

BROADWAY VALDEZ DISTRICT SPECIFIC PLAN

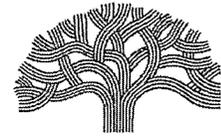
Responses to Comments and Final EIR

Prepared for
The City of Oakland

May 2014



CITY OF OAKLAND



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NOTICE OF AVAILABILITY (NOA) OF FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) ON THE BROADWAY VALDEZ DISTRICT SPECIFIC PLAN AND NOTICE OF PUBLIC HEARINGS ON FEIR, SPECIFIC PLAN AND RELATED ACTIONS

TO: All Interested Parties

SUBJECT: Notice of Availability of Final Environmental Impact Report for the Broadway Valdez District Specific Plan, and Notice of Public Hearing on the FEIR, Specific Plan and Related Actions.

CASE NOS.: ZS12046, GP13268, ZT13269, RZ13270, ER12-0005 (CEQA State Clearinghouse No. 2012052008)

PROJECT SPONSOR: City of Oakland

PROJECT LOCATION: The Broadway Valdez District Plan Area (“Plan Area”) is located at the north edge of Oakland’s Central Business District. The Plan Area, which includes land along both sides of Broadway, extends 0.8 miles from Grand Avenue to I-580. The Plan Area includes approximately 95.5 acres, including 35.1 acres in public right-of-way and 60.4 acres of developable land.

PROJECT DESCRIPTION: The Broadway Valdez District Specific Plan (“Specific Plan”) will be a 25-year planning document that provides a vision and planning framework for future growth and development within the Plan Area, which runs along Oakland’s Broadway corridor between Grand Avenue and I-580. The Plan provides a comprehensive vision for the Plan Area along with 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. The Specific Plan does not propose specific private developments, but for the purposes of environmental review, establishes the Broadway Valdez 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 Broadway Valdez Development Program includes approximately 3.7 million square feet of development, comprised of 695,000 square feet of office space, 1,114,000 square feet of restaurant / retail space, 1,800 residential units, a new 180-room hotel and 6,420 parking spaces.

Concurrent, but separately, the project also includes adoption of associated General Plan amendments, Municipal Code and Planning Code amendments, Zoning Maps, Height Maps and Design Guidelines (collectively called “Related Actions”).

The overarching goal of the Specific Plan is to create a destination retail district that addresses the City’s deficiency in comparison goods shopping and to transition the Plan Area to a more sustainable mix of uses that contribute to the vitality, livability, and identity of Downtown Oakland, and address residents’ shopping needs. For more information on the project, please visit the project website at: www.oaklandnet.com/bvdsp.

ENVIRONMENTAL REVIEW: A Notice of Preparation of an EIR was issued by the City of Oakland's Planning and Building Department on April 30, 2012. A Draft Environmental Impact Report (DEIR) was prepared for the project under the requirements of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000 et seq. On September 20, 2013, the City of Oakland released for public review the DEIR. The public review and comment period was extended through 4:00 p.m. Tuesday, November 12, 2013, during which time three public hearings on the DEIR were held including a City of Oakland Landmarks Preservation Advisory Board public hearing on October 14, 2013, and two City of Oakland Planning Commission hearings on October 16, 2013 and on October 30, 2013.

All comments that were received during the DEIR public comment period have been compiled and responded to in the Response to Comments Document (RTC), along with changes and clarifications to the DEIR. The RTC Document, together with the DEIR, constitutes the Final EIR (FEIR) for the Specific Plan. The preparation of the FEIR has been overseen by the City's Environmental Review Officer and the conclusions and recommendations in the document represent the independent conclusions and recommendations of the City.

The City of Oakland's Planning and Building Department is hereby releasing this RTC/FEIR, finding it to be accurate and complete and ready for public review. Starting on May 1, 2014, copies of the RTC/FEIR and Specific Plan will be available for review or distribution to interested parties at no charge at the Planning and Building Department, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 5:00 p.m. Additional copies are available for review at the Oakland Public Library, Social Science and Documents, 125 14th Street, Oakland CA 94612. The FEIR may also be reviewed on the City's website: <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>.

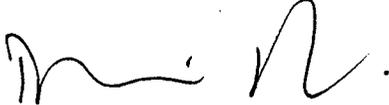
PUBLIC HEARINGS

The City of Oakland Landmarks Preservation Advisory Board will conduct a public hearing to provide cultural-resource related comments on the FEIR, Final Specific Plan, and Related Actions on **May 12, 2014, at 6:00 pm in Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza, Oakland CA 94612.**

The City of Oakland Planning Commission will conduct a public hearing to consider certifying the FEIR, and recommending to the City Council adoption of the Final Specific Plan and Related Actions on **May 21, 2014, at 6:00 pm in Hearing Room 1, City Hall, 1 Frank H. Ogawa Plaza, Oakland CA 94612.**

Members of the public are welcome to attend these hearings and provide comments. If you challenge the EIR or other actions pertaining to this Project in court, you may be limited to raising only those issues raised at the public hearings described above or in written correspondence directed to Laura Kaminski, Planning and Building Department, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, and received by 4:00pm on May 21, 2014. For further information please contact Laura Kaminski at (510) 238-6809 or via email to lkaminski@oaklandnet.com.

4/23/14
Date



Darin Ranelletti
Deputy Director, Environmental Review Officer
Planning and Building Department

BROADWAY VALDEZ DISTRICT SPECIFIC PLAN

Responses to Comments and Final EIR

Prepared for
The City of Oakland

May 1, 2014



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CHAPTER 1

Introduction

1.1 CEQA Process

An Environmental Impact Report (EIR) is an informational document prepared by a Lead Agency (in this case, the City of Oakland) that contains environmental analysis for public review and for agency decision-makers to use in their consideration of various discretionary projects, including planning-related policies and plans. On September 20, 2013, the City of Oakland (Lead Agency) released for public review a Draft EIR (or DEIR) for the Broadway Valdez District Specific Plan (ER120005), or Draft Specific Plan. The 45-day public review and comment period on the DEIR began on Friday, September 20, 2013 and was planned to close at 4:00 p.m. Monday, November 4, 2013. The Landmarks Preservation Advisory Board (LPAB) also held a public hearing on the DEIR October 14, 2013. The City of Oakland Planning Commission held a public hearing on the DEIR on October 16, 2013. During the Planning Commission hearing, a motion to extend the public review and comment period and hold a second Planning Commission hearing on the DEIR was approved. Therefore, a second Planning Commission hearing on the DEIR was held on October 30, and the public review and comment period was extended through 4:00 p.m. Tuesday, November 12, 2013.

This Response to Comments document, together with the DEIR and its Appendices, constitute the Final EIR (or FEIR) for the Specific Plan. Due to its length, the text of the DEIR is not included with this Response to Comments document; however, it is included by reference as part of the FEIR.

The City, as Lead Agency, will make decisions on certification of this EIR, consider approval of a Standard Conditions of Approval / Mitigation Monitoring and Reporting Plan (SCAMMRP), and consider approval of the Specific Plan and related legislation (e.g. General Plan amendment, Planning Code text amendments related to rezoning). Before the Lead Agency may approve the Specific Plan, the Lead Agency must certify that the FEIR adequately discloses the environmental effects of the Specific Plan, that the FEIR has been completed in conformance with the California Environmental Quality Act (CEQA), and that the decision-making body of the Lead Agency independently reviewed and considered the information contained in the FEIR. Certification of the FEIR would indicate the City's determination that the FEIR adequately evaluates the environmental impacts that could be associated with the Specific Plan.

The City of Oakland has prepared this document pursuant to CEQA Guidelines Section 15132 which specifies the following (and which also applies to Draft and Final EIRs):

“The Final EIR shall consist of:

- (a) The DEIR or a revision of that draft.
- (b) Comments and recommendations received on the DEIR either verbatim or in a summary.
- (c) A list of persons, organizations, and public agencies commenting on the DEIR.
- (d) The response of the Lead Agency to significant environmental points raised in review and consultation process.
- (e) Any other information added by the Lead Agency.”

This FEIR incorporates comments from public agencies and the general public and contains the Lead Agency’s responses to those comments.

1.2 New Information in the Final EIR

If *significant new information* is added to an EIR after a notice of public review has been given, but before final certification of the EIR, the Lead Agency must issue a new notice and re-circulate the DEIR for further comments and consultation. None of the corrections or updates to the DEIR identified in this document constitutes *significant new information* pursuant to Section 15088.5 of the CEQA Guidelines.

The new information added to this EIR merely clarifies and makes insignificant changes to an adequate EIR. Specifically, the new information, corrections or updates presented in this document do not disclose that:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it; or
- The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (CEQA Guidelines Section 15088.5)

Therefore, re-circulation of the DEIR, all or in part, is not required. The information presented in the Draft EIR and this document support this determination.

1.3 Organization of this Final EIR

This FEIR contains information about the Specific Plan, supplemental environmental information, and comments and responses to comments raised during the public review and comment period on the DEIR. Following this introductory chapter, the document is organized as described below.

- Chapter 2, *Plan Summary and Revisions*, summarizes the Specific Plan as presented in the DEIR. Minor Specific Plan revisions initiated by the City of Oakland since publication of the DEIR are also presented, in addition to discussion of the environmental effects of those revisions.
- Chapter 3, *Changes to the DEIR*, contains text changes and corrections to the DEIR initiated by the Lead Agency or resulting from comments received on the DEIR.
- Chapter 4, *Commenters on the DEIR*, lists all agencies, organizations and individuals that submitted written comments on the DEIR during the public review and comment period, and/or that commented at the Planning Commission Public Hearings and/or the Landmarks Preservation Advisory Board Public Hearing on the DEIR.
- Chapter 5, *Written Comments and Responses to Written Comments Received on the DEIR*, contains each of the comment letters received on the DEIR and presents individual responses to the specific comments raised in each letter.
- Chapter 6, *Comments and Responses to Comments Made at the Public Hearings on the DEIR*, includes summaries of the Planning Commission and the Landmarks Preservation Advisory Board Public Hearings on the DEIR and presents responses to the specific comments received.

CHAPTER 2

Plan Summary and Revisions

The City of Oakland (“City”) is the Lead Agency preparing this Environmental Impact Report (“EIR”) to address the physical and environmental effects of adoption and implementation of the Broadway Valdez District Specific Plan (“Plan” or “Specific Plan”). The Specific Plan provides a vision and planning framework for future growth and development in the approximately 95.5-acre area (“Plan Area”) along Oakland’s Broadway corridor between Grand Avenue and Interstate 580 (I-580). The Specific Plan has been developed through a careful analysis of the Plan Area’s economic and environmental conditions and input from City decision-makers, landowners, developers, real estate experts, and the community at large. The Plan provides a comprehensive vision for the Plan Area along with 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. The Specific Plan builds upon the Broadway Valdez District Draft Concept Plan that was published on December 1, 2011.

2.1 Plan Area and Vicinity

The Broadway Valdez District Plan Area is located at the north edge of Oakland’s Central Business District. The Plan Area, which includes land along both sides of Broadway, extends 0.8 miles from Grand Avenue to I-580. The Plan Area serves as an important transition between the Downtown and the Upper Broadway area, and a critical link in Oakland’s Main Street, which extends from Jack London Square (at the Estuary) to the Oakland Hills.

