

## SUMMARY OF RESPONSES TO SPECIFIC PLAN COMMENTS

The following are a summary of major comments the City has received on the Draft Broadway Valdez Specific Plan and Draft Environmental Impact Report and the City responses. The comments/responses are organized by category, as shown below. The City has considered all comments received even though they might not be specifically listed here. Also, CEQA-related comments are separately addressed in the Final EIR/Response to Comment document. Comments from the Landmarks Preservation Advisory Board from their May 12, 2014 meeting are included below in shaded, underline and ~~strikeout~~ text in comments 3.7 and 13.9, as are further responses to comment 11.2 relating to jobs.

1. Introduction and Planning Context
2. Housing
3. Historic Preservation
4. Retail Priority Sites
5. Large Opportunity Sites and North End
6. Auto Dealerships
7. Transportation
8. Parking
9. Bicycle, Pedestrian, and Transit
10. Open Space
11. Jobs/Workforce Housing Development
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### **1. Introduction and Planning Context**

Comment 1.1: Update the market study to reflect the significant changes in the economy since the release of the “Upper Broadway Strategy” in 2007 (also known as “the Conley Report”).

Response: A “Market Demand Analysis” was done for the Specific Plan in June 2009/January 2010, that addresses future market potentials for new development for the Plan Area and focuses on the demand for comparison goods retailing with consideration also given to other, related retail/commercial uses, and to residential, office, and hotel uses that could help support the retail development and provide a mix of new uses and activities in the Plan Area. Aspects of the retail analysis were updated in 2010-2013, focusing on retail expenditures, retail sales, and sales leakage, and on auto-related retail sales in the Plan Area. This follow up analysis shows that the conditions found in earlier studies continue to occur, with nearly two-thirds of comparison goods expenditures by Oakland residents being made outside of Oakland because of a lack of shopping opportunities in the city. The Specific Plan was revised to reflect to the update-- See Sections 1.3 Planning Context and Section 2.3 Market Condition.

### **2. Housing**

Comment 2.1: Policies should ensure goal of 15% affordable housing.

Response: Section 4.2.5 Housing includes a statement to “Encourage 15 percent of all new housing units in the Plan Area to be affordable including both units in mixed income developments and units in 100 percent affordable housing developments.” Section 8.4.1 Affordable Housing Objective states “To continue Oakland’s track record of providing affordable housing for its residents, the affordable

*housing objective of the Specific Plan is to target 15 percent of new units built in the Plan Area for low and moderate income households.”*

*Given the dissolution of the Oakland Redevelopment Agency, previously the primary generator of financing for affordable housing, the financing method for new affordable units is uncertain. To address this funding uncertainty, the City is exploring the feasibility of new funding mechanisms to produce affordable housing in the Plan Area and Citywide. The Specific Plan includes recommendations to explore developing new funding sources and other methods to provide affordable housing, such as studying the feasibility of developing a housing impact fee (as well as potential impact fees for transportation and infrastructure), and developing a bonus and incentive system to encourage developers to provide community amenities (discussed in response to Comment 2.2 below).*

*The Specific Plan and related Planning Code amendments have been revised to strengthen policies relating to affordable housing as detailed in the response to Comment 2.2 below. However, the Plan does not include an inclusionary housing policy for affordable housing in just the Broadway Valdez District Specific Plan Area because this would create a burden in the Plan Area relative to the rest of the City, and would effectively act as a disincentive to build within the Plan Area. Also in the Planning Code changes, within the Retail Priority Sites an additional residential bonus of 35% is granted if 15% affordable housing is provided as part of the project, either within that Retail Priority Site or on another Retail Priority Site.*

**Comment 2.2:** Include a detailed “menu of creative options” to create affordable housing that could include strategies like an affordable housing overlay zone.

**Response:** *The Specific Plan and related Planning Code amendments have been revised to strengthen policies relating to affordable housing. The following incentives for affordable housing are included in the Draft Specific Plan in Chapter 4 Policy LU-10.9 below. Language that was added is shown in underline text. Further discussion of these implementation strategies is discussed in Chapter 8, Section 8.4 Affordable Housing Implementation Strategy and additional sites were added to Figure 8.5 Potentially Competitive Sites for Low Income Housing Tax Credits to further correspond with the City’s Housing Element update.*

*Policy LU-10.9 Develop a variety of bonuses and incentives to attract new businesses and desirable development to the Plan Area, while incorporating clear measurable criteria that ensure community benefits and amenities are delivered to the City.*

*The Plan recommends the creation of a development bonus and incentive program, which would allow a developer to receive additional development rights (via height, FAR, density bonus, residential bonus, or relaxation of other requirements) in exchange for the provision of certain identified benefits or amenities.*

*Providing a “bonus and incentive” program is one of several tools for achieving community-identified benefits or amenities. Providing a development bonus and/or incentive is intended to make the provision of community benefits economically feasible, and incentivize private development to include such benefits. In order for such a program to be implemented immediately, it would have to be voluntary. In order for a program to require the provision of amenities, a nexus study would need to be conducted, which is described in greater detail in Chapter 8, Implementation.*

*The City is currently developing citywide policy on how to fund affordable housing. Among other actions, the City will explore conducting a nexus study, if required, and an economic feasibility study*

to evaluate new programs to achieve this objective, including, but not limited to, incentive zoning and impact fees for new housing development.

