland Fire Prevention Bureau, Office of Emergency Services
	SCA-69. Radon or Vapor Intrusion from Soil or Groundwater Sources. ²⁵ The project applicant shall submit documentation to determine whether radon or vapor intrusion from the groundwater and soil is located on-site as part of the Phase I documents. The Phase I	Ongoing	City of Oakland. Planning and Zoning Division

²⁵ These Development Standards apply to ALL construction projects that include 1) habitable space below the ground AND/OR 2) the redevelopment or reuse of historically industrial or commercial buildings OR 3) Soil and/or Groundwater Hazards.

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	analysis shall be submitted to the Fire Prevention Bureau, Hazardous Materials Unit, for review and approval, along with a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer. Applicant shall implement the approved recommendations.		City of Oakland - Building Services Division, Zoning Inspection Oakland Fire Prevention Bureau, Office of Emergency Services
Impact HAZ-3: New development under the proposed Plan would not 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. Refer to SCA-74 under Impact HAZ-1.		
Impact HAZ-4: New development under the proposed Plan would not 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. Refer to SCA-74 under Impact HAZ-1.		
Impact HAZ-5: New development under the proposed Plan 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") but would not as a result create a significant hazard to the public or the environment.	SCA-35. Hazards Best Management Practices. Refer to SCA-35 under Impact HAZ-2.		
	SCA-62. Phase I and/or Phase II Reports. Refer to SCA-62 under Impact HAZ-2.		
	SCA-63. Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment. Refer to SCA-63 under Impact HAZ-2.		
	SCA-64. Environmental Site Assessment Reports Remediation. Refer to SCA-64 under Impact HAZ-2.		
	SCA-65. Lead-based Paint Remediation. Refer to SCA-65 under Impact HAZ-2.		
	SCA-66. Other Materials Classified as Hazardous Waste. Refer to SCA-66 under Impact HAZ-2.		
	SCA-67. Health and Safety Plan per Assessment. Refer to SCA-67 under Impact HAZ-2.		
	SCA-68. Best Management Practices for Soil and Groundwater Hazards. Refer to		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	SCA-68 under Impact HAZ-2.		
	SCA-69. Radon or Vapor Intrusion from Soil or Groundwater Sources. Refer to SCA-69 under Impact HAZ-2.		
Impact CUM HAZ-8: New development following the proposed Plan, combined with past, present, and reasonably foreseeable maximum development in Oakland, would not create a significant hazard to the public or the environment with regard to hazardous materials and other hazards.	SCA-35. Hazards Best Management Practices. Refer to SCA-35 under Impact HAZ-2.		
	SCA-61. Site Review by the Fire Services Division. Refer to SCA-61 under Impact HAZ-2.		
	SCA-62. Phase I and/or Phase II Reports. Refer to SCA-62 under Impact HAZ-2.		
	SCA-63. Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment. Refer to SCA-63 under Impact HAZ-2.		
	SCA-64. Environmental Site Assessment Reports Remediation. Refer to SCA-64 under Impact HAZ-2.		
	SCA-65. Lead-based Paint Remediation. Refer to SCA-65 under Impact HAZ-2.		
	SCA-66. Other Materials Classified as Hazardous Waste. Refer to SCA-66 under Impact HAZ-2.		
	SCA-67. Health and Safety Plan per Assessment. Refer to SCA-67 under Impact HAZ-2.		
	SCA-68. Best Management Practices for Soil and Groundwater Hazards. Refer to SCA-68 under Impact HAZ-2.		
	SCA-69. Radon or Vapor Intrusion from Soil or Groundwater Sources. Refer to SCA-69 under Impact HAZ-2.		
	SCA-74. Hazardous Materials Business Plan. Refer to SCA-74 under Impact HAZ-1.		
Hydrology and Water Quality			
Impact HYD-1: Implementation of the proposed Plan would not violate any water quality standards or waste discharge requirements.	SCA-34. Erosion and Sedimentation Control [When no grading permit is required.] Refer to SCA-34 under Impact GEO-3.		
	SCA-35. Hazards Best Management Practices. Refer to SCA-35 under Impact HAZ-2.		
	SCA-55. Erosion and Sedimentation Control Plan. Refer to SCA-55 under Impact GEO-3.		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	SCA-64. Environmental Site Assessment Reports Remediation. Refer to SCA-64 under Impact HAZ-2.		
	SCA-68. Best Management Practices for Soil and Groundwater Hazards. Refer to SCA-68 under Impact HAZ-2.		
	SCA-69. Radon or Vapor Intrusion from Soil or Groundwater Sources. Refer to SCA-69 under Impact HAZ-2.		
	SCA-75. Stormwater Pollution Prevention Plan (SWPPP). Refer to SCA-75 under Impact UTL-2.		
	SCA-78. Site Design Measures for Post-Construction Stormwater Management. Refer to SCA-78 under Impact UTL-2.		
	<p>SCA-79. Source Control Measures to Limit Stormwater Pollution</p> <p><u>Prior to issuance of building permit (or other construction-related permit)</u></p> <p>The applicant shall implement and maintain all structural source control measures imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.</p> <p><u>Ongoing</u></p> <p>The applicant, or his or her successor, shall implement all operational Best Management Practices (BMPs) imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.</p>	Prior to issuance of building permit (or other construction-related permit)/Ongoing	City of Oakland. Planning and Zoning Division
	SCA-80. Post-Construction Stormwater Management Plan. Refer to SCA-80 under Impact UTL-2.		
	<p>SCA-81. Maintenance Agreement for Stormwater Treatment Measures. For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:</p> <ol style="list-style-type: none"> The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense. <p><i>Prior to final permit inspection. The applicant shall implement the approved stormwater</i></p>	Prior to final zoning inspection	<p>City of Oakland. Planning and Zoning Division</p> <p>City of Oakland - Building Services Division, Zoning Inspection</p> <p>City of Oakland. Public Works Department, Sewer and Stormwater Division</p>

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	<i>management plan.</i>		
	SCA-82. Erosion, Sedimentation, and Debris Control Measures. Refer to SCA-82 under Impact BIO-1.		
	SCA-83. Creek Protection Plan. Refer to SCA-83 under Impact BIO-1.		
	SCA-84. Regulatory Permits and Authorizations. Refer to SCA-83 under Impact BIO-1.		
	SCA-85. Creek Monitoring. Refer to SCA-85 under Impact BIO-1.		
	SCA-86. Creek Landscaping Plan. Refer to SCA-86 under Impact BIO-1.		
	SCA-91. Stormwater and Sewer. Refer to SCA-91 under Impact UTL-2.		
Impact HYD-2: Implementation of the proposed Plan would not 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 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).	SCA-75. Stormwater Pollution Prevention Plan (SWPPP). Refer to SCA-75 under Impact UTL-2.		
	SCA-78. Site Design Measures for Post-Construction Stormwater Management. Refer to SCA-78 under Impact UTL-2.		
	SCA-80. Post-Construction Stormwater Management Plan. Refer to SCA-80 under Impact UTL-2.		
	SCA-81. Maintenance Agreement for Stormwater Treatment Measures. Refer to SCA-81 under Impact HYD-1.		
Impact HYD-3: Implementation of the proposed Plan would not result in substantial erosion or siltation on- or off-site that would affect the quality of receiving waters.	SCA-34. Erosion and Sedimentation Control. Refer to SCA-34 under Impact GEO-3.		
Impact HYD-3	SCA-35. Hazards Best Management Practices. Refer to SCA-35 under Impact HAZ-2.		
	SCA-55. Erosion and Sedimentation Control Plan. Refer to SCA-55 under Impact GEO-3.		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	SCA-64. Environmental Site Assessment Reports Remediation. Refer to SCA-64 under Impact HAZ-2.		
	SCA-68. Best Management Practices for Soil and Groundwater Hazards. Refer to SCA-68 under Impact HAZ-2.		
	SCA-69. Radon or Vapor Intrusion from Soil or Groundwater Sources. Refer to SCA-69 under Impact HAZ-2.		
	SCA-75. Stormwater Pollution Prevention Plan (SWPPP). Refer to SCA-75 under Impact UTL-2.		
	SCA-78. Site Design Measures for Post-Construction Stormwater Management. Refer to SCA-78 under Impact UTL-2.		
	SCA-79. Source Control Measures to Limit Stormwater Pollution. Refer to SCA-79 under Impact HYD-1.		
	SCA-80. Post-Construction Stormwater Management Plan. Refer to SCA-80 under Impact UTL-2.		
	SCA-81. Maintenance Agreement for Stormwater Treatment Measures. Refer to SCA-81 under Impact HYD-1.		
	SCA-82. Erosion, Sedimentation, and Debris Control Measures. Refer to SCA-82 under Impact BIO-1.		
	SCA-83. Creek Protection Plan. Refer to SCA-83 under Impact BIO-1.		
	SCA-84. Regulatory Permits and Authorizations. Refer to SCA-83 under Impact BIO-1.		
	SCA-85. Creek Monitoring. Refer to SCA-85 under Impact BIO-1.		
	SCA-86. Creek Landscaping Plan. Refer to SCA-86 under Impact BIO-1.		
	SCA-91. Stormwater and Sewer. Refer to SCA-91 under Impact UTL-2.		
Impact HYD-4: Implementation of the proposed Plan would not result in substantial flooding on- or off-site.	SCA-34. Erosion and Sedimentation Control. Refer to SCA-34 under Impact GEO-3.		
	SCA-55. Erosion and Sedimentation Control Plan. Refer to SCA-55 under Impact GEO-3.		
	SCA-69. Radon or Vapor Intrusion from Soil or Groundwater Sources. Refer to SCA-69 under Impact HAZ-2.		
	SCA-75. Stormwater Pollution Prevention Plan (SWPPP). Refer to SCA-75 under Impact UTL-2.		
	SCA-78. Site Design Measures for Post-Construction Stormwater Management. Refer to SCA-78 under Impact UTL-2.		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	SCA-79. Source Control Measures to Limit Stormwater Pollution. Refer to SCA-79 under Impact HYD-1.		
	SCA-80. Post-Construction Stormwater Management Plan. Refer to SCA-80 under Impact UTL-2.		
	SCA-81. Maintenance Agreement for Stormwater Treatment Measures. Refer to SCA-81 under Impact HYD-1.		
	SCA-82. Erosion, Sedimentation, and Debris Control Measures. Refer to SCA-82 under Impact BIO-1.		
	SCA-83. Creek Protection Plan. Refer to SCA-83 under Impact BIO-1.		
	SCA-84. Regulatory Permits and Authorizations. Refer to SCA-83 under Impact BIO-1.		
	SCA-85. Creek Monitoring. Refer to SCA-85 under Impact BIO-1.		
	SCA-86. Creek Landscaping Plan. Refer to SCA-86 under Impact BIO-1.		
	SCA-91. Stormwater and Sewer. Refer to SCA-91 under Impact UTL-2.		
Impact HYD-5: Implementation of the proposed Plan would not create or contribute substantial runoff which would exceed the capacity of existing or planned stormwater drainage systems.	SCA-34. Erosion and Sedimentation Control. Refer to SCA-34 under Impact GEO-3.		
	SCA-55. Erosion and Sedimentation Control Plan. Refer to SCA-55 under Impact GEO-3.		
	SCA-69. Radon or Vapor Intrusion from Soil or Groundwater Sources. Refer to SCA-69 under Impact HAZ-2.		
	SCA-75. Stormwater Pollution Prevention Plan (SWPPP). Refer to SCA-75 under Impact UTL-2.		
	SCA-78. Site Design Measures for Post-Construction Stormwater Management. Refer to SCA-78 under Impact UTL-2.		
	SCA-79. Source Control Measures to Limit Stormwater Pollution. Refer to SCA-79 under Impact HYD-1.		
	SCA-80. Post-Construction Stormwater Management Plan. Refer to SCA-80 under Impact UTL-2.		
	SCA-81. Maintenance Agreement for Stormwater Treatment Measures. Refer to SCA-81 under Impact HYD-1.		
	SCA-82. Erosion, Sedimentation, and Debris Control Measures. Refer to SCA-82 under Impact BIO-1.		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	SCA-83. Creek Protection Plan. Refer to SCA-83 under Impact BIO-1.		
	SCA-84. Regulatory Permits and Authorizations. Refer to SCA-83 under Impact BIO-1.		
	SCA-85. Creek Monitoring. Refer to SCA-85 under Impact BIO-1.		
	SCA-86. Creek Landscaping Plan. Refer to SCA-86 under Impact BIO-1.		
	SCA-91. Stormwater and Sewer. Refer to SCA-91 under Impact UTL-2.		
Impact HYD-6: Implementation of the proposed Plan would not create or contribute substantial runoff which would be an additional source of polluted runoff, or otherwise substantially degrade water quality.	SCA-34. Erosion and Sedimentation Control. Refer to SCA-34 under Impact GEO-3.		
	SCA-35. Hazards Best Management Practices. Refer to SCA-35 under Impact HAZ-2.		
	SCA-55. Erosion and Sedimentation Control Plan. Refer to SCA-55 under Impact GEO-3.		
	SCA-64. Environmental Site Assessment Reports Remediation. Refer to SCA-64 under Impact HAZ-2.		
	SCA-68. Best Management Practices for Soil and Groundwater Hazards. Refer to SCA-68 under Impact HAZ-2.		
	SCA-69. Radon or Vapor Intrusion from Soil or Groundwater Sources. Refer to SCA-69 under Impact HAZ-2.		
	SCA-75. Stormwater Pollution Prevention Plan (SWPPP). Refer to SCA-75 under Impact UTL-2.		
	SCA-78. Site Design Measures for Post-Construction Stormwater Management. Refer to SCA-78 under Impact UTL-2.		
	SCA-79. Source Control Measures to Limit Stormwater Pollution. Refer to SCA-79 under Impact HYD-1.		
	SCA-80. Post-Construction Stormwater Management Plan. Refer to SCA-80 under Impact UTL-2.		
	SCA-81. Maintenance Agreement for Stormwater Treatment Measures. Refer to SCA-81 under Impact HYD-1.		
	SCA-82. Erosion, Sedimentation, and Debris Control Measures. Refer to SCA-82 under Impact BIO-1.		
	SCA-83. Creek Protection Plan. Refer to SCA-83 under Impact BIO-1.		
	SCA-84. Regulatory Permits and Authorizations. Refer to SCA-83 under Impact BIO-1.		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
	SCA-85. Creek Monitoring. Refer to SCA-85 under Impact BIO-1.		
	SCA-86. Creek Landscaping Plan. Refer to SCA-86 under Impact BIO-1.		
	SCA-91. Stormwater and Sewer. Refer to SCA-91 under Impact UTL-2.		
Impact HYD-7: Implementation of the proposed Plan would not place housing or other structures 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. Prior to construction within the floodway or floodplain, the project applicant shall obtain all necessary regulatory permits and authorizations from the Alameda County Flood Control and Water Conservation District and shall comply with all conditions issued by that agency.	Prior to construction within the floodway or floodplain	City of Oakland. Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection City of Oakland. Public Works Department, Engineering and Construction Division
	SCA-90. Structures within a Floodplain. Prior to issuance of a demolition, grading, or building permit a. The project applicant shall retain the civil engineer of record to ensure that the project's development plans and design contain finished site grades and floor elevations that are elevated above the Base Flood Elevation (BFE) if established within a 100-year flood event. b. The project applicant shall submit final hydrological calculations that ensure that the structure will not interfere with the flow of water or increase flooding.	Prior to issuance of a demolition, grading, or building permit	City of Oakland. Planning and Zoning Division City of Oakland - Building Services Division, Zoning Inspection City of Oakland. Public Works Department, Engineering and Construction Division
Impact HYD-8: Implementation of the proposed Plan would not expose people or structures to a substantial risk of loss, injury, or death involving flooding.	SCA-89. Regulatory Permits and Authorizations. Refer to SCA-89 under Impact HYD-7.		
	SCA-90. Structures within a Floodplain. Refer to SCA-90 under Impact HYD-7.		
Impact HYD-10: Implementation of the proposed Plan would not substantially alter the existing drainage pattern of the area, including through the alteration of the course or increasing the rate or amount of flow of a creek in a manner that would result in substantial erosion,	SCA-34. Erosion and Sedimentation Control. Refer to SCA-34 under Impact GEO-3.		

Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for Lake Merritt Station Area Plan
September 2014

Environmental Impact	Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/Monitoring:	
		Schedule	Responsibility
siltation, or flooding both on- or off-site.			
	SCA-35. Hazards Best Management Practices. Refer to SCA-35 under Impact HAZ-2.		
	SCA-55. Erosion and Sedimentation Control Plan. Refer to SCA-55 under Impact GEO-3.		
	SCA-64. Environmental Site Assessment Reports Remediation. Refer to SCA-64 under Impact HAZ-2.		
	SCA-68. Best Management Practices for Soil and Groundwater Hazards. Refer to SCA-68 under Impact HAZ-2.		
	SCA-69. Radon or Vapor Intrusion from Soil or Groundwater Sources. Refer to SCA-69 under Impact HAZ-2.		
	SCA-75. Stormwater Pollution Prevention Plan (SWPPP). Refer to SCA-75 under Impact UTL-2.		
	SCA-78. Site Design Measures for Post-Construction Stormwater Management. Refer to SCA-78 under Impact UTL-2.		
	SCA-79. Source Control Measures to Limit Stormwater Pollution. Refer to SCA-79 under Impact HYD-1.		
	SCA-80. Post-Construction Stormwater Management Plan. Refer to SCA-80 under Impact UTL-2.		
	SCA-81. Maintenance Agreement for Stormwater Treatment Measures. Refer to SCA-81 under Impact HYD-1.		
	SCA-82. Erosion, Sedimentation, and Debris Control Measures. Refer to SCA-82 under Impact BIO-1.		
	SCA-83. Creek Protection Plan. Refer to SCA-83 under Impact BIO-1.		
	SCA-84. Regulatory Permits and Authorizations. Refer to SCA-83 under Impact BIO-1.		
	SCA-85. Creek Monitoring. Refer to SCA-85 under Impact BIO-1.		
	SCA-86. Creek Landscaping Plan. Refer to SCA-86 under Impact BIO-1.		
	SCA-87. Creek Dewatering and Aquatic Life. Refer to SCA-87 under Impact BIO-1.		
	SCA-88. Creek Dewatering and Diversion. Refer to SCA-88 under Impact BIO-2.		
	SCA-91. Stormwater and Sewer. Refer to SCA-91 under Impact UTL-2.		
Impact HYD-11: Implementation of the proposed Plan would not fundamentally conflict with the City of Oakland Creek Protection Ordinance (OMC Chapter 13.16) intended to protect hydrological resources.	SCA-82. Erosion, Sedimentation, and Debris Control Measures. Refer to SCA-82 under Impact BIO-1.		
	SCA-83. Creek Protection Plan. Refer to SCA-83 under Impact BIO-1.		
	SCA-84. Regulatory Permits and Authorizations. Refer to SCA-83 under Impact BIO-1.		

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		Schedule	Responsibility
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	SCA-86. Creek Landscaping Plan. Refer to SCA-86 under Impact BIO-1.		
	SCA-87. Creek Dewatering and Aquatic Life. Refer to SCA-87 under Impact BIO-1.		
	SCA-88. Creek Dewatering and Diversion. Refer to SCA-88 under Impact BIO-2.		
	SCA-89. Regulatory Permits and Authorizations. Refer to SCA-89 under Impact HYD-7.		
	SCA-90. Structures within a Floodplain. Refer to SCA-90 under Impact HYD-7.		
Impact CUM HYD-12: Development following the proposed Plan in combination with past, present, and reasonably foreseeable maximum development in Oakland, would not adversely affect water quality and hydrology.	SCA-34. Erosion and Sedimentation Control. Refer to SCA-34 under Impact GEO-3.		
	SCA-35. Hazards Best Management Practices. Refer to SCA-35 under Impact HAZ-2.		
	SCA-55. Erosion and Sedimentation Control Plan. Refer to SCA-55 under Impact GEO-3.		
	SCA-64. Environmental Site Assessment Reports Remediation. Refer to SCA-64 under Impact HAZ-2.		
	SCA-68. Best Management Practices for Soil and Groundwater Hazards. Refer to SCA-68 under Impact HAZ-2.		
	SCA-69. Radon or Vapor Intrusion from Soil or Groundwater Sources. Refer to SCA-69 under Impact HAZ-2.		
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	SCA-79. Source Control Measures to Limit Stormwater Pollution. Refer to SCA-79 under Impact HYD-1.		
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	SCA-81. Maintenance Agreement for Stormwater Treatment Measures. Refer to SCA-81 under Impact HYD-1.		
	SCA-82. Erosion, Sedimentation, and Debris Control Measures. Refer to SCA-82 under Impact BIO-1.		
	SCA-83. Creek Protection Plan. Refer to SCA-83 under Impact BIO-1.		
	SCA-84. Regulatory Permits and Authorizations. Refer to SCA-83 under Impact BIO-1.		
	SCA-85. Creek Monitoring. Refer to SCA-85 under Impact BIO-1.		

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	SCA-88. Creek Dewatering and Diversion. Refer to SCA-88 under Impact BIO-2.		
	SCA-89. Regulatory Permits and Authorizations. Refer to SCA-89 under Impact HYD-7.		
	SCA-90. Structures within a Floodplain. Refer to SCA-90 under Impact HYD-7.		
	SCA-91. Stormwater and Sewer. Refer to SCA-91 under Impact UTL-2.		

Lake Merritt Station Area Plan and Related Actions Adoption Findings

In addition to the California Environmental Quality Act (CEQA) findings, there are additional findings which the Commission must make in recommending the *Lake Merritt Station Area Plan (LMSAP)* and Related Actions to the City Council, as detailed below.

The City Planning Commission finds and determines:

1. The *LMSAP* is consistent with Policy A3 of the *Land Use and Transportation Element (LUTE)* of the Oakland General Plan: “Develop General Plan amendment cycles and related procedures.” Specifically:
 - a. Policy A3 of the *General Plan LUTE* states that the City will amend its *General Plan*, up to four times per year per mandatory element, subject to specific findings including: a) how the amendment advances Plan implementation; b) how it is consistent with the policies in the Element; c) any inconsistencies that would need to be reconciled; and d) examination of citywide impacts to determine if the amendment is contrary to achievement of citywide goals. As detailed below, the *General Plan* amendments proposed by the *LMSAP* advance Policy A3 of the *General Plan LUTE* by amending the General Plan to be consistent with the *LMSAP* Area.
 - b. The *LMSAP* and associated General Plan text and map amendments, zoning regulations and Design Guidelines (Related Actions) are consistent with and further advance the Oakland *General Plan* including the *LUTE*. By way of example and not by limitation, the following summary lists major goals and policies of the *LUTE* and discusses how the *LMSAP* and Related Actions are consistent with these goals and policies:
 - The *LMSAP* is consistent with *General Plan* Transportation and Transit-Oriented Development objectives and policies to encourage use of alternative means of transportation by locating mixed use development, jobs, commercial activity, recreational uses, and social services near transit and designing streets to be attractive, safe, and pedestrian- and bicycle-friendly. Applicable *LUTE* Transportation-related policies include, but are not limited to, Policies under Objectives T2 through T4, T6, and T7. These policies are listed in Chapter 3.1 of the DEIR and Chapter 1 of the *LMSAP* (hereby incorporated by reference).
 - The *LMSAP* is consistent with *General Plan* Downtown objectives and policies to enhance the identify of Downtown and its distinct districts; encourage new, high quality, mixed use development that creates a diverse, lively, pedestrian-friendly, and economically vital Downtown; preserve and improve existing housing; promote business development that serves the needs of local workers and residents; make Downtown a cultural and entertainment destination; and enhance safety. Applicable *LUTE* Downtown-related policies include, but are not limited to, Policies under Objectives D1 through D5 and D9 through D13. These policies are listed in Chapter 3.1 of the DEIR and Chapter 1 of the *LMSAP* (hereby incorporated by reference).
 - The *LMSAP* is consistent with *General Plan* Neighborhoods objectives and policies to ensure sufficient housing quantity for current and future residents and an appropriate mix of housing affordability, unit sizes, and types; locate mixed use housing develop near transit and commercial corridors; provide adequate cultural, education, and other community facilities;

inform community members about the potential environmental justice implications of encourage their active participation in the planning process; and ensure compatible development in terms of land use, density, scale, design and existing or desired character of surrounding development. Applicable *LUTE* Neighborhoods-related policies include, but are not limited to, Policies under Objectives N1 through N4, Policies N5.1, N5.2, N6, N8, N9.9, and Policies under Objectives N10, and N11. These policies are listed in Chapter 3.1 of the DEIR and Chapter 1 of the *LMSAP* (hereby incorporated by reference).

- The *LMSAP* is consistent with *General Plan Industry and Commerce* objectives and policies to enhance the downtown area as a hub for business by expanding and retaining Oakland's job base and economic strength and encouraging a variety of appropriately sited commercial uses including retail, offices, government, technology, and personal and professional services. Applicable *LUTE* Industry and Commerce-related policies include, but are not limited to, Policies I/C1 and I/C3. These policies are listed in Chapter 3.1 of the DEIR and Chapter 1 of the *LMSAP* (hereby incorporated by reference).

The *LMSAP* includes goals, policies and actions that promote the transformation of the Plan Area into a well-connected, economically robust, and vibrant neighborhood and regional destination with higher density, high quality, and compatible development that is walkable, bikeable and transit-friendly. The proposed General Plan and Planning Code amendments, Design Guidelines, applicable Standard Conditions of Approval and CEQA mitigation measures serve to implement the *LMSAP* goals, policies and actions by creating a regulatory framework that incentivizes retention and expansion of the area's commercial development, higher density residential development, transit, pedestrian, and bicycle-oriented development, and provides development standards, design guidelines, and other requirements for well-designed, compatible infill development, among other components as discussed below.

2. The *LMSAP* and Related Actions are consistent with and further advance the *Oakland General Plan* including the *LUTE* (as described above), *Open Space, Conservation and Recreation (OSCAR)*, *Historic Preservation, Safety*, and *Housing Elements*, as well as the *Bicycle and Pedestrian Master Plans* and the *Estuary Policy Plan*. By way of example and not by limitation, the following summary lists the major goals and policies of these elements of the *General Plan* and discusses how the *LMSAP* and Related Actions are consistent with these goals and policies.
 - a. *Bicycle Master Plan*. The *LMSAP* is consistent with policies of the *Bicycle Master Plan* to include provisions for safe and direct bicycle access to special development areas and key corridors; to support improved bicycle access to public transportation (such as the Lake Merritt BART Station); and to insure that the needs of bicyclists are considered in the design of new development. Chapter 6 Streetscape and Circulation, Chapter 10 Implementation and the Design Guidelines of the *LMSAP*; the proposed Planning Code amendments; as well as the applicable Standard Conditions of Approval and CEQA mitigation measures for the *LMSAP* include goals, policies and standards that support completing the bicycle network as envisioned in the *Bicycle Master Plan*; providing enhanced bicycle facilities and bicycle parking; improving bicycle access to transit; and designing roadways and parking to ensure bike safety. Applicable *LUTE* Transportation-related policies are listed in Chapter 3.2 of the *LMSAP* EIR. The *LMSAP* would be consistent with the *Bicycle Master Plan* Policies 1A, 1B, and 1C.
 - b. *Pedestrian Master Plan*. The *LMSAP* is consistent with policies of the *Pedestrian Master Plan* to include provisions for safe and direct pedestrian access between "activity centers" throughout the

city; improve pedestrian access to public transportation; and insure that the needs of pedestrians are considered in the design of new development. Chapter 6 Streetscape and Circulation, Chapter 10 Implementation and the Design Guidelines of the *LMSAP*; the proposed Planning Code amendments; as well as the applicable Standard Conditions of Approval and CEQA mitigation measures for the *LMSAP* include goals, policies and standards that support improvements to pedestrian environment such as improvements that enhance safety and visual quality (e.g. crosswalks, wider sidewalks, bulbouts, pedestrian-scaled lighting and other streetscape amenities) and promote land uses and site designs that make walking convenient and enjoyable. Applicable *LUTE* Transportation-related policies are listed in Chapter 3.2 of the EIR. The *LMSAP* would be consistent with the *Pedestrian Master Plan* Policies 1.1, 1.2, 2.1, 2.3 and 3.2.

- c. *Open Space, Conservation, and Recreation (OSCAR) Element.* The *LMSAP* is consistent with the policies of the *OSCAR* of the General Plan to enhance the use of existing open spaces, parks, and recreational facilities; expand the amount of parks acreage and recreational facilities; protect the visual quality of Oakland's visual resources; promote land use patterns and densities which improve regional air quality; expand existing transportation systems management to reduce congestion; require implementation of best practices during construction to minimize dust emissions; encourage the use of energy-efficient construction; protect habitat; control urban runoff; and minimize soil contamination hazards through appropriate storage and disposal of toxic substances. Applicable *OSCAR*-related policies include, but are not limited to, Policies OS-2.1, OS-2.2, OS-2.6, OS-7.5, OS-10.1 through OS-10.3, and OS-11.1; Policies CO-1.2, CO-4.2, CO-5.1, CO-5.3, CO-6.1, CO-7.1, CO-7.4, CO-9.1, CO-11.1, CO-11.2, CO-12.1 through CO-12.6, and CO-13.3; and Policies REC-1.3, REC-2.2 through REC-2.6, REC-3.1, REC-3.3, REC-4.2, REC-4.3, REC-5.1, REC-5.2, REC-6.1, REC-6.2, REC-7.5, and REC-10.2.¹ These policies are listed in Chapters 3.1, 3.3, 3.4, 3.5, 3.7, 3.9, 3.11, 3.12, 3.13, and 3.14 of the EIR (hereby incorporated by reference throughout these findings, as if fully set forth herein). Chapter 4 Land Use, Chapter 5 Open Space, Chapter 6 Streetscape and Circulation, Chapter 9 Infrastructure and Utilities, Chapter 10 Implementation, and the Design Guidelines of the *LMSAP* include goals, policies and standards support the *OSCAR* policies referenced above. In addition, the applicable Standard Conditions of Approval and CEQA mitigation measures for the *LMSAP* also support the *OSCAR* policies referenced above.
- d. *Historic Preservation Element.* The *LMSAP* is consistent with the policies of the *Historic Preservation Element (HPE)* to encourage the reuse of existing buildings and building materials, incentivize the preservation of historic resources, and avoid or minimize adverse historic preservation impacts. Chapter 7 Community Resources, Chapter 10 Implementation and the Design Guidelines of the *LMSAP*, as well as the proposed Planning Code amendments include goals, policies and standards to preserve and enhance existing buildings and ensure that new development is compatible with historic buildings and districts. In addition, the applicable Standard Conditions of Approval and CEQA mitigation measures for the *LMSAP* also support the *HPE* policies referenced below. Applicable *Historic Preservation Element*-related policies include, but are not limited to, Policies 2.1, 2.6, 3.1, 3.3, 3.5, 3.6, and 3.9. These policies are listed in Chapters 3.1 and 3.8 of the EIR (hereby incorporated by reference throughout these findings, as if fully set forth herein).

¹ Although the City has remained short of its stated goal of 4.0 ac. of local-serving parkland per 1,000 resident standard since 1994, the City nevertheless exceeds the overall parkland standard of 10 total acres per 1,000 residents. The City exceeded this standard in 2012, with 15.2 acres of parkland per 1,000 residents.

- e. *Safety Element*. The *LMSAP* is consistent with the policies of the *Safety Element* to enforce and update local ordinances in order to comply with regional orders that would reduce the risk of storm-induced flooding; continue to strengthen city programs that seek to minimize the storm-induced flooding; and maintain and enhance the city's capacity for emergency response. Applicable *Safety Element*-related policies include, but are not limited to, Policies FL-1, FL-2, FL-3, FI-1, FI-2, HM-, HM-2, HM-3, PS-1, PS-2, and PS-3. These policies are listed in Chapters 3.1, 3.4, 3.6, and 3.11 through 3.14 of the EIR (hereby incorporated by reference throughout these findings, as if fully set forth herein). Chapter 7 Infrastructure and Utilities, Chapter 10 Implementation and the Design Guidelines of the *LMSAP*, and the applicable Standard Conditions of Approval and CEQA mitigation measures for the *LMSAP* include goals, policies and requirements that support the *Safety Element* policies referenced above.
 - f. *Housing Element*. The *LMSAP* is consistent with the goals and policies of the *Housing Element* to provide adequate sites for housing for all income groups, conserve and improve older housing and neighborhoods, preserve affordable housing stock, and promote sustainable development and sustainable communities. Chapter 4 Land Use and Chapter 10 Implementation of the *LMSAP*, as well as the proposed Planning Code amendments include goals, policies and strategies to support and incentivize the provision of affordable housing. Applicable *Housing Element*-related policies include, but are not limited to Policies 4.3, 5.1, 5.5, and 7.4. These policies are listed in Chapters 3.1 and 3.7 of the EIR (hereby incorporated by reference throughout these findings, as if fully set forth herein).
 - g. The *LMSAP* is consistent with the existing policies of the *Estuary Policy Plan*, as amended in conjunction with the adoption of the *LMSAP*, that are intended to create a system of linked open spaces and shoreline access for recreational uses and environmental enhancements as well as to work with public agencies to extend open space inland from the Channel. Chapter 4 Land Use, Chapter 5 Open Space, Chapter 10 Implementation and the Design Guidelines of the *LMSAP*; the proposed Planning Code amendments; as well as the applicable Standard Conditions of Approval and CEQA mitigation measures for the *LMSAP* include goals, policies and standards that support the *Estuary Policy Plan* provisions as references above. Applicable *Estuary Policy Plan*-related policies and provisions are described in Chapter 3.1, 3.5, and 3.13 of the EIR (hereby incorporated by reference throughout these findings, as if fully set forth herein).
3. There are no inconsistencies between the *LMSAP* and the Oakland General Plan which need to be reconciled and the *LMSAP* is consistent with and will further advance achievement of citywide goals, as detailed herein and in the September 3, 2014 Staff Report to the City Planning Commission.
 4. The *LMSAP* and Related Actions are consistent with and further advance other related plans, including the *Central District Urban Renewal Plan*, *Central City East Redevelopment Plan* and the *Energy and Climate Action Plan*. By way of example and not by limitation, the following summary lists the major goals and policies the above-mentioned plans and discusses how the *LMSAP* is consistent with them.
 - a. *Central District Urban Renewal Plan* goals related to strengthening the Project Area's historical role as a major retail center for the Metropolitan Oakland Area and establishment as an important cultural entertainment center. Applicable goals include, but are not limited to Goal A, B and C. The Plan also includes policies related to affordable

housing, housing replacement, and relocation of displaced persons. These goals and policies are listed in Chapter 3.1 of the EIR.

- b. *Central City East Redevelopment Plan* includes policies related to affordable housing, housing replacement, and relocation of displaced persons. These policies are listed in Chapter 3.1 of the EIR.
- c. The *Energy and Climate Action Plan (ECAP)* includes Priority Actions that apply to improving transportation and land use integration and promoting alternative energy use and green building. Applicable “Priority Actions” include, but are not limited to PA 1, PA 7, PA 31, PA 37, PA 46, PA 50. These Priority Actions are listed in Chapter 3.4 of the EIR.

The *LMSAP* provides a vision and planning framework that envisions the Plan Area’s transformation into a vibrant, sustainable and economically prosperous neighborhood and regional destination, which is consistent with the *Central District Urban Renewal Plan*. Chapters 4 Land Use, 6 Streetscape and Circulation, 7 Infrastructure and Utilities, the Design Guidelines, and the applicable Standard Conditions of Approval and CEQA mitigation measures for the *LMSAP* include goals, policies and requirements that are consistent with the *ECAP*’s Priority Actions regarding transportation and land use integration and promoting alternative energy use and green building.