The Plan Area is bounded by the Uptown District and Lake Merritt/Kaiser Center Office District to the south, and the Kaiser Permanente Oakland Medical Center to the north. Pill Hill, which includes the Alta Bates Summit Medical Center, and the Koreatown/Northgate neighborhood to the northwest, and the 25th Street Garage District border the area to the west, and the Richmond Avenue, Harrison/Oakland Avenue, and Adams Point residential neighborhoods occupy the hilly terrain to the east of the area.

Regional freeway access to the Plan Area is provided by Interstates 580 and 980, and State Route 24. BART provides regional transit service to the area, with the 19th Street BART station located about 0.3 miles south of the Plan Area, and the MacArthur BART station approximately 0.75 miles to the northwest. In addition to BART, there is also frequent AC Transit bus service along Broadway.

Altogether, the Plan Area includes approximately 95.5 acres, including 35.1 acres in public right-of-way and 60.4 acres of developable land. The Plan Area itself has a relatively small residential population (fewer than 600 households) due to its predominantly commercial focus. There are approximately 4,020 households and approximately 7,530 people residing in the larger area of just under one square mile bounded by Grand Avenue, Harrison Street, I-580 and I-980.

Existing General Plan Designation and Zoning. Most of the Plan Area falls within the Community Commercial General Plan land use designation and smaller portions of the Plan Area also fall within Institutional, Urban Residential and Neighborhood Center Mixed Use land use designations. Surrounding the Plan Area are areas designated by the General Plan as Central Business District to the south, Mixed Housing Type Residential to the east, Community Commercial to the west, and Institutional to north and northwest. Various zoning classifications exist throughout and surrounding the Plan Area, with commercial zoning being most predominant, combined with special and combining districts related to the Broadway retail frontage, medical uses, and medium to higher density residential.

Existing Land Uses. Consistent with its historic identity as Auto Row, the predominant land uses in the area continue to be automotive. These uses occupy nearly half the developable area, and are distributed throughout the Plan Area. Housing occupies about 14 percent of the developable area and is generally located along the Plan Area's southern and eastern edges. Medical uses, which consist primarily of office space, represent a small (3.5 percent of developable area) but important complement of uses for the area. Non-medical office uses in the Plan Area are extremely limited. Two important institutional uses in the Plan Area that serve as landmarks and destinations are the historic First Presbyterian Church at Broadway and 27th, and the YMCA at Broadway and 24th.

There is no designated parkland in the Plan Area and the only public open space consists of two plazas along Broadway – one at 25th Street and one at 27th Street. Nearby parks and open spaces include Mosswood Park, located directly north of the Plan Area, and parks surrounding Lake Merritt, southeast of the Plan Area. Although not located within the Plan Area, and not designated parkland, Glen Echo Creek, which flows parallel to the Plan Area's eastern boundary and south into Lake Merritt, provides a linear open space accessible to the northern portion of the Plan Area.

Existing Heights. Topographically, the Plan Area is situated in a shallow valley that slopes down from north to south and is framed by ridges—Pill Hill to the west and the Harri-Oak neighborhood to the east. The effect is to create a subtle definition of the area and an orientation toward Downtown and Lake Merritt. Broadway, which extends the length of the area, bisects the grid of streets on a diagonal, which creates an irregular block pattern—a series of shallow triangular and trapezoidal blocks. With a few exceptions, the height of existing buildings in the Plan Area is generally low, consistent with the low intensity uses that have historically occupied the area. Most buildings are between one and four stories, although the Plan Area also includes a few taller buildings of six to eight stories.

Existing Historic Resources. There are 20 buildings in the Plan Area that are considered historic resources for purposes of CEQA. They are summarized in Table 3-1 in the DEIR. In addition to individual resources, the City has identified the 25th Street Garage District, of which two buildings

are within the Plan Area, as an Area of Primary Importance (API). This district is considered a National Register quality district and therefore is considered an historic resource under CEQA.

2.2 Specific Plan Summary

The Specific Plan does not propose specific private developments, but, for the purposes of environmental review, establishes the Broadway Valdez 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 Broadway Valdez Development Program includes approximately 3.7 million square feet of development, including approximately 695,000 square feet of office space, 1,114,000 square feet of restaurant / retail space, 1,800 residential units, a new 180-room hotel, approximately 6,500 additional parking spaces, and approximately 4,500 new jobs (see **Table 2-2**, below). The Broadway Valdez Development Program represents the level of development envisioned by the Specific Plan and analyzed in this EIR.

**TABLE 2-2
BROADWAY VALDEZ DEVELOPMENT PROGRAM**

	Valdez Triangle Subarea	North End Subarea	Total Plan Area (Rounded)
Residential Units	1,030	767	1,800
Office (sq. ft.)	116,000	579,000	695,000
Retail (sq. ft.)	794,000	321,000	1,114,000
Hotel Rooms	180	-	180
Non-Residential Development (sq. ft.)	1,027,000	899,000	1,927,000
Total Development (sq. ft.)	2,057,000	1,666,000	3,723,000
Parking spaces provided by the development program	3270	3151	6,420

SOURCE: WRT, 2012, Fehr & Peers, 2013.

The Specific Plan divides the Plan Area into two distinct but interconnected subareas: the **Valdez Triangle** and the **North End**. The Valdez Triangle subarea is proposed to promote the development of a destination retail district that is focused on comparison goods type retailers and takes advantage of its adjacency to the Uptown and “Art Murmur Gallery Districts,” the Central Business District, and its accessibility to transit and regional routes. The North End subarea is proposed to promote development of a mixed-use district that would link the Downtown to the Piedmont Avenue and North Broadway areas, and be integrated with the adjoining residential and medical districts. The concept for both subareas is to promote mixed use development with active ground-floor commercial uses, while also encouraging a complementary mix of office, residential, retail, dining, and entertainment uses that activate the area during both day and night, and on weekdays and weekends. Adoption of the Specific Plan, concurrently with associated General Plan amendments and rezoning, would put into place the regulatory framework for future

uses and developments within the Plan Area. The new General Plan designations proposed by the Specific Plan would inform the update of the Plan Area's zoning in order to implement the vision of the Plan.

2.3 City-Initiated Specific Plan Modifications Since Publication of the DEIR

The City has considered modifications to the Specific Plan since publication of the DEIR. These modifications are summarized in this chapter and presented as the *May 2014 Final Broadway Valdez District Specific Plan* (Final Specific Plan), which the City will consider for approval alongside the alternatives assessed in the DEIR. Some of the common themes of these modifications include enhancing the emphasis on neighborhood-serving retail, lending flexibility to Retail Priority Sites to accommodate the potential for adaptive re-use, strengthening the emphasis on protecting historic resources, and adjusting development incentives to more strongly encourage the development of retail, open spaces, and affordable housing.

The modifications to the Draft Specific Plan as they appear in the Final Specific Plan are summarized below. This general presentation of the Specific Plan modifications is relevant to this Response to Comments document as these are modifications to portions of the Draft Specific Plan that informed the development of the CEQA project analyzed in the DEIR (i.e., the Broadway Valdez Development Program and Physical Height Model) (see Section 2.2, above). The purpose of this general presentation and analysis is to establish that none of the changes would render the Broadway Valdez Development Program and the associated Physical Height Model an unreasonable assumption for the *maximum feasible development* under the Specific Plan and for the basis of the DEIR analysis; and that none of these modifications would result in a new significant impact or peculiar environmental impact or an impact of substantially greater severity than was already analyzed and disclosed in the DEIR.

Chapter 1: Introduction

Modifications within this chapter include clarification that the Specific Plan is intended to be adopted concurrently with amendments to the City's General Plan, Planning Code, Zoning Maps, Height Maps and Design Guidelines. In addition, demographic and retail data to support the economic feasibility of developing comparison goods retail in the area was updated.

Chapter 2: Planning Context

Statistics of trade area demographics, household income, per capita income, employment rates, and other localized economic statistics presented in this chapter were updated. Ultimately, the updated statistics and discussion regarding the comparison goods retail market analysis continue to highlight strong market support for new comparison goods shopping development in the Plan and elsewhere in Oakland, including other parts of Downtown and the Broadway Corridor.

Chapter 3: Vision and Goals

This chapter was updated to present modified Plan goals and policies as presented in the other chapters of Final Specific Plan.

Chapter 4: Land Use

Much of the text and policy language in this chapter was modified to reflect the Specific Plan's encouragement of neighborhood-serving retail and independent retail in addition to destination retail. Additionally, in response to comments received, the Plan would be revised to include a more robust set of policies and incentives to preserve and enhance existing buildings, including those that are not deemed to be CEQA historic resources. Specifically, a policy was eliminated to reduce the emphasis on destination retail taking a priority over adaptive reuse of existing buildings and CEQA historic resources, and to help balance these competing goals; and a new policy was added to support efforts to establish a State Historic Rehabilitation Tax Credit program; and the proposed zoning for the Broadway Valdez District would include several incentives for adaptive reuse.¹

The modifications strengthen proposed policy language that recommends workforce housing and encourages the preservation and adaptive reuse of buildings of historic and architectural merit.

Minor adjustments in this chapter include the introduction of proposed requirements for active ground floor uses with additional focus on retail, dining, and entertainment along Broadway. The proposed Policy LU-10.8 regarding Major Opportunity Areas has been modified to reduce the emphasis on large "floorplate" retailers while maintaining the emphasis on encouraging major retailers requiring larger square footage. The Entertainment District Overlay, which was proposed in the Draft Specific Plan to include an exemption from the City's Dark Skies Ordinance, has been eliminated and is no longer proposed as a part of the Final Specific Plan. Policy LU-3.2 was revised to indicate that revitalization efforts in the Plan Area are meant to link not just with those of Downtown Oakland but of the Uptown Entertainment District as well, and referenced the implementation policies related to the Uptown Coordination Area depicted in the Final Specific Plan Figure 8.2 and its associated discussion.

Minor adjustments to the proposed General Plan Land Use Designations are reflected in the updated DEIR Figure 3-4. In addition, slight modifications to the proposed Retail Priority Sites are reflected in the updated DEIR Figures 3-9 and 4.4-2. The elimination of the Entertainment District Overlay is reflected in the updated DEIR Figure 3-10 and the adjustment/correction to the

¹ These changes to strengthen incentives to preserve and enhance buildings of historic or architectural merit reflect the components of a new Historic Preservation Sub-Alternative that was added in the DEIR such that the original Historic Preservation Sub-Alternative has been renamed "Historic Preservation Sub-Alternative A" and the new Sub-Alternative is named "Historic Preservation Sub-Alternative B". The Broadway Valdez District Specific Plan, in combination with Historic Preservation Sub-Alternative B is now "the Project" that City staff is recommending for adoption. For ease of administrative purposes, the changes noted above have been made to the May 2014 Final Specific Plan. Please see Master Response 5.3 in Chapter 5 of this Response to Comments document for a more detailed description of Historic Preservation Sub-Alternative A and B.

Adaptive Reuse Priority Area boundaries is reflected in the updated DEIR Figures 3-10 and 4.4-2. These updated DEIR figures are presented in Chapter 3 of this Response to Comments document.

Further, this Specific Plan chapter has been modified to revise and augment the proposed development incentives to further encourage the development of retail uses; open spaces that are publicly accessible; and the development of senior and affordable housing.

