

<b>Location:</b>	Broadway Valdez District Specific Plan (BVDSP) areas with a General Plan designation of Community Commercial
<b>Proposal:</b>	Proposal to amend the General Plan's Community Commercial land use classification text for the Broadway Valdez District Specific Plan (BVDSP) area to allow a maximum density of 250 units per gross acre to conform to recently adopted changes to this land use classification (for the BVDSP area only) that increased the Floor Area Ratio (FAR) to 8.0 and the density allowed by the new zoning for the Broadway Valdez District.
<b>Applicant:</b>	City of Oakland
<b>Planning Permits Required:</b>	General Plan Amendment (GP14-003)
<b>General Plan:</b>	Community Commercial
<b>Zoning:</b>	D-BV Zones
<b>Environmental Determination:</b>	The proposed General Plan text correction relies on the previously certified Environmental Impact Report for the Broadway Valdez Specific Plan (2014).
<b>Historic Status:</b>	Varies
<b>Service Delivery District:</b>	2
<b>City Council District:</b>	3
<b>For Further Information:</b>	Contact case planner Alisa Shen at (510) 238-2166 or <a href="mailto:ashen@oaklandnet.com">ashen@oaklandnet.com</a>

## **SUMMARY**

The City Council adopted the Broadway Valdez District Specific Plan (BVDSP), related General Plan amendments, design guidelines and new zoning regulations for the Plan Area on June 17, 2014 and July 2, 2014, respectively.<sup>1</sup> The adopted General Plan amendments consisted of text and map changes to the General Plan *Land Use and Transportation Element (LUTE)*, which were accompanied by Planning Code and Height and Zoning Map changes that increased the allowed maximum density and intensity in the Broadway Valdez District.

The adopted General Plan amendments included an increase to the allowed Floor Area Ratio (FAR) for the Community Commercial General Plan land use classification (in the Broadway Valdez District only) from 5.0 to 8.0. Congruent with this increase in intensity, the allowed density should also have been amended, but, unfortunately, it was not. To correct this oversight, Staff is proposing a non-substantive amendment to the General Plan's Community Commercial land use classification text for the Broadway Valdez District only, to allow a maximum density of 250 units per gross acre to conform to recently adopted changes to the Community Commercial land use classification that increased the density allowed by the new zoning for the Broadway Valdez District.

## **BACKGROUND**

The BVDSP is a 25-year planning document that provides a vision and planning framework for a destination retail district and mixed-use neighborhood within the Plan Area, which runs along Oakland's

<sup>1</sup> See Resolution No. 85065 C.M.S. and Ordinance No. 13241 C.M.S. These items were recommended for approval by the Oakland Planning Commission at its May 21, 2014 meeting.

Broadway corridor between Grand Avenue and I-580.

The adopted General Plan, Planning Code, and Height and Zoning Map changes increased the allowed maximum density and intensity in most of the Broadway Valdez District Specific Plan Area. The General Plan amendments most relevant to the purpose of this report was an increase in the "Intensity/Density" for the Community Commercial land use designation within the Broadway Valdez District Specific Plan area only to a maximum Floor Area Ratio (FAR) of 8.0 (all other areas in the City designated as Community Commercial retained a maximum FAR of 5.0). See **Attachment A**, Exhibits A and B for adopted General Plan amendments.

Congruent with this increase in intensity for the General Plan's Community Commercial land use classification described above, the allowed density should also have been amended, but was not. To correct this oversight, Staff is proposing to a non-substantive amendment to the General Plan's Community Commercial land use classification text for the Broadway Valdez District only, to allow a maximum density of 250 units per gross acre to conform to the recently adopted new zoning for the Broadway Valdez District (See **Attachment B**).

#### ENVIRONMENTAL DETERMINATION

The proposed General Plan text correction relies on the previously certified Environmental Impact Report for the Broadway Valdez Specific Plan (2014). No further environmental review is required.

#### RECOMMENDATIONS:

Staff recommends that the Planning Commission:

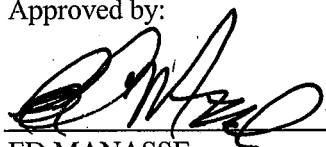
1. Recommend the City Council adopt General Plan Amendment Community Commercial land use classification text for the Broadway Valdez District only, to allow a maximum density of 250 units per gross acre.