5. Adoption of the *LMSAP* meets the provisions of California Government Code Section 65351 et. seq., specifically:
 - a. The City provided “opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and at public workshops” (Government Code section 65351). Specifically, five community workshops were held between April 2010 and December 2012. Four focus groups (“Neighborhood Teas”) were held between December 2010 and April 2011. The *LMSAP Draft Preferred Plan* was presented to the:
 - Parks and Recreation Advisory Committee and Bicycle and Pedestrian Advisory Committee in December 2011
 - Landmarks and Preservation Advisory Board and Planning Commission in January and February 2012
 - Community and Economic Development Committee of the City Council in March 2012
 - City Council in April 2012
 The *LMSAP Public Review Draft* was presented to the Landmarks Preservation Board and Planning Commission in January 2013 and to the Parks and Recreation Advisory Commission and Bicycle and Pedestrian Advisory Committee in November 2013. Related Actions were presented to Design Review Committee of the Planning Commission in April 2013 and the Zoning Update Committee of the Planning Commission in May 2013.
 - b. In addition to providing newspaper notice in the Oakland Tribune of various public hearings, the City also provided notice of hearings in compliance with Government Code Section 65352 through (1) the March 1, 2012, Notice of Preparation of the Environmental Impact Report; (2) the October 24, 2013, Notice of Availability/Notice of Release of the Draft EIR and Draft *LMSAP and Related Actions*; and (3) the July 14, 2014, Notice of Availability/Notice of Release of the Final EIR and public hearings to consider adoption of the *LMSAP* and Related Actions, which were sent to:

- The neighboring cities of Alameda, Berkeley, Emeryville, Piedmont, San Francisco, San Leandro; the County of Alameda; the County of San Francisco; the Port of Oakland;
 - The Oakland Unified School District;
 - The Local Agency Formation Commission;
 - The Association of Bay Area Governments; the Metropolitan Transportation Commission; the Regional Water Quality Control Board;
 - East Bay Municipal Utility District, (which was consulted during the preparation of the *Lake Merritt Station Area Plan*, and which has commented on the Draft EIR).
 - The Bay Area Air Quality District (which was consulted during the preparation of the *Lake Merritt Station Area Plan*);
 - Individuals who specifically requested to be notified about the project; and
 - There are no California Native American tribes with traditional lands in Oakland's jurisdiction; however, a notice to the Native American Heritage Commission was sent by staff. There are no Federal agencies with "operations or lands" that would be significantly affected by adopting the *LMSAP*; there is no branch of the US Armed Forces that have military installations or airspace that could be affected by adopting the *LMSAP*.
6. That the *LMSAP* and related zoning regulations are adequate and promote the public interest and the existing zoning is inadequate and contrary to the public interest because it does not implement various provisions of the LUTE and the *LMSAP*, in part, for the reasons stated herein and in the September 3, 2014, Staff Report to the City Planning Commission.

GENERAL PLAN AMENDMENTS

Implementation of the Lake Merritt Station Area Plan will require amendments to the General Plan and to the City of Oakland Planning Code ("Planning Code") to ensure that broad City policy and specific development standards are tailored to be consistent with this Plan. These amendments will be adopted concurrently with the Plan. Upon adoption, the objectives and policies contained in this Plan will supersede goals and policies in the General Plan with respect to the Plan Area. In situations where policies or standards relating to a particular subject are not provided in the Station Area Plan, the existing policies and standards of the City's General Plan and Planning Code will continue to apply. When future development proposals are brought before the City, staff and decision-makers will use the Station Area Plan as guide for project review. Projects will be evaluated for consistency with the intent of Plan policies and for conformance with development regulations and design guidelines.

I. TEXT AMENDMENTS TO THE CITY OF OAKLAND GENERAL PLAN, LAND USE & TRANSPORTATION ELEMENT (LUTE)

The following are proposed text changes to the General Plan, Land Use & Transportation Element. Additions to the Plan are underlined; deletions are ~~in-strikeout~~.

Oakland General Plan, Land Use & Transportation Element (LUTE)

Chapter 3: Policies in Action

The Land Use Diagram

Land Use Classifications

Urban Residential

Intent: The Urban Residential classification is intended to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structure in locations with good access to transportation and other services.

Desired Character and Uses: The primary future use in this classification is residential. Mixed use buildings that house ground floor commercial uses and public facilities of compatible character are also encouraged. If possible, where detached density housing adjoins urban residential the zoning should be structured to create a transition area between the two.

Intensity/Density: Except as indicated below, the maximum allowable density in these areas is 125 units per gross acre.

- Within the Lake Merritt Station Area Plan area, the maximum allowable density is 250 units per gross acre.

Policy Framework Basis for the Classification: Neighborhood Goals; Neighborhood Objectives N1, N2, N3, N5, N6, N8, N9, N10, N11, and related policies. Waterfront Objectives W8, W12, and related policies. Downtown Objectives D1, D2, D3, D6, D10, D11 and related policies.

Community Commercial

Intent: The Community Commercial Classification is intended to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers.

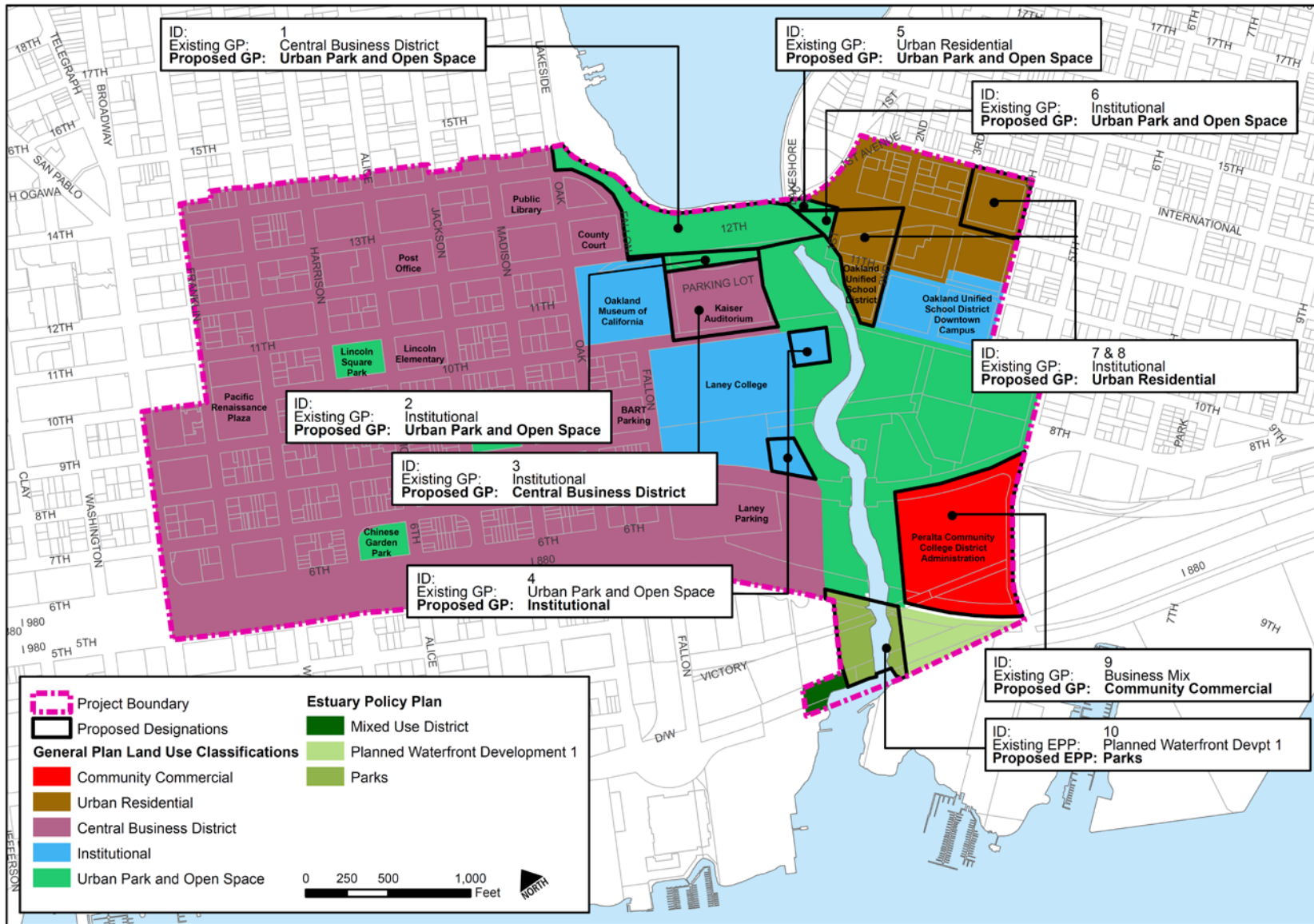
Desired Character and Uses: Community Commercial areas may include neighborhood center uses and larger scale retail and commercial uses, such as auto related businesses, business and personal services, health services and medical uses, education facilities, and entertainment uses. Community Commercial areas can be complemented by the addition of urban residential development and compatible mixed use development.

Intensity/Density: Except as indicated below, the maximum FAR for this classification is 5.0. Maximum residential density is 125 units per gross acre.

- Within the Broadway Valdez District Specific Plan area, the maximum FAR for this classification is 8.0.
- Within the Lake Merritt Station Area Plan area, the maximum FAR for this classification is 12.0. Maximum residential density is 250 units per gross acre.

Policy Framework Basis for the Classification: Neighborhood Goals; Neighborhood Objectives N1, N2, N3, N6, N8, N9, N10, N11, and related policies. Industry and Commerce Goals; Industry and Commerce Objectives I/C 1, I/C 2, and I/C 3, I/C 5. Transportation Objective T2.

II. MAP AMENDMENTS TO THE CITY OF OAKLAND GENERAL PLAN, LAND USE & TRANSPORTATION ELEMENT (LUTE)



**AMENDMENTS TO CITY of OAKLAND PLANNING CODE, ZONING MAP
and HEIGHT AREA MAP FOR THE LAKE MERRITT STATION AREA PLAN**

The following is a list of all of the attachments included in Attachment E:

E1. Existing and Proposed Zoning Maps

E2. Existing and Proposed Height Area Maps

E3. Proposed Planning Code Chapter 101.G. D-LM Lake Merritt Station Area District Zones Regulations

E4. Proposed Changes to Chapter 17.116 Off-Street Parking and Loading Requirements

E5. Proposed Changes to Other Chapters/Sections in the Planning Code:

(a) Chapter 17.58 CBD CENTRAL BUSINESS DISTRICT ZONES REGULATIONS

(b) Chapter 17.108 GENERAL HEIGHT, YARD, AND COURT REGULATIONS

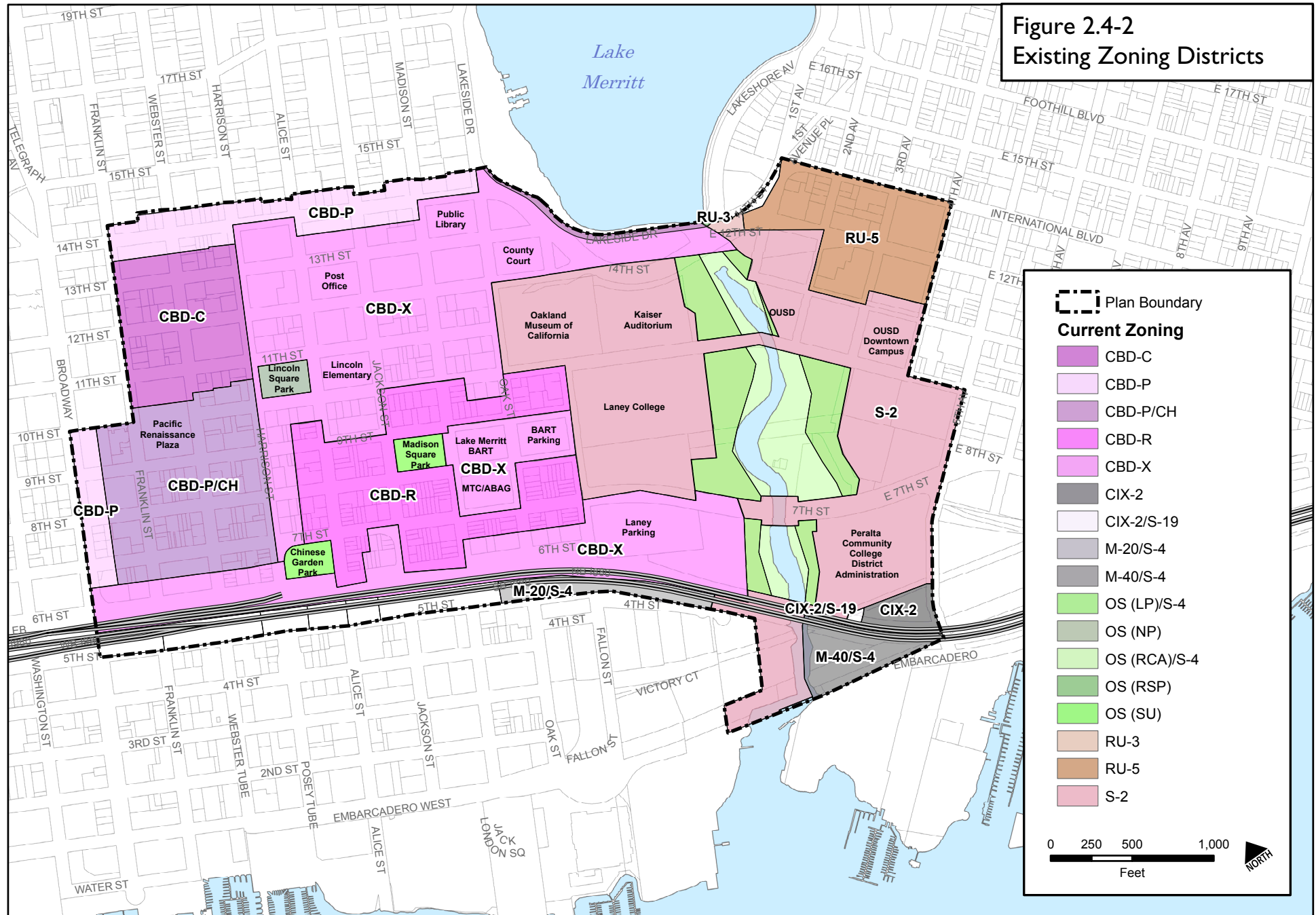
- Section 17.108.080 Minimum side yard opposite living room windows

(c) Chapter 17.134 CONDITIONAL USE PERMIT PROCEDURE

- Section 17.134.020 Definition of major and minor conditional use permits.

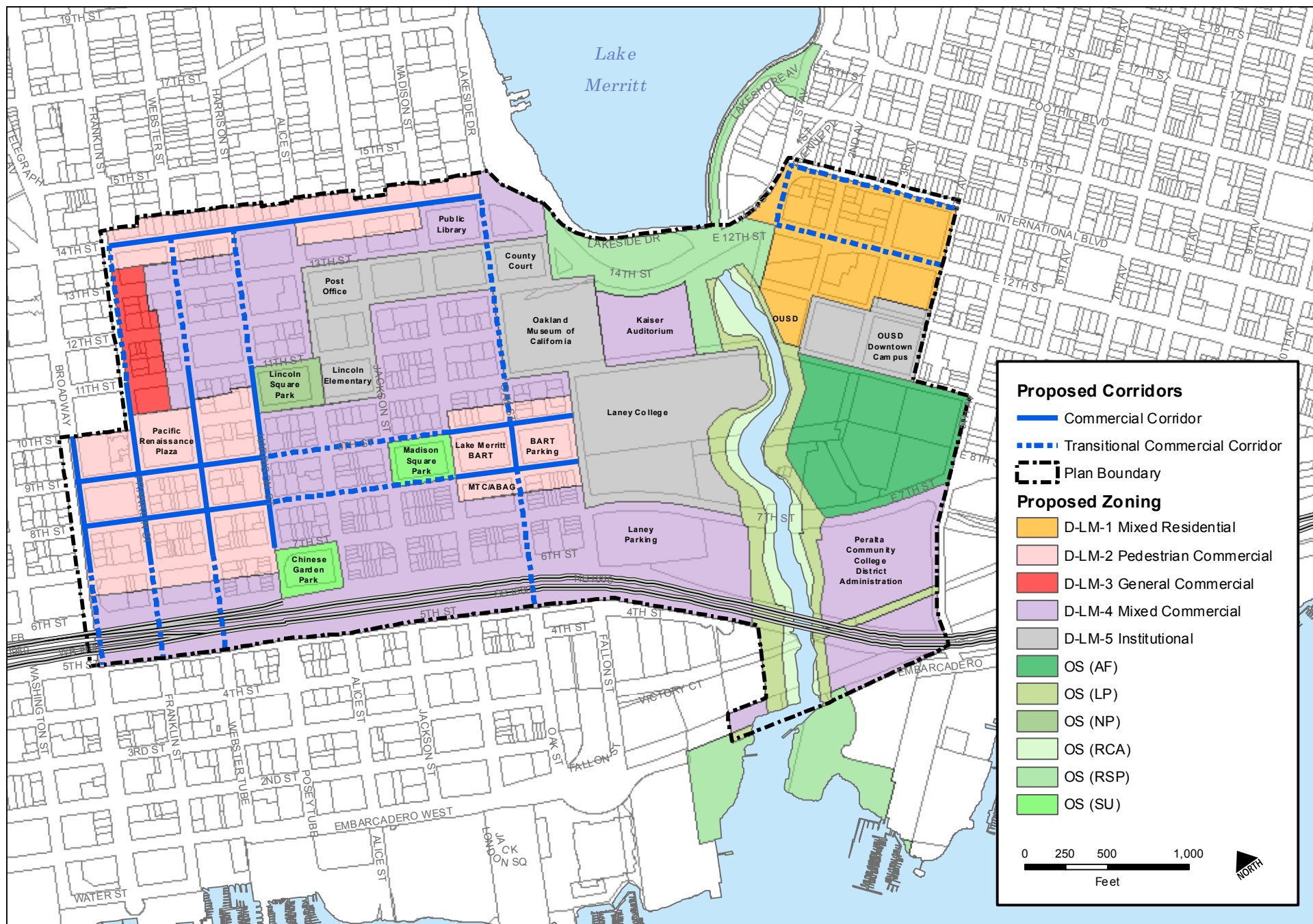
(d) Chapter 17.136 DESIGN REVIEW PROCEDURE

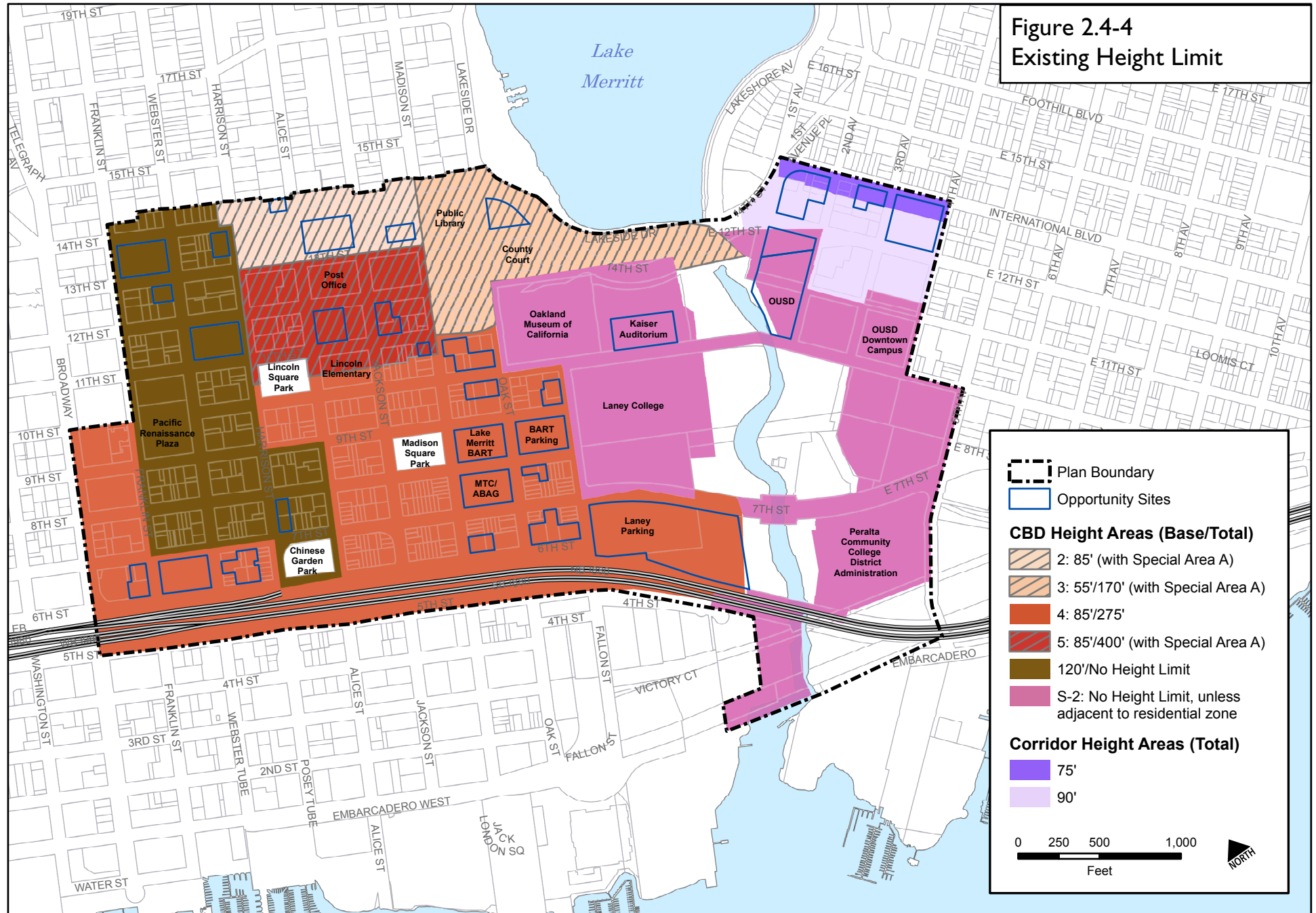
- Section 17.136.040.D Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the City Planning Commission—Decisions Ultimately Appealable to City Council.
- Section 17.136.055 Special regulations for historic properties in the Central Business District zones



LAKE MERRITT BART STATION AREA PLAN

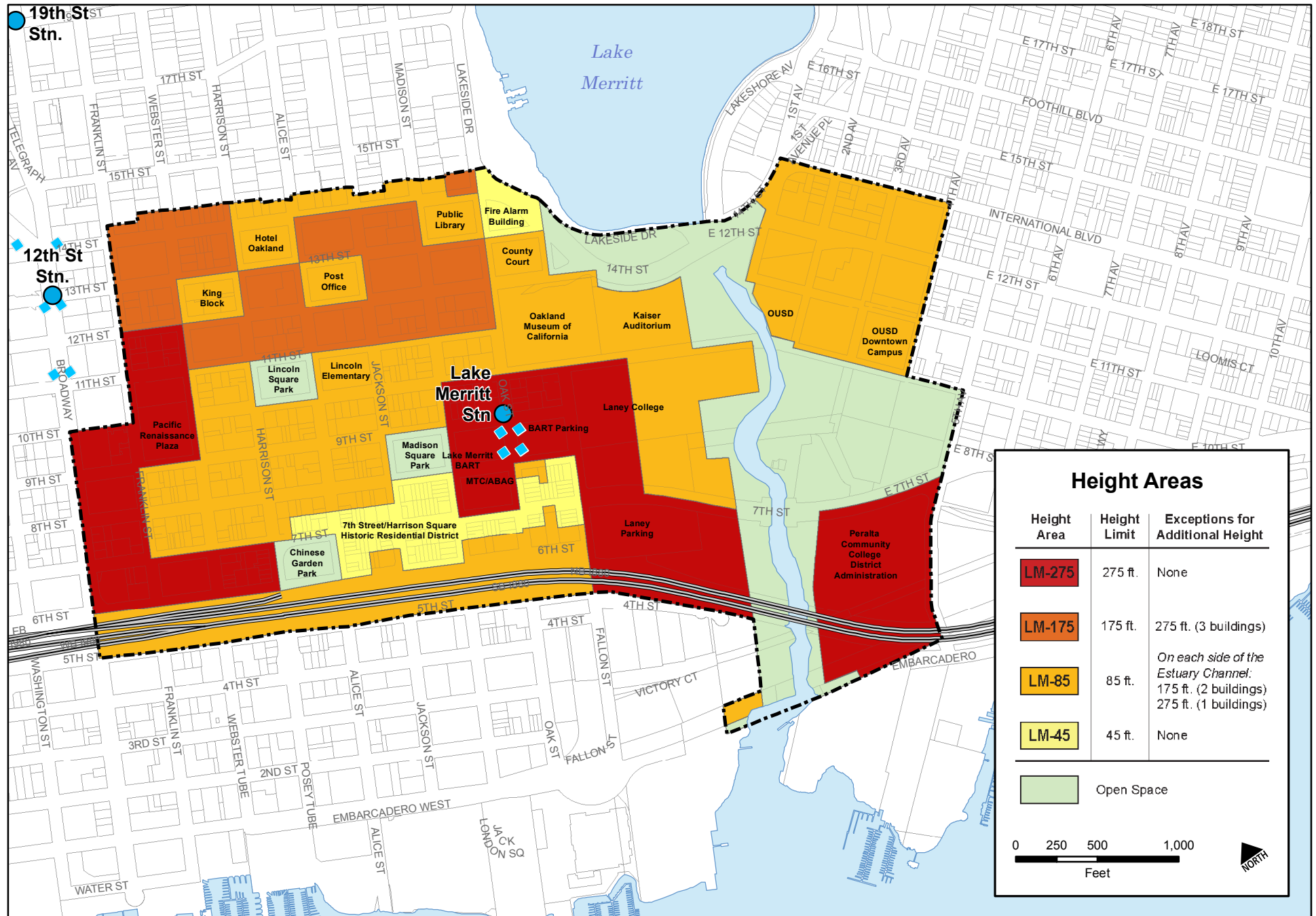
Current Zoning Districts





LAKE MERRITT BART STATION AREA PLAN

Existing Height Limits



LAKE MERRITT BART STATION AREA PLAN Proposed Height Areas

Proposed NEW Planning Code Chapter 101.G D-LM Lake Merritt Station Area District Zones Regulations to replace existing zoning regulations in the Lake Merritt Station Plan Area. [Additional changes made following the September 3, 2014 publication are illustrated as double-underline for additions and ~~double-strikeout~~ for deletions.](#)

Chapter 17.101G D-LM LAKE MERRITT STATION AREA DISTRICT ZONES REGULATIONS

Sections:

17.101G.010 Title, purpose, and applicability.

17.101G.020 Required design review process and pre-application review.

17.101G.030 Permitted and conditionally permitted activities.

17.101G.040 Permitted and conditionally permitted facilities.

17.101G.050 Property development standards.

17.101G.060 Usable open space standards.

[17.101G.070 Special regulations for large scale developments.](#)

17.101G.[080](#) Other zoning provisions.

17.101G.010 Title, purpose, and applicability.

- A. Intent. The provisions of this Chapter shall be known as the D-LM Lake Merritt Station Area District Zones regulations. The intent of the D-LM regulations is to implement the Lake Merritt Station Area Plan. Development in this district shall be consistent with the Lake Merritt Station Area Plan, of a high quality design, and include active ground floor uses where appropriate and feasible. The objectives of the Lake Merritt Station Area Plan are to:
1. Create a more active and vibrant Lake Merritt Station Area District to serve and attract residents, businesses, students, and visitors;
 2. Increase activity and vibrancy in the area by encouraging vital retail nodes that provide services, restaurants, and shopping opportunities;
 4. Improve connections between the Lake Merritt Station Area District and major destinations outside the area;
 5. Improve safety and pedestrian-orientation;
 6. Accommodate the future population, including families;
 6. Increase the number of jobs and improve the local economy;
 7. Identify additional recreation and open space opportunities and improve existing resources;
 8. Encourage and enhance a pedestrian-oriented streetscape.
- B. Description of zones. This Chapter establishes land use regulations for the following five zones:

1. **D-LM-1 Lake Merritt Station Area District Mixed Residential Zone-1.** The intent of the D-LM-1 zone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District appropriate for high-density residential development with compatible commercial activities.
 2. **D-LM-2 Lake Merritt Station Area District Pedestrian Commercial Zone-2.** The intent of the D-LM-2 zone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities.
 3. **D-LM-3 Lake Merritt Station Area District General Commercial Zone-3.** The intent of the D-LM-3 zone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District appropriate for a wide range of ground-floor commercial activities. Upper-story spaces are intended to be available for a wide range of residential, office, or other commercial activities.
 4. **D-LM-4 Lake Merritt Station Area District Mixed Commercial Zone-4.** The intent of the D-LM-4 zone is to designate areas of the Lake Merritt Station Area Plan District appropriate for a wide range of residential, commercial, and compatible light industrial activities.
 5. **D-LM-5 Lake Merritt Station Area District Institutional Zone-5.** The intent of the D-LM-5 zone is to create, preserve, and enhance areas devoted primarily to major public and quasi-public facilities and auxiliary uses.
- C. Definition of corridor types. For the purposes of this Chapter only, the following definitions shall be utilized to apply special land use regulations and development standards to properties fronting the following two types of street corridors:
1. **Commercial Corridor.** The intent of regulations related to properties fronting "Commercial Corridors" is to maintain and promote an existing pattern of continuous ground floor commercial activities and facilities along the subject corridor. The following streets are designated as Commercial Corridors: 14th Street (between Franklin and Oak Streets), 9th Street (between Broadway and Harrison Street, and between Madison and Fallon Streets), 8th Street (between Broadway and Harrison Street, and between Madison and Fallon Streets), Oak Street (between 8th and 9th Streets), Harrison Street (between 7th and 11th Streets), Webster Street (between 7th and 11th Streets), Franklin Street (between 7th and 11th Streets), and Broadway (between 7th and 10th Streets).
 2. **Transitional Commercial Corridor.** The intent of regulations related to properties fronting "Transitional Commercial Corridors" is to expand the amount of ground floor commercial activities and facilities along the subject corridor. The following streets are designated as Transitional Commercial Corridors: International Boulevard (between 1st and 4th Avenues), East 12th Street (between 1st and 4th Avenues), 8th Street (between Harrison and Madison Streets), 9th Street (between Harrison and Madison Streets), 1st Avenue (between East 12th Street and International Boulevard), Oak Street (between 5th and 8th Streets, and between 9th and 14th Streets), Harrison Street (between 11th and 14th Streets), Webster Street (between 11th and 14th Streets, and between 5th and 7th Streets), Franklin Street (between 11th and 14th Streets, and between 5th and 7th Streets), and Broadway (between 5th and 7th Streets).

17.101G.020 Required design review process and pre-application 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 Guidelines for the Lake Merritt Station Area Plan is required for any proposal in the D-LM 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 Guidelines for the Lake Merritt Station Area Plan, the design objectives in the Design Guidelines for the Lake Merritt Station Area Plan shall prevail.
- D. Pre-Application Review—Discretionary Approvals. Prior to any Planning application involving an Opportunity Site identified in the Lake Merritt Station Area Plan which requires one or more discretionary approvals (including, but not limited to, regular design review, conditional use permit, variance, and/or subdivision), the applicant, or his or her representative, shall submit for a pre-application review of the proposal by a representative of the City Planning Department. During the pre-application review, City staff will provide information about applicable Lake Merritt Station Area Plan objectives and design guidelines.

17.101G.030 Permitted and conditionally permitted activities.

Table 17.58.01 lists the permitted, conditionally permitted, and prohibited activities in the D-LM zones. The descriptions of these activities are contained in Chapter 17.10.

"P" designates permitted activities in the corresponding zone.

"C" designates activities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure) in the corresponding zone.

"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 17.101G.01: Permitted and Conditionally Permitted Activities

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Residential Activities						
Permanent	P(L1)	P(L1)	P(L1)	P(L1)	P	

[illegible]

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
General Food Sales	P(L4)(L7)	P(L4)	P	P(L4)	P	
Full Service Restaurants	P	P	P	P	P	
Limited Service Restaurant and Cafe	P	P	P	P	P	
Fast-Food Restaurant	—	C	C	C	C	17.103.030 and 8.09
Convenience Market	C(L7)	C	C	C	C	17.103.030
Alcoholic Beverage Sales	C(L7)	C	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	C	C	C	C	
Medical Service	P(L4) (L5)	P(L4) (L5)	P(L5)	P(L5)	P	
General Retail Sales	P	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	P(L4) (L5) (L9)	P(L4) (L5) (L9)	P(L5) (L9)	P(L5) (L9)	P(L9)	
Consultative and Financial Service	P(L4) (L5)	P(L4) (L5)	P(L5)	P(L5)	P	
Check Cashier and Check Cashing	—	C(L10)	C(L10)	C(L10)	C(L10)	17.103.040
Consumer Cleaning and Repair Service	P(L4) (L5) (L7)	P(L5)	P(L5)	P(L5)	P	
Consumer Dry	C(L7)	C	C	C	C	

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Cleaning Plant						
Group Assembly	C(L11)	P(L4) (L5) (L11)	P(L11)	P(L4) (L5) (L11)	P(L11)	
Personal Instruction and Improvement Services	P	P	P	P	P	
Administrative	P(L4) (L5)	P(L4) (L5)	P(L5)	P(L5)	P	
Business, Communication, and Media Services	P(L4) (L5) (L7)	P(L4) (L5)	P(L5)	P(L5)	P	
Broadcasting and Recording Services Commercial Activities	P(L4) (L5) (L7)	P(L4) (L5)	P(L5)	P(L5)	P	
Research Service	P(L4) (L5)	P(L4) (L5)	P(L5)	P(L5)	P	
General Wholesale Sales	—	—	—	C	—	
Transient Habitation	C	C	C	C	C	17.103.050
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	C	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	C(L13)	—	

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Taxi and Light Fleet-Based Services	—	—	—	C(L13)	—	
Automotive Fee Parking	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	
Animal Boarding	—	—	—	—	—	
Animal Care	—	C	C	C	C	
Undertaking Service	—	—	—	C	—	
Industrial Activities						
Custom Manufacturing	—	C(L1)(L13)	—	C(L13)	—	
Light Manufacturing	—	—	—	— C(L13)	—	
General Manufacturing	—	—	—	—	—	
Heavy/High Impact	—	—	—	—	—	
Research and Development	—	—	C(L13)	C(L13)	—	
Construction Operations	—	—	—	—	—	
Warehousing, Storage, and Distribution-Related						
A. General Warehousing, Storage and Distribution	—	—	—	—	—	
B. General Outdoor Storage	—	—	—	—	—	
C. Self- or Mini Storage	—	—	—	—	—	
D. Container	—	—	—	—	—	

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Storage						
E. Salvage/ Junk Yards	—	—	—	—	—	
Regional Freight and Transportation-Related						
All Regional Freight and Transportation-Related Activities	—	—	—	—	—	
Trucking and Truck-Related						
All Trucking and Truck-Related Activities	—	—	—	—	—	
Recycling and Waste-Related						
A. Satellite Recycling Collection Centers	—	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management	—	—	—	—	—	
Agriculture and Extractive Activities						
Animal Raising	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	
Crop Growing	C(L16)	C(L16)	C(L16)	C(L16)	C(L16)	
Plant Nursery	—	—	—	—	—	
Mining and Quarrying	—	—	—	—	—	

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Accessory off-street parking serving prohibited activities	C	C	C	C	C	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	C	C	17.102.110

Limitations:

L1. These activities may not be located within thirty (30) feet of the front lot line on the ground floor of an existing principal building fronting a Commercial Corridor or within thirty (30) feet of the front lot line on the ground floor of a new principal building fronting a Transitional Commercial Corridor, as defined in Section 17.101G.010.C, with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building. See Section 17.101G.040 for limitations on the construction of new ground floor Residential Facilities.

L2. Residential Care is permitted outright if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). 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 or Facility.

L3. These activities may only be located above the ground floor of a building upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

~~**L4.** With the exception of parcels facing Broadway and 14th Street, the total linear frontage length devoted to these activities on the ground floor by any single establishment may only exceed twenty five percent (25%) of the total linear frontage length from street corner to street corner upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).~~

L4. Any single establishment may only exceed twelve thousand (12,000) square feet in floor area upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

L5. If located on a Commercial Corridor, as defined in Section 17.101G.010.C with the exception of 8th, 9th, Franklin, Webster and Harrison Streets between 7th, 10th, Broadway and Harrison Streets, and both on the ground floor of a building and within thirty (30) feet from any street-abutting property line, these activities are only permitted upon the granting of a

conditional use permit (see Chapter 17.134 for the CUP procedure). If located on 8th, 9th, Franklin, Webster and Harrison Streets between 7th and 10th Broadway and Harrison Streets, and both on the ground floor of a building and within thirty (30) feet from any street-abutting property line, 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). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this conditional use permit requirement. In addition to the criteria contained in Section 17.134.050, these conditionally permitted ground floor proposals must also meet each of the following criteria:

- a. The proposal will not impair a generally continuous wall of building facades;
- b. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
- c. The proposal will not interfere with the movement of people along an important pedestrian street.