Chapter 5: Community Design

The majority of modifications within this chapter intend to bring more of a balance of destination retail in the Specific Plan and to encourage the protection and re-use of the Plan Area's historic buildings. The language in Policy CD-3.8 is revised to reflect greater flexibility in the Retail Priority Site proposed on the blocks on either side of Waverly Street and to reduce the emphasis on redevelopment of these parcels as a whole. This is also reflected in the revised depiction of this Retail Priority Site in the Final Specific Plan Figure 4.4 and updated DEIR Figures 3-9 and 4.4-2 to be consistent with the Retail Priority Site subareas as shown in Appendix B within the Height Area Map and Zoning Concept, and as presented in Chapter 3 of this Response to Comments document.

The policy language in Policy CD-3.16 (formerly Policy CD-3.15) is revised to reduce the emphasis on destination retail taking a priority over adaptive reuse of existing buildings and CEQA historic resources, and to help balance these competing goals.

In addition, Policy CD-3.10 which addresses the ground-level facade on the Broadway frontage of the Retail Priority Site between 24th and 25th Streets, is added to the Final Specific Plan. The inserted policy is intended to encourage an active ground-level façade that supports pedestrian activity, consistent with the Retail Priority Sites discussion and figure. Additional minor corrections and revisions are incorporated throughout the text of this chapter.

Chapter 6: Circulation

The modified *May 2014 Final Broadway Valdez District Specific Plan* adds Policies C-5.1, C-5.4, and C-5.5 intended to increase collaboration with businesses, AC Transit, and BART on potential displays showing arrival times and an emphasis on the important point of entry of the 19th Street BART Station into the Plan Area. Other policy revisions would increase zoning code requirements for bicycle parking (Policy C-3.4), require unbundling of parking for residential developments (C-6.8); provide an option for an in-lieu fee for parking (C-6.9), and reduce the minimum parking requirement (C-6.10). These policies further encourage the use of non-automobile modes which is consistent with the goals of the Specific Plan. Further refinements are made to circulation policies regarding the management of parking in the Plan Area, but do not affect the CEQA analysis.

In addition, the legend listing "Potential Broadway Streetcar" is corrected to read "Potential Enhanced Broadway Transit" in the Final Specific Plan Figures 6.1 and 6.3. These figures are not depicted in any of the DEIR figures and thus no update is required.

Chapter 7: Infrastructure

Three policies were added to this chapter to indicate development under the Specific Plan would be consistent with EBMUD's standards regarding sanitary sewer infrastructure improvements, water supply infrastructure improvements, and water conserving practices for landscape irrigation.

Chapter 8: Implementation

Modifications within this chapter involved reorganized presentation of the data, and revisions regarding the components necessary to implement the Specific Plan.

Appendices

The documents in the Appendices A-C listed below are merely for the convenience of the reader and do not constitute part of the Specific Plan. Adoption and amendments of such documents can occur independently of the Specific Plan.

Appendix A: General Plan Amendments

Minor adjustments to the proposed land use designations are depicted in Final Specific Plan Figure A.2 and reflected in the updated DEIR Figure 3-4 which is presented in Chapter 3 of this Response to Comments document.

Appendix B: Planning Code Amendments

Minor adjustments to the proposed zoning controls, as shown in Final Specific Plan Figure B.2, are reflected in the updated DEIR Figure 3-6 which is presented in Chapter 3 of this Response to Comments document.

Minor adjustments to the proposed height areas and in the Retail Priority Sites boundaries, as shown in Final Specific Plan Figure B.4, are reflected in the updated DEIR Figure 3-8 and presented in Chapter 3 of this Response to Comments document.

Appendix C: Design Guidelines

Modifications to this chapter include minor adjustments to the language around pedestrian scale and building articulation. Text revisions clarify that the adaptive reuse design guidelines (DG 124) would apply to both Plan Area's Area of Primary Importance (API) and Areas of Secondary Importance (ASI) and added design guideline (DG 128) is specific to the Waverly Street Residential ASI District. Additional minor corrections and revisions are incorporated throughout the text of this chapter.

In addition to the summarized modifications to the Draft Specific Plan above, Chapter 3 of this Response to Comments document includes updates, where necessary, to the text and figures describing the Specific Plan within the DEIR.

2.4 Environmental Effects of Specific Plan Modifications

As noted above in Section 2.2, *Specific Plan Summary*, for the purposes of environmental review, the City has established the Broadway Valdez Development Program. As introduced in DEIR Chapter 1, *Introduction*, the Broadway Valdez Development Program represents the *maximum feasible development* that the City has projected can reasonably be expected to occur in the Plan Area over the next 25 years, and is thus the level of development envisioned by the Specific Plan and analyzed in the DEIR. In total, the Broadway Valdez Development Program includes approximately 3.7 million square feet of development, including approximately 695,000 square feet of office space, 1,114,000 square feet of restaurant / retail space, 1,800 residential units, a new 180-room hotel, approximately 6,500 parking spaces provided by the development program, and approximately 4,500 new jobs (see Table 2-2 above).

This *maximum development* that is the basis of the DEIR analysis is distinctly different from the *theoretical maximum development potential* that could ultimately occur in the Plan Area. The *reasonably foreseeable maximum development* assumed for the DEIR analysis attempts to project what might be feasible based on a number of market factors, including: market demand for various uses; broader regional economic and market conditions; backlog of approved or planned projects in the vicinity; recent development and business investment in the area; landowner intentions for their properties; and properties susceptible to change due to vacancy, dereliction, or absence of existing development. The Broadway Valdez Development Program also is in the Physical Height Model depicted in DEIR Figure 3-11. Note that the heights depicted in Figure 3-11 differ from the maximum building heights in the proposed rezoning from the Draft Specific Plan (DEIR Figure 3-8). The Physical Height Model, which forms the basis of this EIR analysis, shows heights that are more reasonably foreseeable than the height maximums in the proposed rezoning and most of the Plan Area is expected to be built out to 65 feet or less in height. Further, heights and general building envelopes depicted in the Physical Height Model are conservative in that they include slightly more building area than would be required to accommodate the *maximum feasible development* assumed for the EIR analysis (i.e. the Broadway Valdez Development Program).

As discussed below, none of the modifications to the Draft Specific Plan—including revision, addition or deletion of policies; or modifications to proposed zoning controls, height areas, or land use designations—would render the Broadway Valdez Development Program and the associated Physical Height Model an unreasonable assumption for the *maximum feasible development* under the Specific Plan and for the basis of the DEIR analysis. As such, none of the modifications to the Draft Specific Plan, as published in the Final Specific Plan, would alter the basis of the DEIR analysis; and none of these modifications would result in a new or significant impact or a peculiar environmental impact or an impact of substantially greater severity than was already analyzed and disclosed in the DEIR.

Aesthetics, Shadow and Wind

The Broadway Valdez Development Program and the Physical Height Model form the basis of the DEIR analysis for Aesthetics, Shadow, and Wind. Modifications to the proposed Height Areas would not alter the assumptions used in the DEIR analysis, including the shadow and wind test modeling. In addition, adherence to the modified Design Guidelines for particular projects and the required consistency of those projects with the policies articulated in the Final Specific Plan still would result in new development that is cohesive in architectural style and form.

Therefore, the Final Specific Plan still would continue to result in the potential for development to cause adverse shadow effects on the Temple Sinai if new development is unable to fully avoid new shading which would materially impair this resource's historic significance. At this time, it cannot be known with certainty that mitigations would prevent new development from resulting in adverse shadow effects. Therefore, the conservative SU shadow impact identified with the Draft Specific Plan (Impact AES-4, shading an historic resource), would continue to be conservatively SU.

Under the Final Specific Plan, as with the Draft Specific Plan, the General Plan would be amended such that the *Central Business District* land use designation would be extended northward to 27th Street and throughout the Valdez subarea. As such, the City's threshold requiring project sponsors proposing buildings 100 feet tall or taller within the *Central Business District*, to conduct detailed wind studies (consistent with DEIR Mitigation Measure AES-5), would apply. It cannot be known with certainty that a future project redesign would eliminate the potential for new adverse wind impacts. Therefore, the conservative SU wind impact identified with adoption and development under the Draft Specific Plan (Impact AES-5, adverse wind conditions) would continue to be conservatively SU.

The Final Specific Plan would contribute to cumulative shadow effects and therefore, the conservative SU cumulative impact for shadow identified with the Draft Specific Plan (Impact AES-6), would remain.

Overall, the Final Specific Plan would result in the same significant and unavoidable, and less than significant aesthetics impacts identified in the DEIR for the Draft Specific Plan.

Air Quality

The Broadway Valdez Development Program forms the basis of the DEIR analysis for Air Quality and the level of development and related construction activity assumed for this analysis would not change as a result of modifications to the Specific Plan. Therefore, the conservative SU air quality impacts identified with the Draft Specific Plan (Impact AIR-1, construction average daily emissions, Impact AIR-2, operational average daily and maximum annual emissions, and Impact AIR-4, cumulative operational TAC impacts from new sources) would continue to be conservatively SU.

The Final Specific Plan would be subject to the same air quality Recommended Measures, Mitigation Measures, and SCAs that would apply to the Draft Specific Plan. Overall, the Final

Specific Plan would result in the same conservative SU and less-than-significant air quality impacts identified with the Draft Specific Plan.

Biological Resources

Under the Final Specific Plan, development still would occur in the Plan Area and the construction activities and operation of development could impact biological resources. Individual projects would be required to conform to all of the City's SCAs. Overall, the Final Specific Plan would maintain the same less-than-significant impacts on biological resources.

Cultural Resources

Despite strengthened policy language regarding the preservation of historic resources within the Plan Area, the development potential, including on sites containing CEQA historic resources, assumed for this analysis would not change as a result of modifications to the Specific Plan. Therefore, the SU historic resources impacts identified with the Draft Specific Plan (Impacts CUL-1 and CUL-5, impacts to historic resources – project and cumulative), would continue to be SU, although such impacts may be reduced.

Overall impacts to cultural resources under the Final Specific Plan would result in the same SU and less-than-significant impacts as the Draft Specific Plan.

Geology, Soils and Geohazards

Under the Final Specific Plan, development still would occur in the Plan Area and the construction activities and operation of development could expose residents to geologic hazards including strong ground shaking during a seismic event. Individual projects would be required to incorporate all applicable SCAs. Thus, the Final Specific Plan would result the same less-than-significant impacts to geology, soils and geohazards.

Greenhouse Gases and Climate Change

The Broadway Valdez Development Program forms the basis of the DEIR analysis for Greenhouse Gases and Climate Change and thus the assumptions for generation of annual greenhouse gas emissions would not change as a result of modifications to the Draft Specific Plan. Therefore, the conservative SU Greenhouse Gases and Climate Change impact identified with the Draft Specific Plan (Impact GHG-1, Greenhouse Gas Emissions), would continue to be conservatively SU.

All applicable SCAs, including SCA F, *GHG Reduction Plan*, still would be incorporated in future developments, as applicable. Overall, the Final Specific Plan would result in the same less than significant greenhouse gas policy impacts and conservative SU greenhouse gas emissions impacts identified in the DEIR for the Draft Specific Plan.