Prepared by:



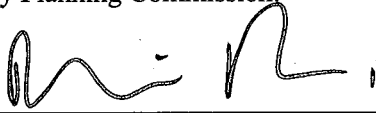
Alisa Shen  
Planner III

Approved by:



ED MANASSE  
Strategic Planning Manager

Approved for forwarding to the  
City Planning Commission:



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Darin Ranelletti  
Deputy Director, Bureau of Planning

**ATTACHMENTS:**

- A. Resolution No. 85065 C.M.S. and Exhibits A and B showing General Plan text and map amendments related to the Broadway Valdez District Specific Plan (Adopted by City Council on June 17, 2014)
- B. Proposed General Plan Amendment

**AMENDMENTS TO CITY of OAKLAND GENERAL PLAN, LAND USE &  
TRANSPORTATION ELEMENT (LUTE)**

The following are text amendments to the General Plan, Land Use & Transportation Element. Additions to the Plan are underlined.

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

**Chapter 3: Policies in Action**

**The Land Use Diagram**

**Land Use Classifications**

**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, and the 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.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2014 JUN 19 PM 5:15

## OAKLAND CITY COUNCIL

  
City AttorneyRESOLUTION No. 85065 C.M.S.

Introduced by Councilmember \_\_\_\_\_

**A RESOLUTION, AS RECOMMENDED BY THE CITY PLANNING COMMISSION,  
(A) CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND MAKING  
RELATED CEQA FINDINGS; AND (B) ADOPTING THE BROADWAY VALDEZ  
DISTRICT SPECIFIC PLAN AND RELATED GENERAL PLAN AMENDMENTS AND  
DESIGN GUIDELINES**

**WHEREAS**, the Conley Consulting Group authored the Upper Broadway Strategy – A Component of the Oakland Retail Enhancement Plan in September 2007 as part of a citywide retail enhancement strategy to address \$1 billion in sales leakage to neighboring communities; and

**WHEREAS**, on November 3, 2008, the Oakland City Council adopted Resolution No. 81642 C.M.S. which authorized the City Administrator to enter into a Professional Services contract with Wallace Roberts & Todd LLC to prepare a Specific Plan and Environmental Impact Report for the Broadway Valdez District; and

**WHEREAS**, as part of the public outreach effort, seven community workshops were held between May 2009 and October 2013, as well as eight Community Stakeholder Group (CSG) meetings, four Technical Advisory Committee (TAC) meetings, and two combined SCG and TAC meetings; and

**WHEREAS**, the Broadway Valdez District Specific Plan (BVDSP) includes (a) amendments to the 1998 General Plan to increase the allowable Floor Area Ratios and to update the land use map to accommodate compatible uses; (b) new design guidelines to ensure that future development contributes to the creation of an attractive, pedestrian-oriented district characterized by high quality design and a distinctive sense of place; and

**WHEREAS**, City Planning staff have proposed (a) four new Broadway Valdez District Commercial zones and one combining zone to replace the existing zoning in the area to implement the BVDSP, as well as make changes associated to the new Broadway Valdez Commercial zones throughout the Planning Code, as well as related changes to the Zoning and Height Maps; (b) amendments to the Off-Street Parking and the Bicycle Parking Chapters of the Planning Code to have specific parking regulations for the Broadway Valdez District Commercial zones to implement the BVDSP; and

**WHEREAS**, the Oakland Master Fee Schedule is proposed to be amended to add a Parking In-Lieu Fee and Open Space In-Lieu fee for the Broadway Valdez District Commercial D-BV zones for the Broadway Valdez District; and

**WHEREAS**, between October 2013 and December 2013, the Draft Specific Plan and Draft EIR, as well as General Plan Amendments, Zoning Maps, Height Area Maps, Draft Zoning Concepts, and Design Guidelines were presented to the full Planning Commission and various advisory boards, including the Zoning Update and Design Review Committees of the Planning Commission, the Landmarks Preservation Advisory Board, 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. At that time, a complete draft of the proposed new Chapter 17.101C D-BV Broadway Valdez District Commercial Zones Regulations was only presented to the Zoning Update Committee at its December 11, 2013 meeting.