L6. These activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, when these activities are located within thirty (30) feet of the front of the ground floor of the principal building (with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building) the proposed activities must also meet the criteria contained in Note L5, above.

L7. These activities may only be located on or below the ground floor of a building with the following exceptions:

- a. If the floor area devoted to the activity is less than two thousand (2,000) square feet and the activity takes place in a Local Register property, then the activity is permitted above the ground floor upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process).
- b. An activity located on the ground floor may extend to the second floor of a building if each: 1) the floor area devoted to nonresidential activities in the building is less than the floor area devoted to residential activities; 2) the activity on the second floor is the same as, or accessory to, the ground floor activity and part of the same business or establishment; and 3) there is a direct internal connection between the ground floor and the second story activities.

L8. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L9. See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L10. No new or expanded Check Cashier and Check Cashing Commercial Activity shall be located closer than one thousand (1,000) feet from any other such activity or five hundred (500)

feet from any Community Education, Community Assembly, or Recreational Assembly Civic Activity; State or Federally chartered bank, savings association, credit union, or industrial loan company; or certain Alcoholic Beverage Sales Commercial Activities. See Section 17.103.040 for further regulations regarding Check Cashier and Check Cashing Commercial Activities.

L11. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

~~**L12.** The total floor area devoted to these activities by any single establishment shall not exceed three thousand (3,000) square feet.~~

L13. These activities, including accessory activities, are only allowed to be performed indoors. This requirement includes, but is not limited to: vehicles stored before and after servicing, general storage, vehicle and other repair, and automotive cleaning. This requirement excludes parking for customers currently at the business and automotive fueling.

L14. Auto fee parking is permitted upon the granting of conditional use permit (see Chapter 17.134 for the CUP procedure) if it is located in either a parking structure or in a below grade parking lot. Auto fee parking is otherwise prohibited.

L15. Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following 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 runoff, equipment operation, hours of operation, odor, security, and vehicular traffic.

L16. Crop Growing is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following 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.

17.101G.040 Permitted and conditionally permitted facilities.

Table 17.101G.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-LM-1, D-LM-2, D-LM-3, D-LM-4, and D-LM-5 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 (see Chapter 17.134 for the CUP procedure) in the corresponding zone.

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

"—" designates facilities that are prohibited

Table 17.101G.02: Permitted and Conditionally Permitted Facilities

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
<i>Residential Facilities</i>						
One-Family Dwellings	(L1)	—	—	—	—	
One-Family Dwelling with Secondary Unit	P(L5)	P(L5)	P(L5)	P(L5)	P(L5)	17.103.080
Two-Family Dwelling	P	P(L5)	P(L5)	P(L5)	P(L5)	
Multifamily Dwelling	P	P	P	P	P	
Rooming House	P	P	P	P	P	
Mobile Home	—	—	—	—	—	
<i>Nonresidential Facilities</i>						
Enclosed Nonresidential	P(L3)	P(L3)	P(L3)	P(L3)	P	
Open Nonresidential	C(L4)	C(L4)	C(L4)	C(L4)	C(L4)	
Sidewalk Cafe	P	P	P	P	P	17.103.090
Drive-In Nonresidential	—	—	—	C	C	
Drive-Through Nonresidential	—	—	—	C(L2)	C(L2)	17.103.100
<i>Telecommunications Facilities</i>						
Micro Telecommunications	C	P	P	P	P	17.128

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Mini Telecommunications	C	P	P	P	P	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	—	—	—	C	C	17.128
Tower Telecommunications	—	—	—	—	—	17.128
Sign Facilities						
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	17.104
Advertising Signs	—	—	—	—	—	17.104

Limitations:

L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming One-Family Dwellings.

L2. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.

L3. New construction of a Nonresidential Facility shall be required to incorporate ground floor commercial space that conforms to the design standards in Table 17.101G.03 if:

- a.** the facility fronts onto a (1) "Transitional Commercial Corridor", as identified in Section 17.101G.010.C, is more than thirty-five (35) feet wide, and is either: within a Lake Merritt Station Area Plan Opportunity Site or on a corner lot; or

- b. the facility fronts onto a (2) "Commercial Corridor", as identified in Section 17.101G.010.C, and is more than thirty-five (35) feet wide.

L4. Open Nonresidential Facilities accommodating activities other than Civic Activities, seasonal sales, or special events are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L5. A Secondary Unit that meets all requirements set forth in Section 17.103.080 is only permitted in conjunction with an existing One-Family Dwelling. Also, a Two-Family Dwelling that meets all applicable requirements set forth in the Planning and Building Codes is only permitted as the result of an approved conversion of an existing One-Family Dwelling.

17.101G.050 Property development standards.

- A. Zone Specific Standards. Table 17.58.03 below prescribes development standards specific to individual zones. The number designations in the right-hand column refer to the additional regulations listed at the end of the Table.

Table 17.101G.03: Property Development Standards

Development Standards	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Minimum Lot Dimensions						
Width	25 ft	25 ft	50 ft	50 ft	50 ft	1
Frontage	25 ft	25 ft	50 ft	50 ft	50 ft	1
Lot area	4,000 sf	4,000 sf	7,500 sf	7,500 sf	7,500 sf	1
Minimum/Maximum Setbacks						
Minimum front	0 ft	0 ft	0 ft	0 ft	0 ft	2
Maximum front and street side for the first story	None	5 ft	5 ft	10 ft	None	3
Maximum front and street side for the second and third stories or thirty-five (35) feet, whatever is lower	None	5 ft	5 ft	None	None	3
Minimum interior side	0 ft	0 ft	0 ft	0 ft	0 ft	
Minimum corner side	0 ft	0 ft	0 ft	0 ft	0 ft	

Rear	10 ft	0 ft	0 ft	0 ft	0 ft	
Average minimum setback from the Lake Merritt Estuary Channel	60 ft	60 ft	60 ft	60 ft	60 ft	4
Design Regulations						
Ground floor commercial facade transparency	55%	65%	55%	55%	55%	5
Minimum height of the ground floor	15 ft	15 ft	15 ft	15 ft	15 ft	6
Minimum width of storefronts	15 ft	15 ft	15 ft	15 ft	15 ft	7
Minimum depth of storefront bay	50 ft	50 ft	50 ft	50 ft	50 ft	7
Minimum separation between the grade and ground floor living space	2.5 ft	Not Applicable	Not Applicable	2.5 ft	Not Applicable	8

Additional Regulations:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage regulations.
2. See Section 17.108.040 for the minimum front yard setback when fifty percent (50%) or more of the frontage on the same block and side of the street is in a residential zone.
3. The following notes apply to the maximum yard requirements:
 - a. The requirements only apply to the construction of new principal buildings and to no more than two property lines. One of these property lines shall abut the principal street.
 - b. The requirements do not apply to lots containing Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
 - c. These maximum yards apply to seventy-five percent (75%) of the street frontage on the principal street and fifty percent (50%) on other streets, if any. All percentages, however, may be reduced to fifty percent (50%) upon the granting of regular design review (see Chapter 17.136 for the design review procedure). In addition to the criteria contained in 17.136.050, the proposal must also meet each of the following criteria:
 - i. Any additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, sidewalk cafes, or restaurants;
 - ii. The proposal will not impair a generally continuous wall of building facades;

- iii. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
 - iv. The proposal will not interfere with the movement of people along an important pedestrian street.
- d. The maximum yard requirements above the ground floor may be waived upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, the proposal must also meet each of the following criteria:
- i. It infeasible to both accommodate the use proposed for the space and meet the maximum yard requirement;
 - ii. The proposal will not weaken the street definition provided by buildings with reduced setbacks; and
 - iii. The proposal will not interrupt a continuity of 2nd and 3rd story facades on the street that have minimal front yard setbacks.
4. This regulation is the average setback distance, measured from the mean high tide line, along the total length of channel frontage involved in a project, with a minimum setback at any point of forty (40) feet.
5. This percentage of transparency is only required for principal buildings that include ground floor nonresidential facilities and only apply to the facade facing the principal street. On all other street facing facades, the requirement is one-half (½) the standard for the facade facing the principal street. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space or lobbies. Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.
6. This height is required for all new principal buildings and is measured from the sidewalk grade to the second story floor.
7. This regulation only applies to new construction of ground floor storefronts as part of a mixed use development project. Also see Lake Merritt Station Area Plan Design Guidelines for further guidance.
8. This regulation only applies to ground floor living space located within fifteen (15) feet of a street frontage.
- B. Height, Bulk, and Intensity Area Specific Standards. Table 17.101G.04 below prescribes height, bulk, and intensity standards associated with the height/bulk/intensity areas described in the Zoning Maps. The numbers in the right-hand column refer to the additional regulations listed at the end of the Table.

Table 17.101G.04 Height, Density, Bulk, and Tower Regulations

Regulation	Height/Bulk/Intensity Area				Notes
	LM-45	LM-85	LM-175	LM-275	
Maximum Height					
Building base	45	45	45 85ft upon granting of CUP and additional findings in Note 2 a,b,c	45 85ft upon granting of CUP and additional findings in Note 2 a,b,c	1
Tower	—	85	175	275	2
Exceptions Allowed With Conditional Use Permit (CUP)	Not applicable	4 bldgs. total (2 on east side and 2 on west side of Lake Merritt Channel) – LM-275 standards apply 2 bldgs. total (1 on east side and 1 on west side of Lake Merritt Channel) – LM-175 standards apply	3 bldgs. total – LM-275 standards apply	Not applicable	2
Minimum Height					
New principal buildings	25	35	35	35	3
Maximum Density (Square Feet of Lot Area Required Per Unit)					
Dwelling unit	450	225	110	110	2, 4
Rooming unit	225	110	55	55	2, 4
Maximum Intensity (Floor Area Ratio)					

Regulation	Height/Bulk/Intensity Area				Notes
	LM-45	LM-85	LM-175	LM-275	
Maximum Floor Area Ratio (FAR)	2.5	5	8	12	2, 4
Tower Regulations					
Setback of Tower from building base	Not applicable	0 ft, for buildings not exceeding 85 ft in height 40 ft, along at least 50% of the perimeter length of base for buildings exceeding 85 ft in height	20 ft, along at least 50% of the perimeter length of base 10 ft, along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 3 <u>2 a,b,c</u>	20 ft, along at least 50% of the perimeter length of base 10 ft, along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 3 <u>2 a,b,c</u>	See additional CUP findings in Note 3 below
Maximum average per story lot coverage above building base	Not applicable	Not applicable to buildings 85 ft or less in height	65% of site area or 10,000 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	2, 5
Maximum tower elevation length	Not applicable	Not applicable to buildings 85 ft or less in height	150 ft	150 ft	2, 5
Maximum diagonal length	Not applicable	Not applicable to buildings 85 ft or less in height	180 ft	180 ft	2, 5
Minimum distance between towers on the same lot	Not applicable	Not applicable to buildings 85 ft or less in height	50 ft	50 ft	2

Notes:

1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

2. Exceptions to Height/Bulk/Intensity Area Standards. In Height/Bulk/Intensity Areas LM-85 and LM-175, a limited number of buildings, as prescribed above in Table 17.101G.04, may be allowed to utilize the same height/bulk/intensity standards that typically apply to either Height/Bulk/Intensity Area LM-175 or LM-275 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 the following additional use permit criteria:

a. The proposal is consistent with the intent and desired land use character identified in the Lake Merritt Station Area Plan and its associated policies; and

b. The proposal will promote implementation of the Lake Merritt Station Area Plan;

c. The proposal is consistent with the desired visual character described in the Lake Merritt Station Area Plan and Lake Merritt Station Area Design Guidelines, with consideration given to the existing character of the site and surrounding area.

d. The following application process is followed:

i. Applications for any of the height/bulk/intensity exceptions shall be reviewed on a first come, first served basis.

ii. A project shall secure a position as one of the specified height/bulk/intensity exceptions following final Conditional Use Permit approval. Such Conditional Use Permits shall include a condition of approval that establishes a schedule for: submittal of a building permit application, timely response to plan check comments, payment of building permit fees such that a building permit can be issued, and commencement of construction. The process for allowing extension of the timeline requirements, if any, shall be specified in the condition.

iii. Failure of a permittee to strictly comply with the schedule established by the Conditional Use Permit shall be grounds for revocation of the Conditional Use Permit pursuant to Chapter 17.134.

3. This minimum height excludes the height of the allowed projections into the height limit contained in 17.108.030.

4. For mixed use projects in the Lake Merritt Station Area Plan District (D-LM) Zones, the allowable intensity of development shall be measured according to both the maximum nonresidential Floor Area Ratio (FAR) allowed by the zone and the maximum residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum nonresidential FAR and the maximum residential density.

5. The maximum tower elevation length, diagonal length, and average per story lot coverage above the base may be increased by up to thirty percent (30%) 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 the following additional use permit criteria:

a. The proposal will result in a signature building within the neighborhood, City, or region based on qualities including, but not limited to, exterior visual quality, craftsmanship, detailing, and high quality and durable materials.

17.101G.060 Usable open space standards.

- A. General. This section contains the usable open space standards and requirements for residential development in the D-LM zones. These requirements shall supersede those in Chapter 17.126.
- B. Definitions of D-LM usable open space types. The following includes a list of available usable open space types eligible to fulfill the usable space requirements of this Chapter and the definitions of these types of open space:
1. "Private Usable Open Space". Private usable open space is accessible from a single unit and may be provided in a combination of recessed and projecting exterior spaces.
 2. "Public Ground-Floor Plaza". Public ground-floor plazas (plazas) are group usable open space (see Section 17.127.030) located at street-level and adjacent to the building frontage. Plazas shall be publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving.
 3. "Rooftop Open Space". Rooftop open space, a type of group usable open space, includes gardens, decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants.
 4. "Courtyard". A courtyard is a type of group usable open space that can be located anywhere within the subject property.
 5. "Off-Site Open Space". Off-site open spaces are group usable open space at street-floor or podium-level within one thousand (1,000) feet of a residential development. Off-site open spaces shall be publicly accessible during daylight hours and are maintained by the property owner.
 6. "Community Room". Community room can be located anywhere on the subject property and shall be available for use by all members of said residential development.
- C. Standards. All required usable open space shall be permanently maintained and shall conform to the following standards:
1. Area. On each lot containing residential facilities with a total of two or more living units, usable open space shall be provided for such facilities at the following rates:

Table 17.101G.05: Required Amounts of Usable Open Space

Type of Living Unit	Minimum Open Space Area Required
Senior Housing Unit	Thirty-eight (38) square feet per unit
Affordable Housing Unit	Sixty (60) square feet per unit
Rooming Unit	Thirty-eight (38) square feet per unit
Residential Unit within a Building on the Local Register of	Thirty-eight (38) square feet per unit

Historic Resources	
Other Residential Unit	Seventy-five (75) square feet per unit

2. Size and Shape. An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

Table 17.101G.06: Required Dimensions of Usable Open Space

Type of Usable Open Space	Minimum Dimension or Size	Notes
Private	10 ft for space on the ground floor, no dimensional requirement elsewhere.	
Public Ground-Floor Plaza	10 ft	
Rooftop	15 ft	Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward this dimension.
Courtyard	15 ft	
Off-Site Open Space	10 ft	
Community Room	250 square feet	

3. Openness. There shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.

4. Location. Required usable open space may be located anywhere on the lot except that not more than fifty percent (50%) of the required area may be located on the uppermost roof of any building. There is no limitation on rooftop open space on rooftop podiums that are not the uppermost roof of a building.
 5. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dustfree surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than four (4) feet high.
 6. Accessibility. Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five feet of an interior side lot line. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
- D. Landscaping requirements. At least fifty percent (50%) of rooftop or courtyard usable open space area shall include landscaping enhancements. At least thirty percent (30%) of public ground floor plaza shall include landscaping enhancements. Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc.) The remainder of the space shall include user amenities such as seating, decorative paving, sidewalk cafes, or playground structures.
- E. In-Lieu Fee. The open space requirements of this Section may be reduced or waived upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and payment of an in-lieu fee to the City of Oakland to be used to pay for new public open space/plaza(s) or existing public open space/plaza(s) improvements. The open space in-lieu fee shall be as set forth in the Master Fee Schedule. Open space in-lieu fees shall be deposited with the City of Oakland prior to issuance of a building permit. An open space in-lieu fee may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional open space is provided for such building so as to satisfy the open space requirement for which the in-lieu payment was made. To obtain a refund, the required open space must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.
- F. Variances. Notwithstanding anything to the contrary contained in the Planning Code, variances may not be granted relating to (a) a reduction and/or elimination of any open space; or (b) a reduction and/or elimination of any open space serving any activity, or if already less than currently required open space, shall not be reduced further below the requirements prescribed for such activity in this Chapter. The granting of a CUP (see Chapter 17.134 for the CUP procedure) and payment of the in-lieu fee shall be the sole means of reducing or eliminating open space.

17.101G.070 Special regulations for large scale developments.

No development which involves more than one hundred thousand (100,000) square feet of a new floor area shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

17.101G.080 Other zoning provisions.

- A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.
- E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the D-LM zones.
- F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the D-LM zones.

Proposed NEW Planning Code Chapter 101.G D-LM Lake Merritt Station Area District Zones
Regulations to replace existing zoning regulations in the Lake Merritt Station Plan Area.

Chapter 17.101G D-LM LAKE MERRITT STATION AREA DISTRICT ZONES REGULATIONS
Sections:

17.101G.010 Title, purpose, and applicability.

17.101G.020 Required design review process and pre-application review.

17.101G.030 Permitted and conditionally permitted activities.

17.101G.040 Permitted and conditionally permitted facilities.

17.101G.050 Property development standards.

17.101G.060 Usable open space standards.

17.101G.070 Other zoning provisions.

17.101G.010 Title, purpose, and applicability.

- A. Intent. The provisions of this Chapter shall be known as the D-LM Lake Merritt Station Area District Zones regulations. The intent of the D-LM regulations is to implement the Lake Merritt Station Area Plan. Development in this district shall be consistent with the Lake Merritt Station Area Plan, of a high quality design, and include active ground floor uses where appropriate and feasible. The objectives of the Lake Merritt Station Area Plan are to:
1. Create a more active and vibrant Lake Merritt Station Area District to serve and attract residents, businesses, students, and visitors;
 2. Increase activity and vibrancy in the area by encouraging vital retail nodes that provide services, restaurants, and shopping opportunities;
 4. Improve connections between the Lake Merritt Station Area District and major destinations outside the area;
 5. Improve safety and pedestrian-orientation;
 6. Accommodate the future population, including families;
 6. Increase the number of jobs and improve the local economy;
 7. Identify additional recreation and open space opportunities and improve existing resources;
 8. Encourage and enhance a pedestrian-oriented streetscape.
- B. Description of zones. This Chapter establishes land use regulations for the following five zones:
1. **D-LM-1 Lake Merritt Station Area District Mixed Residential Zone-1.** The intent of the D-LM-1 zone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District appropriate for high-density residential development with compatible commercial activities.

2. **D-LM-2 Lake Merritt Station Area District Pedestrian Commercial Zone-2.** The intent of the D-LM-2 zone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities.
 3. **D-LM-3 Lake Merritt Station Area District General Commercial Zone-3.** The intent of the D-LM-3 zone is to create, maintain, and enhance areas of the Lake Merritt Station Area Plan District appropriate for a wide range of ground-floor commercial activities. Upper-story spaces are intended to be available for a wide range of residential, office, or other commercial activities.
 4. **D-LM-4 Lake Merritt Station Area District Mixed Commercial Zone-4.** The intent of the D-LM-4 zone is to designate areas of the Lake Merritt Station Area Plan District appropriate for a wide range of residential, commercial, and compatible light industrial activities.
 5. **D-LM-5 Lake Merritt Station Area District Institutional Zone-5.** The intent of the D-LM-5 zone is to create, preserve, and enhance areas devoted primarily to major public and quasi-public facilities and auxiliary uses.
- C. Definition of corridor types. For the purposes of this Chapter only, the following definitions shall be utilized to apply special land use regulations and development standards to properties fronting the following two types of street corridors:
1. **Commercial Corridor.** The intent of regulations related to properties fronting "Commercial Corridors" is to maintain and promote an existing pattern of continuous ground floor commercial activities and facilities along the subject corridor. The following streets are designated as Commercial Corridors: 14th Street (between Franklin and Oak Streets), 9th Street (between Broadway and Harrison Street, and between Madison and Fallon Streets), 8th Street (between Broadway and Harrison Street, and between Madison and Fallon Streets), Oak Street (between 8th and 9th Streets), Harrison Street (between 7th and 11th Streets), Webster Street (between 7th and 11th Streets), Franklin Street (between 7th and 11th Streets), and Broadway (between 7th and 10th Streets).
 2. **Transitional Commercial Corridor.** The intent of regulations related to properties fronting "Transitional Commercial Corridors" is to expand the amount of ground floor commercial activities and facilities along the subject corridor. The following streets are designated as Transitional Commercial Corridors: International Boulevard (between 1st and 4th Avenues), East 12th Street (between 1st and 4th Avenues), 8th Street (between Harrison and Madison Streets), 9th Street (between Harrison and Madison Streets), 1st Avenue (between East 12th Street and International Boulevard), Oak Street (between 5th and 8th Streets, and between 9th and 14th Streets), Harrison Street (between 11th and 14th Streets), Webster Street (between 11th and 14th Streets, and between 5th and 7th Streets), Franklin Street (between 11th and 14th Streets, and between 5th and 7th Streets), and Broadway (between 5th and 7th Streets).

17.101G.020 Required design review process and pre-application 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 Guidelines for the Lake Merritt Station Area Plan is required for any proposal in the D-LM 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 Guidelines for the Lake Merritt Station Area Plan, the design objectives in the Design Guidelines for the Lake Merritt Station Area Plan shall prevail.
- D. Pre-Application Review—Discretionary Approvals. Prior to any Planning application involving an Opportunity Site identified in the Lake Merritt Station Area Plan which requires one or more discretionary approvals (including, but not limited to, regular design review, conditional use permit, variance, and/or subdivision), the applicant, or his or her representative, shall submit for a pre-application review of the proposal by a representative of the City Planning Department. During the pre-application review, City staff will provide information about applicable Lake Merritt Station Area Plan objectives and design guidelines.

17.101G.030 Permitted and conditionally permitted activities.

Table 17.58.01 lists the permitted, conditionally permitted, and prohibited activities in the D-LM zones. The descriptions of these activities are contained in Chapter 17.10.

"P" designates permitted activities in the corresponding zone.

"C" designates activities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure) in the corresponding zone.

"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 17.101G.01: Permitted and Conditionally Permitted Activities

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Residential Activities						
Permanent	P(L1)	P(L1)	P(L1)	P(L1)	P	
Residential Care	P(L1)(L2)	P(L1)(L2)	P(L1)(L2)	P(L1)(L2)	P(L2)	17.103.010
Service-Enriched Permanent Housing	C(L1)(L2)	C(L1)(L2)	C(L1)(L2)	C(L1)(L2)	C(L2)	17.103.010
Transitional	C(L1)(L2)	C(L1)(L2)	C(L1)(L2)	C(L1)(L2)	C(L2)	17.103.010

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Housing						
Emergency Shelter	C(L1)(L2)	C(L1)(L2)	C(L1)(L2)	C(L1)(L2)	C(L2)	17.103.010
Semi-Transient	C(L1)	C(L1)	C(L1)	C(L1)	C	
Bed and Breakfast	P	P	P	P	P	17.10.125
Civic Activities						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	
Community Assembly	P(L4)	P(L4)	P(L4)	P(L4)	P	
Recreational Assembly	P(L4)	P(L4)	P(L4)	P(L4)	P	
Community Education	P(L5)	P(L4)	P(L4)	P(L4)	P	
Nonassembly Cultural	P	P	P	P	P	
Administrative	P(L4)	P(L4)	P(L4)	P(L4)	P	
Health Care	C	C	C	C	C	
Special Health Care	—	C(L6)(L8)	C(L6)(L8)	C(L6)(L8)	C(L6)(L8)	17.103.020
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
Commercial Activities						
General Food Sales	P(L4)(L7)	P(L4)	P	P(L4)	P	
Full Service Restaurants	P	P	P	P	P	

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Limited Service Restaurant and Cafe	P	P	P	P	P	
Fast-Food Restaurant	—	C	C	C	C	17.103.030 and 8.09
Convenience Market	C(L7)	C	C	C	C	17.103.030
Alcoholic Beverage Sales	C(L7)	C	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	C	C	C	C	C	
Medical Service	P(L4)	P(L4)	P	P	P	
General Retail Sales	P	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	P(L4)(L9)	P(L4)(L9)	P(L9)	P(L9)	P(L9)	
Consultative and Financial Service	P(L4)	P(L4)	P	P	P	
Check Cashier and Check Cashing	—	C(L10)	C(L10)	C(L10)	C(L10)	17.103.040
Consumer Cleaning and Repair Service	P(L4)(L7)	P(L5)	P	P	P	
Consumer Dry Cleaning Plant	C(L7)	C	C	C	C	
Group Assembly	C(L11)	P(L4)(L11)	P(L11)	P(L4)(L11)	P(L11)	
Personal Instruction and Improvement	P	P	P	P	P	

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Services						
Administrative	P(L4)	P(L4)	P	P	P	
Business, Communication, and Media Services	P(L4)(L7)	P(L4)	P	P	P	
Broadcasting and Recording Services Commercial Activities	P(L4)(L7)	P(L4)	P	P	P	
Research Service	P(L4)	P(L4)	P	P	P	
General Wholesale Sales	—	—	—	C	—	
Transient Habitation	C	C	C	C	C	17.103.050
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	C	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	C(L13)	—	
Taxi and Light Fleet-Based Services	—	—	—	C(L13)	—	
Automotive Fee Parking	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Animal Boarding	—	—	—	—	—	
Animal Care	—	C	C	C	C	
Undertaking Service	—	—	—	C	—	
Industrial Activities						
Custom Manufacturing	—	C(L1)(L13)	—	C(L13)	—	
Light Manufacturing	—	—	—	—	—	
General Manufacturing	—	—	—	—	—	
Heavy/High Impact	—	—	—	—	—	
Research and Development	—	—	C(L13)	C(L13)	—	
Construction Operations	—	—	—	—	—	
Warehousing, Storage, and Distribution-Related						
A. General Warehousing, Storage and Distribution	—	—	—	—	—	
B. General Outdoor Storage	—	—	—	—	—	
C. Self- or Mini Storage	—	—	—	—	—	
D. Container Storage	—	—	—	—	—	
E. Salvage/ Junk Yards	—	—	—	—	—	
Regional Freight and Transportation-Related						

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
All Regional Freight and Transportation-Related Activities	—	—	—	—	—	
Trucking and Truck-Related						
All Trucking and Truck-Related Activities	—	—	—	—	—	
Recycling and Waste-Related						
A. Satellite Recycling Collection Centers	—	—	—	—	—	
B. Primary Recycling Collection Centers	—	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management	—	—	—	—	—	
Agriculture and Extractive Activities						
Animal Raising	C(L15)	C(L15)	C(L15)	C(L15)	C(L15)	
Crop Growing	C(L16)	C(L16)	C(L16)	C(L16)	C(L16)	
Plant Nursery	—	—	—	—	—	
Mining and Quarrying	—	—	—	—	—	
Accessory off-street parking serving prohibited activities	C	C	C	C	C	17.116.075
Activities that are listed as prohibited, but are	C	C	C	C	C	17.102.110

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
permitted or conditionally permitted on nearby lots in an adjacent zone						

Limitations:

L1. These activities may not be located within thirty (30) feet of the front lot line on the ground floor of an existing principal building fronting a Commercial Corridor or within thirty (30) feet of the front lot line on the ground floor of a new principal building fronting a Transitional Commercial Corridor, as defined in Section 17.101G.010.C, with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building. See Section 17.101G.040 for limitations on the construction of new ground floor Residential Facilities.

L2. Residential Care is permitted outright if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). 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 or Facility.

L3. These activities may only be located above the ground floor of a building upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

L4. With the exception of parcels facing Broadway and 14th Street, the total linear frontage length devoted to these activities on the ground floor by any single establishment may only exceed twenty-five percent (25%) of the total linear frontage length from street corner to street corner upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure).

L5. If located both on the ground floor of a building and within thirty (30) feet from any street-abutting property line, these activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this conditional use permit requirement. In addition to the criteria contained in Section 17.134.050, these conditionally permitted ground floor proposals must also meet each of the following criteria:

- a. The proposal will not impair a generally continuous wall of building facades;
- b. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
- c. The proposal will not interfere with the movement of people along an important pedestrian street.

L6. These activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, when these activities are located within thirty (30) feet of the front of the ground floor of the principal building (with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building) the proposed activities must also meet the criteria contained in Note L5, above.

L7. These activities may only be located on or below the ground floor of a building with the following exceptions:

a. If the floor area devoted to the activity is less than two thousand (2,000) square feet and the activity takes place in a Local Register property, then the activity is permitted above the ground floor upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process).

b. An activity located on the ground floor may extend to the second floor of a building if each: 1) the floor area devoted to nonresidential activities in the building is less than the floor area devoted to residential activities; 2) the activity on the second floor is the same as, or accessory to, the ground floor activity and part of the same business or establishment; and 3) there is a direct internal connection between the ground floor and the second story activities.

L8. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

L9. See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

L10. No new or expanded Check Cashier and Check Cashing Commercial Activity shall be located closer than one thousand (1,000) feet from any other such activity or five hundred (500) feet from any Community Education, Community Assembly, or Recreational Assembly Civic Activity; State or Federally chartered bank, savings association, credit union, or industrial loan company; or certain Alcoholic Beverage Sales Commercial Activities. See Section 17.103.040 for further regulations regarding Check Cashier and Check Cashing Commercial Activities.

L11. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See Section 17.102.160 for further regulations regarding adult entertainment activities.

L12. The total floor area devoted to these activities by any single establishment shall not exceed three thousand (3,000) square feet.

L13. These activities, including accessory activities, are only allowed to be performed indoors. This requirement includes, but is not limited to: vehicles stored before and after servicing, general storage, vehicle and other repair, and automotive cleaning. This requirement excludes parking for customers currently at the business and automotive fueling.

L14. Auto fee parking is permitted upon the granting of conditional use permit (see Chapter 17.134 for the CUP procedure) if it is located in either a parking structure or in a below grade parking lot. Auto fee parking is otherwise prohibited.

L15. Animal Raising is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, this activity must meet the following 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 runoff, equipment operation, hours of operation, odor, security, and vehicular traffic.

L16. Crop Growing is only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the CUP criteria contained in Section 17.134.050, this activity must meet the following 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.

17.101G.040 Permitted and conditionally permitted facilities.

Table 17.101G.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-LM-1, D-LM-2, D-LM-3, D-LM-4, and D-LM-5 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 (see Chapter 17.134 for the CUP procedure) in the corresponding zone.

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

"—" designates facilities that are prohibited

Table 17.101G.02: Permitted and Conditionally Permitted Facilities

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
<i>Residential Facilities</i>						
One-Family Dwellings	(L1)	—	—	—	—	

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
One-Family Dwelling with Secondary Unit	P(L5)	P(L5)	P(L5)	P(L5)	P(L5)	17.103.080
Two-Family Dwelling	P	P(L5)	P(L5)	P(L5)	P(L5)	
Multifamily Dwelling	P	P	P	P	P	
Rooming House	P	P	P	P	P	
Mobile Home	—	—	—	—	—	
Nonresidential Facilities						
Enclosed Nonresidential	P(L3)	P(L3)	P(L3)	P(L3)	P	
Open Nonresidential	C(L4)	C(L4)	C(L4)	C(L4)	C(L4)	
Sidewalk Cafe	P	P	P	P	P	17.103.090
Drive-In Nonresidential	—	—	—	C	C	
Drive-Through Nonresidential	—	—	—	C(L2)	C(L2)	17.103.100
Telecommunications Facilities						
Micro Telecommunications	C	P	P	P	P	17.128
Mini Telecommunications	C	P	P	P	P	17.128
Macro Telecommunications	C	C	C	C	C	17.128
Monopole Telecommunications	—	—	—	C	C	17.128
Tower Telecommunications	—	—	—	—	—	17.128
Sign Facilities						

Activities	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Residential Signs	P	P	P	P	P	17.104
Special Signs	P	P	P	P	P	17.104
Development Signs	P	P	P	P	P	17.104
Realty Signs	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	17.104
Advertising Signs	—	—	—	—	—	17.104

Limitations:

L1. See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming One-Family Dwellings.

L2. No new or expanded Fast-Food Restaurants with Drive-Through Nonresidential Facilities shall be located closer than five hundred (500) feet of an elementary school, park, or playground. See Sections 17.103.030 and 17.103.100 for further regulations regarding Drive-Through Nonresidential Facilities.

L3. New construction of a Nonresidential Facility shall be required to incorporate ground floor commercial space that conforms to the design standards in Table 17.101G.03 if:

- a.** the facility fronts onto a (1) "Transitional Commercial Corridor", as identified in Section 17.101G.010.C, is more than thirty-five (35) feet wide, and is either: within a Lake Merritt Station Area Plan Opportunity Site or on a corner lot; or
- b.** the facility fronts onto a (2) "Commercial Corridor", as identified in Section 17.101G.010.C, and is more than thirty-five (35) feet wide.

L4. Open Nonresidential Facilities accommodating activities other than Civic Activities, seasonal sales, or special events are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

L5. A Secondary Unit that meets all requirements set forth in Section 17.103.080 is only permitted in conjunction with an existing One-Family Dwelling. Also, a Two-Family Dwelling that meets all applicable requirements set forth in the Planning and Building Codes is only permitted as the result of an approved conversion of an existing One-Family Dwelling.

17.101G.050 Property development standards.

- A. Zone Specific Standards. Table 17.58.03 below prescribes development standards specific to individual zones. The number designations in the right-hand column refer to the additional regulations listed at the end of the Table.

Table 17.101G.03: Property Development Standards

Development Standards	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Minimum Lot Dimensions						
Width	25 ft	25 ft	50 ft	50 ft	50 ft	1
Frontage	25 ft	25 ft	50 ft	50 ft	50 ft	1
Lot area	4,000 sf	4,000 sf	7,500 sf	7,500 sf	7,500 sf	1
Minimum/Maximum Setbacks						
Minimum front	0 ft	0 ft	0 ft	0 ft	0 ft	2
Maximum front and street side for the first story	None	5 ft	5 ft	10 ft	None	3
Maximum front and street side for the second and third stories or thirty-five (35) feet, whatever is lower	None	5 ft	5 ft	None	None	3
Minimum interior side	0 ft	0 ft	0 ft	0 ft	0 ft	
Minimum corner side	0 ft	0 ft	0 ft	0 ft	0 ft	
Rear	10 ft	0 ft	0 ft	0 ft	0 ft	
Average minimum setback from the Lake Merritt Estuary Channel	60 ft	60 ft	60 ft	60 ft	60 ft	4
Design Regulations						
Ground floor commercial facade transparency	55%	65%	55%	55%	55%	5

Minimum height of the ground floor	15 ft	15 ft	15 ft	15 ft	15 ft	6
Minimum width of storefronts	15 ft	15 ft	15 ft	15 ft	15 ft	7
Minimum depth of storefront bay	50 ft	50 ft	50 ft	50 ft	50 ft	7
Minimum separation between the grade and ground floor living space	2.5 ft	Not Applicable	Not Applicable	2.5 ft	Not Applicable	8

Additional Regulations:

1. See Section 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage regulations.
2. See Section 17.108.040 for the minimum front yard setback when fifty percent (50%) or more of the frontage on the same block and side of the street is in a residential zone.
3. The following notes apply to the maximum yard requirements:
 - a. The requirements only apply to the construction of new principal buildings and to no more than two property lines. One of these property lines shall abut the principal street.
 - b. The requirements do not apply to lots containing Recreational Assembly, Community Education, Utility and Vehicular, or Extensive Impact Civic Activities or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
 - c. These maximum yards apply to seventy-five percent (75%) of the street frontage on the principal street and fifty percent (50%) on other streets, if any. All percentages, however, may be reduced to fifty percent (50%) upon the granting of regular design review (see Chapter 17.136 for the design review procedure). In addition to the criteria contained in 17.136.050, the proposal must also meet each of the following criteria:
 - i. Any additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, sidewalk cafes, or restaurants;
 - ii. The proposal will not impair a generally continuous wall of building facades;
 - iii. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
 - iv. The proposal will not interfere with the movement of people along an important pedestrian street.
 - d. The maximum yard requirements above the ground floor may be waived upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, the proposal must also meet each of the following criteria:

- i. It infeasible to both accommodate the use proposed for the space and meet the maximum yard requirement;
 - ii. The proposal will not weaken the street definition provided by buildings with reduced setbacks; and
 - iii. The proposal will not interrupt a continuity of 2nd and 3rd story facades on the street that have minimal front yard setbacks.
4. This regulation is the average setback distance, measured from the mean high tide line, along the total length of channel frontage involved in a project, with a minimum setback at any point of forty (40) feet.
5. This percentage of transparency is only required for principal buildings that include ground floor nonresidential facilities and only apply to the facade facing the principal street. On all other street facing facades, the requirement is one-half (½) the standard for the facade facing the principal street. The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space or lobbies. Glass block does not quality as a transparent window. Exceptions to this regulation may be allowed by the Planning Director for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.
6. This height is required for all new principal buildings and is measured from the sidewalk grade to the second story floor.
7. This regulation only applies to new construction of ground floor storefronts as part of a mixed use development project. Also see Lake Merritt Station Area Plan Design Guidelines for further guidance.
8. This regulation only applies to ground floor living space located within fifteen (15) feet of a street frontage.
- B. Height, Bulk, and Intensity Area Specific Standards. Table 17.101G.04 below prescribes height, bulk, and intensity standards associated with the height/bulk/intensity areas described in the Zoning Maps. The numbers in the right-hand column refer to the additional regulations listed at the end of the Table.