Hazardous Materials

Under the Final Specific Plan, development still would occur in the Plan Area and the construction activities involving demolition, soil disturbance and excavation could continue to potentially expose construction workers and residents to potential hazards and hazardous materials. Any new construction would incorporate applicable City SCAs, and therefore would result in the same less-than-significant impacts associated with hazardous materials and hazards. Overall, the Final Specific Plan would result in the same less-than-significant impacts identified in the DEIR for the Draft Specific Plan.

Hydrology and Water Quality

Under the Final Specific Plan, development still would occur in the Plan Area, construction activities could lead to increased contaminants being washed into San Francisco Bay, altered drainage patterns could result in susceptibility to flooding hazards or inundation. However, any development would incorporate the City's applicable SCAs and implement best management practices. Therefore, impacts to water quality under the Final Specific Plan would continue to be less than significant.

Land Use, Plans and Policies

Under the Final Specific Plan, development still would occur in the Plan Area, and, as discussed above, the development assumptions established in the Broadway Valdez Development Program and associated Physical Height Model would not change as a result of modifications to the Draft Specific Plan. All new development would be required to be consistent with the General Plan and current Oakland Zoning designations. Therefore, the Final Specific Plan would result in the same less-than-significant land use impacts as identified in the DEIR for the Draft Specific Plan.

Noise

The Broadway Valdez Development Program forms the basis of the DEIR analysis for Noise. The estimated number of new peak hour trips would not change as a result of modifications to the Specific Plan and the three SU noise impacts, resulting primarily from traffic noise and traffic noise in combination with future operational noise, would remain. Therefore, the three SU noise impacts identified with the Draft Specific Plan (Impact NOI-5, traffic noise; Impacts NOI-6, cumulative traffic noise; and NOI-7, cumulative noise) would continue to be SU.

Any new construction would incorporate applicable City SCAs and the Final Specific Plan would have the same less-than-significant noise impacts related to construction noise.

Population, Housing, and Employment

The Broadway Valdez Development Program forms the basis of the DEIR analysis for Population, Housing, and Employment and therefore the Final Specific Plan would have the same

less-than-significant impacts regarding the displacement of substantial housing, people, businesses, or jobs, as identified for the Draft Specific Plan.

Public Services and Recreation Facilities

The Broadway Valdez Development Program forms the basis of the DEIR analysis for Public Services and Recreation Facilities and thus the demand for public services and recreation facilities under the Final Specific Plan, and the use of such facilities, would not change as a result of modifications to the Draft Specific Plan. Thus, it is not anticipated that new physical facilities would be required, the construction of which could result in adverse environmental effects. Therefore, impacts related to public services and recreation facilities under the Final Specific Plan would continue to be less than significant.

Transportation and Circulation

To present a more conservative analysis of potential Specific Plan impacts on the surrounding street network, the traffic impact analysis presented in the DEIR does not account for the effectiveness of the policies included in the Draft or Final Specific Plan in reducing the overall automobile trip generation. Therefore, modification to policies in the Final Specific Plan would not alter the basis of the DEIR analysis and thus would not result in new or peculiar environmental impacts or impacts of greater severity than was already analyzed and disclosed in the DEIR.

The Specific Plan modifications eliminate the discussion of parking ratios, which, in the Draft Specific Plan, had recommended parking supply based on likely demand in the Plan Area. However, the parking demand analysis presented in the DEIR continues to remain valid because the neither the Broadway Valdez Development Program nor the parking ratios used to estimate parking demand generated in the Plan Area would be affected by these modifications to the Specific Plan.

In addition, the Specific Plan modifications do not modify the Broadway Valdez Development Program or the roadway modifications included in the Draft Specific Plan, which formed the basis of the DEIR analysis. Therefore, the analysis presented in the DEIR continues to remain valid and Specific Plan modifications related to Transportation and Circulation would not result in new or more severe significant impacts not already disclosed in the DEIR.

Utilities and Service Systems

The Broadway Valdez Development Program forms the basis of the DEIR analysis for Utilities and Service Systems and thus the demand for water, wastewater, energy, and solid waste disposal services under the Final Specific Plan would not change as a result of modifications to the Draft Specific Plan. Therefore, impacts related to utilities and service systems under the Final Specific Plan would continue to be less than significant.

CHAPTER 3

Modifications to the DEIR

3.1 Overview

This chapter presents all the modifications required to the DEIR. The changes are either initiated by responses to public comments received on the DEIR, or by the City of Oakland (Lead Agency) staff for clarification or as a result of modifications to the Specific Plan. Changes are made to ensure accuracy and clarity throughout the EIR.

Throughout this chapter, newly added text is shown in double underline format, and deleted text is shown in ~~strikeout~~ format. The source of each change is noted in brackets following each change. Changes are listed generally in the order in which they would appear in the DEIR.

3.2 Modifications to the Draft EIR

Chapter 2, Summary

The text on DEIR page 2-9 is updated, as shown on the following page.

[City-initiated]

Chapter 3, Project Description

The text under Key Plan goals on page 3-3 is updated as follows:

- A “complete” 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.
- New uses and development that enhance the Plan Area’s social and economic vitality by building upon the area’s existing strengths and successes, and revitalizing and redeveloping underutilized areas, ~~outdated, and/or nuisance uses or properties~~.
- A compact neighborhood that is well-served by an enhanced and efficient transit system.

[City-initiated]

TABLE 2-1REV (Excerpt)
SUMMARY OF IMPACTS, MITIGATION MEASURES, STANDARD CONDITIONS OF APPROVAL AND RESIDUAL EFFECTS

Environmental Impact	Standard Conditions of Approval and Mitigation Measures	Level of Significance after application of Mitigation
Aesthetics, Shadow and Wind		
Impact AES-1: Adoption and development under the Specific Plan would not adversely affect scenic public vistas or views of scenic resources (Criteria 1 and 2). (Less than Significant)	None Required	Less than Significant
Impact AES-2: Adoption and development under the Specific Plan would not substantially degrade the existing visual character or quality of the site and its surroundings (Criterion 3). (Less than Significant)	None Required	Less than Significant
Impact AES-3: Adoption and development under the Specific Plan would result in new sources of light or glare which would not substantially and adversely affect day or nighttime views in the area (Criterion 4). (Less than Significant)	Standard Condition of Approval 40: <i>Lighting Plan</i>	Less than Significant
Impact AES-4: Adoption and development under the Specific Plan could result in substantial new shadow that would shade solar collectors, passive solar heaters, public open spaces, or historic resources or otherwise result in inadequate provision of adequate light (Criteria 5 through 9). (Conservatively Significant and Unavoidable)	Mitigation Measure AES-4: Shadow Analysis. Project sponsors for projects proposed for development on the parcel bounded by Webster Street, 29th Street, Broadway, and 29th Street shall conduct a shadow analysis to evaluate the shadowing effects of the proposed project on the stained glass windows on the eastern façade of the Temple Sinai. Should the initial shadow analysis reveal new shading would occur on the stained glass windows of the Temple Sinai during morning worship periods, the project sponsor shall, if feasible, modify project designs and reduce proposed building heights, as necessary, until a revised shadow analysis demonstrates that new shading on Temple Sinai would not materially impair this resource's historic significance (i.e., would avoid Temple Sinai's stained glass windows during morning worship periods, which are generally from 7:30 a.m. to 12:00 p.m.).	Conservatively Significant and Unavoidable
Impact AES-5: Adoption and development under the Specific Plan has the potential to result in adverse wind conditions (Criterion 10). (Conservatively Significant and Unavoidable)	Mitigation Measure AES-5: Wind Analysis. Project sponsors proposing buildings 100 feet tall or taller within the portion of the Plan Area designated Central Business District shall conduct detailed wind studies to evaluate the effects of the proposed project. If the wind study determines that the proposed project would create winds exceeding 36 mph for more than one hour during daylight hours during the year, the project sponsor shall incorporate, if feasible, <u>develop and implement a wind reduction plan and incorporate</u> measures to reduce such potential effects, as necessary, until a revised wind analysis demonstrates that the proposed project would not create winds in excess of this threshold. Examples of measures that such projects may incorporate, depending on the site-specific conditions, include structural and landscape design features and modified tower designs: wind protective structures or other apparatus to redirect downwash winds from tall buildings, tree plantings or dense bamboo plantings, arbors, canopies, lattice fencing, etc.	Conservatively Significant and Unavoidable
Impact AES-6: Adoption and development under the Specific Plan, in combination with other past, present, and reasonably foreseeable future projects within and around the Plan Area, would result in significant cumulative wind, and shadow impacts. (Conservatively Significant and Unavoidable)	Mitigation Measure AES-6: Implement Mitigation Measures AES-4 and AES-5.	Conservatively Significant and Unavoidable

The text in the third paragraph on page 3-3 is updated as follows:

Further relevant aspects of the existing General Plan, ~~Zoning Ordinance~~Planning Code, and other applicable land use regulations, are discussed in detail in Section 4.9, *Land Use, Plans and Policies*.

[City-initiated]

The text in the third paragraph under Section 3.4.2.1 on page 3-10 is updated as follows:

The Specific Plan places restrictions on residential activities in limited areas of the Valdez Triangle, called Retail Priority Sites, with residential activities being used as an incentive for development of retail uses, providing larger ~~format square footage of~~ retail space that is suitable for comparison goods retail would be required and the larger the amount of retail square footage provided the higher the ~~density of number of~~ residential activity units that will be allowed (see Section 3.4.7, *Retail Priority Sites*, below).

[City-initiated]

The first paragraph under the section Proposed Land Use Controls on page 3-13 is updated as follows:

Adoption of the Specific Plan, concurrently, but independently, with associated General Plan and Planning Code ~~Amendments, Design Guidelines, and Zoning and Height Area Maps and rezoning~~, would put into place the regulatory framework for future uses and developments within the Broadway Valdez District Specific Plan Area. The new General Plan designations proposed by the Specific Plan along with the ~~would inform the update of the new~~ Plan Area's zoning and height areas ~~in order to~~ will implement the vision of the Plan.

[City-initiated]

The first paragraph on page 3-19 is updated as follows:

... of retail component (see also Section 3.4.6, *Proposed Height and Massing*, and 3.4.7, *Retail Priority Sites*, below); D-BV-2 Retail would require that ground floor uses consist of retail, restaurant, entertainment, or arts activities; D-BV-3 Mixed-Use Boulevard would allow for a wider range of ground floor office and other commercial activities than in D-BV-2; and D-BV-4 Mixed Use would allow the widest range of uses on the ground floor,

including both residential and commercial businesses (see the related Planning Code Amendment document Appendix B of the Specific Plan for the complete draft text of the proposed new zoning district regulations).