*It is important that the City develop a carefully crafted bonus and incentive program that results in clear benefits for the community. The program must offer bonuses and incentives that make sense in the marketplace so that developers actually make use of them and the desired benefits or amenities are attained. For this reason, the economic feasibility of development must be a determining factor in arriving at the trade-off between development bonuses and incentives, and the amount of community benefits to be provided by a project.*

*Development incentives are already used in Oakland. For instance, the Central Business District (CBD) zoning incentivizes public plazas by relaxing private open space standards, and incentivizes the provision of additional bicycle parking beyond the minimum required by relaxing auto parking.*

The zoning regulations for the Broadway Valdez District, in the separate but related document to the Specific Plan, provide for a number of different types of bonuses and incentives for the Broadway Valdez District. These include:

- Affordable Housing: The City of Oakland Planning Code already includes a California Government Code-mandated bonus and incentive program for the production of housing affordable to a range of incomes, as well as a bonus and incentive program for the creation of senior housing and for the provision of day care facilities. Changes in the Broadway Valdez District zoning will add to these incentives by no longer requiring a Conditional Use Permit (CUP) to have reduced parking for senior housing and allow for reduced parking for affordable housing. A new reduction of open space requirements by right for both senior and affordable housing is included in the zoning as well. The City is exploring zoning incentives for the Retail Priority Sites that would grant an additional residential bonus to projects providing a certain percentage of affordable housing as part of their overall project or on another Retail Priority Site.

In addition, as part of implementation of all of the Specific Plan efforts, the City will explore developing a bonus and incentive program as a way to attain desired community benefits:

- **Affordable Housing and Community Benefits:** The City is exploring the feasibility of developing a Housing Overlay Zone (HOZ) that would target those areas throughout the city that are most prime for development and could most likely provide affordable housing and other community benefits, such as open space. The analysis process will identify an appropriate method for allowing additional heights or density in exchange for the provision of affordable housing and other community benefits. Criteria to consider as part of this analysis are:
  - Study and selection of appropriate policy mechanism(s) to provide the public benefits. The City will conduct a nexus study, if necessary, for the target public benefits mechanism.
  - Quantification of the costs of providing the desired benefits as well as the value of corresponding bonuses and incentives.
  - Creating a potential system of “tiers” of bonuses and incentives given and benefits provided, that could effectively phase requirements, prioritize benefits, and create effective evaluation criteria to improve the program delivery over time.
  - Increasing benefit to developer as more benefits and amenities are added.

- Numerically linking the financial value of the bonus or incentive given (defined by value of gross floor area added) to the cost of benefit or amenity provided.
- Establishing a potential “points” system to link incentives and benefits. For example, the City may devise a menu of community benefits and amenities and assign points to each item. The points earned then determine the amount of bonus and/or incentive a development may claim.
- Identifying the economic feasibility of development to inform the amount of community benefits and amenities to be provided by a particular project in exchange for additional height or density.
- Clear direction on the relationship between city-wide mechanisms and the implementation in specific plans, such as the BVDSP.

Comment 2.3: The Final Plan should revise Policy LU-10.10 to require community stakeholder involvement in the development of the bonus and incentive program.

Response: The next steps for the City will be working on this bonus and incentive initiative as part of the Housing Element update, which includes a public process for input, and then further study for programs to be implemented which will also involve even more public input. Adoption of formal enabling legislation will also involve a public process.

Comment 2.4: Provide a more robust exploration of the housing displacement impacts of the plan and relevant mitigations for those impacts.

Response:

Regarding the issue of potential displacement, as noted in the BVDSP EIR, there are approximately 94 residential units (some currently vacant) in areas identified as Retail Priority Sites in the Specific Plan. While not a CEQA issue, concern over the socio-economic effects of potential displacement of these existing residential units, and affordable housing in general, is a policy issue that is addressed in the Specific Plan and proposed Planning Code amendments, as well as in the process underway to update the City’s Housing Element.<sup>1</sup>

In addressing displacement relative to the Broadway Valdez District, a balancing of Plan objectives must be considered. For example, there are many areas in the City, including areas just outside the Plan Area boundaries (which were rezoned as part of the Citywide Zoning Update to allow for higher density housing) that are suitable for residential development. In contrast, there is less flexibility in terms of sites that are suitable for the type and critical mass of destination retail development that would contribute to significantly addressing retail sales leakage. Necessary attributes for comparison goods retail development include: large sites that are located in proximity to “proven” activity generators (e.g. Whole Foods) and/or have good visibility; and spaces with high floor-to-ceiling heights that have few supporting columns breaking up the space (which are needed for residential development and thus it is difficult to have residential directly above this type of retail space). The BVDSP identified several potential Retail Priority Sites for several reasons: the City has limited land control in the Valdez Triangle, the BVDSP identified that a critical mass of at least 700,000 square feet of retail development was needed to sustain a retail district, and the City cannot predict what development will actually occur. The BVDSP does not mandate development of any properties in the

<sup>1</sup> CEQA only requires analysis and mitigation of potentially substantial adverse changes in the physical environment (Public Resources Code §§ 21151, 21060.5, 21068). Adoption and development under the BVDSP is considered less-than-significant with respect to potential displacement of housing units and residents and the construction of associated replacement housing. See BVDSP FEIR, Chapter 5, Master Response 5.2 for more detail.

*Plan Area; development could occur with or without the specific plan. However, the BVDSP has been revised to include stronger policies and incentives to preserve or adaptively reuse existing buildings located in Retail Priority Sites, and to provide affordable housing (described in more detail in the responses to Comments 2.1 and 2.2 above). Furthermore, proposed zoning changes for the Broadway Valdez District (BVD) include adding to existing incentives in the Planning Code for the production of housing for a range of incomes, for seniors, as well as for the provision of day care facilities. Specifically, the proposed BVD 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;*
- New zoning incentives for the Retail Priority Sites will grant an additional residential bonus to projects providing a certain percentage of affordable housing as part of their overall project or on another Retail Priority Site.*

*Thus, any new development that does occur could potentially provide new affordable housing, in addition to market rate housing, sales tax-generating retail development and jobs.*

*The Specific Plan lists several existing City programs that provide various forms of assistance including: Jobs/Housing Impact Fee and Affordable Housing Trust, Condominium Conversion Ordinance and Residential Rental Adjustment Program. In addition, some other programs that the City is involved in are: City of Oakland Housing Programs that utilize funding support from federal HOME funds and Community Development Block Grant funds, First Time Homebuyer Assistance, tenant protection ordinances that include Rent Adjustment and Just Cause for Eviction, and City staff implements the City's annual Notice of Funding Availability (NOFA) process to make competitive funding awards for affordable housing projects and monitors the City's portfolio.*

*The Specific Plan is not intended to, nor can it, provide all of the answers to the difficulties associated with providing an adequate supply of affordable housing, ensuring economic equity and improving community-wide health. These goals can only be achieved through diligent, cooperative implementation efforts between existing residents, City staff and elected officials, and developers of the projects envisioned under this Plan.*

**Comment 2.5:** Explore “value recapture” as a method to encourage development of affordable housing through developer incentives – in particular through changes to the proposed height limits that better reflect the market and the need for height and density incentives.