Table 17.101G.04 Height, Density, Bulk, and Tower Regulations

Regulation	Height/Bulk/Intensity Area				Notes
	LM-45	LM-85	LM-175	LM-275	
Maximum Height					
Building base	45	45	45	45	1

Regulation	Height/Bulk/Intensity Area				Notes
	LM-45	LM-85	LM-175	LM-275	
Tower	—	85	175	275	2
Exceptions Allowed With Conditional Use Permit (CUP)	Not applicable	4 bldgs. total (2 on east side and 2 on west side of Lake Merritt Channel) – LM-275 standards apply 2 bldgs. total (1 on east side and 1 on west side of Lake Merritt Channel) – LM-175 standards apply	3 bldgs. total – LM-275 standards apply	Not applicable	2
Minimum Height					
New principal buildings	25	35	35	35	3
Maximum Density (Square Feet of Lot Area Required Per Unit)					
Dwelling unit	450	225	110	110	2, 4
Rooming unit	225	110	55	55	2, 4
Maximum Intensity (Floor Area Ratio)					
Maximum Floor Area Ratio (FAR)	2.5	5	8	12	2, 4
Tower Regulations					
Setback of Tower from building base	Not applicable	0 ft, for buildings not exceeding 85 ft in height 10 ft, along at	20 ft, along at least 50% of the perimeter length of base	20 ft, along at least 50% of the perimeter length of base	See additional CUP findings in Note 3

Regulation	Height/Bulk/Intensity Area				Notes
	LM-45	LM-85	LM-175	LM-275	
		least 50% of the perimeter length of base for buildings exceeding 85 ft in height	10 ft, along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 3	10 ft, along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 3	below
Maximum average per story lot coverage above building base	Not applicable	Not applicable to buildings 85 ft or less in height	65% of site area or 10,000 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	2, 5
Maximum tower elevation length	Not applicable	Not applicable to buildings 85 ft or less in height	150 ft	150 ft	2, 5
Maximum diagonal length	Not applicable	Not applicable to buildings 85 ft or less in height	180 ft	180 ft	2, 5
Minimum distance between towers on the same lot	Not applicable	Not applicable to buildings 85 ft or less in height	50 ft	50 ft	2

Notes:

1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
2. Exceptions to Height/Bulk/Intensity Area Standards. In Height/Bulk/Intensity Areas LM-85 and LM-175, a limited number of buildings, as prescribed above in Table 17.101G.04., may be allowed to utilize the same height/bulk/intensity standards that typically apply to either Height/Bulk/Intensity Area LM-175 or LM-275 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 the following additional use permit criteria:

- a. The proposal is consistent with the intent and desired land use character identified in the Lake Merritt Station Area Plan and its associated policies; and

- b. The proposal will promote implementation of the Lake Merritt Station Area Plan;
- c. The proposal is consistent with the desired visual character described in the Lake Merritt Station Area Plan and Lake Merritt Station Area Design Guidelines, with consideration given to the existing character of the site and surrounding area.
- d. The following application process is followed:
 - i. Applications for any of the height/bulk/intensity exceptions shall be reviewed on a first come, first served basis.
 - ii. A project shall secure a position as one of the specified height/bulk/intensity exceptions following final Conditional Use Permit approval. Such Conditional Use Permits shall include a condition of approval that establishes a schedule for: submittal of a building permit application, timely response to plan check comments, payment of building permit fees such that a building permit can be issued, and commencement of construction. The process for allowing extension of the timeline requirements, if any, shall be specified in the condition.
 - iii. Failure of a permittee to strictly comply with the schedule established by the Conditional Use Permit shall be grounds for revocation of the Conditional Use Permit pursuant to Chapter 17.134.
- 3. This minimum height excludes the height of the allowed projections into the height limit contained in 17.108.030.
- 4. For mixed use projects in the Lake Merritt Station Area Plan District (D-LM) Zones, the allowable intensity of development shall be measured according to both the maximum nonresidential Floor Area Ratio (FAR) allowed by the zone and the maximum residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum nonresidential FAR and the maximum residential density.
- 5. The maximum tower elevation length, diagonal length, and average per story lot coverage above the base may be increased by up to thirty percent (30%) 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 the following additional use permit criteria:
 - a. The proposal will result in a signature building within the neighborhood, City, or region based on qualities including, but not limited to, exterior visual quality, craftsmanship, detailing, and high quality and durable materials.

17.101G.060 Usable open space standards.

- A. General. This section contains the usable open space standards and requirements for residential development in the D-LM zones. These requirements shall supersede those in Chapter 17.126.
- B. Definitions of D-LM usable open space types. The following includes a list of available usable open space types eligible to fulfill the usable space requirements of this Chapter and the definitions of these types of open space:
 - 1. "Private Usable Open Space". Private usable open space is accessible from a single unit and may be provided in a combination of recessed and projecting exterior spaces.

2. "Public Ground-Floor Plaza". Public ground-floor plazas (plazas) are group usable open space (see Section 17.127.030) located at street-level and adjacent to the building frontage. Plazas shall be publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving.
3. "Rooftop Open Space". Rooftop open space, a type of group usable open space, includes gardens, decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants.
4. "Courtyard". A courtyard is a type of group usable open space that can be located anywhere within the subject property.
5. "Off-Site Open Space". Off-site open spaces are group usable open space at street-floor or podium-level within one thousand (1,000) feet of a residential development. Off-site open spaces shall be publicly accessible during daylight hours and are maintained by the property owner.
6. "Community Room". Community room can be located anywhere on the subject property and shall be available for use by all members of said residential development.

C. Standards. All required usable open space shall be permanently maintained and shall conform to the following standards:

1. Area. On each lot containing residential facilities with a total of two or more living units, usable open space shall be provided for such facilities at the following rates:

Table 17.101G.05: Required Amounts of Usable Open Space

Type of Living Unit	Minimum Open Space Area Required
Senior Housing Unit	Thirty-eight (38) square feet per unit
Affordable Housing Unit	Sixty (60) square feet per unit
Rooming Unit	Thirty-eight (38) square feet per unit
Residential Unit within a Building on the Local Register of Historic Resources	Thirty-eight (38) square feet per unit
Other Residential Unit	Seventy-five (75) square feet per unit

2. Size and Shape. An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

Table 17.101G.06: Required Dimensions of Usable Open Space

Type of Usable Open Space	Minimum Dimension or Size	Notes
Private	10 ft for space on the ground floor, no dimensional requirement elsewhere.	
Public Ground-Floor Plaza	10 ft	
Rooftop	15 ft	Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward this dimension.
Courtyard	15 ft	
Off-Site Open Space	10 ft	
Community Room	250 square feet	

3. Openness. There shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.
4. Location. Required usable open space may be located anywhere on the lot except that not more than fifty percent (50%) of the required area may be located on the uppermost roof of any building. There is no limitation on rooftop open space on rooftop podiums that are not the uppermost roof of a building.
5. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dustfree surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof, but shall not be more than four (4) feet high.

6. Accessibility. Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot except that ground-level space shall not be located in a required minimum front yard and except that above-ground-level space shall not be located within five feet of an interior side lot line. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
- D. Landscaping requirements. At least fifty percent (50%) of rooftop or courtyard usable open space area shall include landscaping enhancements. At least thirty percent (30%) of public ground floor plaza shall include landscaping enhancements. Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc.) The remainder of the space shall include user amenities such as seating, decorative paving, sidewalk cafes, or playground structures.
- E. In-Lieu Fee. The open space requirements of this Section may be reduced or waived upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) and payment of an in-lieu fee to the City of Oakland to be used to pay for new public open space/plaza(s) or existing public open space/plaza(s) improvements. The open space in-lieu fee shall be as set forth in the Master Fee Schedule. Open space in-lieu fees shall be deposited with the City of Oakland prior to issuance of a building permit. An open space in-lieu fee may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional open space is provided for such building so as to satisfy the open space requirement for which the in-lieu payment was made. To obtain a refund, the required open space must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.
- F. Variances. Notwithstanding anything to the contrary contained in the Planning Code, variances may not be granted relating to (a) a reduction and/or elimination of any open space; or (b) a reduction and/or elimination of any open space serving any activity, or if already less than currently required open space, shall not be reduced further below the requirements prescribed for such activity in this Chapter. The granting of a CUP (see Chapter 17.134 for the CUP procedure) and payment of the in-lieu fee shall be the sole means of reducing or eliminating open space.

17.101G.070 Other zoning provisions.

- A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.
- B. Bicycle Parking. Bicycle parking shall be provided as prescribed in the bicycle parking regulations in Chapter 17.117.
- C. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.
- D. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.

- E. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the D-LM zones.
- F. Recycling Space Allocation Requirements. The regulations set forth in Chapter 17.118 shall apply in the D-LM zones.

The following are proposed text changes to **Chapter 17.116 Off Street Parking and Loading Requirements**. Additions to the chapter are underlined; deletions are in ~~strikeout~~. Additional changes made following the September 3, 2014 publication are illustrated as double-underline for additions and double-strikeout for deletions.

17.116.020 Effect on new and existing uses.

(See illustrations I-19a, b.)

- A. New Parking and Loading to Be Provided for New Facilities and Additions to Existing Facilities. Except as otherwise provided in Sections 17.114.030 and Chapter 17.138, new off-street parking and loading as prescribed hereafter shall be provided for activities occupying facilities, or portions thereof, which are constructed, established, wholly reconstructed, or moved onto a new lot after the effective date of the zoning regulations, or of a subsequent rezoning or other amendment thereto establishing or increasing parking or loading requirements for such activities, except to the extent that existing parking or loading exceeds such requirements for any existing facilities. The required amount of new parking and loading shall be based on the cumulative increase in floor area, or other applicable unit of measurement prescribed hereafter, after said effective date; provided, however, that for an activity occupying a facility existing on said effective date, new parking shall be required for said increase to the extent that the total of such existing facility and the added facilities exceeds any minimum size hereafter prescribed for which any parking is required for such activity.
- B. New Parking to Be Provided for New Living Units in Existing Facilities. Except as provided in Section 17.116.110(D)(3) for the conversion of historic buildings in the D-BV and D-LM zones, if any facility, or portion thereof, which is in existence on the effective date of the zoning regulations, or of a subsequent rezoning or other amendment thereto establishing or increasing parking or loading requirements for an activity therein, is altered or changed in occupancy so as to result in an increase in the number of residential living units therein, new off-street parking as prescribed hereafter shall be provided for the added units. However, such new parking need be provided only in the amount by which the requirement prescribed hereafter for the facility after said alteration or change exceeds the requirement prescribed hereafter for the facility as it existed prior to such alteration or change; and such new parking need not be provided to the extent that existing parking exceeds the latter requirement. Other alterations and substitutions or other changes in activities may be made in any facility or portion thereof existing on said date without regard for the parking and loading requirements prescribed hereafter, and new parking and loading shall not be required therefor, except as otherwise provided in subsection A of this section with respect to additions and in subsection C of this section.
- C. Existing Parking and Loading to Be Maintained. No existing parking or loading serving any activity shall be reduced in amount or changed in design, location, or maintenance below, or if already less than shall not be reduced further below, the requirements prescribed hereafter for such activity unless equivalent substitute facilities are provided.
- D. Parking to be Provided for Existing Residential Facilities. When a conditional use permit is required by Section 17.102.300 for the alteration of, or addition to, an existing Residential Facility in order to create a total of five or more bedrooms in any dwelling unit, the off-street parking requirement of Section 17.102.300C shall apply to the entire facility, including the existing facility and any alteration or addition.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Prior planning code § 7501)

(Prior planning code § 7510)

17.116.060 Off-street parking—Residential Activities.

- A. Permanent and Semi-Transient Residential Activities. Except as otherwise provided in Section 17.44.200, [Chapter 17.94](#), Sections [17.102.300](#), [17.116.020](#), [17.116.030](#), and [17.116.110](#), and subject to the calculation rules set forth in [Section 17.116.050](#), the following amounts of off-street parking are required for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities and shall be developed and maintained pursuant to the provisions of Article IV of this chapter:

Residential Facility Type	Zone	Requirement
One-Family Dwelling.	RH and RD zones, except when combined with the S-12 zone.	Two (2) spaces for each dwelling unit; however, in the S-11 zone, the requirement shall be one space per bedroom with a minimum of two (2) spaces per dwelling unit and a maximum requirement of four (4) spaces per dwelling unit.
	RM-1, except when combined with the S-12 zone.	One and one-half (1½) spaces for each dwelling unit.
	RM-2 zone	One (1) space for each dwelling unit when lot is less than 4,000 square feet in size and/or 45 feet in width, except when combined with the S-12 zone. One and one-half (1½) spaces for each dwelling unit when lot is 4,000 square feet or more in size and/or 45 feet in width, except when combined with the S-12 zone.
	CBD-P zone (when combined with the S-7 zone), except when combined with the S-12 zone.	No spaces required.
	S-15 zones, except when combined with the S-12 zone.	One-half (½)-space for dwelling unit.
	Any other zone, except when combined with the S-12 zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 zone.	See Section 17.94.040
One-Family Dwelling with	RH, RD, RM-1, and RM-2 zones, except when	One (1) space for the secondary unit unless the lot already contains a total of at least three (3) spaces; however, in the S-11 zone the

Secondary Unit.	combined with the S-12 zone.	requirement shall be one (1) space for each bedroom in any secondary unit, up to a maximum requirement of two (2) spaces per secondary unit. See Section 17.103.080
	<u>D-LM zones</u>	<u>No additional space required for secondary unit.</u>
	All other zones, except when combined with the S-12 zone.	One (1) space for the secondary unit unless the lot already contains a total of at least two (2) spaces; however, in the S-11 zone the requirement shall be one (1) space for each bedroom in any secondary unit, up to a maximum requirement of two (2) spaces per secondary unit. See Section 17.103.080
	Any zone combined with the S-12 zone.	See Section 17.94.040
Two-Family Dwelling, Multifamily Dwelling.	RD-2, RM-1, RM-2 zones, except when combined with the S-12 zone.	One and one-half (1½) spaces for each dwelling unit.
	CBD-P zone (when combined with the S-7 zone), except when combined with the S-12 zone.	No spaces required.
	S-15 zones, except when combined with the S-12 zone.	One-half (½) space for each dwelling unit.
	D-BV-1 and D-BV-2 zones	One-half (½) space for each dwelling unit. See Section 17.116.110 for further regulations, including but not limited to unbundling of parking and allowances for an in-lieu fee.
	D-BV-3 and D-BV-4 , and <u>D-LM</u> zones.	Three-quarters (¾) space for each dwelling unit. See Section 17.116.110 for further regulations, including but not limited to unbundling of parking and allowances for an in-lieu fee.
	Any other zone, except when combined with the S-12 zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 zone.	See Section 17.94.040

Rooming House.	CBD-P zone (when combined with the S-7 zone).	No spaces required.
	D-BV-1, D-BV-2, and D-LM zones.	One (1) space for each four rooming units.
	Any other zone.	One (1) space for each two rooming units.
Mobile Home.	CBD-P zone (when combined with the S-7 zone).	No spaces required.
	Any other zone.	One (1) space for each living unit plus one (1) additional space for each four living units.
Bed and Breakfast	Any zone.	One (1) space for each two units plus the required parking for a One-Family dwelling in the underlying zone.
	<u>D-LM zones</u>	<u>Required parking for a One-Family dwelling in the underlying zone only.</u>

- B. Residential Care, Service-Enriched Permanent, Transitional Housing and Emergency Shelter Residential Activities. Except as otherwise provided in Section 17.44.200, [Chapter 17.94](#), Sections [17.102.300](#), [17.116.020](#), [17.116.030](#), and [17.116.110](#), and subject to the calculation rules set forth in [Section 17.116.050](#), the following amounts of off-street parking are required for all Residential Care, Service-Enriched Permanent, Transitional Housing, and Emergency Shelter Residential Activities when located in any zone and occupying the specified facilities and/or having the specified number of employees and/or facility vehicles, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter.

Residential Activity	Requirement
Residential Care.	One space for each three employees on site during the shift that has maximum staffing, and one space for each facility vehicle. Where more than three spaces are required for a single housekeeping unit, additional spaces beyond three may be provided in tandem.
Service-Enriched Permanent Housing.	Two spaces for each three dwelling units and one space for each three rooming units, plus one space for each three employees on site during the shift that has maximum staffing, plus one space for each facility vehicle.
Transitional	One space for each three dwelling units and one space for each four rooming units, plus one space for each three employees on site during the shift that has maximum staffing, plus one

Housing.	space for each facility vehicle.
Emergency Shelter.	One space for each three employees on site during the shift that has maximum staffing, plus one space for each facility vehicle.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12501 § 78, 2003; Ord. 12406 § 4 (part), 2002; Ord. 12376 § 3 (part), 2001; Ord. 12272 § 4 (part), 2000; Ord. 12199 § 8 (part), 2000; Ord. 12138 § 4 (part), 1999; Ord. 11892 § 12, 1996: prior planning code § 7511)

17.116.070 Off-street parking—Civic Activities.

Except as otherwise provided in Sections 17.44.200, [17.116.020](#), [17.116.030](#), and [17.116.110](#), and subject to the calculation rules set forth in [Section 17.116.050](#), the following amounts of off-street parking are required for the specified Civic Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated numbers of employees or doctors, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. Essential Service. Limited Childcare.	S-15 zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	—	No spaces required.
B. Community Assembly and Recreational Assembly: playgrounds and playing fields; concessions located in public parks; temporary nonprofit festivals.	CBD-P zone (when combined with the S-7 zone).	—	No spaces required.
	S-15 zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040

Private non-profit clubs and lodges.	S-15 zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	—	No spaces required.
Churches and all other.	CBD-P zone (when combined with the S-7 zone).	—	No spaces required.
	C-45, CBD-P (except when combined with the S-7 zone), CBD-C, CBD-X, D-LM and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 20 seats or for each 150 square feet area where seats are not fixed, in principal meeting rooms.
	CN zones	Total of 75 seats or 750 square feet of floor area where seats are not fixed, in principal meeting rooms.	One (1) space for each 15 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
	S-15 zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	Total of 75 seats, or 750 square feet of floor area where seats are not fixed in principal meeting rooms.	One (1) space for each 10 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
C. Community Education: high schools.	CBD-P, CBD-C, and CBD-X, and D-LM zones.	-	No spaces required.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to

			Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each three employees plus one space for each 10 students of planned capacity.
All others.	CBD-P, CBD-C, and CBD-X, <u>and D-LM</u> , zones.	-	No spaces required.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each three employees.
D. Nonassembly Cultural Administrative.	CBD-P, CBD-C, and CBD-X, <u>and D-LM</u> zones	-	No spaces required.
	C-45, and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,400 square feet of floor area.
	CN zones	3,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
E. Health Care: hospitals.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.
	C-45, CBD-P (only if not combined with	No minimum	One (1) space for each staff or regular visiting doctor.

	the S-7 zone), CBD-C, CBD-X, <u>D-LM</u> and S-2 zones.		
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each four beds, plus one space for each four employees other than doctors, plus one space for each staff or regular visiting doctor.
Clinics.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.
	C-45, CBD-P (only when not combined with the S-7 zone), CBD-C, CBD-X, and S-2 zones.	No minimum.	One (1) space for each staff or regular visiting doctor.
	S-15 <u>and D-LM zones</u> .	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	Three (3) spaces for each staff or regular visiting doctor plus one (1) space for each two other employees.
All other.	CBD-P zone (only when combined with the S-7 zone).	-	No spaces required.
	C-45, CBD-P (only when not combined with the S-7 zone), CBD-C, CBD-X, <u>D-LM</u>	No minimum.	One (1) space for each staff or regular visiting doctor.

	and S-2 zones.		
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each six beds, plus one space for each four employees other than doctors, plus one space for each staff or regular visiting doctor.
F. Utility and Vehicular.	CDB-P, CBD-C, and CBD-X, and D-LM zones.	-	No spaces required.
	C-45, and S-2 zones.	10,000 square feet of floor area.	One (1) space for each vehicle used in connection with the activities.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	3,000 square feet of floor area.	One (1) space for each three employees plus one space for each vehicle used in connection with the activities.
G. Extensive Impact: colleges and universities.	CBD-P, CBD-C, and CBD-X, and D-LM zones.	-	No spaces required.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each three employees plus one space for each six students of planned

			capacity.
All other.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999; Ord. 11892 § 13, 1996: prior planning code § 7512)

17.116.080 Off-street parking—Commercial Activities.

Except as otherwise provided in Sections [17.116.020](#), [17.116.030](#), and [17.116.110](#), and subject to the calculation rules set forth in [Section 17.116.050](#), the following amounts of off-street parking are required for the specified Commercial Activities when located in the indicated zones and occupying facilities of the specified sizes, or having the indicated numbers of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. General Food Sales. Full Service Restaurant. Limited Service Restaurant and Cafe. Convenience Market. Alcoholic Beverage Sales.	C-55, CBD-P, CBD-C, CBD-X, D-LM and S-15 zones.	—	No spaces required.
	C-45, C-51, S-2.	3,000 square feet of floor area.	One space for each 450 square feet of floor area.
	C-5, C-10, C-28, C-31, C-35.	3,000 square feet of floor area.	One space for each 300 square feet of floor area.

	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet.	One space for each 200 square feet of floor area.
<p>B. Mechanical or Electronic Games.</p> <p>Medical Service.</p> <p>General Retail Sales, except when sales are primarily of bulky merchandise such as furniture or large appliances.</p> <p>Consumer Service.</p> <p>Consumer Cleaning and Repair Service, except when services consist primarily of repair or cleaning of large items such as furniture or carpets.</p> <p>General Wholesale Sales, whenever 50 percent or more of all sales on the lot are at retail.</p> <p>Undertaking Service.</p>	CBD-P, CBD-C, CBD-X, <u>D-LM</u> and S-15 zones.	—	No spaces required
	C-45 and S-2 zones.	1,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	CN zones.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 400 square feet of floor area.
<p>C. Consultative and Financial Service.</p> <p>Administrative.</p> <p>Business, Communication and Media Service.</p> <p>Broadcasting and Recording Services.</p>	CBD-P, CBD-C, CBD-X, <u>D-LM</u> and S-15 zones.	—	No spaces required.
	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,400 square feet of floor area.
	CN zones.	3,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.

Research Service.	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
D. General Wholesale Sales, whenever less than 50 percent of all sales on the lot are at retail. Building Material Sales.	S-15 zones.	—	No spaces required.
	C-45, CBD-P, CBD-C, CBD-X, <u>D-LM</u> and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area, or for each three (3) employees, whichever requires fewer spaces.
Automotive Sales and Service. Automobile and Other Light Vehicle Sales and Rental.	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area, or for each three (3) employees, whichever requires fewer spaces.
E. Group Assembly. Personal Instruction and Improvement Services.	CBD-P, CBD-C, CBD-X, <u>D-LM</u> and S-15 zones.	—	No spaces required.
	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 16 seats in indoor places of assembly with fixed seats, plus one space for each 160 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040 , for outdoor assembly area.
	CN zones.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One (1) space for each eight seats in indoor places of assembly with fixed seats, plus one (1) space for each 80 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040 , for outdoor assembly areas.

	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One (1) space for each eight seats in indoor places of assembly with fixed seats, plus one space for each 80 feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040 , for outdoor assembly areas.
F. Transient Habitation.	CBD-P (only when combined with the S-7 zone), D-LM , and S-15 zones.	—	No spaces required.
	CBD-P, CBD-C, CBD-X, D-BV, and D-LM zones.	No minimum.	One (1) space for each unit in a motel and one (1) space for each two units in a hotel.
	Any other zone.	No minimum.	One (1) space for each unit in a motel and three (3) spaces for each four units in a hotel.
G. General Retail Sales, whenever sales are primarily of bulky merchandise such as furniture or large appliances. Consumer Cleaning and Repair Service, whenever services consist primarily of repair or cleaning of large items such as furniture or carpets. Animal care and Animal	CBD-P, CBD-C, CBD-X, D-LM and S-15 zones.	—	No spaces required.
	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.

boarding.			
H. Automobile and Other Light Vehicle Gas Station and Servicing.	CBD-P, CBD-C, CBD-X, <u>D-LM</u> and S-15 zones.	—	No spaces required.
Automotive and Other Light Vehicle Repair and Cleaning.	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
Automotive Fee Parking.	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	No minimum.	One (1) space for each 1,000 square feet of floor area.
I. Transport and Warehousing.	CBD-P, CBD-C, and CBD-X, <u>and D-LM</u> zones.	—	No spaces required.
Taxi and Light Fleet-based Service.	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing, or sales area.	One (1) space for each three employees.
J. Scrap Operation.	CBD-P, CBD-C, and CBD-X, <u>and D-LM</u> zones.	—	No spaces required.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing or sales area.	One (1) space for each 2,000 square feet of floor area, or for each three employees, whichever requires more spaces; provided that in the case of Scrap Operation Commercial Activities whenever storage and sale, from the premises, or dismantling or other processing of used or waste materials which are not intended for reuse and their original form, when the foregoing are not a part of a

			manufacturing operation, occupy less than 50 percent (50%) of the floor and open area of the firm on a single lot, the parking requirement shall be as prescribed for the other activities engaged in by the same firm on the same lot.
K. Fast-Food Restaurant.	CBD-P, CBD-C, CBD-X, <u>D-LM</u> and S-15 zones.	—	No spaces required.
	C-45 zone.	10,000 square feet of floor area.	One (1) space for each 450 square feet of floor area.
	CN and S-2 zones.	2,000 square feet of floor area.	One (1) space for each 300 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 200 square feet of floor area.

17.116.100 Off-street parking—Agricultural and Extractive Activities.

Except as otherwise provided in Sections [17.116.020](#), [17.116.030](#), and [17.116.110](#), and subject to the calculation rules set forth in [Section 17.116.050](#), the following amounts of off-street parking are required for all Agricultural and Extractive Activities when located in the indicated zones and occupying facilities of the specified sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Zone	Minimum Total Size for Which Parking Required	Requirement
CBD-P, CBD-C and , CBD-X, <u>and D-LM</u> zones.	-	No spaces required.
C-45, and S-2 zones.	10,000 square feet of floor area and outdoor sales or display area.	One (1) space for each 1,000 square feet of floor area and outdoor sales or display area.
Any other zone.	5,000 square feet of floor area and	One (1) space for each 1,000 square feet of floor

	outdoor sales or display area.	area and outdoor sales or display area.
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(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; prior planning code § 7515)

17.116.110 Special exemptions to parking requirements.

The provisions of this section shall apply to all activities in all zones except Residential Activities occupying One-Family, Two-Family or Multifamily Residential Facilities located within the S-12 residential parking combining zone, where the provisions of [Section 17.94.040](#) shall apply.

- A. Discretionary Reduction for Senior Citizen Housing and Dormitories. In senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, or in a dormitory, fraternity, or similar facility, the number of parking spaces prescribed in [Section 17.116.060](#) may be reduced by not to exceed seventy-five percent (75%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in [Chapter 17.134](#) and upon determination that the proposal conforms to the use permit criteria set forth in subsections A or B, and C of this section:
 1. In the case of senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, that such occupancy is guaranteed, for a period of not less than fifty (50) years, by appropriate conditions incorporated into the permit;
 2. In the case of a dormitory, fraternity, or similar facility, that the occupants are prevented from operating a motor vehicle because they are not of driving age or by other special restriction, which limitation of occupancy by nonqualifying drivers is assured by appropriate conditions incorporated into the permit;
 3. That due to the special conditions referred to above, and considering the availability, if any, of public transportation within convenient walking distance, the reduced amount of parking will be adequate for the activities served, and that the reduction will not contribute to traffic congestion or impair the efficiency of on-street parking.
- B. Discretionary Reduction of Total Requirements with Shared Parking Area. For a joint off-street parking area which serves two or more nonresidential activities in any zone, or Residential Activities in the CN, C-45, -or CBD zones, and which meets the conditions set forth in [Section 17.116.180](#), the total parking requirement for the sharing activities may be reduced by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in [Chapter 17.134](#) and upon determination that the typical utilization of the parking area would be staggered to such an extent that the reduced number of spaces would be adequate to serve all such activities.
- C. Discretionary Waiver or Reduction in Districts Providing Common Parking Areas. The off-street parking requirements specified above for nonresidential activities in any zone, or for Residential Activities in the CN, C-45, or CBD zones, may be waived or reduced by the Director of City Planning when said activities are located within a municipal parking district or assessment district the function of which is to provide off-street parking, upon a finding that, in consideration of existing or prospective municipal parking facilities, such waiver or reduction would not substantially contribute to traffic congestion or impair the efficiency of on-street parking. Any determination on such waiver or reduction shall be subject to appeal pursuant to the administrative appeal procedure in [Chapter 17.132](#).

D. Each of the following provisions shall apply in the D-BV and D-LM zones only:

1. **In-Lieu Fee.** The parking space requirements of this section for the D-BV and D-LM zones may be reduced or waived upon the granting of a Conditional Use Permit (see [Chapter 17.134](#) for the CUP procedure) and payment of an in-lieu fee to the City of Oakland. The parking in-lieu fee shall be as set forth in the Master Fee Schedule. Parking in-lieu fees shall be deposited with the City of Oakland prior to issuance of a building permit. A parking in-lieu fee may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional off-street parking spaces are provided for such building or use by others than the City so as to satisfy the parking requirement for which the in-lieu payment was made. To obtain a refund, the required off-street parking spaces must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.
2. **Narrow Lots.** Lots with a mean width of less than fifty (50) feet and fronting Broadway or 27th Street are not required to provide parking on-site unless alternative driveway access is available from an alternative location, such as a shared access driveway from an adjoining parcel or from an alley.
3. **Conversion of Historic Buildings.** No additional parking spaces are required for the conversion of a Nonresidential Facility to a Residential Facility or vice versa if the Nonresidential or Residential Facility is either a Potentially Designated Historic Property (PDHP) or a property listed in the City of Oakland's Local Register of Historical Resources (see Policy 3.8 of Historic Preservation Element of the Oakland General Plan). If the number of existing parking spaces on the lot is less than required, then that number of parking spaces must be preserved with the conversion. If there are more parking spaces on the lot than required, then the number of spaces can be reduced to the minimum required. Parking spaces shall not be further reduced below the requirement unless payment of an in-lieu fee, as set forth in the Master Fee Schedule, to the City of Oakland is provided.
4. **Affordable Housing.** Parking requirements applicable to affordable housing for moderate, low, and very low income households, (as defined in California Government Code Section 50052.5 and in Oakland Planning Code Section 17.107.020), shall be one-quarter (1/4) spaces per dwelling unit. In Subsection 17.116.110(A) of this chapter, Senior Citizen Housing and Dormitories requirements apply but do not require a Conditional Use Permit and the reduced parking requirement is one-quarter (1/4) spaces per dwelling unit.
5. **Unbundled Parking.** The following rules shall apply to new Multifamily Dwelling Residential Facilities of ten (10) or more units:
 - a. Off-street parking spaces shall be leased or sold separately from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space(s).
 - b. Off-street parking spaces serving affordable units as defined in Section 17.107.020 shall be offered to potential buyers and renters at a price proportional to the sale or rental price of the affordable units as compared to the price proportional to comparable market rate units, except when offered to non-residents pursuant to Subsection (c) below.
 - c. Parking spaces shall be offered only to residents of the dwelling units served by the off-street parking, except that any surplus spaces that are not rented or sold may be rented to non-residents with the provision that such spaces must be vacated on 30 days notice if requested by residents to be made available to them.
6. **No Variances.** Notwithstanding anything to the contrary contained in the Planning Code, variances may not be granted relating to (a) a reduction and/or elimination of any required parking; or (b) a reduction and/or elimination of any parking spaces serving any activity, or if already less than currently required parking, shall not be reduced further below the requirements prescribed for such activity in this Chapter, as the granting of a CUP (see Chapter

17.134 for the CUP procedure) and payment of the in-lieu fee shall be the sole means of reducing or eliminating such parking.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. 12772 § 1 (part), 2006; prior planning code § 7519)

17.116.170 Property on which parking and loading must be provided.

- A. **Parking Spaces and Loading.** Off-street parking spaces and loading berths required by the zoning regulations shall be located as set forth below for the specified activities except as otherwise provided in Section 17.116.290B. When a maximum distance from the lot containing the activity served to another lot is prescribed, it shall be measured along a permanently accessible pedestrian route between a lot line of the former lot and the nearest boundary of the offsite parking or loading area.

Required Facility and Activity it Serves	Zone	Location
Parking spaces for any Residential Activity.	CN, C-45, CBD-R, CBD-P, CBD-C, and CBD-X, and <u>D-LM</u> zones.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180 , on another lot located within three hundred (300) feet and having at least one owner in common with the former lot.
Industrial	Any other zone.	<p>On the same lot as the activity served, but for One and Two-Family Residential Facilities on any lot with a street-to-setback gradient that exceeds twenty percent (20%), required parking stalls may be permitted to extend into the public right-of-way of an adjoining street subject to the following standards (see illustration I-20c):</p> <ol style="list-style-type: none"> 1. The required parking stalls shall be located perpendicular to and the edge of the curb, pavement, or sidewalk; 2. The parking stalls shall be set back a minimum of five feet from the edge of street pavement including any curbs or sidewalks; and 3. The parking stalls extending into the street right-of-way shall not constitute more than fifty percent (50%) of the required residential parking.
Parking spaces for any Industrial Activity; Administrative or Utility and Vehicular Civic Activities; or	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180 , on another lot located within five hundred (500) feet and having at least one owner in

Administrative, Research Service Commercial Activities.		common with the former lot.
Parking spaces for any activity not listed above.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180 , on another lot located within three hundred (300) feet and having at least one owner in common with the former lot.
Loading berths for any activity.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180 , on an abutting lot having at least one owner in common with the former lot, except that a jointly owned off-street loading facility for nonresidential activities in any zone, or for Residential Activities in the D-LM , CBD, CN, and C-45 zones, may, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 , and subject to the provisions of Section 17.116.180 , be located on a lot which does not abut all the lots containing the activities served.

B. Maneuvering Aisles and Driveways. Required maneuvering aisles and driveways shall be located as specified in subsection A of this section for required spaces or berths serving the same activity, except as follows:

1. A required driveway may, subject to the provisions of [Section 17.116.180](#), straddle the lot line of abutting lots in separate ownership if it leads to parking spaces or loading berths on both lots.
2. A required maneuvering aisle or portion thereof may, subject to the provisions of [Section 17.116.180](#), straddle the lot line of abutting lots in separate ownership if there are on both sides of such aisle, or portion thereof, parking spaces or loading berths which are directly opposite each other.