[City-initiated]

The second paragraph under Proposed Height and Massing on page 3-19 is updated as follows:

In addition to new district-specific zones, the Specific Plan proposes new height regulations for the Plan Area (see **Figures 3-7** and **3-8**, on pages 3-20 and 3-21). Maximum building heights would range from 45 feet along Brook Street to 250 feet along Grand Avenue and the southern end of the Plan Area between Broadway and Valdez Street. Generally, the tallest building heights would be permitted in the Valdez Triangle (closer to the existing Downtown) and in the North End adjacent to the Alta Bates Summit Medical Center and the elevated I-580 freeway. The lowest building heights would be designated in the North End subarea where existing residences and historic garage structures predominate. The areas currently zoned RM-3 would continue to have a 30 foot height limit and RM-4 a 35 foot height limit. Along the area adjacent to Alta Bates Summit Medical Center, the base height limits of 65 feet and 85 feet for areas with maximum building heights of 135 feet and 200–250 feet, respectively, would apply. A Conditional Use Permit will be required to achieve the 200 foot height limit and in some areas to achieve the 135 foot height limit. ~~Base~~ base height limits of 85 feet would apply along Grand Avenue and the southern end of Broadway. Special height regulations would apply to areas in the D-BV-1 Retail Priority Sites zoning district, which are also described in the following section:

- 45 feet in height allowed “by right”;
- Taller structures (ranging from 200 feet to a maximum of 250 feet) allowed if a certain size/~~type~~ of retail component is included;
- The additional allowed height is dependent upon whether a project includes the appropriate size/~~type~~ of retail component.

[City-initiated]

The first paragraph on page 3-20 is updated as follows:

... levels: Maximum Building Height Allowed by Right, Maximum Building Height with a Conditional Use Permit, Minimum Building Height, and Maximum Base Height (which applies to the building base of mid- and high-rise buildings). Moreover, buildings in all height zones would be subject to the Broadway Valdez design guidelines, which would

provide strategies for ensuring that taller buildings are consistent with the Plan’s overall vision. These are discussed further below in Section 3.6.

[City-initiated]

The text on page 3-20 is updated as follows:

3.4.7 Retail Priority Sites and Incentives

As noted above, to help achieve the Specific Plan’s goal of promoting the Plan Area as a retail destination, the Plan’s land use concept includes a series of “Retail Priority Sites,” which are implemented by the proposed new zoning district D-BV-1 Retail Priority Sites (see **Figure 3-9**). The regulatory framework of D-BV-1 is intended to ensure that larger sites and opportunity areas, particularly within the Valdez Triangle, are reserved primarily for new, larger retail development to accommodate consumer goods retail, at least on the ground floor. In addition to size, the Retail Priority Sites are also well served by transit, have excellent vehicular access, and are in areas of good visibility. The Plan proposes to use a combination of incentives and regulation to achieve its retail objectives on the Retail Priority Sites. The main incentive is that residential only would be allowed if a retail project of a specified size ~~and type~~ were to be developed; additional incentives could apply for retail projects that are larger than the minimum requirement, such as higher heights and ~~allowed density~~ a higher number of residential units, ~~as well as reduced parking and open space for the residential component of a proposed project.~~

~~3.4.8 Entertainment District Overlay~~

~~The Specific Plan includes an Entertainment District overlay zone that would include the areas along the Broadway and Telegraph Avenue corridors from 13th Street to 27th Street between Harrison and the west side of Telegraph, including a major portion of the Valdez Triangle subarea (see **Figure 3-10**). The overlay zone would encourage live entertainment and cabaret type uses by streamlining the permit process and allowing more extended hour permits; allowing more temporary events such as “artisan marketplaces” and mobile food provisions; streamlining the Encroachment Permit process for sidewalk cafes and reducing or eliminating extra fees; exempting the Entertainment District overlay zone district from the City’s “dark skies” ordinance to allow architectural up-lighting that highlights building features; and creating special sign regulations that allow for bold, eye-catching signs that exceed current sign standards.~~

[City-initiated]

The text on page 3-28 is updated as follows:

3.6.3 Historic Resources and Preservation Strategies

The Plan identifies Adaptive Reuse Priority Areas for historic preservation as a policy for maintaining a unique character for the Plan Area (also shown in Figure 3-10). This policy emphasizes the renovation and repurposing of historic garage and auto showroom buildings along Broadway to preserve a link to the corridor’s past and enrich its character. The intent of the Adaptive Reuse Priority Areas is to include both designated historic resources and other existing buildings possessing architectural merit. Incentives for preserving Potentially Designated Historic Properties (PDHP) or a CEQA Historic Resource within an Adaptive Reuse Priority include not requiring new parking or open space to convert from a commercial to residential use and/or if 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.

In addition to the parcels identified in the Adaptive Reuse Priority Areas, buildings located within the Plan Area’s four ASI’s, one API, and other Potential Designated Historic Properties (PDHPs) may be eligible for façade improvement grants and easements, transfer of development rights, use of California State Historical Building Code, reduced fees and expedited development review, property tax abatements (pursuant to Mills Act), and relief from code requirements. These programs are discussed in greater detail in Section 4.4, *Cultural Resources*.

In the Retail Priority Sites, existing buildings that are utilized for retail can count towards the retail square footage that is required in order to build a residential project. A CEQA Historic Resource within a Retail Priority Site that is utilized for retail can be counted as double square footage towards the retail square footage requirement to build residential.¹

[City-initiated]

The text on page 3-30 is updated as follows:

3.7.3 Transportation Demand Management

The Specific Plan proposes a Transportation Demand Management (TDM) program that would apply to the entire Plan Area. Specifically, the Plan would require that all commercial

¹ These changes to strengthen incentives to preserve and enhance buildings of historic or architectural merit reflect the components of a new Historic Preservation Sub-Alternative that was added in the DEIR such that the original Historic Preservation Sub-Alternative has been renamed “Historic Preservation Sub-Alternative A” and the new Sub-Alternative is named “Historic Preservation Sub-Alternative B”. The Broadway Valdez District Specific Plan, in combination with Historic Preservation Sub-Alternative B is now “the Project” that City staff is recommending for adoption. For ease of administrative purposes, the changes noted above have been made to the May 2014 Final Specific Plan. Please see Master Response 5.3 in Chapter 5 of this Response to Comments document for a more detailed description of Historic Preservation Sub-Alternative A and B.

and residential developments in the Plan Area participate in the TDM. The Plan recommends the formation of a Transportation and Parking Management Agency (TPMA) to coordinate all Plan-related TDM efforts.² The TPMA can also be expanded to include large employers that are adjacent to the Plan Area, such as Alta Bates Summit and Kaiser Medical Centers. In addition, the Plan proposes implementation of a comprehensive wayfinding signage program in the Plan Area with an emphasis on pedestrian ~~and~~ bicycle, and transit facilities and the provision of bicycle support facilities such as bicycle repair shops, attendant bicycle parking/bike station, and/or bike sharing/rental program. Other TDM-related Specific Plan policies could include providing new Plan Area residences with a transit pass and/or transit subsidies, provision of dedicated car-sharing spaces throughout the Plan Area, on-street or in publicly accessible parking facilities, and the requirement that all employers in the Plan Area participate in TDM programs that would encourage the use of transit and facilitate walking and bicycling among their employees through both incentives and disincentives.

[City-initiated]

The first paragraph on page 3-31 is updated as follows:

Currently, a high number of parking spaces in the Plan Area are provided in surface parking lots which are identified in the Specific Plan as potential future development sites. Thus, as the Plan Area's development intensifies, it is anticipated that the available public parking supply would decrease. Although the Plan envisions creating a regional shopping destination which could result in a new need for parking, the development intensification thorough the Plan Area would result in more pedestrian, bicycle, and transit trips, and less reliance on automobile trips. The loss of the surface parking lots would be consistent with the Specific Plan's goals. The Specific Plan recommends that each new development within the Plan Area either provide its own off-street parking supply, and will be encouraged to be both shared and open the spaces to the public if feasible with little or no restrictions on use, or to ~~and~~ share parking with an existing use that may have different operating hours or excessive parking. In addition to new garages, several large garages in the Plan Area and adjacent areas are expected to remain and be available to the public.

[City-initiated]

The text under Parking Management Strategies, starting on page 3-31 is updated as follows:

The Plan policies would encourage proposed Planning Code for the Broadway Valdez District will require residential developments to unbundle the cost of parking from the cost

² A TPMA is an organization formed and funded by developments in a geographic area to coordinate areawide transportation and parking programs. Example TPMA responsibilities include providing residents, employers, employees, and visitors with information regarding available transportation alternatives, maintaining a website to include transportation-related data, and managing the parking supply.

of housing, thereby encouraging alternative modes of travel and making housing more affordable to residents who do not own a car.

The Plan would encourage the use of existing parking facilities in the Plan Area and would also implement an area-wide real-time parking information system that includes major parking facilities open to the public. In addition, it would also encourage implementing a parking pricing strategy that encourages Plan Area employees to walk, bike, or use transit to travel to and from work.

Proposed new Planning Code requirements for the Broadway Valdez District will reduce minimum parking requirements for both residential and commercial uses, define parking requirements for ground floor or upper floor uses, in order to allow more flexibility in uses and allow for shared use of parking for different activities on the same floor.

Additional proposed new zoning regulations for the Broadway Valdez District will provide the option for developers to pay an in-lieu fee per parking space instead of constructing those parking spaces. Parking in-lieu fees provide the benefit of facilitating shared parking between uses, thereby maximizing use of the existing parking supply and avoiding decentralized surface lots or garages needed for individual development sites which can limit walkability. Revenues generated by an in-lieu fee program should be used to expand public parking supply through the construction of new parking facilities, or to fund improvements that reduce automobile parking demand, such as pedestrian, bicycle, transit, and streetscape improvements recommended in this Specific Plan.

[City-initiated]

The text on page 3-33 is updated as follows:

The Broadway Valdez District Specific Plan is intended to be adopted concurrently, but independently, with Design Guidelines and amendments to the City's General Plan and the Oakland Planning Code and Zoning and Height Maps, which would provide the implementing regulatory framework that would guide future land use and development decisions in the Broadway Valdez District. This Specific Plan was written to be consistent with, and serve as an extension of, the Oakland General Plan, by providing both policy and regulatory direction. The Plan would work in conjunction with the Oakland Planning Code to regulate new development in the Plan Area.

Specifically, implementation of the Specific Plan would require amendments to the General Plan and ~~to the~~ City of Oakland Planning Code, Design Guidelines, and Zoning and Height Area Maps. These amendments ~~are included as a part of, and would~~ will be adopted concurrently with, the Specific Plan, but independent of it in order to allow for future amendments of the General Plan, Planning Code, Design Guidelines, Zoning and Height Area Maps without requiring an amendment of the Specific Plan. Upon adoption, the

objectives and policies contained within the Plan would 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 Specific Plan, the existing policies and standards of the City's General Plan and Planning Code would continue to apply. The amendments would be made to both the General Plan and Planning Code to ensure that broad City policy and specific development standards are tailored to be consistent with the Plan. Projects would be evaluated for consistency with the intent of Plan policies and for conformance with development regulations and design guidelines.