**Response:** *In the North End of the Plan Area, the height areas on the west side of Broadway north of 30<sup>th</sup> Street have been modified to have a lower permitted height and allow for the formerly proposed maximum height only with a Conditional Use Permit (CUP). There will be findings that have to be made to allow for the higher height. In the future, when a Citywide affordable housing and community benefits program is developed (see response to Comment 2.2 above), an additional CUP finding will be required to provide for a community benefit/affordable housing depending on what is decided for the program. This could be through a Housing Overlay Zone and/or other type of “value recapture.”*

**Comment 2.6:** Add specific policies to incentivize development on the sites identified as competitive for Low-Income Housing Tax Credits; and provide a fuller explanation of how those sites correspond (or do not correspond) to the city's Housing Element opportunity sites.

**Response:** *Sites were added to Figure 8.5 Potentially Competitive Sites for Low Income Housing Tax Credits to further correspond with the city's Housing Element update.*

### **3. Historic Preservation**

Comment 3.1: Would like to preserve Biff's building, retain historic resources in the Valdez Triangle, and retain the homes on Waverly Street, Harrison Street, and the Newsom Apartments.

Response: *The Specific Plan and zoning regulations have been revised to now allow for existing buildings to count towards the minimum required square footage of retail before residential is allowed; also, a CEQA Historic Resource's square footage can now be counted as double towards obtaining residential (see Policy LU-10.9). Further changes to the zoning regulations allow for if a CEQA Historic Resource is maintained and not used for retail, the square feet of its footprint can be deducted from the overall square footage of the Retail Priority Site in determining the square footage of retail required. The Specific Plan does not mandate the demolition, destruction, relocation, or alteration of any properties, historic or otherwise in the Plan Area. Because these properties are owned by private owners and not owned by the City, the City cannot absolutely require the buildings to be preserved or prevent them from being demolished. However, there are special, stringent regulations already contained in the City's Planning Code (Section 17.136.075) which regulate the demolition and/or removal of designated historic properties and potentially designated historic properties.*

Comment 3.2: Create incentives for historic preservation and prioritize reuse of commercial auto-related and residential buildings.

Response: *There are a variety of incentives that have been added to Policy LU-10.9 of the Specific Plan and included in the zoning regulations, these include among others: existing buildings to count towards the minimal required square footage of retail before residential is allowed; a CEQA Historic Resource's square footage can be counted as double towards obtaining residential or if it is maintained and not used for retail, the square feet of its footprint can be deducted from the overall square footage of the Retail Priority Site in determining the square footage of retail required; and 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 CEQA Historic Resource. Also, 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.*

Comment 3.3: Policies LU-11.2 and CD-3.15 contradict the historic preservation goals. Support current efforts to establish a state historic tax credit.

Response: *The original Policy LU-11.2 of the Specific Plan has been eliminated and replaced with the new Policy LU-11.2 Support current efforts to establish a state historic tax credit program and related Policy IMP 5-1. Policy CD-3.15 is now CD-3.16 and was modified as shown below.*

*The below policy was deleted:*

**Policy LU-11.2**

~~*On Retail Priority Sites, new development that furthers Specific Plan goals to provide destination retail uses will take precedence over adaptive reuse.*~~

~~*While the Plan encourages the preservation and adaptive reuse of buildings of historic and architectural merit, some buildings in the Plan Area are likely to be substantially modified or replaced in order to meet Plan objectives to create destination retail in the Valdez Triangle. In such cases, the City will require developers to explore the feasibility of relocating the resource to an acceptable site consistent with Policy 3.7 in the City's Historic Preservation Element.*~~

Former policy CD-3.15, now Policy CD-3.16, was revised as shown below:

**Policy CD-3.16**

~~New development will be encouraged to protect and re-use many of the area's distinctive historic buildings. as long as such preservation does not impede achievement of the City's primary objective to establish destination retail in the Triangle.~~

The Triangle has a quite diverse collection of older buildings, some that are designated historic resources, some that contribute to a designated Area of Secondary Importance (ASI), and some that have distinctive character but do not qualify as historic or contributing resources. These buildings include churches, small multi-family buildings, Victorian and bungalow style residential buildings, and automotive garages and showrooms. In addition to designated resources (Figure 2.4), the Triangle also includes two Adaptive Reuse Priority Areas, one along 24<sup>th</sup> Street and the other along Harrison Street.

~~While all of these buildings have the potential to make positive contributions to the Triangle's design character, the biggest design challenge will be how to integrate desired retail development and uses with these older buildings. Some, such as the former Biff's coffee shop at 27<sup>th</sup> and Valdez and the Newsom Apartments at 24<sup>th</sup> and Valdez, may be difficult to adapt to retail uses or the desired district character due to limitations presented by their built form. Others, including Biff's and the residential units along Waverly, are located in designated Retail Priority Sites where retail development will be given priority over adaptive reuse if the two objectives are in conflict.~~

The urban design strategy in the Triangle will be a balancing act that promotes the protection and re-use of many of the area's historic building resources, but also does not sacrifice the Specific Plan's primary objective to establish major new destination retail in the Triangle. ~~The Plan recognizes that trade offs will need to be made to realize the vision for the Triangle, and that those trade offs are likely to include some impacts to historic resources and loss of some of the historic building fabric.~~ The precedent photos on the facing page illustrate a number of different examples of how to adapt and reuse older buildings for new uses. Figures 5.16-5.19 illustrate two fundamental approaches to adaptive reuse, using the existing garage at 24<sup>th</sup> and Webster streets as an example. The first approach works primarily with the existing structure with a focus on restoring historic character and details and making modest changes to accommodate proposed uses (e.g., replacing garage doors with pedestrian entries, removing signage to expose original windows, etc.). The second approach incorporates the first, but also explores how to add onto the existing building by developing vertically to expand the range of uses and site capacity.