**WHEREAS**, on April 30, 2012, a Notice of Preparation of a Draft Environmental Impact Report (Draft EIR) for the BVDSP was published; and

**WHEREAS**, two duly noticed Draft EIR scoping hearings were held, one before the LPAB on May 14, 2012 and the second before the City Planning Commission on May 16, 2012, to receive comments on the scope and content of the Draft EIR for the BVDSP; and

**WHEREAS**, a Notice of Availability/Notice of Release of a Draft EIR was issued on September 20, 2013, along with publication of Draft EIR itself, both of which were made available to the public/governmental agencies for review and comment; and

**WHEREAS**, three duly noticed public hearings on the Draft EIR were held including: a LPAB public hearing on October 14, 2013, and two City of Oakland Planning Commission hearings on October 16, 2013 and on October 30, 2013; and

**WHEREAS**, on April 24, 2014, a Notice of Availability/Release of a Final EIR and Specific Plan was issued, and a Final EIR and Specific Plan were published on May 1, 2014, both of which were made available for public review and comment; and

**WHEREAS**, on May 12, 2014 a duly noticed public hearing was held before the LPAB to consider the Final Draft BVDSP, Related Documents and EIR and the LPAB recommended approval, with minor revisions; and

**WHEREAS**, on May 21, 2014 a duly noticed public hearing was held before the City Planning Commission to consider the Final Draft BVDSP, Related Documents and EIR; and

**WHEREAS**, the City Planning Commission, after conducting and closing the public hearing, (a) adopted the required California Environmental Quality Act (CEQA) findings, including certifying the EIR, rejecting alternatives as infeasible, and adopting a Statement of Overriding Considerations; (b) adopted the BVDSP Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP); (c) recommended the City Council adopt, as revised at the Planning Commission, the BVDSP, new Design Guidelines and General Plan and Planning Code Amendments based, in part, upon the BVDSP Adoption Findings; and (d) recommended that City Council authorize the City Administrator or designee to make minor ongoing revisions to the adopted Design Guidelines (with major changes to be made by the Planning Commission) and ongoing revisions to Table 8.6 in Chapter 8 of the BVDSP, 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 Broadway Valdez District Commercial

Zones Regulations (which are essentially correction of typographical and/or clerical errors); and

**WHEREAS**, the BVDSP, Related Documents and EIR was considered at a regular, duly noticed, meeting of the Community and Economic Development Committee of the City Council on June 10, 2014, and the Committee recommended adoption of the Plan, and Related Documents; and

**WHEREAS**, the BVDSP, Related Documents and EIR were considered at a regular, duly noticed, public hearing of the City Council on June 17, 2014; now, therefore be it

**RESOLVED**, that the City Council, as the final decision-making body for the lead agency, has independently reviewed, considered and analyzed the BVDSP EIR and the CEQA findings of the City Planning Commission contained in the approved May 21, 2014, City Planning Commission Report; and be it

**FURTHER RESOLVED**, that the City Council, as the final decision-making body for the lead agency, hereby confirms, adopts and incorporates by reference into this Resolution (as if fully set forth herein) all the CEQA findings contained in the approved May 21, 2014, City Planning Commission Report prior to taking action in approving the BVDSP; and be it

**FURTHER RESOLVED**, that the City Council adopts and incorporates by reference into this Resolution (as if fully set forth herein), as conditions of approval of the BVDSP, the Standard Conditions of Approval and Mitigation Monitoring Program (SCAMMRP) contained in the approved May 21, 2014, City Planning Commission Report; and be it

**FURTHER RESOLVED**, that the City Council, hereby adopts the BVDSP and Design Guidelines, based, in part, upon the BVDSP Adoption Findings (incorporated by reference into this Resolution as if fully set forth herein); and further finds and determines that the public safety, health, convenience, comfort, prosperity and general welfare will be furthered by the adoption of the BVDSP; and be it

**FURTHER RESOLVED**, that the City Council hereby adopts the General Plan amendments as detailed in *Exhibit A* and *Exhibit B*, attached hereto and hereby incorporated by reference, based, in part, upon the BVDSP Adoption Findings (incorporated by reference into this Resolution as if fully set forth herein); and further finds and determines that the public safety, health, convenience, comfort, prosperity and general welfare will be furthered by the adoption of these amendments; and be it