This EIR is intended to provide the information and environmental analysis necessary to assist the City in considering all the approvals and actions necessary to adopt and implement the Broadway Valdez District Specific Plan. To summarize previous discussions in this chapter, such actions/approvals include without limitation:

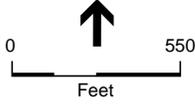
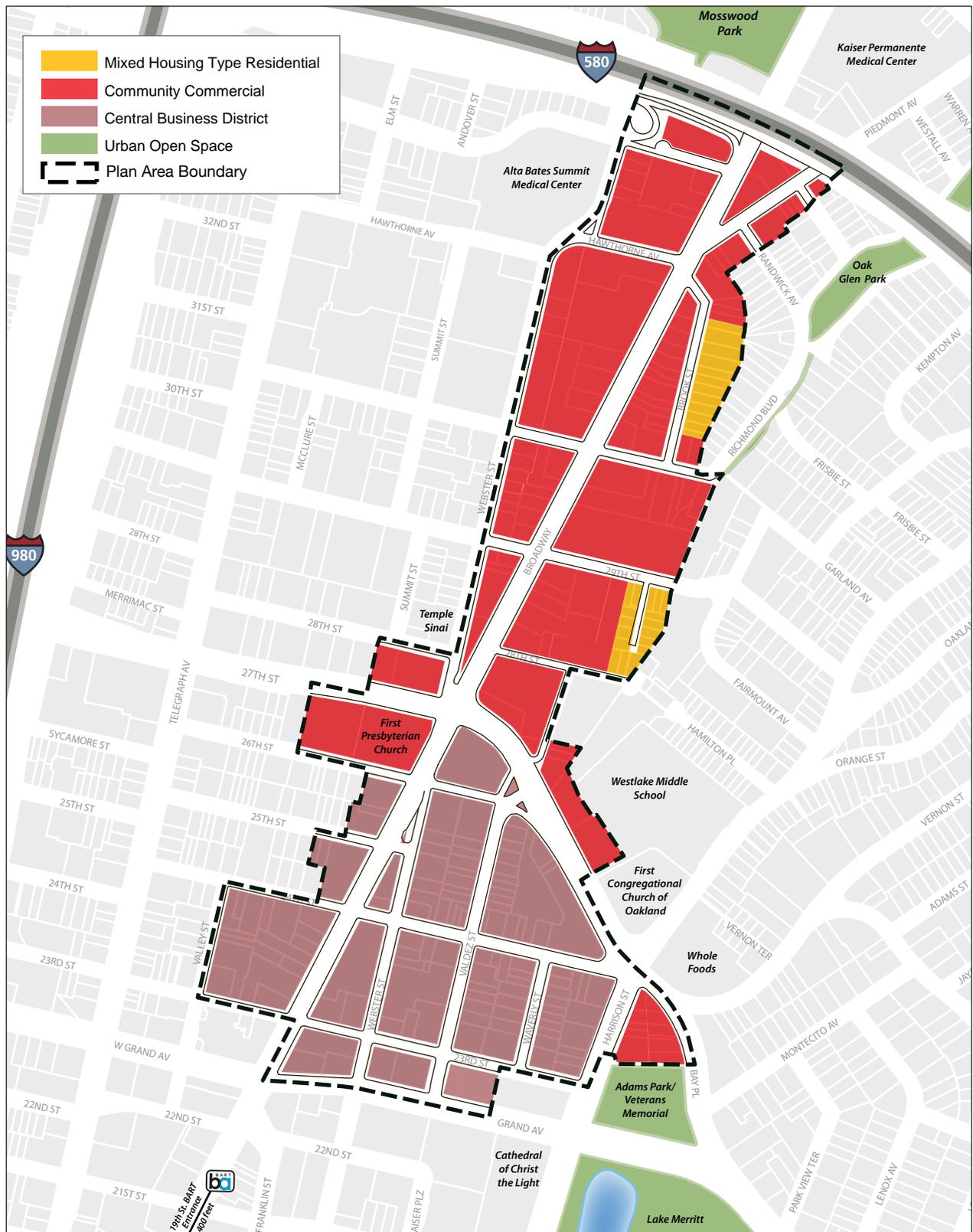
- **Certification of the EIR.** Certify the Broadway Valdez District Specific Plan EIR and make environmental findings pursuant to CEQA.
- **Adoption of the Specific Plan.** Adoption of the Broadway Valdez District Specific Plan, ~~including the design guidelines.~~
- **Amendments to General Plan.** Amend General Plan text and maps to ~~incorporate~~ implement the Specific Plan.
- **Amendments to the City of Oakland Planning Code.** Amend Planning Code text and Zoning and Height Area Maps to ~~incorporate~~ implement the Specific Plan.
- **Design Guidelines.** The Broadway Valdez District Specific Plan includes design guidelines to supplement the Planning Code regulations for this area.

[City-initiated]

Chapter 3, Project Description Figures

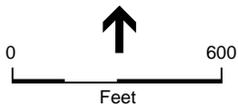
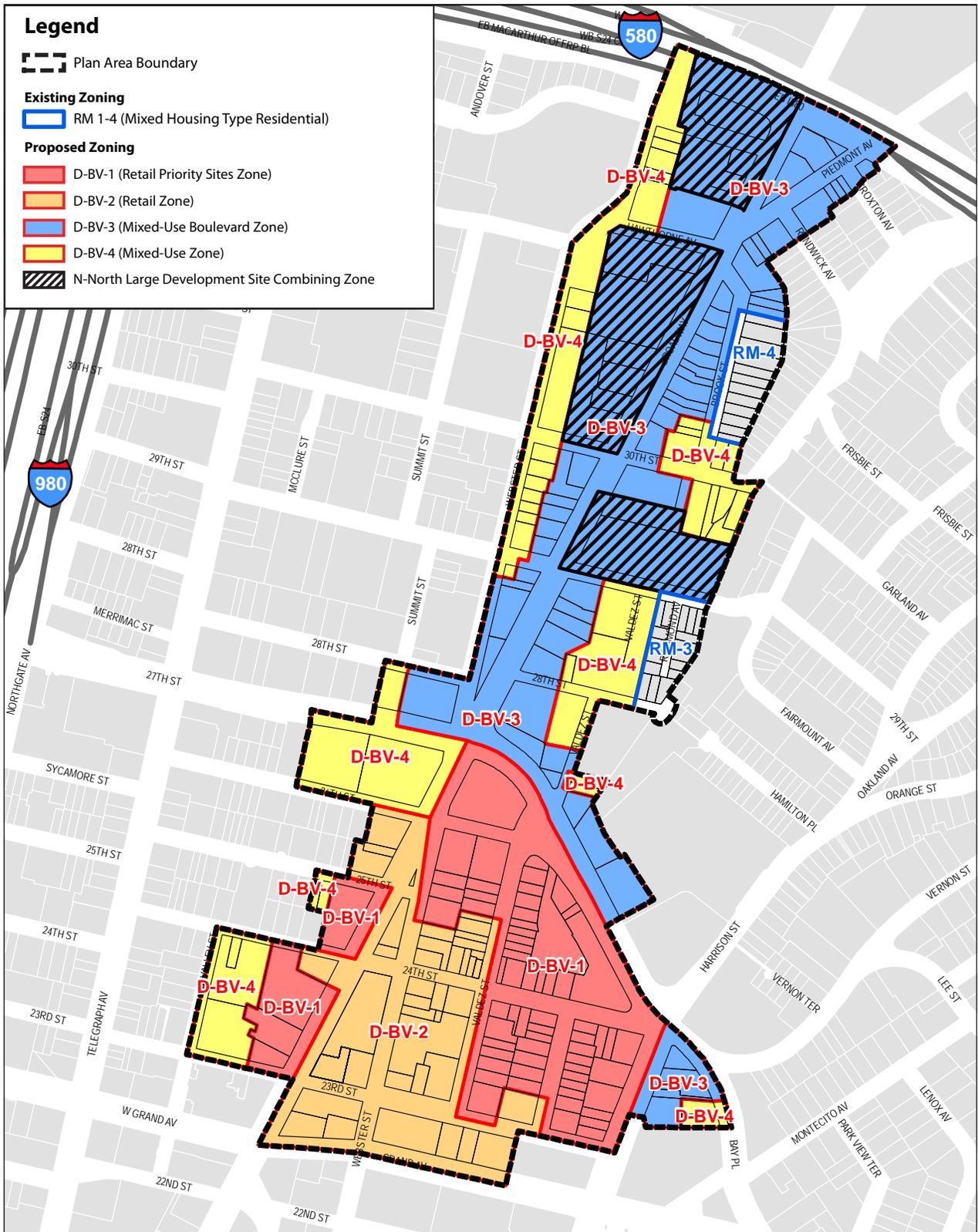
As described in Chapter 2, several of the DEIR figures have been updated to reflect minor modifications to the Specific Plan. Four figures in the Project Description are revised to reflect modifications to the Specific Plan and presented here. They include Figure 3-4, Proposed General Plan Land Use Designations (DEIR page 3-15), Figure 3-6, Proposed Zoning (DEIR page 3-17), Figure 3-8, Proposed Height Map (DEIR page 3-21), Figure 3-9, Major Opportunity Areas (DEIR page 3-22), and Figure 3-10, Proposed Adaptive Reuse Priority Areas (DEIR page 3-23).

[City-initiated]



SOURCE: WRT, 2013

Broadway Valdez District Specific Plan . 208522
Figure 3-4
 Proposed General Plan Land Use Designations



SOURCE: City of Oakland, Department of Planning and Building, 2013

Broadway Valdez District Specific Plan . 208522

Figure 3-6
Proposed Zoning

Legend

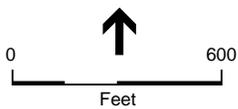
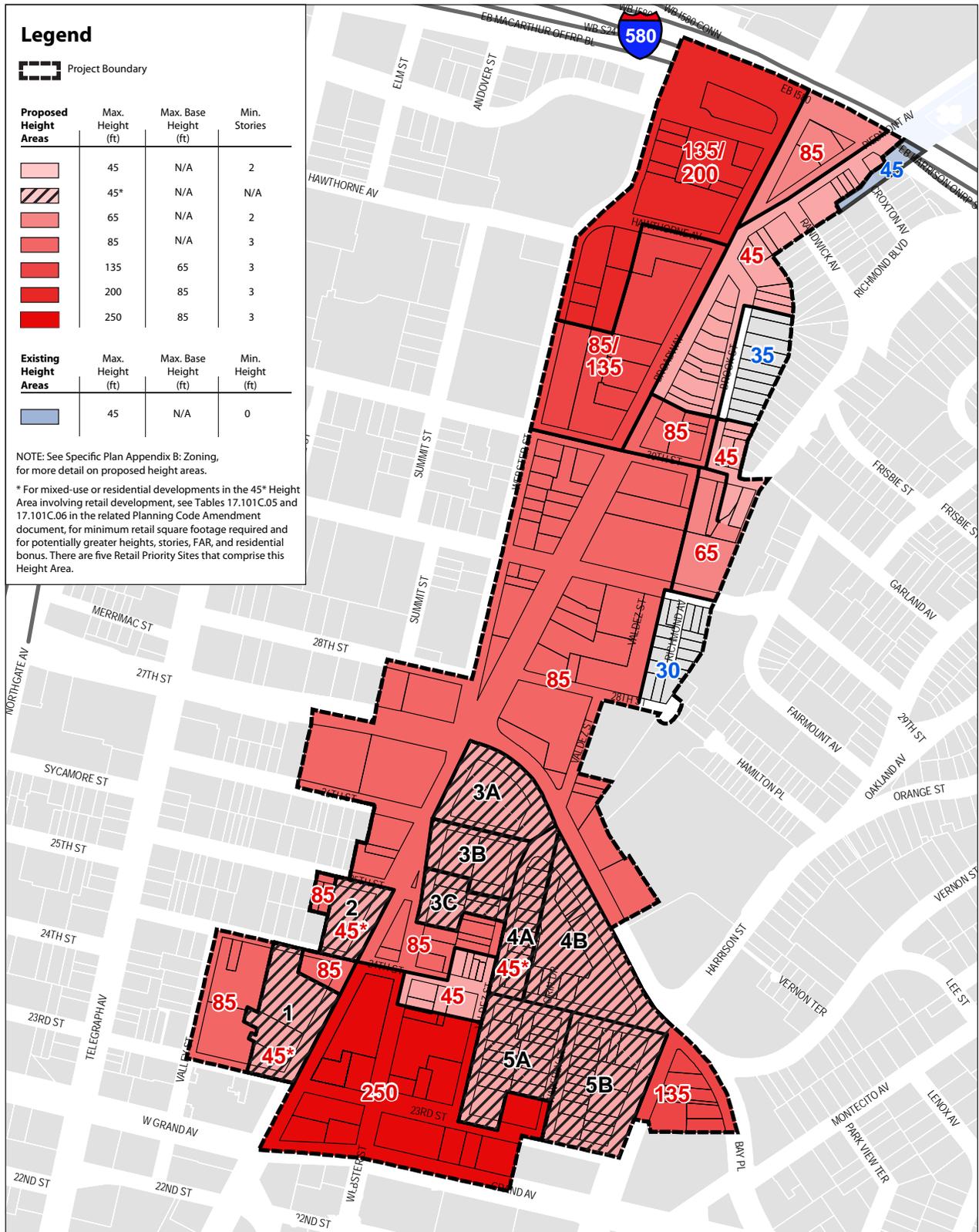
Project Boundary