Comment 3.4: The exemption from the Dark Skies in the Entertainment Overlay should be eliminated.

Response: Discussion of a potential Entertainment Overlay has been eliminated from the Plan and therefore the exemption from the Dark Skies requirement is also eliminated from the Specific Plan.

Comment 3.5: Harrison Street is not a strong retail street, and has never been one; retail should be concentrated along Broadway, not Harrison Street.

Response: There already is a significant amount of retail at the intersection of Harrison, 24<sup>th</sup> Street, 27<sup>th</sup> Street, and Bay Place. The Specific Plan is proposing to build upon the success of retail of the Whole Foods at Harrison Street and Bay Place, as well as the Acura Dealership on the opposite side of the street. And, currently there is a 7-11 across the street from Whole Foods on Harrison Street with several more commercial buildings as well as Wheel Works across the street on the other side of Harrison where the Retail Priority Site is proposed. Also see Response 4.2 under Retail Priority Sites below.

Comment 3.6: Remove Richmond Avenue from the Specific Plan Area.

Response: The existing zoning of Mixed Housing Type Residential-3 (RM-3) is not changing, so there will be no changes for Richmond Avenue.

Comment 3.7: The LPAB, at its May 12, 2014 meeting, recommended using more proactive and affirmative language for the Policy and strategies of IMP-5.1(not “consider” or “could establish” but “will establish” or “will pursue” etc.).

Response: The following in Policy IMP-5.1 will be changed, additions are underlined and deletions are in ~~strikeout~~:

#### Policy IMP 5-1

~~Consider~~ The City will pursue developing a package of incentives that will encourage landowners and developers to renovate and/or adaptively reuse historic buildings, especially in the designated Adaptive Reuse Priority Areas. Potential ~~P~~preservation strategies ~~to be considered~~ should include the following: Facade Improvement Grants; Facade Easements; Transfer of Development Rights (TDR); Extension of the California State Historical Building Code (SHBC); Reduced Fees and Expedited Development Review; Federal Historic Tax Credits; Recognition of Plan Area historic resources that promotes broad community awareness (e.g.; plaque program); Mills Act (Property Tax Abatements); and Relief from Code Requirements.

~~The following represent some programs and strategies that will be pursued; might be considered;~~

#### FACADE IMPROVEMENT GRANTS

~~The City could~~ will pursue reestablishment of a Façade Improvement Grant Program to encourage the reuse of eligible buildings specifically for commercial uses that are consistent with the Specific Plan (e.g., ground-floor, active retail).

#### FACADE EASEMENTS

~~The City could~~ will pursue establishment of a Façade Easement Program to encourage the preservation of building facades in perpetuity.

#### TRANSFER OF DEVELOPMENT RIGHTS (TDR)

~~The City could~~ will explore establishment of a Transfer of Development Rights (TDR) Program to encourage the reuse of historically significant buildings within the Plan Area.

#### REDUCED FEES AND EXPEDITED DEVELOPMENT REVIEW

~~The City could~~ will pursue the granting of expedited development review and reduce Planning Department fees for developments including and/or reusing eligible historic resources.

#### DEVELOPMENT INCENTIVES AND RELIEF FROM CODE REQUIREMENTS

Eligible properties could be granted relief from potentially financially burdensome requirements as required in the Oakland development code. These might include parking, open space, and impact fees. ~~The City might also consider~~ will pursue development incentives which could



include, but not be limited to, flexibility in development standards, and height and density bonuses.

#### **4. Retail Priority Sites**

**Comment 4.1:** Add more fine-grained mapping of Retail Priority Sites.

**Response:** *The Retail Priority Sites were broken up into smaller sub areas: for Retail Priority Site 3 from the previous (a) and (b) to now (a), (b), and (c); Retail Priority Site 4 now has an (a) and (b); and Retail Priority Site 5 from the previous (a) and (b) to now (a), (b), and (c). After publication of the Specific Plan on May 1, 2014, Retail Priority Site 5 was also further subdivided from the previous (a) and (b) to now (a), (b), and (c), see the main part of the Staff Report, the Overview section, item #5 for a more detailed discussion of the Retail Priority Sites.*

**Comment 4.2:** Concentrate retail and/or Retail Priority Sites along Broadway.

**Response:** *One of the primary objectives of the Plan is to support the viability of retail along Broadway by enlivening a series of activity nodes, such as the Valdez Triangle, directly adjacent to the corridor. Retail along Broadway will also benefit from the envisioned secondary retail corridors connecting to it, such as 24<sup>th</sup> Street.*

*In addition, the Plan includes a combination of Retail Priority Sites along Broadway with active retail/commercial use requirements on the ground floor of buildings fronting on the corridor. Sites along Broadway that already had limitations on them, such as the YMCA and the First Presbyterian Church or that are too small, are not included as Retail Priority Sites, but still have an active retail/commercial use requirement on the ground floor.*

**Comment 4.3:** Eliminate the Waverly Block from the Retail Priority Sites.

**Response:** *Retail Priority Site 5b (the Waverly Block) is a key Retail Priority Site because of its direct proximity to the existing Whole Foods market at the intersection of Harrison, 24<sup>th</sup> Street, 27<sup>th</sup> Street, and Bay Place. There is demonstrated precedent in the real estate market that retailers want to be located in close proximity to a Whole Foods market to benefit from their customers. The Harrison /27<sup>th</sup> Street intersection is also along a main corridor for access to and from downtown, which brings large visibility to the site that retailers demand. The Plan envisions increased pedestrian activity along 24<sup>th</sup> Street between Whole Foods and the new Hive project (Retail Priority Site 1) at Broadway and 24<sup>th</sup> Street. The Waverly block adjacent to the Harrison /27<sup>th</sup> Street intersection is therefore envisioned as an important retail site that will help anchor the Valdez Triangle.*

**Comment 4.4:** Add the east side of Webster as a Retail Priority Site.

**Response:** *This block does not have good visibility to a major thoroughfare, such as Broadway or 27<sup>th</sup> Street, and it is already entitled for a large residential project. The block also has a deed restriction that requires approximately 240 parking spaces be maintained on the site for use by the Ordway Building. Retail or more active type uses such as restaurants will still be required on the ground floor with the zoning regulations.*

**Comment 4.5:** Keep the Waverly Block as a Retail Priority Site, but only have it develop after all of the other sites have been developed.