**FURTHER RESOLVED**, that the City Council hereby authorizes the City Administrator or designee to make (1) minor ongoing revisions to the adopted Design Guidelines for the BVDSP consistent with the BVDSP, General Plan and Oakland Planning Code, but with major revisions to be made by the Planning Commission; (2) ongoing revisions to Table 8.6 in Chapter 8 of the BVDSP ("Action Plan"), to reflect changes in market conditions (e.g., what private development actually occurs) and the availability of City and other funding sources, which could potentially affect timeframes, responsibilities and potential funding mechanisms, without returning to the City Council or Planning Commission; and (3) non-substantive, technical conforming changes (essentially correction of typographical and clerical errors and minor clarifications) to the BVDSP prior to formal publication, without returning to the City Council or City Planning

Commission; and be it

**FURTHER RESOLVED**, that nothing in this Resolution shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law; and be it

**FURTHER RESOLVED**, that the provisions of this Resolution are severable. If a court of competent jurisdiction determines that a word, phrase, clause, sentence, paragraph, subsection, section, Chapter or other provision is invalid, or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions of this Resolution [that can be given effect without the invalid provision or application] and the application of those provisions to other persons or circumstances are not affected by that decision. The City Council declares that the City Council would have adopted this resolution irrespective of the invalidity of any particular portion of this Resolution; and be it

**FURTHER RESOLVED**, that the Environmental Review Officer, or designee, is directed to cause to be filed a Notice of Determination with the appropriate agencies; and be it

**FURTHER RESOLVED**, that the record before this Council relating to these actions include, without limitation, the following:

1. The BVDSP, Design Guidelines, General Plan and Planning Code Amendments including all accompanying maps, papers and appendices as well as Master Fee Schedule Amendments;
2. all final staff reports, final decision letters and other final documentation and information produced by or on behalf of the City, including without limitation the Environmental Impact Report and supporting technical studies and appendices, and all related/supporting final materials, and all final notices relating to the BVDSP and attendant hearings;
3. all oral and written evidence received by the LPAB, City Planning Commission and City Council during the public hearings on the BVDSP; and all written evidence received by the relevant City Staff before and during the public hearings on the BVDSP;
4. all matters of common knowledge and all official enactments and acts of the City, such as: (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations and Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and (e) all applicable state and federal laws, rules and regulations; and be it

**FURTHER RESOLVED**, that it is the intent of City Council that future adopted Citywide Impact Fees would apply to the BVDSP if the City Council so directs; and be it

**FURTHER RESOLVED**, that, should environmental and traffic analyses warrant, the City may require the installation of traffic calming measures as a condition of project approval; and be it



**FURTHER RESOLVED**, that the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based, are respectively: (a) Planning and Building Department – Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California; and (b) Office of the City Clerk, One Frank H. Ogawa Plaza, 1<sup>st</sup> Floor, Oakland California; and be it

**FURTHER RESOLVED**, that the recitals contained in this resolution are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 17 2014

**PASSED BY THE FOLLOWING VOTE:**

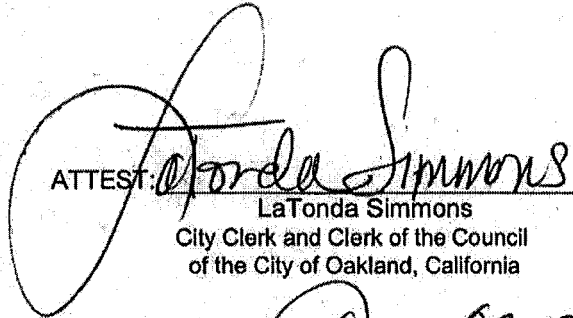
AYES - ~~BROOKS~~, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 7

NOES - 0

ABSENT - 1-BROOKS

ABSTENTION - 0

ATTEST:

  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

DATE OF ATTESTATION

June 23, 2014

**AMENDMENTS TO CITY of OAKLAND GENERAL PLAN, LAND USE &  
TRANSPORTATION ELEMENT (LUTE)**

The following are text amendments to the General Plan, Land Use & Transportation Element. Additions to the Plan are underlined; deletions are in ~~strikeout~~. Maps showing the General Plan Land Use Map for the Broadway Valdez District Specific Plan Area are provided on *Exhibit B*.