Proposed Height Areas	Max. Height (ft)	Max. Base Height (ft)	Min. Stories
	45	N/A	2
	45*	N/A	N/A
	65	N/A	2
	85	N/A	3
	135	65	3
	200	85	3
	250	85	3

Existing Height Areas	Max. Height (ft)	Max. Base Height (ft)	Min. Height (ft)
	45	N/A	0

NOTE: See Specific Plan Appendix B: Zoning, for more detail on proposed height areas.

* For mixed-use or residential developments in the 45* Height Area involving retail development, see Tables 17.101C.05 and 17.101C.06 in the related Planning Code Amendment document, for minimum retail square footage required and for potentially greater heights, stories, FAR, and residential bonus. There are five Retail Priority Sites that comprise this Height Area.



SOURCE: City of Oakland, Department of Planning and Building, 2013

Broadway Valdez District Specific Plan . 208522

Figure 3-8
Proposed Height Map

Chapter 4.1, Aesthetics, Shadow, and Wind

The text under Impact AES-5 (pages 4.1-34 through 4.1-35) for wind is clarified as follows:

Impact AES-5: Adoption and development under the Specific Plan has the potential to result in adverse wind conditions (Criterion 10). (Conservatively Significant and Unavoidable)

Development under the Specific Plan could be tall enough to result in adverse wind conditions. Although new high-rise structures amidst existing or other new high-rise structures can sometimes result in general reductions in wind speed and the number and durations of occurrence of wind hazard, other building characteristics, such as location relative to other nearby buildings and/or open spaces, façade articulation, etc., are also considered and, together, can result in increases in adverse wind conditions.

Detailed wind studies are required of individual projects at least 100 feet tall and located within Downtown or adjacent to a substantial water body. Approval of the Specific Plan would include an amendment to the General Plan, including an extension of the *Central Business District* land use designation northward to 27th Street and throughout the Valdez subarea. However, the definition of “Downtown” is not being amended and the Specific Plan Area is not located within the Downtown definition boundaries and it is not considered adjacent to Lake Merritt. However, because the same development characteristic as a downtown with high-rise buildings is expected, similar impacts are anticipated. Therefore, Mitigation Measure AES-5, Wind Analysis, is identified.

Mitigation Measure AES-5: Wind Analysis. Project sponsors proposing buildings 100 feet tall or taller within the portion of the Plan Area designated *Central Business District* shall conduct detailed wind studies to evaluate the effects of the proposed project. If the wind study determines that the proposed project would create winds exceeding 36 mph for more than one hour during daylight hours during the year, the project sponsor shall ~~incorporate, if feasible,~~ develop and implement a wind reduction plan and incorporate measures to reduce such potential effects, as necessary, until a revised wind analysis demonstrates that the proposed project would not create winds in excess of this threshold. Examples of measures that such projects may incorporate, depending on the site-specific conditions, include structural and landscape design features and modified tower designs: wind protective structures or other apparatus to redirect downwash winds from tall buildings, tree plantings or dense bamboo plantings, arbors, canopies, lattice fencing, etc.

Conclusion with Mitigation: At this time, however, there are not sufficient details available to analyze specific impacts and it cannot be known with certainty that a project redesign would eliminate the potential for new adverse wind impacts. For this reason, Mitigation Measure AES-5 would not ensure less-than-significant impacts. Therefore, the impact is conservatively deemed significant and unavoidable.

[City-initiated]

Chapter 4.2, Air Quality

The text under SCA A (pages 4.2-15 through 4.2-16) is clarified as follows:

- **SCA A: Construction-Related Air Pollution Controls (Dust and Equipment Emissions)**

Ongoing throughout demolition, grading, and/or construction. During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the BAAQMD:

BASIC (Applies to ALL construction sites)

- a) 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.
- b) 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).
- c) 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.
- d) 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.
- e) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f) Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g) Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. 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.
- h) Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes and fleet operators must develop a written idling policy (as required by Title 13, Section 2449 of the California Code of Regulations.)
- i) 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.

- j) 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.
- k) 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.
- ENHANCED: 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).
- kl) 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.
- km) All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.
- kn) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- ko) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).
- kp) 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.
- kq) 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.
- kr) 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.

- rs) 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.
- st) All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- tu) 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.
- tv) Minimize the idling time of diesel-powered construction equipment to two minutes.
- vw) All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449 of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) must meet Emissions and Performance Requirements one year in advance of any fleet deadlines. The project applicant shall provide written documentation that the fleet requirements have been met.
- wx) Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).
- xy) All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOX and PM.
- yz) Off-road heavy diesel engines shall meet the CARB’s most recent certification standard.

[City-initiated]

The following text describing the Key Goals of the Specific Plan on page 4.2-32 is updated as follows:

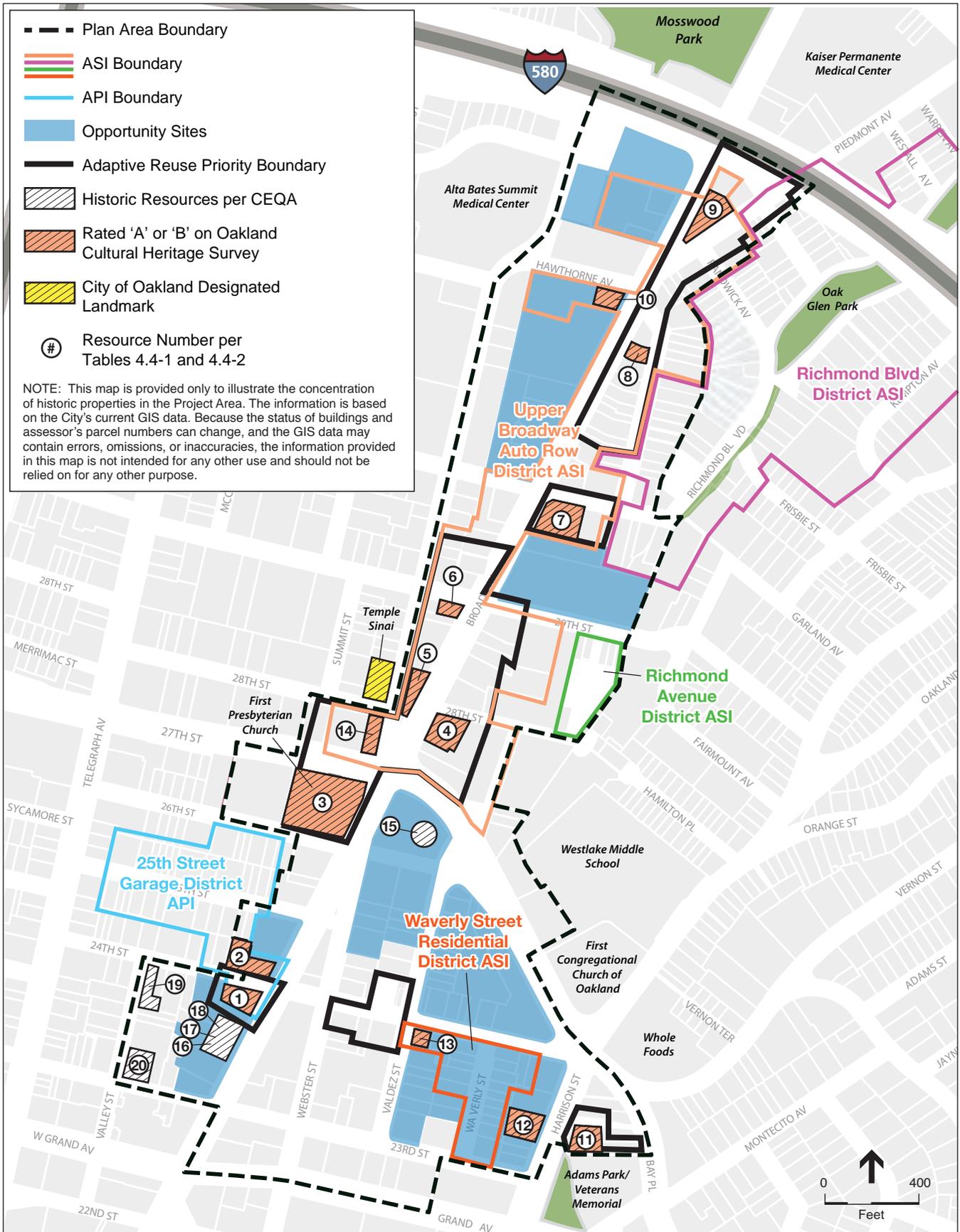
New uses and development that enhance the Plan Area’s social and economic vitality by building upon the area’s existing strengths and successes, and revitalizing and redeveloping underutilized areas, ~~outdated, and/or nuisance uses or properties.~~

[City-initiated]

Chapter 4.4, Cultural Resources

As described in Chapter 2, DEIR Figure 4.4-2 on page 4.4-17 has been updated to reflect minor modifications to the Specific Plan, as shown on the following page.

[City-initiated]



SOURCE: ESA

Broadway Valdez District Specific Plan . 208522
Figure 4.4-2
 Historic Resources in the Plan Area

The text on page 4.4-35 is revised to reflect the updated Specific Plan policy language as follows:

One of the Plan's key objectives, as established in Specific Plan **Goal LU-11**, is to encourage *Creative reuse of historic buildings that maintains a link to the area's social, cultural and commercial heritage while accommodating contemporary uses that further City objectives to establish a vibrant and visually distinctive retail and mixed use district*. Relevant policies within this Goal LU-11 include the following:

- **Policy LU-11.1:** Encourage landowners and developers of properties within an Adaptive Reuse Priority Area to explore the potential for adaptive reuse of existing older buildings as a means of preserving the area's character and enhancing district identity.
- **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.~~ Support current efforts to establish a state historic tax credit program.