**Response:** *The City of Oakland has limited legal authority to determine when private property can be developed. Such a restriction is legally problematic as it may be considered a taking of property without just compensation.*

Comment 4.6: The Retail Priority Sites standards of square footage are not being evenly applied.

Response: *Table 17.101C.05 Retail Priority Sites Minimum Square Footage of Retail Area for Residential Facilities Bonus has been revised to require an equal percentage of retail for all of the Retail Priority Sites in order to receive residential units as a bonus. The “residential as bonus” provision has been proposed for the Plan’s Retail Priority Sites because residential typically out-prices retail, and most of the City of Oakland already allows for either residential only or residential and retail together by right. Because of this liberal allowance of residential in almost every commercial zone within the City of Oakland, it has put Oakland at a disadvantage for obtaining retail. Other options explored were creating a commercial zone that would not allow residential at all, so the retail would not be out-priced by residential. It was decided that residential would be desired to help complement the retail and excluding residential all together within this zone would not be advantageous for the retail development that would take place. Therefore a unique zone was created to still allow residential within the Retail Priority Sites zone, but only when a minimum retail square footage is provided as an overall project, then a residential bonus is permitted. This will eliminate the problem of residential out-pricing the retail.*

Comment 4.7: Concerned that the retail requirement before residential in the Retail Priority Sites will delay housing sites that are near transit, think there should be a 3 year sunset clause on the regulations.

Response: *There are only five Retail Priority Sites in the Plan Area that include this type of requirement. The rest of the sites in the Plan Area will continue to allow residential without this restriction. The “residential as bonus” provision has been proposed for the Plan’s Retail Priority Sites because residential typically out-prices retail, and most of the City of Oakland already allows for either residential only or residential and retail together by right. Also, the Retail Priority Sites are still allowing for residential - the residential will actually be the incentive for the retail to be built. If there is a sunset clause, property owners are likely to just wait for the 3-year time frame to end, which would only further delay development in the area. In order to help ensure that a project can be built, the Zoning code will potentially allow for an exception of providing less than the minimum retail square footage required through a CUP process. Various findings will need to be met including, but not limited to, an architectural study, prepared by a qualified architectural firm, that demonstrates at least one or more alternatives would be physically infeasible due to operational and/or site constraints if it were to meet the minimum retail square footage specified.*

Comment 4.8: Add how retail in the Broadway Valdez District will relate to retail in the Uptown and downtown.

Response: *The following policy has been added to the Specific Plan: Policy LU-3.2 Ensure close coordination of City revitalization efforts in the Uptown Entertainment District, the area between the existing Downtown core and the Broadway Valdez Plan Area. The Specific Plan had already included former Policy IMP-1.3, now Policy IMP-1.7 Ensure close coordination of City revitalization efforts in the Uptown Entertainment District (approximately bound by 19th Street, Grand Avenue, Telegraph Avenue and Broadway) with similar efforts in the Broadway Valdez District Specific Plan Area.*

## **5. Large Opportunity Sites and North End**

Comment 5.1: Should allow more flexibility of activities allowed on the ground floor.

Response: *In the zoning regulations and Policy LU-10.6 for the Large Opportunity Sites, the North Large Development Site Combining Zone, the active use requirements and exclusion of residential has been modified to only include the front 60 feet of frontage along Broadway. Because these*

*parcels are very deep and in some cases have frontages on more than one street, residential and other uses are allowed on the ground floor beyond the 60' of frontage along Broadway.*

Comment 5.2: Recommend ensuring neighborhood-serving retail in the North End, such as a grocery store and pharmacy.

Response: *In Chapter 4 at the end of Policy LU 2.1, the sentence has been added "The Broadway Valdez District will include not only destination retail, but neighborhood-serving options such as grocery stores and pharmacies, to serve residential development." And in Policy 9.3 that addresses the North End the sentence was added "Retail development in the North End will allow for neighborhood-serving uses, potentially including grocery stores and pharmacies, which will allow residents to obtain options for healthy food and daily needs."*

## **6. Auto Dealerships**

Comment 6.1: Plan is vague on policies for auto dealerships, include more of a conceptual explanation as to how they will be relocated.

Response: *The following policies are in the plan that addresses auto dealerships: Policy IMP-1.15 Allow existing auto dealerships to remain in the Plan Area to the north of 27th Street and retain branding as Broadway Auto Row. Policy IMP-1.16 Develop a strategy for relocating active dealerships from the Valdez Triangle as needed to facilitate comparison goods shopping in the retail district. Policy IMP-1.17 Develop a citywide strategy for auto-related retailing in Oakland. In Table 8.6 the action of these items are to be addressed in the short timeframe.*

## **7. Transportation**

Comment 7.1: Does the current design of the Harrison/24<sup>th</sup> Street, 27<sup>th</sup> Street, Bay Place intersection result in a taking of the parcel at the southwest corner and are other options considered.

Response: *If any portion of private property is needed for improvements to the Harrison/24<sup>th</sup> Street, 27<sup>th</sup> Street, Bay Place intersection, it would be because of required mitigations in the EIR to allow 24<sup>th</sup> Street to return to two-way travel. A second option is provided where instead of 24<sup>th</sup> Street becoming a two-way street, it remains a one way street and the extra right-of-way area is not required; see Section 6.5.8 Intersection Changes and Final EIR at page 4.13-68.*

Comment 7.2: To preserve neighborhoods that surround the development area, route traffic along 27th to the 980 freeway, not to and from 580 on the Harrison/Oakland corridor, and steer traffic away from the lake as much as possible.