C. Upon the granting of a conditional use permit pursuant to the conditional use permit procedure, and subject to the provisions of [Section 17.102.090](#) and [Section 17.116.180](#), any required driveway or maneuvering aisle may be located entirely on another lot or lots in separate ownership.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12406 § 4 (part), 2002; Ord. 12376 § 3 (part), 2001; Ord. 11892 § 16, 1996; prior planning code § 7535)

The following are proposed text changes to **Chapter 17.116 Off Street Parking and Loading Requirements**. Additions to the chapter are underlined; deletions are in ~~strikeout~~.

17.116.020 Effect on new and existing uses.

(See illustrations I-19a, b.)

- A. New Parking and Loading to Be Provided for New Facilities and Additions to Existing Facilities. Except as otherwise provided in Sections 17.114.030 and Chapter 17.138, new off-street parking and loading as prescribed hereafter shall be provided for activities occupying facilities, or portions thereof, which are constructed, established, wholly reconstructed, or moved onto a new lot after the effective date of the zoning regulations, or of a subsequent rezoning or other amendment thereto establishing or increasing parking or loading requirements for such activities, except to the extent that existing parking or loading exceeds such requirements for any existing facilities. The required amount of new parking and loading shall be based on the cumulative increase in floor area, or other applicable unit of measurement prescribed hereafter, after said effective date; provided, however, that for an activity occupying a facility existing on said effective date, new parking shall be required for said increase to the extent that the total of such existing facility and the added facilities exceeds any minimum size hereafter prescribed for which any parking is required for such activity.
- B. New Parking to Be Provided for New Living Units in Existing Facilities. Except as provided in Section 17.116.110(D)(3) for the conversion of historic buildings in the D-BV and D-LM zones, if any facility, or portion thereof, which is in existence on the effective date of the zoning regulations, or of a subsequent rezoning or other amendment thereto establishing or increasing parking or loading requirements for an activity therein, is altered or changed in occupancy so as to result in an increase in the number of residential living units therein, new off-street parking as prescribed hereafter shall be provided for the added units. However, such new parking need be provided only in the amount by which the requirement prescribed hereafter for the facility after said alteration or change exceeds the requirement prescribed hereafter for the facility as it existed prior to such alteration or change; and such new parking need not be provided to the extent that existing parking exceeds the latter requirement. Other alterations and substitutions or other changes in activities may be made in any facility or portion thereof existing on said date without regard for the parking and loading requirements prescribed hereafter, and new parking and loading shall not be required therefor, except as otherwise provided in subsection A of this section with respect to additions and in subsection C of this section.
- C. Existing Parking and Loading to Be Maintained. No existing parking or loading serving any activity shall be reduced in amount or changed in design, location, or maintenance below, or if already less than shall not be reduced further below, the requirements prescribed hereafter for such activity unless equivalent substitute facilities are provided.
- D. Parking to be Provided for Existing Residential Facilities. When a conditional use permit is required by Section 17.102.300 for the alteration of, or addition to, an existing Residential Facility in order to create a total of five or more bedrooms in any dwelling unit, the off-street parking requirement of Section 17.102.300C shall apply to the entire facility, including the existing facility and any alteration or addition.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Prior planning code § 7501)

(Prior planning code § 7510)

17.116.060 Off-street parking—Residential Activities.

- A. Permanent and Semi-Transient Residential Activities. Except as otherwise provided in Section 17.44.200, [Chapter 17.94](#), Sections [17.102.300](#), [17.116.020](#), [17.116.030](#), and [17.116.110](#), and subject to the calculation rules set forth in [Section 17.116.050](#), the following amounts of off-street parking are required for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities and shall be developed and maintained pursuant to the provisions of Article IV of this chapter:

Residential Facility Type	Zone	Requirement
One-Family Dwelling.	RH and RD zones, except when combined with the S-12 zone.	Two (2) spaces for each dwelling unit; however, in the S-11 zone, the requirement shall be one space per bedroom with a minimum of two (2) spaces per dwelling unit and a maximum requirement of four (4) spaces per dwelling unit.
	RM-1, except when combined with the S-12 zone.	One and one-half (1½) spaces for each dwelling unit.
	RM-2 zone	One (1) space for each dwelling unit when lot is less than 4,000 square feet in size and/or 45 feet in width, except when combined with the S-12 zone. One and one-half (1½) spaces for each dwelling unit when lot is 4,000 square feet or more in size and/or 45 feet in width, except when combined with the S-12 zone.
	CBD-P zone (when combined with the S-7 zone), except when combined with the S-12 zone.	No spaces required.
	S-15 zones, except when combined with the S-12 zone.	One-half (½)-space for dwelling unit.
	Any other zone, except when combined with the S-12 zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 zone.	See Section 17.94.040
One-Family Dwelling with	RH, RD, RM-1, and RM-2 zones, except when	One (1) space for the secondary unit unless the lot already contains a total of at least three (3) spaces; however, in the S-11 zone the

Secondary Unit.	combined with the S-12 zone.	requirement shall be one (1) space for each bedroom in any secondary unit, up to a maximum requirement of two (2) spaces per secondary unit. See Section 17.103.080
	<u>D-LM zones</u>	<u>No additional space required for secondary unit.</u>
	All other zones, except when combined with the S-12 zone.	One (1) space for the secondary unit unless the lot already contains a total of at least two (2) spaces; however, in the S-11 zone the requirement shall be one (1) space for each bedroom in any secondary unit, up to a maximum requirement of two (2) spaces per secondary unit. See Section 17.103.080
	Any zone combined with the S-12 zone.	See Section 17.94.040
Two-Family Dwelling, Multifamily Dwelling.	RD-2, RM-1, RM-2 zones, except when combined with the S-12 zone.	One and one-half (1½) spaces for each dwelling unit.
	CBD-P zone (when combined with the S-7 zone), except when combined with the S-12 zone.	No spaces required.
	S-15 zones, except when combined with the S-12 zone.	One-half (½) space for each dwelling unit.
	D-BV-1 and D-BV-2 zones	One-half (½) space for each dwelling unit. See Section 17.116.110 for further regulations, including but not limited to unbundling of parking and allowances for an in-lieu fee.
	<u>D-BV-3 and D-BV-4, and D-LM zones.</u>	Three-quarters (¾) space for each dwelling unit. See Section 17.116.110 for further regulations, including but not limited to unbundling of parking and allowances for an in-lieu fee.
	Any other zone, except when combined with the S-12 zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 zone.	See Section 17.94.040

Rooming House.	CBD-P zone (when combined with the S-7 zone).	No spaces required.
	D-BV-1, D-BV-2, and D-LM zones.	One (1) space for each four rooming units.
	Any other zone.	One (1) space for each two rooming units.
Mobile Home.	CBD-P zone (when combined with the S-7 zone).	No spaces required.
	Any other zone.	One (1) space for each living unit plus one (1) additional space for each four living units.
Bed and Breakfast	Any zone.	One (1) space for each two units plus the required parking for a One-Family dwelling in the underlying zone.
	<u>D-LM zones</u>	<u>Required parking for a One-Family dwelling in the underlying zone only.</u>

- B. Residential Care, Service-Enriched Permanent, Transitional Housing and Emergency Shelter Residential Activities. Except as otherwise provided in Section 17.44.200, [Chapter 17.94](#), Sections [17.102.300](#), [17.116.020](#), [17.116.030](#), and [17.116.110](#), and subject to the calculation rules set forth in [Section 17.116.050](#), the following amounts of off-street parking are required for all Residential Care, Service-Enriched Permanent, Transitional Housing, and Emergency Shelter Residential Activities when located in any zone and occupying the specified facilities and/or having the specified number of employees and/or facility vehicles, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter.

Residential Activity	Requirement
Residential Care.	One space for each three employees on site during the shift that has maximum staffing, and one space for each facility vehicle. Where more than three spaces are required for a single housekeeping unit, additional spaces beyond three may be provided in tandem.
Service-Enriched Permanent Housing.	Two spaces for each three dwelling units and one space for each three rooming units, plus one space for each three employees on site during the shift that has maximum staffing, plus one space for each facility vehicle.
Transitional	One space for each three dwelling units and one space for each four rooming units, plus one space for each three employees on site during the shift that has maximum staffing, plus one

Housing.	space for each facility vehicle.
Emergency Shelter.	One space for each three employees on site during the shift that has maximum staffing, plus one space for each facility vehicle.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12501 § 78, 2003; Ord. 12406 § 4 (part), 2002; Ord. 12376 § 3 (part), 2001; Ord. 12272 § 4 (part), 2000; Ord. 12199 § 8 (part), 2000; Ord. 12138 § 4 (part), 1999; Ord. 11892 § 12, 1996: prior planning code § 7511)

17.116.070 Off-street parking—Civic Activities.

Except as otherwise provided in Sections 17.44.200, [17.116.020](#), [17.116.030](#), and [17.116.110](#), and subject to the calculation rules set forth in [Section 17.116.050](#), the following amounts of off-street parking are required for the specified Civic Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated numbers of employees or doctors, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. Essential Service. Limited Childcare.	S-15 zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	—	No spaces required.
B. Community Assembly and Recreational Assembly: playgrounds and playing fields; concessions located in public parks; temporary nonprofit festivals.	CBD-P zone (when combined with the S-7 zone).	—	No spaces required.
	S-15 zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040

Private non-profit clubs and lodges.	S-15 zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	—	No spaces required.
Churches and all other.	CBD-P zone (when combined with the S-7 zone).	—	No spaces required.
	C-45, CBD-P (except when combined with the S-7 zone), CBD-C, CBD-X, D-LM and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 20 seats or for each 150 square feet area where seats are not fixed, in principal meeting rooms.
	CN zones	Total of 75 seats or 750 square feet of floor area where seats are not fixed, in principal meeting rooms.	One (1) space for each 15 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
	S-15 zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	Total of 75 seats, or 750 square feet of floor area where seats are not fixed in principal meeting rooms.	One (1) space for each 10 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
C. Community Education: high schools.	CBD-P, CBD-C, and CBD-X, and D-LM zones.	-	No spaces required.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to

			Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each three employees plus one space for each 10 students of planned capacity.
All others.	CBD-P, CBD-C, and CBD-X, <u>and D-LM</u> , zones.	-	No spaces required.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each three employees.
D. Nonassembly Cultural Administrative.	CBD-P, CBD-C, and CBD-X, <u>and D-LM</u> zones	-	No spaces required.
	C-45, and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,400 square feet of floor area.
	CN zones	3,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
E. Health Care: hospitals.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.
	C-45, CBD-P (only if not combined with	No minimum	One (1) space for each staff or regular visiting doctor.

	the S-7 zone), CBD-C, CBD-X, <u>D-LM</u> and S-2 zones.		
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each four beds, plus one space for each four employees other than doctors, plus one space for each staff or regular visiting doctor.
Clinics.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.
	C-45, CBD-P (only when not combined with the S-7 zone), CBD-C, CBD-X, and S-2 zones.	No minimum.	One (1) space for each staff or regular visiting doctor.
	S-15 <u>and D-LM zones</u> .	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	Three (3) spaces for each staff or regular visiting doctor plus one (1) space for each two other employees.
All other.	CBD-P zone (only when combined with the S-7 zone).	-	No spaces required.
	C-45, CBD-P (only when not combined with the S-7 zone), CBD-C, CBD-X, <u>D-LM</u>	No minimum.	One (1) space for each staff or regular visiting doctor.

	and S-2 zones.		
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each six beds, plus one space for each four employees other than doctors, plus one space for each staff or regular visiting doctor.
F. Utility and Vehicular.	CDB-P, CBD-C, and CBD-X, and D-LM zones.	-	No spaces required.
	C-45, and S-2 zones.	10,000 square feet of floor area.	One (1) space for each vehicle used in connection with the activities.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	3,000 square feet of floor area.	One (1) space for each three employees plus one space for each vehicle used in connection with the activities.
G. Extensive Impact: colleges and universities.	CBD-P, CBD-C, and CBD-X, and D-LM zones.	-	No spaces required.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each three employees plus one space for each six students of planned

			capacity.
All other.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.
	S-15 zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. No. 12939, § 4(Exh. A), 6-16-2009; Ord. 12138 § 4 (part), 1999; Ord. 11892 § 13, 1996: prior planning code § 7512)

17.116.080 Off-street parking—Commercial Activities.

Except as otherwise provided in Sections [17.116.020](#), [17.116.030](#), and [17.116.110](#), and subject to the calculation rules set forth in [Section 17.116.050](#), the following amounts of off-street parking are required for the specified Commercial Activities when located in the indicated zones and occupying facilities of the specified sizes, or having the indicated numbers of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. General Food Sales. Full Service Restaurant. Limited Service Restaurant and Cafe. Convenience Market. Alcoholic Beverage Sales.	C-55, CBD-P, CBD-C, CBD-X, D-LM and S-15 zones.	—	No spaces required.
	C-45, C-51, S-2.	3,000 square feet of floor area.	One space for each 450 square feet of floor area.
	C-5, C-10, C-28, C-31, C-	3,000 square feet of floor area.	One space for each 300 square feet of floor area.

	35.		
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet.	One space for each 200 square feet of floor area.
B. Mechanical or Electronic Games. Medical Service. General Retail Sales, except when sales are primarily of bulky merchandise such as furniture or large appliances. Consumer Service. Consumer Cleaning and Repair Service, except when services consist primarily of repair or cleaning of large items such as furniture or carpets. General Wholesale Sales, whenever 50 percent or more of all sales on the lot are at retail. Undertaking Service.	CBD-P, CBD-C, CBD-X, <u>D-LM</u> and S-15 zones.	—	No spaces required
	C-45 and S-2 zones.	1,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	CN zones.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 400 square feet of floor area.
C. Consultative and Financial Service. Administrative. Business, Communication and Media Service. Broadcasting and	CBD-P, CBD-C, CBD-X, <u>D-LM</u> and S-15 zones.	—	No spaces required.
	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,400 square feet of floor area.
	CN zones.	3,000 square feet of floor	One (1) space for each 900 square feet of

Recording Services.		area.	floor area.
Research Service.	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
D. General Wholesale Sales, whenever less than 50 percent of all sales on the lot are at retail.	S-15 zones.	—	No spaces required.
Building Material Sales.	C-45, CBD-P, CBD-C, CBD-X, <u>D-LM</u> and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area, or for each three (3) employees, whichever requires fewer spaces.
Automotive Sales and Service.	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
Automobile and Other Light Vehicle Sales and Rental.	Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area, or for each three (3) employees, whichever requires fewer spaces.
E. Group Assembly.	CBD-P, CBD-C, CBD-X, <u>D-LM</u> and S-15 zones.	—	No spaces required.
Personal Instruction and Improvement Services.	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 16 seats in indoor places of assembly with fixed seats, plus one space for each 160 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040 , for outdoor assembly area.
	CN zones.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One (1) space for each eight seats in indoor places of assembly with fixed seats, plus one (1) space for each 80 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040 , for outdoor assembly areas.

	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One (1) space for each eight seats in indoor places of assembly with fixed seats, plus one space for each 80 feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040 , for outdoor assembly areas.
F. Transient Habitation.	CBD-P (only when combined with the S-7 zone), and S-15 zones.	—	No spaces required.
	CBD-P, CBD-C, CBD-X, and D-BV, and D-LM zones.	No minimum.	One (1) space for each unit in a motel and one (1) space for each two units in a hotel.
	Any other zone.	No minimum.	One (1) space for each unit in a motel and three (3) spaces for each four units in a hotel.
G. General Retail Sales, whenever sales are primarily of bulky merchandise such as furniture or large appliances. Consumer Cleaning and Repair Service, whenever services consist primarily of repair or cleaning of large items such as furniture or carpets. Animal care and Animal boarding.	CBD-P, CBD-C, CBD-X, D-LM and S-15 zones.	—	No spaces required.
	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.

H. Automobile and Other Light Vehicle Gas Station and Servicing. Automotive and Other Light Vehicle Repair and Cleaning. Automotive Fee Parking.	CBD-P, CBD-C, CBD-X, D-LM and S-15 zones.	—	No spaces required.
	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	No minimum.	One (1) space for each 1,000 square feet of floor area.
I. Transport and Warehousing. Taxi and Light Fleet-based Service.	CBD-P, CBD-C, and CBD-X, and D-LM zones.	—	No spaces required.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing, or sales area.	One (1) space for each three employees.
J. Scrap Operation.	CBD-P, CBD-C, and CBD-X, and D-LM zones.	—	No spaces required.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing or sales area.	One (1) space for each 2,000 square feet of floor area, or for each three employees, whichever requires more spaces; provided that in the case of Scrap Operation Commercial Activities whenever storage and sale, from the premises, or dismantling or other processing of used or waste materials which are not intended for reuse and their original form, when the foregoing are not a part of a manufacturing operation, occupy less than 50 percent (50%) of the floor and open area of the firm on a single lot, the parking

			requirement shall be as prescribed for the other activities engaged in by the same firm on the same lot.
K. Fast-Food Restaurant.	CBD-P, CBD-C, CBD-X, <u>D-LM</u> and S-15 zones.	—	No spaces required.
	C-45 zone.	10,000 square feet of floor area.	One (1) space for each 450 square feet of floor area.
	CN and S-2 zones.	2,000 square feet of floor area.	One (1) space for each 300 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 200 square feet of floor area.

17.116.100 Off-street parking—Agricultural and Extractive Activities.

Except as otherwise provided in Sections [17.116.020](#), [17.116.030](#), and [17.116.110](#), and subject to the calculation rules set forth in [Section 17.116.050](#), the following amounts of off-street parking are required for all Agricultural and Extractive Activities when located in the indicated zones and occupying facilities of the specified sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Zone	Minimum Total Size for Which Parking Required	Requirement
CBD-P, CBD-C and , CBD-X, <u>and D-LM</u> zones.	-	No spaces required.
C-45, and S-2 zones.	10,000 square feet of floor area and outdoor sales or display area.	One (1) space for each 1,000 square feet of floor area and outdoor sales or display area.
Any other zone.	5,000 square feet of floor area and outdoor sales or display area.	One (1) space for each 1,000 square feet of floor area and outdoor sales or display area.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; prior planning code § 7515)

17.116.110 Special exemptions to parking requirements.

The provisions of this section shall apply to all activities in all zones except Residential Activities occupying One-Family, Two-Family or Multifamily Residential Facilities located within the S-12 residential parking combining zone, where the provisions of [Section 17.94.040](#) shall apply.

- A. Discretionary Reduction for Senior Citizen Housing and Dormitories. In senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, or in a dormitory, fraternity, or similar facility, the number of parking spaces prescribed in [Section 17.116.060](#) may be reduced by not to exceed seventy-five percent (75%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in [Chapter 17.134](#) and upon determination that the proposal conforms to the use permit criteria set forth in subsections A or B, and C of this section:
 1. In the case of senior citizen housing where living units are regularly occupied by not more than two individuals at least one of whom is sixty (60) years of age or older or is physically handicapped regardless of age, that such occupancy is guaranteed, for a period of not less than fifty (50) years, by appropriate conditions incorporated into the permit;
 2. In the case of a dormitory, fraternity, or similar facility, that the occupants are prevented from operating a motor vehicle because they are not of driving age or by other special restriction, which limitation of occupancy by nonqualifying drivers is assured by appropriate conditions incorporated into the permit;
 3. That due to the special conditions referred to above, and considering the availability, if any, of public transportation within convenient walking distance, the reduced amount of parking will be adequate for the activities served, and that the reduction will not contribute to traffic congestion or impair the efficiency of on-street parking.
- B. Discretionary Reduction of Total Requirements with Shared Parking Area. For a joint off-street parking area which serves two or more nonresidential activities in any zone, or Residential Activities in the CN, C-45, -or CBD zones, and which meets the conditions set forth in [Section 17.116.180](#), the total parking requirement for the sharing activities may be reduced by not to exceed fifty percent (50%) upon the granting of a conditional use permit pursuant to the conditional use permit procedure in [Chapter 17.134](#) and upon determination that the typical utilization of the parking area would be staggered to such an extent that the reduced number of spaces would be adequate to serve all such activities.
- C. Discretionary Waiver or Reduction in Districts Providing Common Parking Areas. The off-street parking requirements specified above for nonresidential activities in any zone, or for Residential Activities in the CN, C-45, or CBD zones, may be waived or reduced by the Director of City Planning when said activities are located within a municipal parking district or assessment district the function of which is to provide off-street parking, upon a finding that, in consideration of existing or prospective municipal parking facilities, such waiver or reduction would not substantially contribute to traffic congestion or impair the efficiency of on-street parking. Any determination on such waiver or reduction shall be subject to appeal pursuant to the administrative appeal procedure in [Chapter 17.132](#).
- D. Each of the following provisions shall apply in the D-BV [and D-LM](#) zones only:
 1. In-Lieu Fee. The parking space requirements of this section for the D-BV [and D-LM](#) zones may be reduced or waived upon the granting of a Conditional Use Permit (see [Chapter 17.134](#) for the CUP procedure) and payment of an in-lieu fee to the City of Oakland. The parking in-lieu fee shall be as set forth in the Master Fee Schedule. Parking in-lieu fees shall be deposited with the City of Oakland prior to issuance of a building permit. A parking in-lieu fee

may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional off-street parking spaces are provided for such building or use by others than the City so as to satisfy the parking requirement for which the in-lieu payment was made. To obtain a refund, the required off-street parking spaces must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.

2. **Narrow Lots.** Lots with a mean width of less than fifty (50) feet and fronting Broadway or 27th Street are not required to provide parking on-site unless alternative driveway access is available from an alternative location, such as a shared access driveway from an adjoining parcel or from an alley.
3. **Conversion of Historic Buildings.** No additional parking spaces are required for the conversion of a Nonresidential Facility to a Residential Facility or vice versa if the Nonresidential or Residential Facility is either a Potentially Designated Historic Property (PDHP) or a property listed in the City of Oakland's Local Register of Historical Resources (see Policy 3.8 of Historic Preservation Element of the Oakland General Plan). If the number of existing parking spaces on the lot is less than required, then that number of parking spaces must be preserved with the conversion. If there are more parking spaces on the lot than required, then the number of spaces can be reduced to the minimum required. Parking spaces shall not be further reduced below the requirement unless payment of an in-lieu fee, as set forth in the Master Fee Schedule, to the City of Oakland is provided.
4. **Affordable Housing.** Parking requirements applicable to affordable housing for moderate, low, and very low income households, (as defined in California Government Code Section 50052.5 and in Oakland Planning Code Section 17.107.020), shall be one-quarter (1/4) spaces per dwelling unit. In Subsection 17.116.110(A) of this chapter, Senior Citizen Housing and Dormitories requirements apply but do not require a Conditional Use Permit and the reduced parking requirement is one-quarter (1/4) spaces per dwelling unit.
5. **Unbundled Parking.** The following rules shall apply to new Multifamily Dwelling Residential Facilities of ten (10) or more units:
 - a. Off-street parking spaces shall be leased or sold separately from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space(s).
 - b. Off-street parking spaces serving affordable units as defined in Section 17.107.020 shall be offered to potential buyers and renters at a price proportional to the sale or rental price of the affordable units as compared to the price proportional to comparable market rate units, except when offered to non-residents pursuant to Subsection (c) below.
 - c. Parking spaces shall be offered only to residents of the dwelling units served by the off-street parking, except that any surplus spaces that are not rented or sold may be rented to non-residents with the provision that such spaces must be vacated on 30 days notice if requested by residents to be made available to them.
6. **No Variances.** Notwithstanding anything to the contrary contained in the Planning Code, variances may not be granted relating to (a) a reduction and/or elimination of any required parking; or (b) a reduction and/or elimination of any parking spaces serving any activity, or if already less than currently required parking, shall not be reduced further below the requirements prescribed for such activity in this Chapter, as the granting of a CUP (see Chapter 17.134 for the CUP procedure) and payment of the in-lieu fee shall be the sole means of reducing or eliminating such parking.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. 12772 § 1 (part), 2006; prior planning code § 7519)

17.116.170 Property on which parking and loading must be provided.

- A. **Parking Spaces and Loading.** Off-street parking spaces and loading berths required by the zoning regulations shall be located as set forth below for the specified activities except as otherwise provided in Section 17.116.290B. When a maximum distance from the lot containing the activity served to another lot is prescribed, it shall be measured along a permanently accessible pedestrian route between a lot line of the former lot and the nearest boundary of the offsite parking or loading area.

Required Facility and Activity it Serves	Zone	Location
Parking spaces for any Residential Activity.	CN, C-45, CBD-R, CBD-P, CBD-C, and CBD-X, and <u>D-LM</u> zones.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180 , on another lot located within three hundred (300) feet and having at least one owner in common with the former lot.
Industrial	Any other zone.	<p>On the same lot as the activity served, but for One and Two-Family Residential Facilities on any lot with a street-to-setback gradient that exceeds twenty percent (20%), required parking stalls may be permitted to extend into the public right-of-way of an adjoining street subject to the following standards (see illustration I-20c):</p> <ol style="list-style-type: none"> 1. The required parking stalls shall be located perpendicular to and the edge of the curb, pavement, or sidewalk; 2. The parking stalls shall be set back a minimum of five feet from the edge of street pavement including any curbs or sidewalks; and 3. The parking stalls extending into the street right-of-way shall not constitute more than fifty percent (50%) of the required residential parking.
Parking spaces for any Industrial Activity; Administrative or Utility and Vehicular Civic Activities; or Administrative, Research Service Commercial Activities.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180 , on another lot located within five hundred (500) feet and having at least one owner in common with the former lot.
Parking spaces for any activity	Any zone.	On the same lot as the activity served; or, subject to the

not listed above.		provisions of Section 17.116.180 , on another lot located within three hundred (300) feet and having at least one owner in common with the former lot.
Loading berths for any activity.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180 , on an abutting lot having at least one owner in common with the former lot, except that a jointly owned off-street loading facility for nonresidential activities in any zone, or for Residential Activities in the D-LM , CBD, CN, and C-45 zones, may, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 , and subject to the provisions of Section 17.116.180 , be located on a lot which does not abut all the lots containing the activities served.

B. Maneuvering Aisles and Driveways. Required maneuvering aisles and driveways shall be located as specified in subsection A of this section for required spaces or berths serving the same activity, except as follows:

1. A required driveway may, subject to the provisions of [Section 17.116.180](#), straddle the lot line of abutting lots in separate ownership if it leads to parking spaces or loading berths on both lots.
2. A required maneuvering aisle or portion thereof may, subject to the provisions of [Section 17.116.180](#), straddle the lot line of abutting lots in separate ownership if there are on both sides of such aisle, or portion thereof, parking spaces or loading berths which are directly opposite each other.

C. Upon the granting of a conditional use permit pursuant to the conditional use permit procedure, and subject to the provisions of [Section 17.102.090](#) and [Section 17.116.180](#), any required driveway or maneuvering aisle may be located entirely on another lot or lots in separate ownership.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12406 § 4 (part), 2002; Ord. 12376 § 3 (part), 2001; Ord. 11892 § 16, 1996; prior planning code § 7535)

The following are proposed text changes to **Chapter 17.58 Central Business District Zone Regulations**. Additions to the chapter are underlined; deletions are in ~~strikeout~~.

17.58.010 Title, purpose, and applicability.

- A. Intent. The provisions of this Chapter shall be known as the CBD Central Business District regulations. The intent of the CBD regulations is to:
1. Encourage, support, and enhance the Central Business District as a high density, mixed use urban center of regional importance and a primary hub for business, communications, office, government, urban residential activities, technology, retail, entertainment, and transportation.
 2. Encourage, support, and enhance a mix of large-scale offices, commercial, urban high-rise residential, institutional, open space, cultural, educational, arts, entertainment, services, community facilities, and visitor uses.
 3. Enhance the skyline and encourage well-designed, visually interesting, and varied buildings.
 4. Encourage and enhance a pedestrian-oriented streetscape.
 5. Encourage vital retail nodes that provide services, restaurants, and shopping opportunities for employees, residents, and visitors.
 6. Preserve and enhance distinct neighborhoods in the Central Business District.
- B. Description of zones. This Chapter establishes land use regulations for the following four zones:
1. **CBD-R Central Business District Residential Zone.** The intent of the CBD-R zone is to create, maintain, and enhance areas of the Central Business District appropriate for residential development with small-scaled compatible ground-level commercial uses.
 2. **CBD-P Central Business District Pedestrian Retail Commercial Zone.** The intent of the CBD-P zone is to create, maintain, and enhance areas of the Central Business District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities.
 3. **CBD-C Central Business District General Commercial Zone.** The intent of the CBD-C zone is to create, maintain, and enhance areas of the Central Business District appropriate for a wide range of ground-floor office and other commercial activities. Upper-story spaces are intended to be available for a wide range of residential and office or other commercial activities.
 4. **CBD-X Central Business District Mixed Commercial Zone.** The intent of the CBD-X zone is to designate areas of the Central Business District appropriate for a wide range of upper story and ground level residential, commercial, and compatible light industrial activity.
- ~~C. Description of Combining Zone. This Chapter establishes interim land use regulations for the following combining zone:~~
- ~~1. **CH Chinatown Interim Commercial Combining Zone.** The intent of the CH combining zone is to allow for expanded commercial uses in the core of the Chinatown commercial area, which is located within the Lake Merritt Station Area Plan~~

~~boundaries. When an above base zone is combined with the CH combining zone, the permitted uses in CH combining zone supersede those of the base zone. These interim land use regulations anticipate the adoption of more comprehensive and detailed regulations for the entire area within the Lake Merritt Station Area Plan boundaries. Therefore, these regulations shall remain in place and be effective through until the City Council takes further action to regulate the area in connection with the Lake Merritt Station Area Plan.~~

~~(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12955, § 2(Exh. A), 7-21-2009)~~

17.58.040 Permitted and conditionally permitted activities.

Table 17.58.01 lists the permitted, conditionally permitted, and prohibited activities in the CBD-R, CBD-P, CBD-C and CBD-X zones. The descriptions of these activities are contained in [Chapter 17.10](#).

"P" designates permitted activities in the corresponding zone.

"C" designates activities that are permitted only upon the granting of a conditional use permit (see [Chapter 17.134](#) for the CUP procedure) in the corresponding zone.

"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 17.58.01: Permitted and Conditionally Permitted Activities

Activities	Primary Zones				Combining Zones*	Additional Regulations
	CBD-R	CBD-P	CBD-C	CBD-X	CBD-P/CH	
Residential Activities						
Permanent	P	P(L1)	P(L1)	P	P(L1)	
Residential Care	P(L2)	P(L1)(L2)	P(L1)(L2)	P	P(L1)(L2)	17.103.010
Service-Enriched Permanent Housing	C(L2)	C(L1)(L2)	C(L1)(L2)	C	C(L1)(L2)	17.103.010
Transitional Housing	C(L2)	C(L1)(L2)	C(L1)(L2)	C	C(L1)(L2)	17.103.010
Emergency Shelter	C(L2)	C(L2)	C(L2)	C	C(L2)	17.103.010

Semi-Transient	C	C(L1)	C(L1)	C	C(L1)	
Bed and Breakfast	P	P	P	P	P	17.10.125
Civic Activities						
Essential Service	P	P	P	P	P	
Limited Child-Care Activities	P(L3)	P(L5)	P	P	P	
Community Assembly	C	C(L6)	C	C	C	
Recreational Assembly	P(L3)(L4)	P(L5)	P	P	P	
Community Education	P(L3)(L4)	P(L5)	P	P	P	
Nonassembly Cultural	P(L3)(L4)	P(L4)	P	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	P	
Health Care	P(L3)(L4)	P(L4)(L5)	P	P	P(L4)	
Special Health Care	—	C(L6)(L8)	C(L8)	C(L8)	C(L6)(L8)	17.103.020
Utility and Vehicular	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	
Commercial Activities						
General Food Sales	P(L4)(L7)	P(L4)	P	P	P	
Full Service Restaurants	P(L4)(L7)	P	P	P	P	
Limited Service Restaurant and Cafe	P(L4)(L7)	P	P	P	P	
Fast-Food Restaurant	—	C	C	C	C	17.103.030 and 8.09

Convenience Market	C(L7)	C	C	C	€	17.103.030
Alcoholic Beverage Sales	C(L7)	C	C	C	€	17.103.030 and 17.114.030
Mechanical or Electronic Games	—	C	C	C	€	
Medical Service	P(L4)(L7)	P(L5)	P	P	P	
General Retail Sales	P(L4)(L7)	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	—	—	—	—	—	
Consumer Service	P(L4)(L7) (L9)	P(L4)(L9)	P(L9)	P(L9)	P(L9)	
Consultative and Financial Service	P(L4)(L7)	P(L5)	P	P	P	
Check Cashier and Check Cashing	—	C(L10)	C(L10)	C(L10)	C(L10)	17.103.040
Consumer Cleaning and Repair Service	P(L4)(L7)	P(L5)	P	P	P	
Consumer Dry Cleaning Plant	C(L7)	C	C	C	€	
Group Assembly	C(L7)(L11)	P(L4)(L11)	P(L11)	P(L11)	P(L4)(L11)	
Personal Instruction and Improvement Services	P(L4)(L7)	P(L5)	P	P	P	
Administrative	P(L4)(L7)	P(L5)	P	P	P	
Business, Communication, and Media Services	P(L4)(L7)	P(L5)	P	P	P	
Broadcasting and Recording Services Commercial Activities	—	P(L5)	P	P(L4)	P	

Research Service	P(L4)(L7)	P(L5)	P	P	P	
General Wholesale Sales	—	—	—	C	—	
Transient Habitation	C(L12)	C(L6)	P	C	€	17.103.050
Building Material Sales	—	—	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	C	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	C(L13)	C(L13)	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	—	—	
Taxi and Light Fleet-Based Services	—	—	C(L13)	C(L13)	—	
Automotive Fee Parking	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	
Animal Boarding	—	—	—	—	—	
Animal Care	—	C(L6)	C	C	€	
Undertaking Service	—	—	C	C	—	
Industrial Activities						
Custom Manufacturing				C(L13)		
Light Manufacturing				C(L13)		
General Manufacturing				—		
Heavy/High Impact	—	—	—	—	—	
Research and Development	—	—	C(L13)	C(L13)	—	

Construction Operations	—	—	—	—	—	
Warehousing, Storage, and Distribution						
A. General Warehousing, Storage and Distribution	—	—	—	C(L13)	—	
B. General Outdoor Storage	—	—	—	—	—	
C. Self- or Mini Storage	—	—	—	—	—	
D. Container Storage	—	—	—	—	—	
E. Salvage/Junk Yards	—	—	—	—	—	
Regional Freight Transportation	—	—	—	—	—	
Trucking and Truck-Related	—	—	—	—	—	
Recycling and Waste-Related						
A. Satellite Recycling Collection Centers	—	—	C	C	—	
B. Primary Recycling Collection Centers	—	—	—	—	—	
Hazardous Materials Production, Storage, and Waste Management	—	—	—	—	—	
Agriculture and Extractive Activities						
Crop and animal raising	—	—	—	—	—	
Plant nursery	—	—	—	—	—	
Mining and Quarrying	—	—	—	—	—	
Accessory off-street parking serving	C	C	C	C	€	17.116.075

prohibited activities						
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	C	€	17.102.110

Limitations:

~~* If the base zone (CBD-P) also has the CH Combining Zone, the CH regulations supersede the base zone.~~

L1. These activities may not be located within thirty (30) feet of the front lot line on the ground floor of the principal building with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building.

L2. Residential Care is only permitted upon the granting of a Conditional Use Permit (see [Chapter 17.134](#) for the CUP procedure) when not located in a One-Family Dwelling Residential Facility. 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 or Facility.

L3. These activities may only be located above the ground floor of a building upon the granting of a conditional use permit (see [Chapter 17.134](#) for the CUP procedure).

L4. With the exception of parcels facing Broadway, Telegraph Avenue, and 14th Street, the total floor area devoted to these activities on the ground floor by any single establishment may only exceed seven thousand five hundred (7,500) square feet upon the granting of a conditional use permit (see [Chapter 17.134](#) for the CUP procedure).

L5. If located both on the ground floor of a building and within thirty (30) feet from any street-abutting property line, these activities are only permitted upon the granting of a conditional use permit (see [Chapter 17.134](#) for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this conditional use permit requirement. In addition to the criteria contained in [Section 17.134.050](#), these conditionally permitted ground floor proposals must also meet each of the following criteria:

- a. The proposal will not impair a generally continuous wall of building facades;
- b. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and
- c. The proposal will not interfere with the movement of people along an important pedestrian street.