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

**Chapter 3: Policies in Action**

**The Land Use Diagram**

**Land Use Classifications**

**Community Commercial**

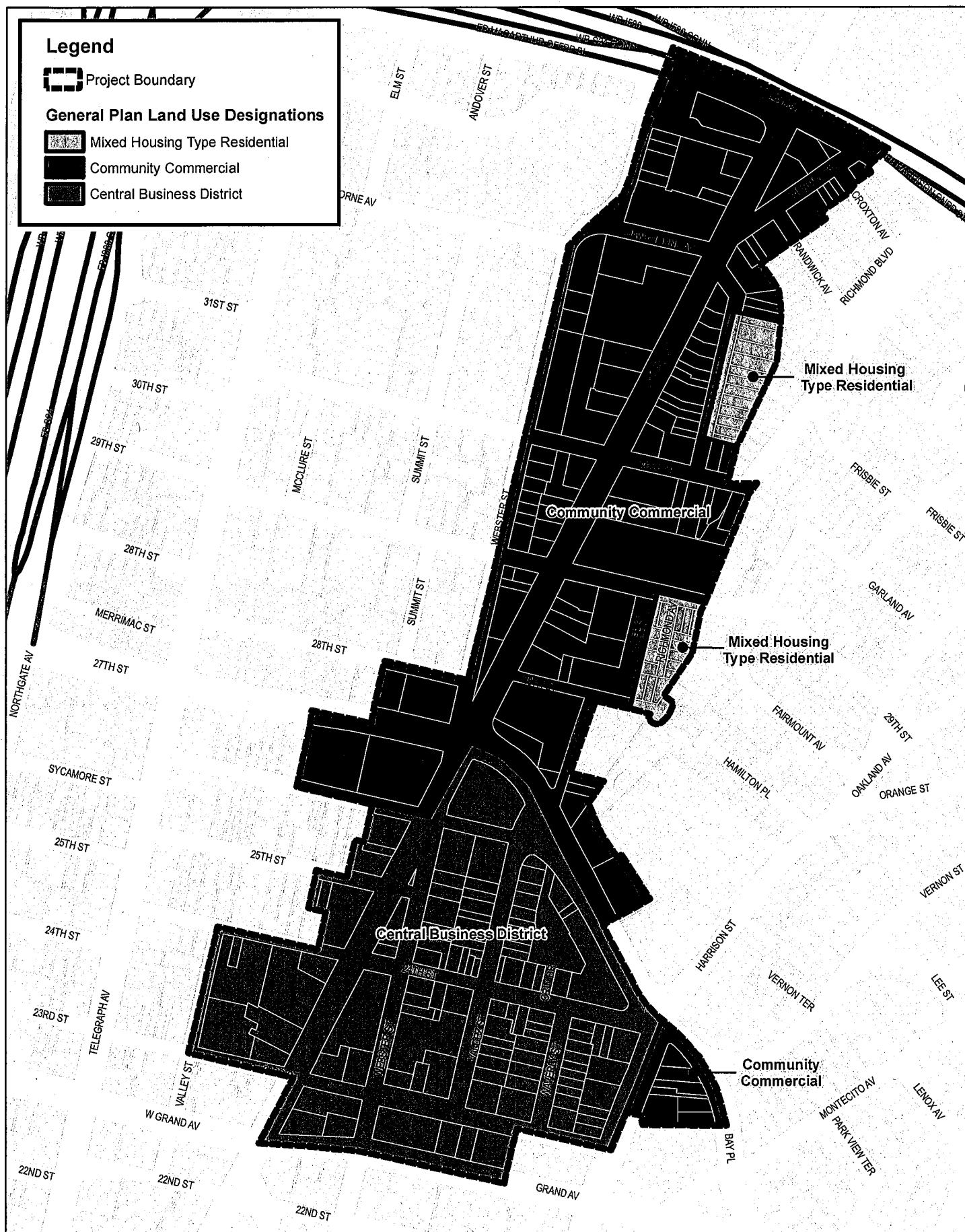
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**Intensity/Density:** Except as indicated below, ~~t~~The maximum FAR for this classification is 5.0. Maximum residential density is 125 units per gross acre.

- Within the Broadway Valdez District Specific Plan area, the maximum FAR for this classification is 8.0.

**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.



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