Response: *The following two policies in the Plan address this comment: Policy C-4.4 Minimize cut-through traffic on residential streets by implementing traffic calming and Policy CD-2.3 Work with Caltrans to establish a signage program that identifies 27th Street, Broadway and Webster Street as the primary vehicular entrance points to the Valdez Triangle retail district and the north end of Downtown from nearby freeways (i.e., 580, 24, and 980). See also page 6-170 of the BVDSP FEIR.*

## **8. Parking**

Comment 8.1: Create an "in-lieu" parking program where developers can pay a reduced fee rather than the full cost of a parking space, which incentivizes development, reduces parking ratios and use of land for cars, and creates an additional funding source for the City to use for increased parking supply.

Response: *The proposed Planning Code amendments allow for the option of paying an in-lieu fee instead of building parking in Section 17.116.110 of the parking section of the code. And in Chapter 6 of the Specific Plan there was added: Policy C-6.9 Establish a parking in-lieu fee program so that developers have the option of either constructing off-street parking consistent with City of Oakland Zoning Code or paying the parking in-lieu fee.*

Comment 8.2: Requiring unbundled parking and offering free transit passes, among other strategies, serve the many goals of the plan, including the City's transit first policy, and are being implemented as requirements throughout the region.

Response: *The proposed Planning Code amendments require the unbundling of parking in Section 17.116.110. And in Chapter 6 of the Specific Plan there was added: Policy C-6.8 Require residential developments to unbundle the cost of parking from the cost of housing.*

*Offering transit passes is mentioned in three different Policies in Chapter 6, which include: Policy C-7.3 for residences, Policy C-7.4 for transit validation for shoppers, and Policy C-7.5 for employers to provide transit passes for employees.*

Comment 8.3: Allow for more flexibility in the minimum parking ratios for residential units.

Response: *The proposed Planning Code amendments in Sections 17.116.060 and 17.116.082 reduce the minimum parking requirements for residential and commercial. And in Chapter 6 of the Specific Plan there was added: Policy C-6.10 Reduce the amount of parking required by the Planning Code.*

Comment 8.4: Concern about funding and triggers for parking garage construction.

Response: *Tables 8.5 and 8.6 originally included an estimated cost for parking garage(s) that was misleading; it was not the intent of the table to indicate the garage cost was to be borne by the City. The Plan does include a policy that says that the City should consider providing funding assistance for comparison goods retail parking. And if a parking structure is built, it is to only be in conjunction with a retail project (see policy below).*

*Policy IMP-1.12 Provide public funding assistance for comparison goods retail parking.*

*Paying for structured parking can be significant hurdle for destination retail development and in the past has been typically funded by the public sector. The 2007 Upper Broadway Strategy identified the need for the City to fund parking development for new comparison goods shopping, as did the feasibility analysis prepared for this Specific Plan. Particularly in the early phases, parking availability is critical for attracting retailers and shoppers. Retail parking needs to be conveniently located within or close to the retail development, and dedicated to supporting retail shopping. The area's central, urban location and the availability of public transit reduce the amount of parking otherwise needed, but do not replace the need for parking to support destination retail shopping.*

*The recommended approach is to provide funding assistance for the development of parking as part of, or near to, larger-scale, retail development(s) with multiple comparison goods tenants. A public garage could be developed and operated as a freestanding garage or as part of a large retail project.*

*Larger-scale retail development with multiple comparison goods tenants is the type that will require the most public funding for building structured parking, and is the type most needed to achieve the necessary critical mass of comparison goods shopping in the Valdez Triangle. Public funding for parking may be less critical for development of a freestanding retail tenant or a smaller project, so*

*that the use of public funding for building parking should take into account market and development feasibility considerations specific to the project and types of retail tenants. Given the differences in development feasibility and the City's objective of establishing comparison goods shopping, public funding for parking in conjunction with, and at the same as, retail development will need to be prioritized to support a mix of comparison goods retail tenants.*

**Comment 8.5:** Concern about timing and implementation of transportation and parking demand strategies.

**Response:** *This is included in the short- to mid- timeframe in Table 8.6 Broadway Valdez District Action Plan.*

**Comment 8.6:** Make use of existing parking first before building additional parking.

**Response:** *This is discussed in the Specific Plan in Policy C-6.3 Encourage the use of existing parking facilities in the Broadway Valdez District and vicinity. And the proposed Planning Code amendments for Automotive Fee Parking allow it as an accessory use to an allowed principal use to encourage use of existing parking facilities. And the proposed Planning Code amendments allow for the option of paying an in-lieu fee instead of building parking in Section 17.116.110.*

## **9. Bicycle, Pedestrian, and Transit**

**Comment 9.1:** Because there will be more people coming to shop in the area more bicycle parking should be provided to encourage more bicycling to the area instead of driving.

**Response:** *The proposed Planning Code amendments in Chapter 17.117 increase the minimum bicycle parking requirements for residential, retail, restaurants, office, and other commercial uses. And in Chapter 6 of the Specific Plan there was added: Policy C-3.4 Increase bicycle parking supply in the public realm.*

**Comment 9.2:** The Broadway Valdez District should be part of a bike sharing program.

**Response:** *The Specific Plan already listed Policy C-7.2 (formerly C-6.3) Provide bicycle support facilities such as attendant bicycle parking/bike station, and/or bike sharing/rental program. Additional language was added in Policy C-3.4 for increasing bicycle parking, to encourage participation in Oakland's proposed Bike Share program as an additional alternative for transportation to and from the Broadway Valdez District.*

**Comment 9.3:** Pedestrian connections to BART and Uptown should be prioritized.

**Response:** *Policy C-5.3 Revitalization efforts in the Plan Area shall be coordinated with additional efforts to enhance Broadway between the Plan Area and the 19th Street BART station to provide a seamless and welcoming pedestrian connection to and from the BART Station. This policy is listed in the short timeframe in Table 8.6 Broadway Valdez District Action Plan as part of the Destination Retail Strategy.*

**Comment 9.4:** Medians should be removed to protect pedestrians, with the resulting extra lane space dedicated to walking and biking, including Class I (protected) bike lanes.