L6. These activities are only permitted upon the granting of a conditional use permit (see [Chapter 17.134](#) for the CUP procedure). In addition to the criteria contained in [Section 17.134.050](#), when these activities are located within thirty (30) feet of the front of the ground

floor of the principal building (with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building) the proposed activities must also meet the criteria contained in Note L5, above.

L7. These activities may only be located on or below the ground floor of a building with the following exceptions:

a) If the floor area devoted to the activity is less than two thousand (2,000) square feet and the activity takes place in a Local Register property, then the activity is permitted above the ground floor upon the granting of a Conditional Use Permit (see [Chapter 17.134](#) for the CUP process).

b) An activity located on the ground floor may extend to the second floor of a building if each: 1) the floor area devoted to nonresidential activities in the building is less than the floor area devoted to residential activities; 2) the activity on the second floor is the same as, or accessory to, the ground floor activity and part of the same business or establishment; and 3) there is a direct internal connection between the ground floor and the second story activities.

L8. No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity or five hundred (500) feet from any K-12 school or Transitional Housing, Enriched Housing, or Licensed Emergency Shelters Civic Activity. See [Section 17.103.020](#) for further regulations regarding Special Health Care Civic Activities.

L9. See [Section 17.102.170](#) for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See [Section 17.102.450](#) for further regulations regarding laundromats.

L10. No new or expanded Check Cashier and Check Cashing Commercial Activity shall be located closer than one thousand (1,000) feet from any other such activity or five hundred (500) feet from any Community Education, Community Assembly, or Recreational Assembly Civic Activity; State or Federally chartered bank, savings association, credit union, or industrial loan company; or certain Alcoholic Beverage Sales Commercial Activities. See [Section 17.103.040](#) for further regulations regarding Check Cashier and Check Cashing Commercial Activities.

L11. No new or expanded adult entertainment activity shall be located closer than one thousand (1,000) feet to the boundary of any residential zone or three hundred (300) feet from any other adult entertainment activity. See [Section 17.102.160](#) for further regulations regarding adult entertainment activities.

L12. The total floor area devoted to these activities by any single establishment shall not exceed three thousand (3,000) square feet.

L13. These activities, including accessory activities, are only allowed to be performed indoors. This requirement includes, but is not limited to: vehicles stored before and after servicing, general storage, vehicle and other repair, and automotive cleaning. This requirement excludes parking for customers currently at the business and automotive fueling.

L14. Auto fee parking is permitted upon the granting of conditional use permit (see [Chapter 17.134](#) for the CUP procedure) if it is located in either a parking structure that is at least three (3) stories high or in a below grade parking lot. Auto fee parking is otherwise prohibited.

The following are proposed text changes to **Chapter 17.108 General Height, Yard, and Court Regulations**. Additions to the chapter are underlined; deletions are in ~~strikeout~~.

17.108.080 Minimum side yard opposite living room windows.

On each lot containing Residential Facilities with a total of two (2) or more living units, except in the case of a One-Family Dwelling with Secondary Unit, a side yard with the minimum width prescribed hereinafter shall be provided opposite any legally required window of a living room in a Residential Facility wherever such window faces any interior side lot line of such lot, other than a lot line abutting an alley, path, or public park. The side yard prescribed by this Section is not required on other lots or in other situations. Such yard shall have a minimum width of eight (8) feet, plus two (2) feet for each story at or above the level of the aforesaid window; provided, however, that such side yard width shall not be required to exceed ten percent (10%) of the lot width in the RU-3, RU-4, RU-5, R-80, CN, CC, C-40, C-45, CBD, D-LM, S-1, S-2, S-15, and D-KP Zones and fifteen percent (15%) of the lot width in all other zones, except that in no case shall such side yard width be less than five (5) feet. The side yard required by this Section shall be provided opposite the legally required window and opposite that portion of the wall containing such window, or of any extension of such wall on the same lot, for a distance of not less than eight (8) feet in both directions from the centerline of such legally required window, and at and above finished grade or the floor level of the lowest story containing such a window, whichever level is higher. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13112, § 4(Exh. A), 4-30-2012; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. 11892 § 7, 1996; prior planning code § 7082)

The following are proposed text changes to **Chapter 17.134 Conditional Use Permit Procedure**.

Additions to the chapter are underlined; deletions are in ~~strikeout~~. Additional changes made following the September 3, 2014 publication are illustrated as double-underline for additions and double-strikeout for deletions.

17.134.020 Definition of major and minor conditional use permits.

A. Major Conditional Use Permit. A conditional use permit is considered a major conditional use permit if it involves any of the following:

1. Thresholds. Any project requiring a conditional use permit that meets any of the following size thresholds:

- a. The actual project site (including only portions of the lot actually affected by the project) exceeds one (1) acre;
- b. Nonresidential projects involving twenty-five thousand (25,000) square feet or more of floor area, except in the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, ~~or S-15~~, or D-LM Zones;
- c. Residential projects requiring a conditional use permit for density resulting in a total number of living units as follows:
 - i. Three (3) or more dwelling units in the RM-2 Zone,
 - ii. Seven (7) or more dwelling units in the RM-3 or RM-4 Zone.
- d. Residential projects requiring a conditional use permit to exceed the basic or permitted density which results in seven (7) or more living units in the RU or CBD-R Zone.
- e. Large Scale Developments. Any development which is located in the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, ~~or S-15~~, or D-LM Zones and results in more than one hundred thousand (100,000) square feet of new floor area.

f. Projects that request to be considered an exception to standards in the D-LM Height/Bulk/Intensity Areas.

2. Uses. Any project requiring a conditional use permit that involves any of the following activity or facility types except where the proposal involves only accessory parking, the resumption of a discontinued nonconforming activity, or an addition to an existing activity which does not increase the existing floor area by more than twenty percent (20%):

- a. Activities:
 - i. Residential Care Residential,
 - ii. Service Enriched Housing Residential,
 - iii. Transitional Housing Residential,
 - iv. Emergency Shelter Residential,
 - v. Extensive Impact Civic,

- vi. Fast-food Restaurant Commercial,
 - vii. Convenience Market Commercial,
 - viii. Alcoholic Beverage Sales Commercial or sale of alcoholic beverages at any full-service restaurant in a location described by Subsection 17.103.030.B,
 - ix. Heavy/High Impact Industrial,
 - x. Small Scale Transfer and Storage Hazardous Waste Management,
 - xi. Industrial Transfer/Storage Hazardous Waste Management,
 - xii. Mining and Quarrying Extractive,
 - xiii. Special Health Care Civic Activities.
- b. Facilities:
- i. Drive-Through,
 - ii. Advertising Sign, except when the facility meets the requirements of Section 17.11.090.
3. Special Situations. Any project requiring a conditional use permit that involves any of the following situations:
- a. A project requiring development of an Environmental Impact Report (EIR);
 - b. A single establishment containing a Commercial or Industrial Activity, or portion thereof, which is located in any residential zone and occupies more than five thousand (5,000) square feet of floor area, except where the proposal involves only the resumption of a nonconforming activity;
 - c. Off-Street Parking Facilities in the C-40, CBD-P, CBD-C, CBD-X, ~~and S-2,~~ and D-LM Zones serving fifty (50) or more vehicles;
 - d. Transient Habitation Commercial Activities in the C-40 and C-45 Zones;
 - e. Monopole Telecommunications Facilities in, or within three hundred (300) feet of the boundary of, any residential or HBX Zone;
 - f. A project in the OS Zone listed as requiring a major conditional use permit in Chapter 17.11;
 - g. A electroplating activity as defined in Section 17.09.040 subject to the provisions of Section 17.102.340;
 - h. A Telecommunications Facility in or within one hundred (100) feet of the boundary of any residential zone, HBX Zone, or the D-CE-3 or D-CE-4 Zone;
 - i. A Telecommunications Facility whose antennas and equipment are not fully concealed from view within three hundred (300) feet of the boundary of the RH, RD, RM, RU-1, or RU-2 Zones, HBX Zone, or the D-CE-3 or D-CE-4 Zone.
- B. Minor Conditional Use Permit. A minor conditional use permit is a conditional use permit which does not involve any of the purposes listed in Subsection A. of this section.

The following are proposed text changes to **Chapter 17.134 Conditional Use Permit Procedure**.

Additions to the chapter are underlined; deletions are in ~~strikeout~~.

17.134.020 Definition of major and minor conditional use permits.

A. Major Conditional Use Permit. A conditional use permit is considered a major conditional use permit if it involves any of the following:

1. Thresholds. Any project requiring a conditional use permit that meets any of the following size thresholds:
 - a. The actual project site (including only portions of the lot actually affected by the project) exceeds one (1) acre;
 - b. Nonresidential projects involving twenty-five thousand (25,000) square feet or more of floor area, except in the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, ~~or S-15~~, or D-LM Zones;
 - c. Residential projects requiring a conditional use permit for density resulting in a total number of living units as follows:
 - i. Three (3) or more dwelling units in the RM-2 Zone,
 - ii. Seven (7) or more dwelling units in the RM-3 or RM-4 Zone.
 - d. Residential projects requiring a conditional use permit to exceed the basic or permitted density which results in seven (7) or more living units in the RU or CBD-R Zone.
 - e. Large Scale Developments. Any development which is located in the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, ~~or S-15~~, or D-LM Zones and results in more than one hundred thousand (100,000) square feet of new floor area.
2. Uses. Any project requiring a conditional use permit that involves any of the following activity or facility types except where the proposal involves only accessory parking, the resumption of a discontinued nonconforming activity, or an addition to an existing activity which does not increase the existing floor area by more than twenty percent (20%):
 - a. Activities:
 - i. Residential Care Residential,
 - ii. Service Enriched Housing Residential,
 - iii. Transitional Housing Residential,
 - iv. Emergency Shelter Residential,
 - v. Extensive Impact Civic,
 - vi. Fast-food Restaurant Commercial,
 - vii. Convenience Market Commercial,
 - viii. Alcoholic Beverage Sales Commercial or sale of alcoholic beverages at any full-service restaurant in a location described by Subsection 17.103.030.B,

- ix. Heavy/High Impact Industrial,
 - x. Small Scale Transfer and Storage Hazardous Waste Management,
 - xi. Industrial Transfer/Storage Hazardous Waste Management,
 - xii. Mining and Quarrying Extractive,
 - xiii. Special Health Care Civic Activities.
 - b. Facilities:
 - i. Drive-Through,
 - ii. Advertising Sign, except when the facility meets the requirements of [Section 17.11.090](#).
3. Special Situations. Any project requiring a conditional use permit that involves any of the following situations:
- a. A project requiring development of an Environmental Impact Report (EIR);
 - b. A single establishment containing a Commercial or Industrial Activity, or portion thereof, which is located in any residential zone and occupies more than five thousand (5,000) square feet of floor area, except where the proposal involves only the resumption of a nonconforming activity;
 - c. Off-Street Parking Facilities in the C-40, CBD-P, CBD-C, CBD-X, ~~and S-2~~, and D-LM Zones serving fifty (50) or more vehicles;
 - d. Transient Habitation Commercial Activities in the C-40 and C-45 Zones;
 - e. Monopole Telecommunications Facilities in, or within three hundred (300) feet of the boundary of, any residential or HBX Zone;
 - f. A project in the OS Zone listed as requiring a major conditional use permit in Chapter 17.11;
 - g. A electroplating activity as defined in Section 17.09.040 subject to the provisions of Section 17.102.340;
 - h. A Telecommunications Facility in or within one hundred (100) feet of the boundary of any residential zone, HBX Zone, or the D-CE-3 or D-CE-4 Zone;
 - i. A Telecommunications Facility whose antennas and equipment are not fully concealed from view within three hundred (300) feet of the boundary of the RH, RD, RM, RU-1, or RU-2 Zones, HBX Zone, or the D-CE-3 or D-CE-4 Zone.
- B. Minor Conditional Use Permit. A minor conditional use permit is a conditional use permit which does not involve any of the purposes listed in Subsection A. of this section.

The following are proposed text changes to **Chapter 17.136 Design Review Procedure**. Additions to the chapter are underlined; deletions are in ~~strikeout~~.

17.136.040 Regular design review.

- A. Applicability. "Regular design review" shall apply to proposals that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for a design review exemption as set forth in Section 17.136.025 or small project design review as set forth in Section 17.136.030. Except as otherwise specified in Section 17.136.038 for Non-residential Facilities in the West Oakland Plan Area CIX Zones, projects requiring regular design review include, but are not limited to, the following types of work:
1. Any proposal involving one or more of the facility, activity, building, structure, or development types that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but does not qualify for a design review exemption as set forth in Section 17.136.025, or small project design review as set forth in Section 17.136.030;
 2. Any construction, addition or alteration of structures requiring a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
 3. New construction of one (1) or two (2) dwelling units, other than a secondary unit;
 4. New construction of three (3) or more dwelling units, or adding units to a property for a total of three (3) or more dwelling units on site;
 5. New construction of principal facilities in the HBX or D-CE Zones;
 6. The creation of any new HBX work/live unit or HBX live/work unit (see Sections 17.65.160 and 17.65.170); or the creation of any new D-CE work/live unit or D-CE live/work unit (see Sections 17.101E.070 and 17.101E.080). This requirement shall apply for both: a) conversions of existing facilities to contain either of these unit types, and b) the construction of new buildings that contain either of these unit types;
 7. Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and exceed one thousand (1,000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;
 8. Exceptions to the parking accommodation requirements for one- and two-family Residential Facilities in Section 17.116.075;
 9. New or modified Signs not qualifying for a design review exemption as set forth in Section 17.136.025 or small project design review as set forth in Section 17.136.030;
 10. Proposals for new or modified Telecommunications Facilities, pursuant to Chapter 17.128, but excluding those alterations to existing Telecommunications Facilities listed as a Small Project in Subsection 17.136.030.B.;
 11. Demolition or removal of any structure, or portion thereof, in the CIX-1A zone or where the replacement project requires Regular Design Review, Conditional Use Permit or Variance;

12. Demolition or removal of any Designated Historic Property (DHP) or Potential Designated Historic Property (PDHP) pursuant to Section 17.136.075.
- B. Pre-Application Review—Regular Design Review. Prior to application for regular design review, any applicant or his or her representative seeking early project feedback may submit for a pre-application review of the proposal by a representative of the City Planning Department. For projects of a larger scale or involving a significant policy issue, the Director of City Planning may, at his or her discretion, request that an applicant or his or her representative submit for a pre-application review of the proposal. During a pre-application review, the City representative will provide information about applicable design review criteria and pertinent procedures, including the opportunity for advice from outside design professionals. Where appropriate the City representative may also informally discuss possible design solutions, point out potential neighborhood concerns, and mention local organizations which the applicant is encouraged to contact before finalizing the proposal.
- C. Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the Director of City Planning—Decisions Not Ultimately Appealable to City Council.
 1. Decision by the Director of City Planning. An application for regular design review that is not referred to the City Planning Commission for initial decision as specified in [Section 17.136.040](#)(D) shall be considered by the Director of City Planning.
 2. Notification Procedures. Notice shall be given by posting an enlarged notice at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. Notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the City within three hundred (300) feet of the project site; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for decision on the application by the Director. During the required noticing period, the planning department shall receive and consider comments from any interested party.
 3. The Director or the applicant may seek the advice of outside design professionals. Any interested party must enter into the record any issues and/or evidence to the Director prior to the close of the written public comment period for his or her consideration; failure to do so will preclude the party from raising such issues during the appeal hearing and/or in court. The Director shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her judgment necessary to ensure conformity to said criteria.
 4. Finality of Decision. A decision by the Director shall become final ten (10) calendar days after the date of initial decision unless appealed to the City Planning Commission or the Commission's Residential Appeals Committee in accordance with [Section 17.136.080](#). Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Director prior to the close of the written public comment period. In the event that the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Appeals considered by the City Planning Commission or the Commission's Residential Appeals Committee under the procedures specified in [Section 17.136.080](#) shall be final immediately and are not ultimately appealable to the City Council.

- D. Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the City Planning Commission—Decisions Ultimately Appealable to City Council.
1. Decision by the City Planning Commission. The Director of City Planning may, at his or her discretion, refer an application for regular design review to the City Planning Commission for an initial decision rather than acting on it himself or herself. In this case, the application shall still be considered a minor permit, but shall be processed according to the procedure in this Subsection. In these instances, any other minor permits associated with the application shall be considered concurrently by the Planning Commission, pursuant to [Section 17.130.090](#). However, if the project involves a major variance or major conditional use permit; requires an Environmental Impact Report (EIR); or results in twenty-five thousand (25,000) square feet or more of new nonresidential floor area and is located in any zone other than the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, [D-LM](#), or S-15 Zones, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.
 2. Notification Procedures. Notice shall be given by posting an enlarged notice at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. Notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the City within three hundred (300) feet of the project site; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date set for a hearing before the Commission. During the required noticing period, the planning department shall receive and consider comments from any interested party.
 3. The Planning Commission may seek the advice of outside design professionals. While the hearing is open, any interested party must enter into the record any issues and/or evidence to the Commission for its consideration; failure to do so will preclude the party from raising such issues during the appeal hearing and/or in court. The Commission shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her or its judgment necessary to ensure conformity to said criteria.
 4. Finality of Decision. The initial decision of the Planning Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with [Section 17.136.090](#). Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Commission prior to the close of the Commission's public hearing on the matter. In the event that the last day of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.
- E. Alternative Notification Procedures. If the conditions as set forth in [Section 17.130.020](#) apply, alternative notification procedures discussed therein may replace or supplement the procedures set forth in subsections C and D of this section.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. No. 13028, § 2(Exh. A), 7-20-2010; Ord. No. 12999, § 4(Exh. A), 3-16-2010; Ord. No. 12971, § 2(Exh. A), 9-22-2009; Ord. No. 12955, § 2(Exh. A), 7-21-2009; Ord. 12899 § 4, Exh. A (part), 2008; Ord. 12776 § 3, Exh. A (part), 2006; Ord.

12376 § 3 (part), 2001: Ord. 12237 § 4 (part), 2000; Ord. 11816 § 2 (part), 1995: prior planning code § 9305)

17.136.055 Special regulations for historic properties in the Central Business District and Lake Merritt Station Area District zones.

- A. The provisions of this Section shall only apply to proposals in the Central Business District (CBD) and Lake Merritt Station Area District (D-LM) Zones.
- B. Findings.
 - 1. Any exterior alteration to a character-defining element of a Designated Historic Property (DHP) or Potentially Designated Historic Property (PDHP) that: 1) does not match its exterior historical materials or appearance, and 2) is part of the existing building (not part of any proposed addition) shall be required to meet any applicable criteria in [Chapter 17.136](#) and meet findings (a) and (b), below. The determination of whether a project meets these findings requires consultation with Historic Preservation staff.
 - a. Any replacements of exterior character-defining elements are required because repair is not feasible. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance; and
 - b. Consultation with Historic Preservation staff has determined that any replacement or repair that differs from the original feature is compatible with the character of the building, Area of Primary Importance (API) or Area of Secondary Importance (ASI), if applicable, and retains the character-defining appearance of the feature.
 - 2. Approval of applications for projects in an API that require Regular Design Review approval may be granted only upon determination that the proposal conforms to any applicable criteria in [Chapter 17.136](#) and to the following additional criteria:
 - a. Any proposed new construction is compatible with the existing API in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;
 - b. New street frontage has forms that reflect the widths and rhythm of the facades on the street and entrances that reflect the patterns on the street;
 - c. The proposal provides high visual interest that either reflects the level and quality of visual interest of the API contributors or otherwise enhances the visual interest of the API.
 - d. The proposal is consistent with the visual cohesiveness of the API. For the purpose of this finding, visual cohesiveness is the architectural character, the sum of all visual aspects, features, and materials that defines the API. A new structure contributes to the visual cohesiveness of a district if it relates to the design characteristics of a historic district while also conveying its own time. New construction may do so by drawing upon some basic building features, such as the way in which a building is located on its site, the manner in which it relates to the street, its basic mass, form, direction or orientation (horizontal vs. vertical), recesses and projections, quality of materials, patterns of openings and level of detailing. When some combination of these design variables are arranged in a new

building to relate to those seen traditionally in the area, but integral to the design and character of the proposed new construction, visual cohesiveness results;

- e. Where height is a character-defining element of the API there are height transitions to any neighboring contributing historic buildings. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. APIs with a character-defining height and their character-defining height level are designated on the zoning maps; and
 - f. For additions, the proposal meets either: 1) Secretary of Interior's standards for the treatment of historic resources; 2) the proposal will not adversely affect the character of the property or API; or, 3) upon the granting of a conditional use permit, (see [Chapter 17.134](#) for the CUP procedure) and a hearing in front of the Landmarks Preservation Advisory Board for its recommendations, a project meets the additional findings in Subsection g., below.
 - g. For construction of new principal buildings:
 - i. The project will not cause the API to lose its status as an API;
 - ii. The proposal will result in a building or addition with exterior visual quality, craftsmanship, detailing, and high quality and durable materials that is at least equal to that of the API contributors; and
 - iii. The proposal contains elements that relate to the character-defining height of the API, if any, through the use of a combination of upper story setbacks, window patterns, change of materials, prominent cornice lines, or other techniques. APIs with a character-defining height and their character-defining height level are designated on the zoning maps.
3. Approval of an application for a project that requires Regular Design Review Approval involving a DHP or PDHP outside of an API may be granted only upon determination that the proposal conforms to any applicable criteria in [Chapter 17.136](#) and either meets each criteria (a), (b), and (c), or only (d), below:
- a. Any proposed new construction is compatible with the existing district and/or building in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;
 - b. The proposal reflects the quality and visual interest of the building and/or ASI, or otherwise enhances the visual interest of the building or ASI;
 - c. The proposal does not disqualify an ASI as an ASI; and
 - d. If a project does not meet either finding (a), (b), or (c), above, approval of applications for projects may still be granted, but only after a hearing in front of the Landmarks Preservation Advisory Board for its recommendations and determination that the proposal meets the following criteria: The proposal will result in a signature building within the neighborhood, City, or region based on qualities including, but not necessarily limited to, exterior visual quality, craftsmanship, detailing, and high quality and durable materials.
- C. Required Hearings in Front of the Landmarks Preservation Advisory Board (LPAB).

1. Prior to project approval, the following projects require a hearing in front of the LPAB for its recommendations and/or advice to the decision making body:
 - a. Any construction of a new principal building in an API;
 - b. An addition to an API contributor when required by Subsection 17.136.055.B.2.f.
 - c. With the exception of additions that are not visible from a street or other public area, projects in an API that would result in a building taller than the character-defining height of the district, if any. Districts with a character-defining height and their character-defining height levels are designated on the zoning maps. An addition is considered "visible from a street or other public area" if it is located within the "critical design area," defined as the area within forty (40) feet of any street line, public alley, public path, park or other public area.
 - d. New construction or an addition to a building when required by Subsection 17.136.055.B.3.d.
 - e. Any proposal involving a Local Register Property that requires Regular Design Review approval.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013; Ord. No. 12955, § 2(Exh. A), 7-21-2009)

Summary of Responses to Lake Merritt Station Area Plan Comments

The following provides a summary of responses to major comments that the City received since publication of the *Draft Lake Merritt Station Area Plan (Draft Plan)* in December 2012, along with City responses. The comments and responses are organized by category, as shown below. Comments on the *Final Plan* by the Landmarks Preservation Advisory Board from the August 11, 2014 hearing are provided in a separate **Attachment K**. The City has considered all comments received even though they might not be specifically listed here. CEQA-related comments are separately addressed in the Final EIR/Response to Comment document.

1. Land Use
2. Housing
3. Mechanisms for Implementing Community Benefits
4. Transportation
5. Historic & Cultural Resources
6. Jobs & Economic Development
7. Open Space, Recreation, and Community Facilities
8. Design Guidelines
9. Implementation

1. LAND USE

- 1.1. **Comment:** Commenters expressed support for transit-oriented development (TOD).

Response:

The Plan's central strategy is to promote a transit-oriented development model to enable residents to easily connect to regional destinations and job opportunities as well as to bring visitors into the community to support local businesses. Creating a denser community with a diverse range of uses and more vibrant street life will directly contribute to improving public safety, expanding the local economy, and increasing the range of services and cultural amenities available to residents.

- 1.2. **Comment:** Reduce parking requirements to encourage transit-oriented development and provide more affordable housing options.

Response:

Based on a review of typical parking structure costs, costs to construct either above- or below-grade structured parking range from \$30,000 to \$50,000. Allowing developers to not have to provide this parking will make construction more feasible. The cost of parking is often passed on to residents, so having units without parking spaces attached to them, will also provide a more affordable living option.

Currently, one parking space is required per housing unit throughout the Plan Area. The new zoning regulations requirement for market rate housing is 0.75 spaces per unit, but it would be 0.25 spaces per affordable senior housing unit and 0.5 spaces for all other affordable housing. There would also be no parking requirements when converting from commercial to residential use or vice versa for a Potential Designated Historic Property (PDHP) or a CEQA Historic Resource.

Parking space requirements for both residential and commercial activities may be further

reduced or waived with a Conditional Use Permit *and* with payment of an in-lieu fee that will help fund transportation-related community benefits.

1.3. Comment: Locate more retail at the 14th Street Gateway.

Response:

The Plan seeks to promote active ground floor uses that attract walk-in traffic and support an inviting and vibrant pedestrian-oriented environment. 14th Street is envisioned as a mixed-use, pedestrian oriented corridor with continuous storefront uses with a mix of retail, restaurants, cultural uses, businesses, and social services at the ground floor.

In support of this objective, the zoning proposal locates 14th Street in the D-LM-2 Pedestrian Retail Zone and is designated as a 'Commercial Corridor'. These designations are meant to create and enhance ground-level, pedestrian-oriented, active storefront uses with upper story spaces for a wide range of residential and office or other commercial activities.

1.4. Comment: Ensure flexible land use for the Kaiser Auditorium.

Response:

The City is actively pursuing adaptive reuse of the Kaiser Auditorium, and considering a broad range of potential uses, such as, but not limited to, a community center, community workshop space, food court, and/or performance arts center. The Plan designates the Auditorium as part of the Flex District ('Mixed Commercial Zoning District'), which allows maximum flexibility for future use, so that historic buildings can be adaptively re-used even after their original function is no longer viable.

1.5. Comment: Concern was expressed that overzoning (prescribing height limits higher than the market is likely to produce) could lead to land-banking.

Response:

It is important to recognize that the proposed height limits are in keeping with what the market is expected to develop over the next 25 years, mostly mid-rise in the short term with a modest amount of high-rise development over the long term. That said, the proposal represents a significant reduction in height allowances in comparison to existing height limits as well as relative to the proposal in the *Draft Plan* (see response above for more detail). In addition, the final proposal allows a limited number of height limit exceptions. This feature of the proposal will create a competitive environment in which developers who plan for more intense development will have an incentive to pursue projects sooner than later.

2. HOUSING

2.1. Comment: Commenters stressed the need for affordable housing requirements in the Plan Area.

Response:

The Plan aims to encourage between 15 to 28 percent of all new housing units in the Planning Area be made affordable to low and moderate income households. The Plan introduces the following mechanisms to incentivize affordable housing development and support the City in reaching this goal.

- Changes to the zoning regulations include reducing the parking requirement, by right, from one space per residential unit to 0.25 spaces for senior affordable housing units and 0.5 for all other types of affordable housing, with further reductions or waivers possible with a Conditional Use Permit and payment of an in-lieu fee.
- Changes to the zoning regulations also include reducing the open space requirement for affordable housing development, with further reductions or waivers possible with a Conditional Use Permit and payment of an in-lieu fee.

As noted in the Plan, the City has also recently commissioned a Nexus Study and Implementation Strategy for potential impact fees to support community needs, including affordable housing development.

In addition, the Plan recommends exploring the feasibility of a Developer Incentive Program, which would allow a developer to receive additional development rights (via height, FAR, density bonus, or relaxation of other requirements) in exchange for the voluntary provision of community benefits, such as affordable housing.

A citywide affordable housing policy that requires affordable housing as a part of new development (inclusionary zoning) could be an important component of generating affordable housing in the Planning Area, and the Plan recommends that the city explore this option (Policy LU-56 in Chapter 4). Such a requirement would require a nexus study to link the impacts of new development to the need for affordable housing and City Council authorization.

- 2.2. Comment:** Oakland provides a disproportionate amount of regional affordable housing. Oakland should not bear such a significant portion of the burden for providing affordable housing; it needs to be shared across the region.

Response:

The City is pursuing a balanced approach to encouraging investment in the Planning Area while also addressing the needs and aiming to avoid displacement of area residents.

The City is committed to ensuring that mechanisms for generating affordable housing do not create an undue burden in the Plan Area relative to the rest of the City. The Plan recommends the development of a comprehensive citywide policy to provide adequate affordable housing so as not to put this area at a disadvantage for investment compared to the rest of the City.

The Plan aims to provide diverse types of rental and for-sale housing to accommodate a range of needs and household sizes. Family-sized units are necessary, especially affordable units. The Plan seeks to expand the diversity of both market rate and affordable units, encouraging the development of smaller units, resource efficiencies, studios, units that accommodate seniors and persons with special needs, and one, two and three or more bedroom apartments, townhomes, and standalone units.

- 2.3. Comment:** On page 19 of *Section 4.5 Affordable Housing Strategy*, some of the housing market data is out of date. The housing market bottomed out in 2010, and has rebounded since.

Response:

Substantial updates have been made to the *Demographic and Housing Market Trends* subsection in *Section 4.5 Affordable Housing Strategy* to reflect changes in the housing market

since the publication of the Draft Plan.

As noted in the Final Plan, while prices have not yet reached levels from in 2007, when average sales price was \$511,146, the 2013 average sales price (which appears to be continuing to rise) represents an increase of nearly 56 percent from the average home sales price in 2009, which was \$250,000.

While condominium units that resold in late 2009 typically sold for 50 percent to 60 percent below their peak levels in 2006, recent data show sales prices approaching 2006 levels, with the average sales prices close to \$500 per square foot as of October 2013, according to the recently completed Downtown Oakland Development Feasibility Study (November 2013)

However, more recent reports from Realfacts show the market monthly rate to be \$2,124. It should be noted that RealFacts data only looks at advertised rents for a select number of market rate buildings, and does not look at occupied units. Existing residents typically pay lower rents, on average, than new occupants of rental units, because of rent control. Regardless, it is an indicator of an alarming trend of increased rental costs.

Section 2.4 Market Conditions in the Chapter 2 Existing Conditions has also been updated to reflect current market conditions.

- 2.4. Comment:** Affordable, family sized units with sound protection and school and safety investments are needed to encourage families to move into the area.

Response:

The Plan indicates that 21.8 percent of the households in the Planning Area are three-person or more households and stresses the need for housing for families with children and multi-generational households, among other housing unit types. Consequently, the Affordable Housing Goals include 1) accommodating and promoting new rental and for sale housing for individuals and families of all sizes and income levels and 2) encouraging the development of housing with more than two bedrooms.

In order to improve public safety and to enhance the overall sense of security, the Plan recommends pedestrian-scaled street lighting as a high priority for streetscape improvements, the formation of a Community Benefit District to help fund an Ambassador program similar to the program that has successfully enhanced safety in downtown, possible relocation of the BART Police Headquarters from its current underground location to the street level, installation of security cameras, and support for Neighborhood Watch programs. In addition, the Plan's mission to intensify development, ground floor uses, and street-level activity will result in increased foot traffic and "eyes on the street," which are major contributors to public safety.

Finally, the Plan proposes improved landscaping, installation of a sound wall, and appropriate building design to buffer against noise and air quality impacts of the I-880 freeway. The Plan recommends numerous improvements to community services and recreational amenities.

- 2.5. Comment:** It's critical to support affordable housing near work.

Response:

The City agrees. This is an important strategy to reduce household transportation cost burdens, as well as to reduce automobile dependence and encourage vibrant neighborhood activity. Fundamental to the Plan are the concepts of intensifying development and mixing residential, office, retail, and other commercial uses. In addition, the Plan includes strategies for

affordable housing development (as discussed above) and high quality jobs development. A denser, mixed-use development pattern with a robust mix of jobs and housing – both market rate and affordable – will increase opportunities for Plan Area residents to live near work.

3. MECHANISMS FOR IMPLEMENTING COMMUNITY BENEFITS

- 3.1. Comment:** Several organizations forwarded a proposal to tie community benefits requirements to the approval of development allowances above by-right allowances. Their proposal was to limit by-right development to a 2.5 FAR. Density allowances above this threshold would require developer community benefits contributions. The 2.5 FAR threshold is intended to correspond to the existing development density in the Plan Area and ensure that developers would have an incentive to provide community benefits with reasonable frequency.

They also referenced programs instituted in San Diego, Seattle, and Emeryville where additional intensity is allowed upon the provision of specific benefits.

Others objected to a community benefits requirement because of the potential of such a requirement to discourage development and put the Plan Area at a disadvantage for investment, which is badly needed to produce jobs, customers, and tax revenue.

Response:

The Plan recommends exploring the feasibility of a Developer Incentive Program, which would allow a developer to receive additional development rights (via height, FAR, density bonus, or relaxation of other requirements) in exchange for the voluntary provision of community benefits, such as affordable housing.

The City is currently exploring other measures for developer contribution to community benefits that are not based on density bonuses, such as an Impact Fee and payment of in-lieu fees (for parking/open space). These are considered preferable mechanisms in the sense that all new development would be able to contribute and the mechanism doesn't inherently discourage desired higher density development (by associating higher costs to more intensity above a certain trigger level).

The Plan also described a shared approach for achieving community benefits, which would involve funding and actions led by residents, property owners, businesses, the City and other public agencies, as well as private development. Mechanisms, such as Community Benefit Districts and Parking Benefit Districts, partnerships with institutions such as Laney College and the Oakland Museum, are a few examples of additional mechanisms.

4. TRANSPORTATION

- 4.1. Comment:** Stakeholders expressed strong opinions in support of and against two-way conversions of streets in the Plan Area.

Response:

The implications for conversion for collision frequency, pedestrian safety, and traffic are complex. The Plan recommends transportation improvements in the Plan Area that focus on establishing interconnected and safe travel for people walking, riding bicycles, taking transit, and driving.

In fall of 2013, the City applied for and was awarded a grant from the Alameda County Transportation Commission (ACTC) to create a Downtown Circulation Plan. The Downtown

Circulation Plan will comprehensively study and propose solutions to circulation issues in Downtown Oakland, taking into account changing land uses and traffic generated from new developments in Oakland and Alameda, benefits to business, and improved safety for all road users. It will study the feasibility of converting one-way streets in downtown Oakland to two-way operation. Specific lane reconfigurations could be determined as part of this Circulation Plan with consideration given to transit operations, pedestrian safety and reduction of collisions. The Downtown Circulation Plan will also be able to examine the circulation and safety issues related to drivers accessing the I-880 Freeway and the Alameda Tubes via surface streets in the Planning Area.

ACTC, in conjunction with the City of Oakland, issued a request for proposals for the development of the Downtown Circulation Plan. Consultant selection was completed in August, contract negotiation and finalization will occur in September/October, and project kick-off/initiation is likely in November and expected to continue over the next 15-20 months.

- 4.2. **Comment:** Phase II options for four-lane undivided streets should be removed. Three-lane streets have 30% fewer crashes, provide similar capacity, and allow for easier pedestrian crossings.

Response:

The following language has been added to *Chapter 6 Streetscape and Circulation* to address this issue:

In *Section 6.1 Vision and Phasing*, the underlined sentence has been added:

Complete transportation studies (and CEQA review) to determine the feasibility of two-way street conversion and/or lane reductions on key streets. Specific lane configuration would be determined at this time, based on factors including consideration that research shows that 3-lane streets have fewer collisions than undivided 4-lane streets.

In addition, below Figure 6.4, which depicts a Phase II undivided 4-lane street design, the following note has been added:

Note that 3-lane streets (whether one-way, or two-way streets with a center turn lane) may be a preferable configuration compared to 4-lane streets that are undivided by a median. They have fewer collisions, and two-way streets with 3 lanes (including a center turn lane) are safer to cross for pedestrians and provide similar motor vehicle capacity with less congestion by segregating cars waiting to make a left turn from active travel lanes.

The advantages and disadvantages of various lane configurations will be subject to study as part of the comprehensive Downtown Circulation Plan process.

- 4.3. **Comment:** All signals should have pedestrian countdown timers for all crosswalks. Some crosswalk signals in Chinatown are missing countdown timers, e.g. 9th Street and Jackson Street. These should be listed in the Plan as a high priority for improvement.