**Response:** *Removal of the medians along Broadway would cause the elimination of existing left turn lanes, causing safety concerns and increased congestion through the blocking traffic in the left lane. In turn, this could also result in delays for AC Transit buses along Broadway. The left turn pockets are also important to cyclists (particularly at 29th St). It's not practical to keep the left turn pockets at the intersections and remove the medians mid-block. The intersections are too close together for transitioning back and forth between these two cross-sections. The potential removal of the medians*

*along Broadway was evaluated and staff determined that it wouldn't provide an improvement over the existing configuration.*

Comment 9.5: Retain focus on sustainable, compact, and historically appropriate development and aggressively pursue planning and funding for public spaces in the Plan Area. Ensure that streetscape improvements create complete streets throughout the district and focus transportation investments on enhancing existing services and modes.

*Response: Numerous policies deal with streetscape improvements and transportation investments in transit, bicycle, and pedestrian modes. In Table 8.6 under C. Destination Retail Strategy, item #10 there is an action to make funding applications to regional agencies to fund public realm improvements in the Valdez Triangle and North End starting in the short time frame and continuing into the mid and long time frame.*

Comment 9.6: Include all elements of the Bicycle Master Plan.

*Response: Included in the Specific Plan is Policy C-3.1 Complete the bicycle network in the Plan Area and surrounding areas as envisioned in City of Oakland's 2007 Bicycle Master Plan. And in Table 8.6 Broadway Valdez District Action Plan, under Streets, Streetscape, and Plazas, item #12 has this action to happen in the short (2014 – 2020) timeframe.*

Comment 9.7: Should prioritize funding of low-cost public realm improvements that encourage non-auto transportation.

*Response: In Table 8.6 Broadway Valdez District Action Plan, numerous public improvements that encourage non-auto transportation fall within the short (2014 – 2020) to mid (2021 -2025) timeframe to occur, including, but not limited to, under F. Streets, Streetscape and Plazas item #12 Bicycle Improvements that has the following action from Policy C-3.2 to happen in the short to mid timeframe: Enhance bicycle facilities (e.g., bicycle signal actuation, bicycle boxes, two-stage turn queue boxes, etc.) at key intersections with high bicycle and automobile traffic. Some other items listed under F. for the short time frame include plaza improvements at 24<sup>th</sup> Street and Harrison; Streetscape improvements to 24<sup>th</sup> Street that include street lights, tree plantings, and street furniture, traffic calming elements and sidewalk reconstruction.*

Comment 9.8: Add note in Policy CD-2.23 that 20th St BART is a natural gateway into the plan area.

*Response: In Policy CD-2.23 the following was added "An additional gateway is the 20th Street entrance/exit to the 19th Street BART Station, which is an existing, established gateway into the Plan Area just south of the Valdez Triangle."*

Comment 9.9: There should be a policy that any streetscape improvements should not preclude a streetcar.

*Response: Policy C-5.6 Ensure that all improvements, including streetscape, to Broadway will not preclude the possibility of future enhanced transit service along the corridor.*

Comment 9.10: The plan should identify that the streetcar may need a dedicated right-of-way.

*Response: The plan did not include this because there is a separate study that is being conducted on the details of a streetcar or other potential that would analyze the different possibilities. Also, this would require a separate traffic study.*

Comment 9.11: Add policy about promoting to shoppers outside of the Plan Area taking transit to the destination retail of the plan.

Response: *The following policy was added to the Specific Plan: Policy C-5.4 Work with BART on their proposal to update and “rebrand” the 19th Street BART station, including providing signage to provide information about the Broadway Valdez retail district area and other nearby destinations while passengers are on the train and at the station.*

Comment 9.12: Policy 6.2 the wayfinding signage program should also emphasize transit.

Response: *Transit was added to the former Policy 6.2, now Policy C-7.1 Implement a comprehensive wayfinding signage program in the Plan Area with an emphasis on pedestrian, bicycle, transit, and parking facilities.*

Comment 9.13: Recommends removing streetcar alignment and stops in all graphics because premature.

Response: *Added a footnote to the graphics “For illustrative purposes only. Options for enhanced transit on Broadway are currently being studied by the City.”*

## **10. Open Space**

Comment 10.1: More open space should be created, a central gathering space should be provided.

Response: *The Specific Plan proposes to improve the existing plazas that the City already owns in the Plan Area to allow them to better serve as open space. These plazas are currently being used to display cars by the auto dealerships, rather than serving as plazas for people to use. The Specific Plan also proposes utilizing reclaimed public right-of-way in several locations to create new public plazas. In addition, it is assumed that larger retail projects will provide open space for shoppers to have space to gather and relax while they are shopping.*

*The following incentives in Policy LU-10.9 pertain to Public Open Space: in the Retail Priority Sites, publicly accessible plazas and open space can be counted toward the minimum square footage of retail that is required in order to build residential; a similar open space requirement is allowed as in the Central Business District, where plaza space can count towards a residential development’s open space requirement; an in-lieu fee can be paid in a residential project instead of building on site open space, this fee could be used to enhance existing plazas that are currently being used to display auto dealership cars, and to enhance existing open space in the Plan Area.*

## **11. Jobs/Workforce Housing Development**

Comment 11.1: First and foremost, the City should consider the value of retaining existing quality jobs in the plan area and workers in the Kaiser and Alta Bates medical districts. It is vitally important that the Final Plan make the jobs/housing connection between the Plan Area’s current workforce, opportunities for new quality jobs, and housing opportunities that people can afford.