Response:

Policy C-23 Traffic signals and timing coordination in *Chapter 6 Streetscape and Circulation* of the *Draft Plan* calls for pedestrian countdown timers at intersections where not already installed. This Policy remains in the *Final Plan*, and new language to stress the importance of this pedestrian improvement has been added to *Section 6.2 Circulation Improvements*, and listed as a Phase I improvements on page 6-6.

- 4.4. **Comment:** Traffic signal timing should be mentioned somewhere as a tool for controlling speeds. For instance, downtown Portland's streets are all timed for 12mph.

Response:

The *Draft Plan* recommended traffic signal timing among other improvements in *Chapter 6 Streetscape and Circulation, Section 6.4 Recommendations for Key Streets*, and **Policy C-23 Traffic signals and timing coordination** also calls for the coordination of traffic signal timing to limit vehicle speeds to 25 mph or less. This traffic calming strategy has been further stressed in *Section 6.2 Circulation Improvements of the Final Plan*.

Plan recommendations about the relative merits of one-way versus two-way streets are discussed in the response to above.

- 4.5. **Comment:** Revise Policy C-17 Streetscape improvements for safety and character in Chapter 6 to indicate that wayfinding signage and cultural markers throughout the Planning Area should be multilingual to fit the linguistic needs of the surrounding population.

Response:

The following updates were made to *Chapter 6 Streetscape and Circulation* to address this issue. Added language is shown in underlined text, and deleted language is shown in ~~striketrough text~~.

- Text changes on page 6-4: Design sSignage should be multilingual to meet the needs of the local population and designed to build upon and be consistent with existing wayfinding signage in the Chinatown core.
- On page 6-19: Among the key features the *Plan* recommends for transit hub design, “wayfinding signage” has been changed to “multilingual wayfinding signage.”
- Changes to **Policy C-17 Streetscape Improvements for safety and character:** Incorporate multilingual way-finding signage, and cultural markers throughout the Planning Area on key streets.
- Changes to **Policy C-37 Directional Signage at the BART Station:** *Work with BART to install bus, taxi and passenger pick up directional signs inside and outside of the Lake Merritt Station. Signs should be multilingual to meet the needs of the surrounding community.*

- 4.6. **Comment:** Commenters expressed concern about the high volume of through-traffic and in Chinatown resulting from drivers accessing the I-880 Freeway and the Alameda Tubes. Concerns were raised about the impacts of this traffic on pedestrian safety and congestion in Chinatown. Some commenters requested studies to determine the best strategies to reduce through-traffic and to assess the impact that Alameda Point development may have on future traffic volumes. Recommendations were made to identify funds to support higher frequency Alameda Estuary Crossing Shuttle service (including weekend service) and, long term, to develop a BRT or streetcar route that connects Downtown to Alameda Point.

Response:

The Plan discusses the importance of calming traffic accessing the I-880 Freeway from the Alameda Tubes. The Downtown Circulation Plan, described above will also be able to examine the circulation and safety issues related to drivers accessing the I-880 Freeway and the Alameda Tubes via surface streets in the Planning Area.

5. HISTORIC & CULTURAL RESOURCES

- 5.1. **Comment:** Concerns were expressed regarding the Plan's height proposal. While some commenters wanted unlimited heights, many considered height limits to be too high and out of scale with the area's historic fabric. A specific request was for a finer grained exploration of how new development might occur in historic districts that would lead to a finer-grained height limit proposal.

Comments about specific properties and blocks included:

- An 85-foot height limit is still too high for the "King Block", which is the historical name given to the city block bound by 12th, 13th, Webster and Harrison Streets,. The King Building is 60 feet, and other buildings on the block are lower. It should be designated as 45 to 55 feet.
- Heights should also be lowered on the block bounded by 13th, 14th, Webster and Harrison Streets, which is an extension of the King Block and link to the Downtown National Register District,
- Heights should be lowered for the historic apartment buildings within the block bounded by 9th, 10th, Oak, and Fallon Streets.
- Oakland Heritage Alliance recommended equivalent or additional height reductions for the properties described above as well as for a number of buildings in Areas of Secondary Importance (ASI), as well as for properties in the Chinatown Commercial Area of Primary Importance (API) and the 7th Street/Harrison Square Area of Primary Importance (API).
- Reduce base heights from 55 to 45 feet on the two Lake Merritt BART Station blocks to be consistent with the surrounding neighborhood height context.

Response:

The *Draft Plan's* Height Area proposal represents a finer-grained approach to height limits that the existing Height Areas in existing zoning regulations. The *Final Plan* includes an even finer-grained approach with substantial revisions to the height proposal that reduce heights limits throughout much of the Plan Area in order to encourage a scale of development that better responds to the existing context while still encouraging high density transit-oriented development. The new height proposal includes the following four Height Areas: "Historic" (45 foot height limit), "Mixed Use" (85 foot height limit), "Downtown" (175 foot height limit), and "Transit-Oriented Development" (275 foot height limit). It allows for additional tower height (up to 275 feet) to be conditionally permitted for a limited number of buildings with findings for design compatibility and consistency with the policies and goals of the Station Area Plan.

The boundaries of the 45-foot "Historic" Height Area are consistent with the original height proposal in the *Draft Plan*, which represents a substantial reduction from existing zoning allowances (ranging from 170 to 275 feet).

The area proposed for the 85-foot "Mixed-Use" Height Area, covering half the Plan Area, represents a significant change to the height proposal in the *Draft Plan*. The area included in the Mixed-Use Height Area had formerly been proposed for Height Areas with height limits ranging from 175 to 400 feet. With minor exceptions, the existing zoning for this area provides a 275 foot limit or no height limit.

This 85-foot Height Area covers the vast majority of historic resources considered significant under CEQA and the Plan Area's major historic landmarks. Historic resources affected by this height limit reduction include the following:

- Civic Center Post Office (formerly proposed for a 400 foot limit)
- Chinatown Commercial District API, Hotel Oakland, Oakland Museum of California, Kaiser Auditorium, Oakland Unified School District properties, and parcels adjacent to the south side of the 7th Street/Harrison Square Residential District API (all formerly proposed for a 275 foot limit)
- Oakland Public Library and Alameda County Courthouse (both formerly proposed for a 175 foot limit)

The new proposal has revised height limits for some, but not all, of the specific properties addressed in public comments. Height limits have been reduced from 275 to 85 feet for several properties that Oakland Heritage Alliance recommended for reductions, namely the Chinatown Commercial API, sites adjacent to Madison Park and the 7th Street/Harrison Square Residential API, and the block bounded by 9th, 11th, Webster and Harrison Streets.

Base heights have been reduced to 45 feet throughout the Planning Area, with allowances for additional base height as a Conditional Use.

The height proposal in the *Final Plan* remains unchanged from the proposal in the *Draft Plan* for the King Block (proposal – 85 feet, existing – No Limit), the block bounded by 12th, 13th, Webster and Harrison Streets (proposal - 175 feet, existing – No Limit), and for the apartment buildings within the block bounded by 9th, 10th, Oak, and Fallon Streets (proposal – 275 feet, existing – 275 feet).

It is important to recognize that historic properties are subject to stringent City findings for any proposed demolition. These buildings are also eligible for preservation incentives, such as the Mills Act property tax reduction for improvements of historic buildings. The City acknowledges that these buildings are of significant historic importance. A new section in the *Design Guidelines*, in fact, highlights the 10th and Oak Street Apartment Group is an important historic resource exemplary of early 20th Century building in the Lake Merritt Area. The City also believes that due to the existing intensity and high value of use of these properties, it is very unlikely that they will be redeveloped by property owners.

More information about the most recent proposal for Height Areas can be found in the staff report and **Attachment E**.

- 5.2. Comment:** Ensure that the Plan treats both the Kaiser Auditorium and Fire Alarm Building as sites for adaptive reuse.

Response:

The *Final Plan* now highlights the Fire Alarm Building as another key Opportunity Site for adaptive reuse in addition to the Kaiser Auditorium. A new subsection called “Adaptive Reuse Sites” has been added to *Chapter 7 Community Resources* which further describes ideas for potential uses on these City-owned properties (such as a community workshop space, food court and/or auditorium) that would make them community amenities, and notes that both building sites include outdoor parking areas that could be creatively repurposed to complement the uses inside the buildings.

Consistent with this change, all maps showing Opportunity Sites have been updated to reflect

the designation of both the Fire Alarm Building and Kaiser Auditorium as opportunities for adaptive reuse, and the *Final Plan's* Implementation Chapter still includes a discussion of strategies for the City to pursue.

Compared to the other character districts proposed for the Planning Area, the proposed Flex Zone (D-LM-4) allows the maximum flexibility of uses, permitting a variety of commercial, residential, and light industrial uses. An important historic preservation strategy is to allow flexible use of historic properties in order to encourage reuse and restoration, and discourage demolition. The Plan explicitly recommends (page 7-7) incentives to facilitate reuses of historic buildings, such as allowing older single family residences to convert to multi-family uses while maintaining the appearance of a "house" or "converting older industrial building to accommodate residential, office or light industry." The flexibility in uses allows these historic buildings to live on even after their original function is no longer viable.

While the Flex Zone provides maximum flexibility in *uses*, the integrity of the building itself will be ensured through development regulations and design guidelines for the preservation and reuse of historic buildings (discussed further, below).

- 5.3. Comment:** Several comments reflected a desire to celebrate the cultural heritage that is a unique aspect of the Planning Area. Suggestions included plaques to highlight local history, a gate marking entry into Chinatown, murals, and other visible cultural markers. Some expressed an interest in renaming the BART station to better reflect the identity of the surrounding neighborhoods.

Response:

The *Plan* and *Design Guidelines* address the importance of enhancing the streetscapes to support an active Chinatown Core, providing robust multilingual signage, and enhancing community gathering spaces to support a range of public events, as ways to enhance the cultural heritage of Chinatown.

Within the *Design Guidelines* document, *DG-134 Chinatown Gateway* addresses this issue directly. It reads, "Work closely with the community to identify gateways to the Chinatown core with signage and public art that identifies the unique and vibrant community and retail district, to help orient and greet visitors. Seek a public art installation as a gateway that consists of entryways and consistent elements throughout the neighborhood that celebrates the existing and cultural history of the neighborhood. This should be coordinated with the wayfinding system."

In addition, *DG-126 Key Pedestrian Streets and Chinatown Core* (formerly *Key Pedestrian Streets*) has been revised to emphasize the fact that all of the streets in the Chinatown Core are key pedestrian streets. As such, the following language has been added to this Policy: "Lighting, seating, signage, and other street furnishings should respond to the cultural heritage of the Chinatown Core."

Finally, a brief subsection, "Lake Merritt BART Station," has been added to *Chapter 7 Community Resources*. This acknowledges the interest in reconsidering the name of the BART and notes that a new name could include references to Oakland Chinatown, Laney College, Oakland Museum of California, and/or Alameda County Services.

6. **JOBS & ECONOMIC DEVELOPMENT**

6.1. Comment: Several comments related to ensuring that economic development benefits local residents. Comments included:

- Establish a local hiring policy that requires a certain percentage of permanent jobs go to Oakland residents, perhaps modeled on the Oakland Housing Authority program or the City's contracting requirements.
- Prevailing wages and requirements to hire local and disadvantaged workers should be required on redevelopment projects on sites owned by public agencies.
- Partner with state-approved apprenticeship programs to train local residents for construction jobs.
- Develop job training programs, perhaps in conjunction with Laney College, for immigrants and members of the Chinatown Community that target high growth sectors, like green industries.

Response:

The Plan encourages development of permanent, well-paying, and green jobs; local hiring for jobs in the Plan Area and transit-accessible jobs in the region; job training (including vocational ESL and in partnership with Laney College); working with local businesses to create internship and mentoring opportunities for local youth; matching youth to apprenticeship programs; supporting the growth of existing small businesses, many of which provide jobs for Mandarin, Cantonese, and Vietnamese speakers. *Chapter 8 Economic Development* includes the following goals.

- *Support the provision of local job training opportunities (including vocational English as a second language opportunities) for jobs being developed both in the planning area and the region, particularly those accessible via the transit network.*
- *Support local and/or targeted hiring for contracting and construction jobs for implementation of the Plan (i.e., construction of infrastructure).*

Policies to support job creation goals included in this chapter include the following:

- ***ED-17 Laney College partnership.*** *Foster a partnership between Laney College and the business community, so the College can conduct academic and skill training programs that meet the needs of local businesses.*
- ***ED-24 Local hiring goals.*** *Continue to support local hiring goals and encourage the creation of a local hiring related service with opportunities that also include matching youth in the area to apprenticeship programs.*
- ***ED-25 Workforce development.*** *Continue to support job training and readiness services through the Workforce Investment Board, and ensure that these services are publicized and accessible to Planning Area residents, including ensuring Cantonese, Mandarin, and Vietnamese language access.*
- ***ED-26 Internship, mentoring and apprenticeship programs.*** *Encourage local businesses to offer internship, mentoring and apprenticeship programs to high school and college students.*

Chapter 10 Implementation includes cost estimates for job training to meet local hiring requirements, for construction and culinary jobs, and to prepare residents for apprenticeship programs; local hire/recruitment outreach; and long term jobs training partnerships with Laney

College, Oakland Unified School District, and other local institutions.

- 6.2. Comment:** Commenters emphasized the need for multilingual small business development support. Requests included a plan for a Small Business Assistance Center and a Small Business Innovation Fund that could support Mandarin, Cantonese, and Vietnamese speakers.

Response:

Support for local businesses is a central component of the Plan's economic development strategy. For such a strategy to be effective, cultural understanding and multilingual language capacity will be required. Minor modifications to the Small Business Development Programs subsection of *Chapter 8 Economic Development* have incorporated in to the Final Plan to emphasize the need for multilingual services and provide additional detail about possible programs and program delivery options. Language added to the Final Plan is shown in underlined text, and deleted language is shown in ~~striketrough text~~.

Multiple organizations currently exist that provide technical and financial support to start-ups and small businesses. The City could ensure that Chinatown businesses are aware of and have access to start-up and business support services, including services in Cantonese, ~~and~~ Mandarin, and Vietnamese.

The City or another organization could also support business retention by maintaining a revolving loan program for local businesses needing temporary financial support. These programs should help to support thriving commercial centers with a mix of small and larger businesses such as the Pacific Renaissance Center.

A "Small Business Innovation and Incubator Fund" is another option. Such a fund could provide lower rents, other financial support, business development assistance, and support services for start-up firms, and help entrepreneurs get businesses off the ground. New services could be delivered through existing organizations and programs or as part of a new program. It is critical that all services are multilingual and can effectively support Mandarin, Cantonese, and Vietnamese speakers.

7. OPEN SPACE, RECREATION and COMMUNITY FACILITIES

- 7.1. Comment:** There is inadequate neighborhood-serving active park and recreational space. Improvements to existing community recreational spaces should be prioritized over new open space (including extension of trails and open space along Lake Merritt).

Response:

The City recognizes the need for neighborhood-serving and active open spaces in the Plan Area. The survey that was conducted as part of the Plan's Community Engagement Process clearly reveals the community's strong desire for improved and expanded parks and recreation centers, with active open spaces identified as a top priority.

Open space and recreational goals in the Plan include:

- Improve existing parks and recreation centers, including improving access to existing parks; and add new parks and recreation centers to serve higher housing density and increased number of jobs.*
- Provide space for community and cultural programs and activities, such as multi-use neighborhood parks, athletic fields, areas for cultural activities such as tai chi, community*

gardens, and expanded library program.

The Plan strategies include making the most out of existing open spaces; secondly, encouraging partnerships with the Oakland Unified School District and other schools and public agencies, and third, expanding the amount of new open space and recreation facilities.

The Plan recommends improving connections from the core of Chinatown to the Lake Merritt trails and open space to improve access to that open space.

The Plan identifies funding mechanisms to support investments in public open space. The proposed Open Space in-lieu fees would be a voluntary fee for those developments that choose not to provide code-required private open space (because of site constraints, financial feasibility, or both), and could provide funding to improve existing plazas or for new plazas/open space within the Plan Area.

An impact fee would be another means for generating investment in community amenities such as public open space. As with any non-voluntary program, such as the open space dedication program described above, a nexus study would be required. In July 2014, the City of Oakland issued a Request for Proposal (RFP) for the preparation of an impact fee nexus study. In addition, funding for new parks and parks improvements may come from a variety of grant sources, the City's Capital Improvement Program, or the establishment of an Infrastructure Finance, Community Benefits, Community Facilities, or an augmented Landscape and Light Assessment District.

7.2. Comment: Allow community rooms to function as “public space.”

Response:

Existing zoning regulations require new residential developments to include a certain amount of Usable Open Space per unit. The Plan's proposed zoning would expand the definition of required usable open space to include new off-site space (within 1000 feet of the proposed development) and community rooms or other recreational space, like a gym (within the existing building envelope) in order to provide greater flexibility in meeting the recreational and leisure needs of the residents.

7.3. Comment: Improve safe access to and the usability of Chinese Garden (Harrison Square) Park by:

- Increasing 7th Street sidewalk widths
- Providing a freeway sound wall
- Providing more varied programs that address a wider demographic group

Response:

Chapter 5 Open Space, Section 5.3 Proposed Park Improvements and New Open Spaces discusses the importance of improvements to and expanded uses of Chinese Garden park as well as the impact of high traffic volumes and vehicle speeds on safe access to the Park. The OSCAR states that improvements are needed to 7th Street “to ensure pedestrian safety and the usefulness of the Park.”

This chapter includes a number of clarifications to stress the importance of improvements to the usability and access to Chinese Garden Park.

To *Section 5.3*, the following sentence clarifies the importance of pedestrian safety: “Any

future roadway improvements in the area should enhance pedestrian safety.” In addition, the following two sentences have also been added to this section:

- “*Stakeholders would like to see it accommodate even more varied programming, for a wider demographic.*”
- “*Consideration should also be given to the installation of a sound wall to reduce the impacts of freeway noise in the Park.*”

Policy OS-9 Pedestrian connections to Chinese Garden Park has been revised to include language on widening 7th Street sidewalks as a means to improve safe access to the Park.

The *Plan* now designates the section of 7th Street between Oak and Webster Streets, which includes the portion of the street facing the Park, for “Green Street” improvements which include widened sidewalks in addition to enhanced plantings, sustainability features, and other pedestrian improvements. This revision is reflected in Figure 5.2 Public Open Space Opportunities. The *Design Guidelines* provide detailed recommendations for “Green Street” improvements.

In addition to changes in *Chapter 5*, the underlined language below has been added to the list of proposed pedestrian improvements in *Chapter 6 Streetscape and Circulation, Section 6.2 Circulation Improvements*:

Harrison and 7th Streets—bulbouts in the short-term and widening sidewalks and removing the free right-turn around Chinese Garden Park in the long-term.

- 7.4. Comment:** Section 7.3 Community Facilities (on p 7-15): They want clinic/exam and counseling rooms to support additional health services, administrative office space, medium to large meeting spaces, commercial kitchen, computer lab, recording studio, and a permanent site for The Spot Youth Center.

Response:

The following sentence was included in *Chapter 7 Community Resources, Section 7.3 Community Facilities* of the Draft Plan:

Specific amenities desired by the community include clinic/exam and counseling rooms to support additional health services, administrative office space, medium to large meeting spaces, commercial kitchen, computer lab, recording studio, and a permanent site for The Spot Youth Center.

This text remains in the Final Plan with the addition of recreational centers to the list.

8. DESIGN GUIDELINES

Comment: A number of comments sought to ensure that the *Design Guidelines* promoted design elements that complement the Plan Area’s historic buildings. Comments related to such concerns as the use of high quality materials, breaking up large facades with vertical elements and sufficient detail to reflect the widths and rhythm of historic buildings and storefronts, the alignment of rooflines and horizontal details such as cornices, and other concerns related to design details that are consistent with the character-defining features of historic districts in the Plan Area. Several comments reflected a desire for consistency with existing City design standards.

Response:

The *Draft Design Guidelines* included language that indicated that “new buildings should reinforce the historic pattern” (Building Massing and Scale section); “[h]istoric entrance patterns should be respected” (DG-29, now DG-30); horizontal lines on new buildings (such as cornices, windows or balconies) should “be in the same alignment or within three feet higher or lower than existing structures horizontal features” (DG-33); “[f]acades should include stoops, porches, recessed windows, and bay windows or balconies” (DG-47), and encourage the use of awnings and entrance hierarchy and with prominent design details.

The *Final Design Guidelines* were revised to further emphasize the importance of design details. Examples include:

- Language has been added to Policy DG-40 Large Retail to indicate that fenestration (windows, glass storefronts and doors) should “[divide] the façade into traditional storefront widths.”

- Policy DG-31 was expanded to include the following underlined text:

DG-31 Window Coverage and Design. Ample placement of windows above the ground floor is required on all street-fronting facades, with limited exceptions for specific visual or aesthetic objectives. Whenever possible, windows should be placed on all sides of a tower. Placement, proportions, and design of windows should contribute to a coherent and appealing composition, add architectural interest to buildings, and differentiate the various components of the building (e.g. ground floor retail spaces, stair towers, corners, office suites, or residential units). Use window frames, sills, recesses, and/or transom windows to add visual interest.

- Policies DG-29 and DG-30 were combined to allow for a new Policy DG-29 that reads as follows:

DG-29 Distinct Ground Floor. The ground floor should be distinguished from upper stories through some combination of enhanced detailing, lighting fixtures, cornices, awnings, canopies, and/or other elements.

In addition, photos throughout the *Design Guidelines* have been updated to better illustrate all guidelines related to building massing, stepbacks, façade articulation, storefronts, entryways, and ground level design.

A new chapter has been added to the *Design Guidelines* to highlight the significant role of historic resources in shaping the urban form, building character and aesthetics of the Planning Area. *Chapter 3 Historic Character* describes the character-defining features of the Plan Area’s historic buildings and districts, providing context not only for the building design guidelines directly pertaining to historic resources, but to other design guidelines related to building form, façade articulation, materials, and the ground level pedestrian experience that respond to the unique context of the Plan Area. This new chapter summarizes features relating to building scale and form, architectural styles, materials, ornamentation, and interaction with the right of way for the following categories of historic resources: Small-scale Residential, Midrise Residential, Chinatown Commercial, Downtown Commercial, and Civic. Emphasis has been given to the significance of Oakland’s Chinatown, the 7th Street/Harrison Historic Residential District, the early 20th century mid- and high-rise buildings, and distinct historic landmarks in defining the Planning Area’s aesthetic character.

Comment: Show examples of appropriate new buildings in historic context.

Response:

Previously, the Historic Resources section *Draft Design Guidelines* only included photos representing existing historic buildings in the Plan Area. The City agreed that it is important to illustrate how new development could appropriately respond to and reinforce the existing historic character of adjacent buildings. All photos in the Historic Resource section of the *Final Design Guidelines* have been updated to provide examples of precedents for new buildings that are appropriate to their historic context.

Examples include the restoration and reuse of a historic building (Oakland's StopWaste.org building); a small bungalow-style multifamily residential infill project in a West Oakland historic single family neighborhood; an example of a vertical addition to a historic building that expands the site's capacity for multifamily housing while responding aesthetically to the existing building's architecture; and new commercial buildings that match adjacent roof and floor heights, use complementary materials, and incorporate consistent cornice and windows lines;.

Comment: There were numerous requests for greater specification in the *Design Guidelines*, including requests to quantify upper-story stepback requirements, specify roof slopes for new buildings in the 7th Street/Harrison Residential API District, and incorporate standards (requirements) modeled on the Codes of other cities, such as Vancouver.

Response:

The Lake Merritt Station Area *Design Guidelines* will complement the specific regulations contained in the new Lake Merritt zoning districts. Guidelines are generally used to describe design concepts that are not readily quantifiable (such as, a prominent pedestrian entrance), or to suggest multiple ways of meeting a desired design goal (such as the use of awnings or window design as a way to create a pedestrian scale at the sidewalk level). Design *regulations* in the proposed zoning are utilized when parameters can be quantified, or when the City wants to ensure a particular outcome; they are numerical, prescriptive requirements and include specific setback requirements, tower massing requirements (such as maximum tower elevation length, maximum tower diagonal length, average per story lot coverage above the base), and ground-floor transparency requirements. The massing regulations in the proposed zoning have been modified as described in **Attachment G**.

Comment: A number of comments requesting that added emphasis was given to or greater detail or clarification provided about various design recommendations.

Response:

Many of these comments resulted in modifications to the text and images of the *Design Guidelines*. The most significant of these changes were:

- Clarification of building design (orientation of open space, buffers, types of windows, etc) on properties next to I-880 freeway
- Clarification (and better illustrations) of building massing, towers, articulation, fenestration, storefronts, materials, parking design.
- Change of word landscaping to planting where appropriate
- Added emphasis to design that is multilingual and complements local heritage
- Inclusion of streetscape guidelines for undercrossings, green streets and festival streets
- More comprehensive explanation of sidewalk/streetscape/lighting/ped improvements

9. IMPLEMENTATION

- 9.1. **Comment:** Commenters questioned the accuracy of implementation costs and inquired about the availability of various funding sources and mechanisms (Table 10.1).

Response:

Table 10.1 includes rough cost estimates and preliminary information about potential funding mechanisms and resources. A complete implementation funding plan will be developed following plan adoption. Public inquiries and recommendations will be addressed at that time.

- 9.2. **Comment:** In the Affordable Housing subsection of Chapter 10, the Plan states "...there is no local funding source dedicated to [funding affordable housing]." Actually, the City of Oakland distributes HOME funds for affordable housing, so this statement should be amended to state that there are no redevelopment funds for affordable housing.

Response:

This section has been removed from Chapter 10 due to significant redundancies with Chapter 4 Land Use, Section 4.5 Affordable Housing Strategy. However, the related text in Chapter 4 has been corrected consistently with this comment, as shown below. Added language is shown in underlined text, and deleted language is shown in ~~strike through text~~.

However, with the dissolution of the Oakland Redevelopment Agency, there is currently ~~no~~ limited local funding mechanism in place dedicated to the production of affordable housing.

In addressing other funding sources, this Chapter also includes the following clarification:

Most affordable housing in the Planning Area will be funded with a mix of local and non-local sources including Low Income Housing Tax Credits (LIHTC), Federal HOME funds, mortgage revenue bonds, ~~and~~ HUD funds and "boomerang funds" (a small portion of City property taxes that used to be allocated to Redevelopment tax increment financing).

In addition, the City has recently commissioned a nexus study to explore a citywide development impact fee that could provide additional local funds for affordable housing, among other public benefits. For more information, see responses to comments above.

Summary of Changes to the Lake Merritt Station Area Plan, Design Guidelines and Zoning Regulations

The following summarizes changes made to the Lake Merritt Station Area Plan and Design Guidelines since publication of the *Draft Plan* in December 2012, and draft zoning regulations since they were published in May 2013.

A. Changes to the LMSAP:

- **Chapter 1: Introduction**

Modifications to this Chapter were limited to updating maps and figures that may have contained data that was updated in other Chapters.

- **Chapter 2: Existing Conditions**

An important revision to this chapter is that both the Kaiser Auditorium and Fire Alarm Building buildings are now identified as opportunities for adaptive reuse in the text and in *Figure 2.2 Opportunity Sites (Sites Most Likely to Redevelop)*. Additional minor changes were made to opportunity sites, including reducing the footprint of the opportunity site located near Madison and 10th Street (as described later in this attachment) and removing the County Parking Garage as the specific site where County will expand its facilities (their expansion is still incorporated in the development program, but is allocated in the general vicinity of their multiple properties in the northeastern portion of the Planning Area).

Updates were made to *2.4 Market Conditions* to reflect current development activity, housing market rates, and level of recovery from economic recession as well as to include reference to the *Downtown Oakland Development Feasibility Analysis* completed in October 2013.

The AC Transit B-shuttle, which runs along the westernmost edge of the Planning Area, is now included in the transit system summary in section *2.5 Circulation and Parking*.

Other minor revisions and clarifications were made to text and figures, including correction of the Plan Area boundary in *Figure 2.3 Plan Districts* and modifications to park boundaries on several maps.

- **Chapter 3 Vision**

The primary changes that were made to this chapter were revisions to the maps illustrating the *Plan* vision by District (*Figures 3.1 to 3.7*). These were modified to consistently include all key concepts, such as the Fallon Street festival street, Webster Street Green, and highway undercrossing improvements, across maps; update Opportunity Sites (consistent with *Figure 2.2* revisions); and correct the Plan Area boundary (consistent *Figure 2.3* revisions).

The proposal for a festival street on Alice has been removed as it is not well-supported by the surrounding land uses.

In addition, clarifications were made to the text describing jobs goals in section 3.1 *Lake Merritt Station Area Plan Vision and Goals*.

- **Chapter 4 Land Use**

The most significant revision to this chapter has been to the *Plan*'s height proposal. Relative to the *Draft Plan* and current zoning, the *Final Plan* reduces height limits through much of the Plan Area in order to encourage a scale of development that is more sensitive to existing heights, including those of historic buildings, while still encouraging high density transit-oriented development. The new height proposal includes the following four Height Areas: "Historic" (45-foot height limit), "Mixed Use" (85-foot height limit), "Downtown" (175-foot height limit), and "Transit-Oriented Development" (275-foot height limit). The Plan specifies that additional tower height could be conditionally permitted for a limited number of buildings in distinct geographic areas within the Station Area up to a specific maximum height.

The boundaries of the 45-foot Height Area are consistent with the original height proposal in the *Draft Plan*. The most significant change in the height proposal is the 85-foot Height Area, which now covers half of the Plan Area. This Height Area is intended to respond to existing height conditions. The area included in the 85-foot Height Area had formerly been proposed for height limits ranging from 175 to 400 feet. This Height Area covers the vast majority of historic resources potentially considered significant under CEQA and the Plan Area's major historic resources, including but not limited to the Oakland Public Library, Hotel Oakland, the Civic Center Post Office, and the Chinatown Commercial District Area of Primary Importance.

The modifications to Plan *Figure 4.4 Draft Height Map* are also reflected in proposed Height Areas map within the proposed zoning regulations.

Other revisions to this chapter include:

- New content in Section 4.3 *Developer Incentive Program* indicating that zoning regulations accompanying the Plan could further incentivize community benefits, such as affordable housing or adaptive reuse of historic resources, by relaxing development requirements.
- In Figure 4.2 *Proposed General Plan Amendments*, reclassification of the Peralta Community College District Administration property from Business Mix to Community Commercial to encourage a wider variety of potential uses for the property.
- Updates to the demographic and market data in Section 4.5 *Affordable Housing Strategy*.

- **Chapter 5 Open Space**

The Final Lake Merritt Station Area Plan includes clarifications to the proposed open space map, updating open spaces that have been completed since the Draft Plan (such as the new Lakeside Park) and clarifying additional desired improvements to existing parks, such as Harrison Square Park (Chinese Garden).

Other changes include revised information on funding mechanisms, clarification of the role of developer contributions to open space and recreational facilities.

- **Chapter 6 Circulation**

The modifications within this Chapter are related to clarifying transportation improvements, when they occur, including various option for Phase II lane conversion (3-lane with center turn lane option), adding locations listed in the text on to maps.

A revision was made in this chapter to the “Reduce Parking Requirements” subsection to indicate that reduced parking requirements may be considered for projects that incorporate preservation of a historic resource, in addition to project with affordable or senior housing. Other revisions to this chapter include more information on the City’s Complete Streets Policy; as well as numerous figure revisions to more clearly communicate plan concepts and correct minor inconsistencies.

- **Chapter 7 Community Resources**

This Chapter was modified to update the historic status of buildings in the Station Area Plan, based on the Oakland Cultural Heritage Survey’s reevaluation of the historic significance of properties in the Plan Area that occurred during the environmental review phase. These updates are reflected in *Figure 7.1 Historic Resources* and *Figure 7.2 CEQA Historic Resources and Opportunity Sites* of the *Final Station Area Plan*, as well as in **Attachment H** to this staff report. Sites that were determined to not be significant under CEQA include: 178 10th Street, 726 Harrison Street¹, and the block bounded by Webster, Harrison, 11th, and 12th Streets (301 12th Street). The ratings for several properties were also upgraded, so they are now considered significant under CEQA. Significantly, the County Parking Garage (on the block between 12th, 13th, Jackson and Madison Streets) and the Oakland Unified School District properties (the Paul Robeson Administration Building on 2nd Avenue, and the Ethel Moore Building on East 11th Street) now have a B rating. The following sites were also identified as CEQA historic resources although their ratings did not change: land surrounding Kaiser Auditorium, Chinese Garden Park (formerly Harrison Square), Lincoln Square Park, 1009 Madison Street, and 320 13th Street. These may have not been captured earlier, since they were not necessarily rated A, B or C, but they were included on the Local Register or identified in the State’s Historical Resource Survey.

An important consequence of these changes relates to the overlap between historic resources and Opportunity Sites. Due to the redesignation of 1009 Madison Street as a CEQA historic resource, the footprint of the Opportunity Site on Madison between 10th and 11th has been reduced, since it was not likely the historic resource would be redeveloped. However, the Oakland Unified School District site (with the two previously unidentified CEQA historic resources) continues to be identified as an Opportunity Site for high density development. The *Final Plan* specifies that redevelopment could incorporate (or allow for the relocation of) the existing buildings, but as the property owner, OUSD would make the final decisions regarding how their properties are used.

Chapter 7 was also revised to clarify that both the Kaiser Auditorium and Fire Alarm Building are identified as sites for adaptive reuse. A new subsection, called “Adaptive Reuse Sites,” was added to this chapter to provide detail on potential uses for the Kaiser Auditorium and the Fire Alarm Building.

¹ In the first printing of the *Final Plan*, this property was erroneously symbolized as a property considered significant under CEQA in Figure 7.2. This error has since been revised.

Revisions to Section 7.2 *Cultural Resources* include a new section covering community interest in renaming the Lake Merritt BART station to better reflect the identity of the surrounding neighborhoods, as well as inclusion of the Oakland Museum's Friday night street festival in the inventory of regular events in the Plan Area that should be supported with streetscape and open space improvements. Other revisions highlight the expressed need for a variety of social, recreational, and business support services.

- **Chapter 8 Economic Development**

Revisions to this chapter include an additional emphasis on the importance of providing multilingual services, a more comprehensive discussion of small business development programs, and clarifications of details regarding job training and local hiring.

- **Chapter 9 Infrastructure and Utilities**

Revisions to this chapter include the addition of information on potential funding sources for infrastructure improvements and minor figure and text corrections, such as an [update to indicate](#) that water treatment or retention measures are now required for development that creates or replaces at least 2,500 (not 10,000) square feet of impervious surface. And in *9.6 Solid Waste Disposal*, content was added to describe the City's Excess Litter Fee Program and the re-investment in provides into communities, and to note that a potential Business Improvement or Community Benefit District could provide additional funds for litter removal.

- **Chapter 10 Implementation**

Modifications were made to *Chapter 10* to reflect implementation and potential funding opportunities that have recently arisen and to provide clarification regarding the requirements for deploying some types of implementation measure.

Chapter 10 now includes information on the following initiatives that are moving forward as of July 2014:

- The City has issued a Request for Proposal for the preparation of a Nexus Study and Implementation Strategy to that could implement development impact fees to support transportation improvements, capital improvements, and affordable housing.
- The City has secured grant funding for a *Downtown Circulation Plan* to comprehensively study transportation improvements in Downtown Oakland, including potential conversion of one-way streets to two-way travel.
- The City has secured grant funding for an *Access Improvements to Lake Merritt Station Area Plan* to refine the design of pedestrian improvements for the blocks surrounding the BART Station.

Modifications have also been made to *Chapter 10* to clarify requirements for in-lieu fees. Revisions clarify that voluntary, in-lieu fees, such as those provided in-lieu of providing parking and open space required for residential development, only require a simple economic analysis to estimate the in lieu fee in order to be implemented and do not require a more detailed and lengthy nexus study. The Plan notes that this economic analysis and accompanying changes to the City's Municipal Code (fee schedule) were recently completed.

The detailed discussion, in the Affordable Housing subsection of *Section 10.4 Overview of Community Benefits*, regarding mechanisms for achieving community benefits has been reduced to a brief overview due to redundancy with identical material in *Section 4.5 Affordable Housing Strategy*.

- **Appendix A Development Potential**

Modifications were made to *Figure A.2 Opportunity Sites (Sites Most Likely to Redevelop)* consistent with those made to *Figure 2.2*, described above. The table in this chapter has also been revised for consistency with figure revisions.

B. Changes to Design Guidelines for the Lake Merritt Station Area Plan

Draft Design Guidelines were published in December 2012, and reviewed by the Design Review Committee of the Planning Commission on April 3, 2013. A number of modifications and minor adjustments have been made to the Final Design Guidelines.

In order to highlight the significant role of historic resources in shaping the urban form, building character and aesthetics of the Planning Area, a new chapter has been added: *Chapter 3 Historic Character*. This chapter describes the character-defining features for the following categories of historic resources: Small-scale Residential, Midrise Residential, Chinatown Commercial, Downtown Commercial, and Civic. Emphasis has been given to the significance of Oakland's Chinatown, the 7th Street/Harrison Historic Residential District, the early 20th century mid- and high-rise buildings, and distinct historic landmarks in defining the Planning Area's aesthetic character.

Streetscape design guideline content was revised to include guidelines for Green Streets, Festival Streets, and Freeway Undercrossings. Modest changes were made to the language of several design guidelines for clarity and to eliminate redundancies. Several photographs have been added or replaced and figures edited to more effectively illustrate relevant design guidelines.

Other minor corrections and clarifications were made throughout the chapter.

- Clarification of building design (orientation of open space, buffers, types of windows, etc) on properties next to I-880 freeway
- Clarification (and better illustrations) of building massing, towers, articulation, fenestration, storefronts, materials, parking design.
- Change of word landscaping to planting where appropriate
- Added emphasis to design that is multilingual and complements local heritage
- More comprehensive explanation of sidewalk/streetscape/lighting/ped improvements

C. Changes to Zoning Regulations

Draft zoning regulations were reviewed by the Zoning Update of the Planning Commission on May 15, 2013. In addition to the changes to the Height Areas described in the Plan Changes above and illustrated in **Attachment E** to this staff report, other modifications were made to the zoning regulations since that date. The most significant changes are described below:

- Parking Requirements

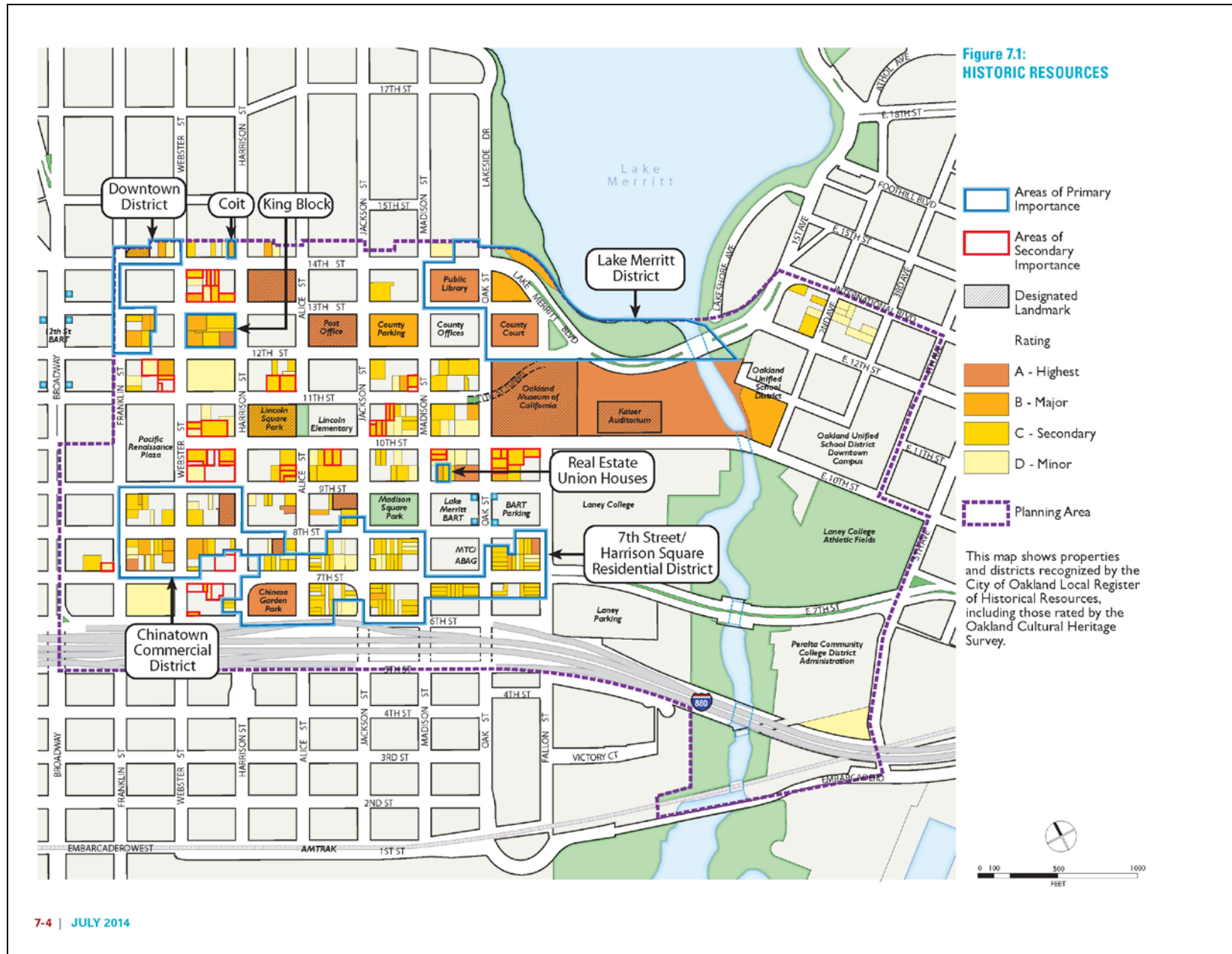
- Reduced parking requirements for affordable housing (from 0.5 spaces per unit in previous proposal to 0.25 spaces per unit in current proposal)
 - Required unbundling of parking for multi-family facilities with 10 or more units
 - Added option for payment of in-lieu fees to satisfy parking requirements (and accompanying restriction on variances)
 - Reduced parking requirements for residential and non-residential uses east of Lake Merritt Channel (now match the requirements in the rest of the Planning Area)
 - Removed requirement for additional parking space for a secondary units
- Design Standards - Setback from the Lake Merritt Channel
 - The regulations now speak to an *average* and *minimum* setback for new development adjacent to the Lake Merritt Channel (rather than the fixed number in the previous proposal) to allow additional flexibility for new development
 - The *minimum* required setback from the Channel (40 feet) corresponds to typical widths for multi-use trails; although the *average* required setback is larger (60 feet) to allow for open space opportunities along the trail.
 - The previous proposal was for a 100 foot setback, but was revised when staff examined circumstances on-the-ground and reviewed typical standards for multi-use trails and setbacks from waterways.
- Height, Bulk and Intensity (including Tower Massing Regulations)
 - Changes to Height Areas and inclusion of exceptions, as described above and in more detail in **Attachment E**.
 - Modified Floor Area Ratio (FAR) limits for corresponding height levels. For example for the 45-foot height area, the FAR has been reduced to from 3.5 to 2.5; for the 175-foot height area, the FAR has been increased from 7 to 8; and for the 275-foot height area, the FAR has been increased from 10 to 12. These increases in FAR limits are balanced with additional tower massing refinements described below. Note that the highest FAR in the previous proposal was 14, and now the highest is 12.
 - Added setback requirements for towers from the building base (10 to 20 feet for buildings taller than 85 feet for 50% of the building perimeter)
 - Maximum average per story lot coverage was reduced for 175-foot height area (from 50% to 65%) and increased for the 275-foot height area (from 65% to 75%)
 - The maximum tower elevation length was slightly increased for 175-foot height area (from 145 to 150 feet) and reduced for the 275-foot height area (from 180 to 150 feet)
 - The minimum distance between towers has been increased from 40 to 50 feet
- Open Space Standards
 - Community Rooms have now been designated a minimum square footage of 250 square feet (rather than a minimum dimension of 15 feet)
 - Added option for payment of in-lieu fees to satisfy open space requirements (and accompanying restriction on variances)
- Extension of special design review regulations for historic properties (17.136.055) to areas east of the Lake Merritt Channel

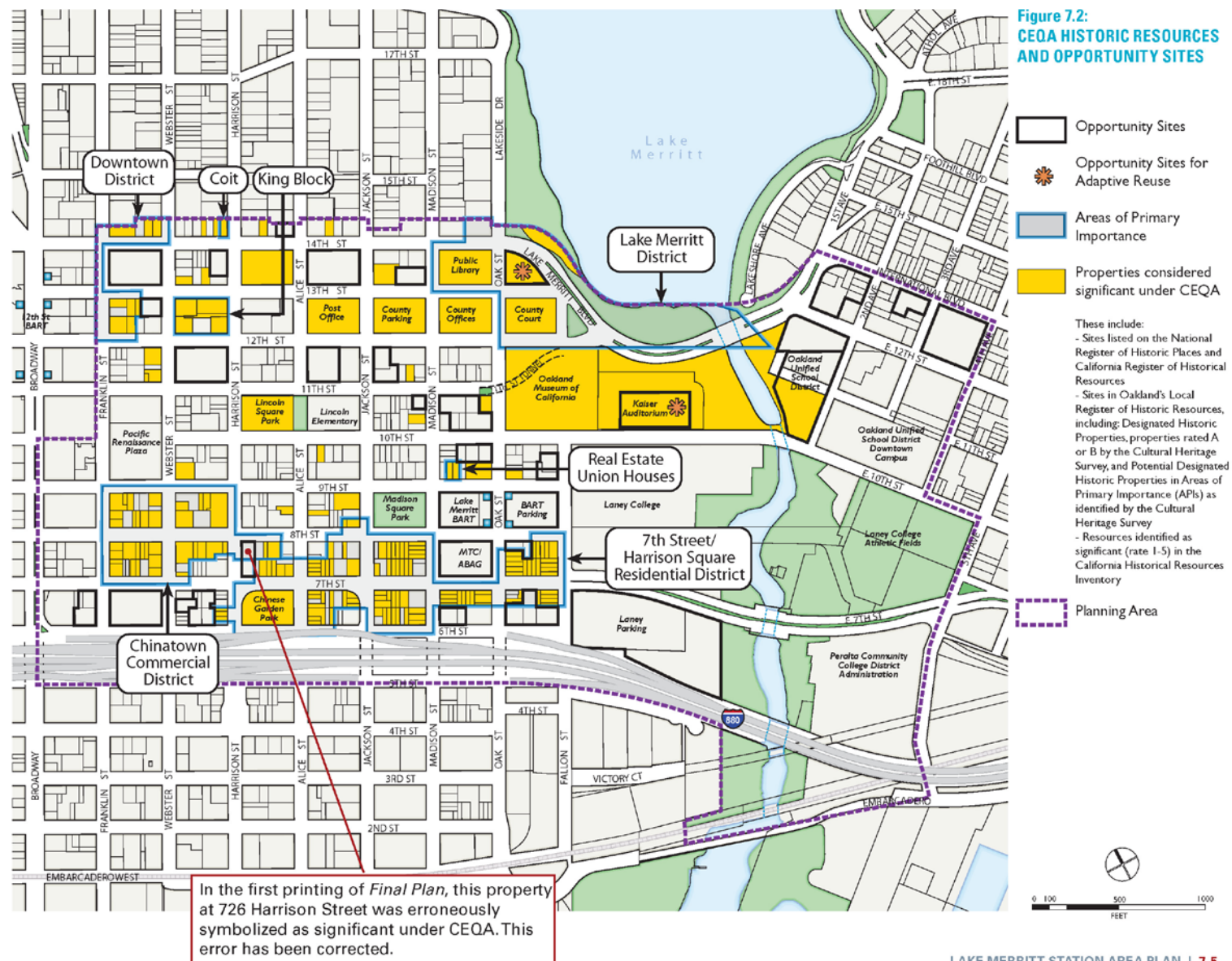
- Limitations on Activities
 - Modified limitations on non-retail uses to be more related to location of property on a 'Transitional Commercial Corridor' or 'Commercial Corridor' and amount of block space occupied by the new activity
 - Removed size limitations as a trigger for a Conditional Use Permit and substituted for a total linear footage along block face.

Since publication of the Final Station Area Plan and Final EIR (on July 28, 2014), a few additional, minor, clarifying changes have been made to Zoning and Height Area Maps, mainly related to nomenclature of zoning districts and height areas and the way information is displayed. The names of the Height Areas are now associated with their corresponding height limit; for example Height Area LM-45 has a corresponding building height limit of 45 feet and LM-275 has a corresponding building height limit of 275 feet. Zoning District names, for example D-LM-1 has been renamed from 'Urban Residential' to 'Mixed Residential' to help clarify that that this zoning district would allow more than just residential activities.

The only substantive changes were to add the designation of "Commercial Corridor" and "Transitional Commercial Corridor" to Broadway and Franklin Streets, in line with the Plan's vision for these corridors.

Historic Resources





Proposed Voluntary Parking In-lieu Fee for the Lake Merritt Station Area

Chapter 17.116 Off-Street Parking and Loading Requirements of the Oakland Planning Code establishes requirements for the number of parking spaces that must be provided based on the type of activity proposed. In addition to the new Zoning Chapter for the Lake Merritt Station Area, there are also changes proposed to Chapter 17.116 Off-Street Parking and Loading Requirements, as part of the Lake Merritt Station Area Plan. The revised zoning regulations will include reductions in required parking for residential and commercial uses, and for reusing historic resources, and provide the option for Lake Merritt Station Area project applicants to choose to pay a **voluntary** parking in-lieu fee.

The proposed new D-LM Lake Merritt Station Area District Zoning Regulations (Chapter 17.101G) allow for the parking space requirements to be further reduced or waived with a conditional use permit (CUP) and with the payment of an in-lieu fee to be used for increasing parking supply or decreasing the demand for parking in the LMSAP Area. As a result, no variances will be allowed for reduced parking.

A. Purpose

The purpose of the in-lieu fee is to provide a mechanism that will allow for flexibility to increase parking supply and decrease parking demand in multiple ways in the LMSAP Area. Developers may elect to provide on-site parking (or not) as dictated by the market/financial feasibility and/or site constraints, and pay into the fee for some portion or all of the required spaces. This could facilitate some smaller infill projects to occur that would otherwise not go forward due to site constraints to provide required parking. The in-lieu fee option would also help avoid having decentralized parking (and multiple curb-cuts for entrances/exits to garages) spread across multiple sites by encouraging shared parking (since the in-lieu fee could be used to pay/lease spaces in existing garage facilities) and/or concentrating resources in a centralized parking facility.

The in-lieu fee would provide funding to support the transportation policies, projects, and programs called for in the LUTE of the Oakland General Plan to improve public health, economic and community development, equity of access, and environmental sustainability; this is discussed in further detail in the proposed in-lieu fee components below. It is important to emphasize that the purpose of the new in-lieu fee is **not** to generate all of the revenue required to replace parking on a “one-to-one” basis. Cities that set their fee in this manner have had little success in generating revenue, as it offers no financial incentive to developers to participate in the program and pay the in-lieu fee.

B. Proposed In-Lieu Fee Components

1. **Voluntary Parking In-Lieu Fee** - The proposed in-lieu fee would be a voluntary fee for those developments that choose not to provide code-required parking onsite (because of site constraints, financial feasibility, or both)
2. **Fee Structure Based on Parking Spaces** - The new parking in-lieu fee would be calculated on the number of code-required parking spaces that are not provided onsite. The number of required parking spaces would be based on the proposed new zoning regulations for the Lake Merritt Station Area.

3. Fee Amount – Based on a review of typical parking structure costs, the parking in-lieu fee has been set at \$20,000 per space for all land uses or projects within the proposed LMSAP Area.¹ Costs to construct either above- or below-grade structured parking range from \$30,000 to \$50,000 (see examples of costs to construct a parking space provided at the end of this Attachment). The fee would automatically adjust annually based on a construction cost index so that the fee would not decline in value over time.
 - The fee of \$20,000 per space was recommended because it would be an amount that is less than a private developer's cost to construct either above- or below-grade structured parking (which ranges from \$30,000 to \$50,000), and thus would be an inducement for a developer to participate.
 - A lower fee would encourage developers to opt to pay the in-lieu fee and result in less new parking being built; however it would also raise less revenue for new parking/leasing existing spaces/TDM programs; a higher fee could have the potential to raise more revenue but that could be also influence developers to choose to provide their own parking instead of paying the fee.
 - In the future, this fee level could be revisited.
4. Payment Options - Payment options could be a one-time upfront payment or an equal installment plan over a short duration (e.g. equal installment basis over 4 years with the first payment due prior to the first certificate of occupancy being issued; subsequent payments could be secured via a financial guarantee acceptable to the City (including bonds, certificates of deposit, a letter of credit and/or a deed of trust). Payment shall be deposited with the City of Oakland prior to issuance of a building permit. A parking in-lieu fee may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional off-street parking spaces are provided for such building or use, by others than the City so as to satisfy the parking requirement for which the in-lieu payment was made. To obtain a refund, the required off-street parking spaces must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.
5. Applicable Area – Lake Merritt Station Area.
6. Change of Use – all uses (e.g. retail, commercial or residential) and changes of use (including additions or renovations) would be eligible for the parking in-lieu fee.
7. Percent of Required Parking – Within the applicable geography, up to 100% of the parking requirement for new development, additional renovations or change of use may be satisfied by the payment of in-lieu fees.
8. Use of Proposed Parking In-Lieu Fee Program Revenue – Fees would be allocated for improvements in the LMSAP Area that increase the supply or reduce the demand for public parking, which could cover a range of items such as funding additional parking facilities (very costly) as well as the (lower cost, more cost effective) transit, bike and pedestrian infrastructure improvements and transportation demand management (TDM) programs; leasing of available

¹ As part of the adoption process for the Broadway Valdez District Specific Plan and Related Actions, the City's Master Fee Schedule was amended to establish parking in-lieu and open space in-lieu fees (13241, C.M.S.)

private spaces; and improved parking management of existing supply, as discussed in the LMSAP in Chapter 6: Streetscape and Circulation.

9. Payers Rights and Obligations –

- In combination with the spaces provided on-site, payment of the fee shall be considered full satisfaction of the off-street parking requirement, as determined by Chapter 17.116.
- Payment of the fee does not represent an obligation of the City to provide parking spaces through the construction of a new garage or any other particular means.
- Payment of the fee does not represent an obligation of the City to make available parking spaces within any particular amount of time.
- Payment of the fee does not entitle the applicant, his/her tenants, or his/her clients to free use of any public parking spaces.
- Payment of the fee does not entitle the applicant, his/her tenants, or his/her clients to exclusive or private use of any public parking spaces.

10. Administration

- A dedicated fund, separate from the General Fund would be created that would be managed by the Planning and Building Department (in the longer-term, we could consider that the fund would be managed by *(a newly created)* Transportation Parking Management Agency).
- As a best practice, staff proposes to provide regular public reporting on the program, including but not limited to information such as program goals, expenditure plan, utilization rate, amounts collected and expended and documentation of how program goals have been achieved.

Proposed Voluntary Open Space In-lieu Fee for the Lake Merritt Station Area

Oakland requires a minimum square footage of open space be provided per residential unit that is constructed. In the proposed Zoning Regulations (Section 17.101G.060 of the Lake Merritt Station Area District Zones Regulations specifies the minimum square footage of open space that is required for different types of living units, along with the types of open space that are acceptable including; Private Open Space (accessible from a single unit); Rooftop; Courtyard; Community Room; and Public Ground-Floor Plaza.

As was recently adopted as part of the Broadway Valdez District Specific Plan, the proposed Zoning Regulations for the Lake Merritt Station Area (Section 17.101G.060E) allow for the open space requirements to be reduced or waived upon the granting of a Conditional Use Permit and payment of an in-lieu fee to be used to pay for new public open space/plaza(s) or existing public open space/plaza(s) improvements.¹ As a result, and to encourage payment of the in-lieu fee, no variances will be granted for reduced open space (Section 17.101G.060F). The in-lieu fee can help with the improvements called for in the Lake Merritt Station Area Plan (LMSAP) as mentioned below.

A. Purpose

The purpose of the in-lieu fee is to provide a mechanism that will allow for flexibility to increase open space/plaza(s) or to pay for existing public open space/plaza(s) improvements in the LMSAP Area. Developers may elect to provide on-site open space (or not) as dictated by the market/financial feasibility and/or site constraints, and/or pay into the fee for some portion or all of the required open space. This could facilitate some smaller infill projects to occur that would otherwise not go forward due to site constraints to provide open space and/or could allow for additional units on both smaller and larger lots to help maximize a site's density. It is important to emphasize that the purpose of the new in-lieu fee is **not** to generate all of the revenue the developer would require to build the open space, but to charge slightly lower than anticipated costs in order to incentivize developers to participate in the program and pay the in-lieu fee.

The in-lieu fee would provide funding to support the policies and projects called for in the OSCAR and Estuary Policy Plan of the Oakland General Plan, and the Lake Merritt Master Plan to improve parks and open space around Lake Merritt and the Estuary, and making provisions for sunlit plazas, pedestrian spaces and "pocket" parks as Downtown redevelopment occurs. Also, there are a number of actions in Chapter 5: Open Space of the LMSAP and Chapter 10: Implementation that the in-lieu fees collected could be used for including, but not limited to improvements to Madison Square Park, Lincoln Park, Chinese Garden Park.

B. Proposed In-Lieu Fee Components

1. Voluntary Open Space In-Lieu Fee - The proposed in-lieu fee would be a voluntary fee for those developments that choose not to provide code-required open space onsite (because of site constraints, financial feasibility, or both)
2. Fee Structure Based on Open Space square footage - The new open space in-lieu fee would be calculated on the square footage of open space that is not provided onsite. The square footage of required open space would be based on the proposed new zoning regulations for the Lake Merritt Station Area.
3. Fee Amount – Based on a review of average land value and cost to construct open space, the in-lieu fee has been established at \$30 per square foot of open space for all residential projects within the proposed LMSAP Area. The fee would automatically adjust annually based on a construction cost index so that the fee would not decline in value over time.

¹ As part of the adoption process for the Broadway Valdez District Specific Plan and Related Actions, the City's Master Fee Schedule was amended to establish parking in-lieu and open space in-lieu fees (13241, C.M.S.)

- The fee of \$30 per square footage was recommended because it would be an amount that is less than a private developer's cost to construct open space and average land value, which ranges from \$34 to \$50 a square foot (see details in Section C below), and thus would be an inducement for a developer to participate.
- 4. Payment Options - Payment shall be deposited with the City of Oakland prior to issuance of a building permit. An open space in-lieu fee may be refunded, without interest, to the person who made such payment, or his assignee or designee, if additional open space is provided for such building so as to satisfy the open space requirement for which the in-lieu payment was made. To obtain a refund, the required open space must be in place prior to issuance of a certificate of occupancy and before funds are spent or committed by the City.
- 5. Applicable Area – Lake Merritt Station Area.
- 6. Change of Use – From commercial to residential and additions of units would be eligible for the open space in-lieu fee.
- 7. Percent of Open Space – Within the applicable geography, up to 100% of the open space requirement for new development, additional renovations or change of use may be satisfied by the payment of in-lieu fees.
- 8. Use of Proposed Open Space In-Lieu Fee Program Revenue – Fees would be allocated for new public open space/plaza(s) or existing public open space/plaza(s) improvements, as discussed in the Lake Merritt Station Area Plan.
- 9. Payers Rights and Obligations – Payment of the fee does not entitle the applicant, his/her tenants, or his/her clients to exclusive or private use of any public open space/plaza(s).
- 10. Administration
 - Creation of a dedicated fund, separate from the General Fund that would be managed by the Planning and Building Department.
 - As a best practice, staff proposes to provide regular public reporting on the program, including but not limited to information such as program goals, expenditure plan, utilization rate, amounts collected and expended and documentation of how program goals have been achieved.

C. Proposed In-Lieu Fee Background

The fee charged per square feet of open space waived is often based on land value, which can vary per City. For example, the City of Emeryville charges \$125 per square foot of required open space not provided.² The City of Oakland recently commissioned a Downtown Oakland Development Feasibility Study, dated November 25, 2013, by AECOM. In that study, land cost was determined to average about \$50 per square foot in the Lake Merritt Station Plan Area (Table 5, page 44) but could be as high as \$100 per square foot for “premium” locations (page 60). Information provided by developers have shown that for recent projects the actual costs to construct open space came out to around \$35 a square foot for group open space over podiums and around \$5,000 for providing an individual balcony for a unit.

Therefore, the City of Oakland's open space in-lieu fee was established at \$30 per square foot, based upon an average land cost of \$50 per square foot, as well as actual costs to construct open space as part of a project, which is estimated to be \$35 a square foot. The fee was set at a level slightly lower than the land cost or construction cost in order to make it more advantageous for developers to utilize the in-lieu fee and therefore provide money to be used to pay for either new public open space/plaza(s) or existing public open space/plaza(s) improvements within the Lake Merritt Station Area.

The amount of open space required per regular unit in the D-LM zone varies between 38 square foot per unit to 75 square foot per unit based on type of living unit, so the fee would range between \$1,140 and \$2,250.

² Emeryville Code EMC Section 9-4.303(a)(3)b

Summary of LPAB Comments

At its regular meeting of August 11, 2014, the Landmarks Preservation Advisory Board heard staff presentations on the Lake Merritt Station Area Plan by planners Christina Ferracane and Ed Manasse. The Board held a public hearing and offered cultural resource related comments on the Final Environmental Impact Report (FEIR), Final Lake Merritt Station Area Plan (LMSAP), and associated Design Guidelines, General Plan amendments, and Planning Code amendments, including Zoning and Height Maps (collectively called “Related Actions”).

PUBLIC SPEAKERS

Christopher Buckley spoke for Oakland Heritage Alliance (OHA). OHA appreciates the relaxed parking and open space requirements. OHA expects to have more detailed comments when the actual planning text is available for floor area ratios (FARs), towers, and setbacks. Height limits that are too tall can jeopardize historic buildings. Comparing the Plan’s proposal to the current height limits is problematic, because the present limits, created by the 2009 Central Business District rezoning, were a major upzoning, e.g. from FAR of 3 to 20+. The highest by-right FAR in San Francisco is 10.

OHA supports the Chinatown Coalition’s proposed by-right FAR of 2.5 (possibly more in exchange for community benefits), because it reflects most existing development in the area. New development should use existing density as a point of departure. Buckley noted examples of poor height limits:

- If intent is to preserve the 10th and Oak Street Apartment Group, then why zone for 275 feet?
- The King Building, the tallest building in the King Block API, is 60’. A higher limit (85’ proposed) will encourage replacement of the lower buildings on that block and/or cause disinvestment.
- 13th Street between Harrison and Webster, a link between the King Block and Downtown, should also have a lower height limit.

The height map needed a “finer grained” approach like San Francisco’s. San Francisco also includes view corridors on its zoning map. Tall buildings should be spaced to protect “iconic views” like City Hall and the Tribune Tower.

Design Guidelines: Buckley considered the infill example on p.28 “too glassy.”

BOARD DISCUSSION

Board Member Andrews asked if the massing examples on p.4-15 would look different under the latest design guidelines. Staff said yes, the limit for the base of a building is now proposed as 45’ (approx. 3 stories) except where there is a taller surrounding context, and the buildings shown in the massing study don’t incorporate other tower regulations such as setbacks or design guidelines.

Board Member Casson asked whether the 2009 “upzoning” had been followed by the loss of historic or potentially historic resources. Staff replied that there have not been any losses, and that historically Downtown has never had height limits; controls came from other regulations like environmental review and demolition findings, and from the sheer cost of highrise construction. As San Francisco becomes more expensive, development may be more feasible in Oakland, so this 25 year plan aims to direct development “in a way that doesn’t overtly disturb existing historic character” and promotes density around BART stations. Board Member Flores concurred with staff’s comments about economic feasibility and long-term planning – he “didn’t see tall towers for some time.”

Board Member Andrews asked whether higher height limits would encourage land-banking until owners can make a 200-foot building pencil. Staff said the limited number of height exceptions that are part of the proposal would create a competitive environment and “encourage an appropriate number of well-designed large buildings.”

Board Member Birkholz asked about view corridors. Staff said the City Council had not been receptive when the subject came up in the Central Business District rezoning process. Birkholz thought it should be revisited.

Board Member Garry found the Design Guidelines much improved, but wanted them more closely integrated with the characteristics of each of the property types and districts described in Chapter 3, for instance more specific guidance on “alterations and improvements and appropriate maintenance practices.” We should identify and include best practices for these objectives in the Design Guidelines. Adaptive reuse shouldn’t destroy character-defining features.

Board Member Garry noted the Historic Resources policies at the end of Chapter 7 (Façade Improvement Program, Survey Update, etc.): these must be kept on the front burner.

Board Member Birkholz said he *liked* the example Buckley found “too glassy” in the Design Guidelines. We shouldn’t be limited to or promote false historicism – variety is good, and well-designed contemporary architecture can also be responsive to historic context.

Board Member Flores asked about how heights at Laney College and the Peralta College District site were determined. Staff said considerations were proximity to BART, buffering along the freeway, and the Colleges’ own expansion plans.

Board Member Garry asked about the significance of the Oakland Unified School District administration buildings and their possible reuse, perhaps in coordination with the Peralta Colleges. Staff said OUSD had just released a RFQ for redevelopment of the site, citing water damage and environmental contamination, with no language about encouraging adaptive reuse. OUSD properties are not within City jurisdiction.

Board Member MacDonald asked Buckley whether OHA had a height proposal. Buckley said OHA had provided a detailed markup of the Draft Plan height proposal and are in the process of marking up the new (Final) proposal. The principle is the same: limits should be based on the tallest building in a historic group, 60’ for the King Block, 45’ for the 10th and Oak apartments. There is plenty of opportunity for tall buildings outside the relatively small historic district areas.

Board Member MacDonald asked about the Fire Alarm building, where an earlier highrise proposal had prompted the formation of the community group CALM. Even though the existing 85’ limit has been lowered to 45’, this is still higher than the building (2 stories). Staff said the limited additional height might encourage adaptive reuse, such as a rooftop addition for a restaurant.

Board Member Andrews: wondered how the design guidelines will be implemented: will there be a checklist? a scorecard? How will we determine that a new design is compatible with adjacent historic buildings without falling back on false historicism, for example? Staff noted that the Plan’s design guidelines are in addition to existing design review findings, which would be cited in staff reports. For alterations, the existing Small Project Design Review Guidelines are very insistent on compatibility and both incentivize and teach applicants by making the process very smooth if they do the right thing.

Board Member Garry said our guidelines could be more proactive, so that not so much needs to happen at the time of an individual project review. “Provide examples rather than waiting till something *doesn’t* work – tell them what’s appropriate to do.” With clearer guidelines at the start, a developer wouldn’t feel singled out. Chicago has very specific guidelines for the Old Town Triangle district, for example.

Board Member Casson added that the Grand Boulevard Initiative in the South Bay is an example of more proactive design guidelines. It is based on different issues and aesthetics, but is a good model of the idea. It is non-binding, but it is provided to developers at the front end.

Board agreed by consensus that their comments should be forwarded to the Planning Commission and City Council, and requested that the subject of view corridors be considered as the Plan goes forward.

ATTACHMENT L

Comment Letters Received Following Publication of the Final Plan and Final EIR

- 1.** Comments submitted on 8/6/2014 by CalTrans
- 2.** Comments submitted on 8/8/2014 by Bike East Bay
- 3.** Comments submitted on 8/19/2014 by Alameda County Transportation Commission

DEPARTMENT OF TRANSPORTATION

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August 5, 2014

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ALA-880-31.3

SCH# 2012032012

Ms. Christine Ferracane
City of Oakland
250 Frank H. Ogawa, Suite 3315
Oakland, CA 94612

Dear Ms. Ferracane:

Lake Merritt Station Area Plan – Final Environmental Impact Report (FEIR)

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the FEIR and have the following comment to offer.

Mitigation Measures

A6-3: We appreciate the City of Oakland (City) being willing to work with Caltrans to develop appropriate mitigation for transportation impacts such as TRANS-8, and hope that such mitigation can be included in the Conditions of Approval. It is essential that feasible mitigation be included to ensure that impacts from the plan on the transportation network are reduced or eliminated, as this will be important to the success of this plan. We also recommend working with Caltrans to develop a mitigation monitoring and implementation plan that identifies fair-share funding and an implementation schedule. Potential mitigation measures that include the requests of other agencies such as Caltrans can be made to be fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.

Ms. Christine Ferracane, City of Oakland
August 5, 2014
Page 2

Should you have any questions regarding this letter, please call Keith Wayne of my staff at 510-286-5737 or keith_wayne@dot.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erik Alm', with a long horizontal flourish extending to the right.

ERIK ALM, AICP
District Branch Chief
Local Development - Intergovernmental Review

c: Scott Morgan, State Clearinghouse



BikeEastBay.org

August 8, 2014

Christina Ferracane
Planning and Building Department
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

RE: Comments on Final EIR for Lake Merritt Station Area Plan ER11-0017

Oakland Planning Department:

Bike East Bay supports all of the bikeway and bicycle facilities proposed in the Lake Merritt Station Area Plan and we appreciate your prioritizing their implementation as a high priority moving forward. We also appreciate your recognition of Oakland's commitment to becoming a "Gold-Level" bike-friendly city by honoring past planning work of the City. Bike East Bay plans to work with Walk Oakland Bike Oakland in 2015 to get this Plan's bike facilities on the ground for Oakland residents to start enjoying as soon as possible. Thank you for clearing the way for these needed bikeways with the traffic analysis you have included in the Plan.

We will continue to develop stronger partnerships with the Chinatown Chamber of Commerce in an effort to underscore the need and the support that exists in Chinatown for better bicycling. We appreciate the Plan acknowledging this needed outreach effort and allowing for its future potential to improve the streets of Chinatown. Chinatown is an important destination for people shopping by bicycle.

We are also in support of your continued traffic analysis of bringing two-way traffic to the streets of Downtown Oakland. We are strong believers in neighborhood streets with good circulation and two-way streets are essential for this. We are looking forward to participating in



BikeEastBay.org

your Downtown Circulation Study and its prospects for making all of Oakland's downtown streets good streets for bicycling for more of Oakland's residents and commuters.

Finally, we note that since the start of work on the Lake Merritt Station Area Plan, parallel work has begun planning the 14th St bikeway along the perimeter of this Plan. Bike East Bay, Walk Oakland Bike Oakland and the City of Oakland are evaluating the feasibility of removing traffic lanes on 14th St in order to build an all-ages friendly bikeway on this street. Such a bikeway is needed to connect Lake Merritt and West Oakland to Downtown Oakland and to BART, and to connect Downtown Oakland eventually to Mandela Parkway and the bike/ped path on the Oakland Span of the Bay Bridge. Thus, your designation of 14th St as an 'arterial bikeway' in the Plan is a foundation upon which to build a better bikeway on 14th St but not limiting in any capacity. Our goal for 14th St is a comfortable bikeway for the thousands of people currently bicycling this corridor and an all-ages friendly bikeway for the tens of thousands who will ride 14th Street.

Thank you again for your work on this exciting Plan and we look forward to City Council approval.

Sincerely,

Advocacy Director
Bike East Bay

cc: Jason Patton, Oakland Bicycle & Pedestrian Facilities Program Manager
Chris Hwang, Board Chair Walk Oakland Bike Oakland
Casey Farmer, Chief of Staff, Councilmember Lynette McElhaney District 3
Jenny Gerard, Chief of Staff, Council President Pat Kernighan, District 2
Andrew ____, Candidate for District 2 City Council
Dana King, Candidate for District 2 City Council



BikeEastBay.org

Abel Guillen, Candidate for District 2 City Council



August 18, 2014

Christina Ferracane
Planning and Building Department
250 Frank H. Ogawa Plaza
Suite 3315
Oakland, CA 94612

SUBJECT: Final Environmental Impact Report for the Lake Merritt Specific Plan

Thank you for the opportunity to review the Final Environmental Impact Report for the City of Oakland Lake Merritt Specific Plan. We have no additional comments on this project. The requirements under the Congestion Management Program Land Use Analysis element are satisfied.

Please contact me at (510) 208-7405 or Matthew Bomberg of my staff at (510) 208-7444 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tess Lengyel". The signature is fluid and cursive, with a large, stylized initial "T".

Tess Lengyel
Deputy Director of Planning and Policy

cc: Matthew Bomberg, Assistant Transportation Planner

file: CMP/Environmental Review Opinions/2014