Response: *The jobs/housing connection is in the Specific Plan in Policy LU-9.4 Uses that complement and support the adjoining Alta Bates Summit and Kaiser Permanente medical centers, such as professional and medical office uses, medical supplies outlets, and visitor and workforce housing, are strongly recommended.*

*The City of Oakland already has a “Jobs/Housing Impact Fee,” which was established to ensure that certain commercial development projects compensate and mitigate for the increased demand for affordable housing generated by such development projects within the City of Oakland. A fee of*



*\$4.60 per square foot is assessed on new office and warehouse/distribution developments to offset the cost of providing additional affordable housing for new lower-income resident employees who choose to reside in Oakland. Fees go into a Housing Trust Fund which is then made available to nonprofits to build affordable housing.*

*The Specific Plan and related Planning Code amendments have been revised to strengthen policies relating to affordable housing as detailed in the response to Comment 2.2 above. Also see detailed response to Comment 6.1 above about retaining auto-dealerships in the area. Chapter 8 of the Specific Plan includes a section on an Emphasis Workforce Housing that includes language that states: "Creative ways to finance housing for workforce households is essential to maintaining the diversity of the Plan Area, as well as the entire city. A citywide workforce housing strategy is necessary to address this issue."*

Comment 11.2: In order to ensure that the economic development benefits from the Specific Plan benefit Oakland residents, developers of projects within the plan area should: (1) provide career opportunities for area youth in the construction industry by employing local apprentices enrolled in a California State Certified Labor-Management apprenticeship program; (2) pay area standard wages to construction workers employed on projects enabled by the Specific Plan; and 3) strive toward a goal of a minimum of 50% of the construction workforce from the City of Oakland.

Response: *The City imposes a number of employment and contracting programs and requirements on City public works projects, as well as private development projects that receive a City subsidy. These include the Local and Small Local Business Enterprise Program, the Local Employment/Apprenticeship Program, Living Wage requirements, and prevailing wage requirements. However, the City of Oakland's programs do not apply to private projects, including sites sold by the City for fair market value, or public works-type projects funded by private parties, including street or sidewalk improvements built as part of a new development. The City has very limited legal authority to impose its employment and contracting programs and requirements on such "private projects."*

*The BVDSP Development Program, an estimate of what potentially could occur in the Plan Area within the 25-year Plan horizon, is anticipated to provide a mix of uses that would accommodate as many as 4,000 new residents and over 5,000 new jobs. This mix of uses would provide a range of job types (retail, medical, office, etc.) and a range of housing types. An overarching concept of the Specific Plan relates to achieving "a 'complete' neighborhood and balanced land uses: mixed-use neighborhood that is economically and socially sustainable—providing quality jobs, diverse housing opportunities, and a complementary mix of retail, dining, entertainment, and medical uses" (BVDSP, Chapter 3). This concept is supported by goals and policies in Chapter 4 of the BVDSP that focus on enhancing the economic potential of the Plan Area through revitalizing and redeveloping underutilized areas with a mix of uses, including new businesses that provide high-quality jobs (Goals LU-2, LU-4, Policy LU-2.1). Notwithstanding, the BVDSP will be revised to include additional policies to elaborate upon the Plan's support of high quality, local permanent and short-term construction jobs and job training. See Attachment G, p.2 for the text of the new policies.*

## **12. Infrastructure and Utilities**

Comment 12.1: There were numerous comments from East Bay Municipal Utilities District (EBMUD) about coordinating with them for their requirements.

Response: *Several policies were added to coordinate with EBMUD including: Policies I-1.2, I-1.5, I-2.1, I-2.2, I-2.5, and I-3.1.*

## **13. Design Guidelines**



Comment 13.1: Replace the word “landscaping” with “planting.”

Response: *The word “landscaping” has been replaced with “planting” in the Design Guidelines and throughout the whole Specific Plan where appropriate.*

Comment 13.2: Remove tree grates.

Response: *In order to create a uniform streetscape appearance, as well as allowing for easier maneuverability of pedestrians around trees, the tree grate requirement was kept in, but recommendations that the Community Benefits District maintain the grates has been added.*

Comment 13.3: On design guidelines 6 should add to the guidelines that developers really think about how buildings look from the I-580 freeway.

Response: *DG 6. Sites Adjacent to I-580: the text “buildings that are visible from I-580 should take into account the Scenic Corridor designation for the interstate, and include aesthetic roof and façade elements” has been added to address views from I-580.*

Comment 13.4: In the design guideline about rooftop open space wording should be added for roof top open space on top of parking garages as well.

Response: *DG 85 Rooftop Open Space: text has been added to also encourage roof top open space on top of parking garages.*

Comment 13.5: Should add in Section 3.1.3 about site furnishings and should incorporate the words “high quality” into the guidelines.

Response: *Design Guidelines DG 161 Unified Design Identity, DG 164 Seating, DG 166 Movable Chairs, and DG 168 Café Furniture: all added that these items should be of high quality.*

Comment 13.6: Design guideline 169 about bus stop, I would like to add the word transparency.

Response: *DG 170 Shelter Design: added that transit shelters should be transparent.*

Comment 13.7: Former Design guideline 178, now DG 180 should add to use the self-compacting solar powered trash containers.

Response: *DG 180 Trash Receptacles Design: for trash receptacles it was added that they should be self-compacting where feasible.*

Comment 13.8: Require Silva Cells or equivalent beneath all planted materials.

Response: *In both Design Guideline 193 and 195, language was added about using Silva Cells or a similar brand.*

Comment 13.9: The LPAB, at its May 12, 2014 meeting, recommended that language in DG 124 should shift from “consider” and made more “proactive” and “affirmative”, as well as include additional information about preserving architectural materials and features, etc. Also, in DG 128 the LPAB requested that a photo be added of the Waverly Street Residential ASI District.

Response: *The following will be changed in the BVDSP Design Guidelines to reflect the LPAB recommendations, additions are underlined and deletions are in ~~strikeout~~:*

- *DG 124 Adaptive Reuse:*

*When adapting or altering historic resources, ~~consider~~ the following is recommended:*

- *~~Avoid removal of~~ Retain and Repair historic materials or covering historic architectural details with cladding, awnings, or signage.*
- *Identify, retain, and preserve architectural materials and features that are important in identifying historic character.*

- *DG 128 Waverly Street Residential Area of Secondary Importance (ASI) District: a photo will be added to the Design Guidelines of the Waverly Street Residential ASI District.*