[City-initiated]

The following text has been added and updated on page 4.4-36:³

The Plan also notes that the historic buildings located within the Adaptive Reuse Priority Areas, as well as those outside of it, may be eligible for various incentive programs, such as façade improvement grants, façade easements, Transfer of Development Rights (TDR), Mills Act property tax abatements, alternative code requirements, relocation assistance, and other preservation programs.

Incentives for preserving Potentially Designated Historic Properties (PDHP) or a CEQA Historic Resource within an Adaptive Reuse Priority include not requiring new parking or open space to convert from a commercial to residential use and/or if 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.

In the Retail Priority Sites, existing buildings that are utilized for retail can count towards the retail square footage that is required in order to build a residential project. A CEQA Historic

³ These changes to strengthen incentives to preserve and enhance buildings of historic or architectural merit reflect the components of a new Historic Preservation Sub-Alternative that was added in the DEIR such that the original Historic Preservation Sub-Alternative has been renamed "Historic Preservation Sub-Alternative A" and the new Sub-Alternative is named "Historic Preservation Sub-Alternative B". The Broadway Valdez District Specific Plan, in combination with Historic Preservation Sub-Alternative B is now "the Project" that City staff is recommending for adoption. For ease of administrative purposes, the changes noted above have been made to the May 2014 Final Specific Plan. Please see Master Response 5.3 in Chapter 5 of this Response to Comments document for a more detailed description of Historic Preservation Sub-Alternative A and B.

Resource within a Retail Priority Site that is utilized for retail can be counted as double square footage towards the retail square footage requirement to build residential.⁴

Finally, a portion of the Specific Plan Appendix C: *Design Guidelines of the Broadway Valdez Specific Plan* is dedicated to realizing the vision for historic resources in the Plan Area. Design Guidelines 119 through ~~128~~129 encourage new buildings that complement existing building forms, reinforce development patterns, reinforce the streetwall, and incorporate architectural details. Design Guideline 124 states that adaptive reuse of historic buildings should “Follow the Secretary of the Interior’s Standards for Rehabilitation when adapting and altering historic resources.”

[City-initiated]

The text on page 4.4-38 is revised as follows:

Mitigation Measure CUL-1, below, includes multiple mitigation measures and approaches to activities allowable under the Specific Plan, including demolition, alternation, and new construction. Some approaches could reduce impacts to historic resources to a less-than-significant level, and others could reduce impacts to historic properties, but not to a less-than-significant level.

[Comment Letter 21]

Although there remain cumulative, significant unavoidable cultural resource impacts, the geographic context has been clarified. Specifically, there are no City-wide cumulative impacts because, while cumulative development projects may affect individual historic resources, the affected resources include a broad range of building typologies, and would not have a clear, measurable impact on an individual type of historic resource. Other reasonably foreseeable projects throughout the City of Oakland which may affect citywide historic resources have been considered in the cumulative analysis; such citywide projects are too far away from the Plan Area (and would affect such different types of historical buildings) and thus would not be cumulatively considerable.

Also, there are no Lake Merritt Specific Plan Area cumulative impacts because the Lake Merritt Station Area Plan is outside of the Broadway Valdez District Plan Area vicinity. The Lake Merritt Station Area Plan’s closest boundaries to the Broadway Valdez District Plan Area boundaries are 6.5 city block lengths, or over half of a mile away and therefore, considered outside of the vicinity.

⁴ *Ibid.*

As such, adoption and development under the Specific Plan would have no significant cumulative impacts to historic resources on a citywide basis. However, the cumulative impact is still considered Significant and Unavoidable. Therefore, the text on pages 4.4-42 through 4.4-43 is revised and clarified as follows:

Cumulative Impacts

Impact CUL-5: Adoption of and development under the Specific Plan, combined with cumulative development in the Plan Area and its vicinity-citywide, including past, present, existing, approved, pending, and reasonably foreseeable future development, would contribute considerably to a significant adverse cumulative impact to cultural resources. (Significant and Unavoidable)

Geographic Context

The geographic context for the assessment of cumulative impacts to cultural resources consists of the Plan Area and its vicinity surroundings, ~~in addition to all parts of the city.~~

Impacts

Adoption of and development under the Specific Plan, when combined with the cumulative development citywide, could result in cumulative impacts to cultural resources. Cumulative effects could occur to resources beyond the Plan Area because cultural resources can include a resource type or theme such as libraries, railroad-related resources, and ethnic sites that occur throughout the city. Past projects in this area are included in the existing setting. Present projects would include any projects currently under construction within the geographic context area. Several past, present and reasonably foreseeable future projects are described in the Major Projects List in Appendix B to this Draft EIR.

Adoption of and development under the Specific Plan could result in significant impacts to cultural resources. Such impacts could combine with the significant impacts of the projects referenced above to form a significant cumulative impact to cultural resources. However, given the applicability of SCAs 52, 53, 54, 56, and 57 to all projects, Mitigation Measure CUL-1 identified above to reduce potential impacts, and the mitigation measures identified in the environmental documents for all cumulative projects in the geographic context area in Oakland, potentially significant cumulative impacts to cultural resources would, under most circumstances, be reduced to a less-than-significant level. In addition, past projects have been, and present and reasonably foreseeable future projects would be, subject to development guidance contained within the Historic Preservation Element of the General Plan and other applicable historic preservation zoning controls and landmark ordinances to ensure protection of cultural resources.

There is a possibility that if demolition or major alteration of a historical resource occurs with adoption of and development under the Specific Plan, and avoidance, adaptive reuse, and appropriate relocation as identified in SCA 56 and Mitigation Measure CUL-1 are not feasible, and the same circumstance occurs with other projects in the Plan Area vicinity that

may likely affect potential historic resources (~~such as the Lake Merritt Station Area Plan now under consideration, and the Broadway West Grand Mixed Use Project, now approved, see discussion below~~), a significant and unavoidable cumulative impact could result, even with the application of recordation, public interpretation, and financial contributions as identified in Mitigation Measure CUL-1 and all SCAs incorporated to all development projects.

Specifically, the Broadway West Grand Mixed Use Project is included in the cumulative analysis because it is an approved and therefore reasonably foreseeable project in the Plan Area that would also affect historic resources. As currently approved, this project would rehabilitate and reuse four historic resources including 2335-37 Broadway, 2343 Broadway, 2345 Broadway, and 2366-2398 Valley Street / 467 24th Street. The project would demolish one historic resource at 440-448 23rd Street. The 2004 EIR and subsequent addenda for the Broadway West Grand Mixed Use Project identified significant and unavoidable impacts to these historic resources, and recommended mitigation measures to reduce such impacts. Adoption of the Specific Plan would not result in any new or additional impacts on this project block not already analyzed in the previous environmental documents. Implementation of mitigation measures identified in the 2004 EIR for the Broadway West Grand Mixed Use Project, well as Mitigation Measure CUL-1 and all applicable SCAs, would reduce the cumulative impact to historic resources in the Plan Area, but not to a less-than-significant level.

While cumulative development projects may affect individual historic resources, the affected resources include a broad range of building typologies, and would not have a clear, measurable impact on an individual type of historic resource.

Other reasonably foreseeable projects throughout the City of Oakland which may affect citywide historic resources and have been considered in the cumulative analysis; such citywide projects are too far away from the Plan Area (and would affect such different types of historical buildings) and thus, would not be cumulatively considerable. As such, adoption and development under the Specific Plan would have no significant cumulative impacts to historic resources on a citywide basis.

Based on the information in this section and for the reasons summarized above, adoption of and development under the Specific Plan could contribute considerably to the cumulative cultural resources impact, which could be considered significant and unavoidable.

Mitigation Measure CUL-5: Implement Mitigation Measure CUL-1.

Significance after Mitigation: Significant and Unavoidable (Historic Resources) for Cumulative Impact.

[City-initiated]

Chapter 4.9, Land Use, Plans and Policies

The text on page 4.9-12 is updated as follows:

Project Consistency with Oakland Zoning

As noted above, the Specific Plan would be adopted by ordinance and thus the Specific Plan policies would be enforceable to the same extent as the Zoning Ordinance contained within the City’s Municipal Code. Adoption of the Specific Plan would be accompanied by adoption of new and permanent zoning regulations. Future proposals under the Broadway Valdez Development Program would be reviewed for consistency with the Specific Plan policies, conformance with development regulations and design guidelines, and conformance with the updated zoning regulations. As noted above, conflicts with zoning regulations, specifically those that do not relate to a physical change, do not inherently result in a significant effect on the environment within the context of CEQA. As shown in Figures 3-7 and 3-8 in Chapter 3, *Project Description*, height limits would remain the same or be reduced along the northeastern portion of the Plan Area, except for the area between Broadway, Piedmont Avenue and I-580 that would increase from 75 feet to 85 feet. ~~;~~ Increased height limits are proposed in areas west of Broadway, near the elevated I-580 freeway and Alta Bates Summit Medical Center, ranging from 85-135 feet by right and 135 feet – 200 feet with a Conditional Use Permit (formerly 75 feet), as well as in the southern portion of the Plan Area between Broadway and Valdez Street north of 23rd Street (with a height maximum of 250 feet instead of the existing 120 feet); there is also the potential for certain portions of the Valdez Triangle (in the Retail Priority Sites) that have a “by right” height maximum of 45 feet, to have increased height limits ranging from 200 feet to 250 feet provided that specified amounts/~~configuration~~ of retail space are provided (see Chapter 3, *Project Description*). These proposed height limits, in combination with the proposed Maximum Base Heights, existing step-back requirements, and the City’s projected Broadway Valdez Development Program inform the Physical Height Model which is the basis for analysis within this EIR (see Figure 3-11 in Chapter 3, *Project Description*). The Physical Height Model shows anticipated building heights in a similar pattern with taller towers and development focused on the northern and southern portions of the Plan Area.

[City-initiated]

Chapter 4.11, Population, Housing, and Employment

The text on page 4.11-12 is revised as follows:

Relocation Implication for Residents

The people residing in housing units to be demolished would have to find other housing, potentially in nearby neighborhoods or in other parts of Oakland. There could be economic

implications for the individuals involved. Households required to relocate would incur expenses associated with moving. However, lower-income households in rental housing displaced by private sector development would be entitled to relocation assistance under the City's Ellis Act, as described above. For some, rents/prices could be higher at a new location, or the housing might be less desirable for similar rents/prices. ~~Others, however, might find it beneficial to relocate, if they find preferable or improved housing that better meets their needs, in terms of location, unit size/quality, and/or rent/price.~~

[Oral Comment from Commissioner Adhi Nagraj, October 20, 2013]

The text on DEIR page 4.11-12, is revised as follows:

Replacement Housing as Part of Citywide Housing Production

The actual number of units that would be demolished, and the associated number of residents that would be displaced, as a result of adoption and development under the Specific Plan cannot be known at this time. For the EIR analysis, the estimates of potential growth and development under the Specific Plan assume that demolition could include residential units in areas identified as Major Opportunity Areas in the Specific Plan (Large Opportunity Sites and Retail Priority Sites) (see Figure 3-9 on DEIR page 3-22).

There are no existing residential units in areas identified as Large Opportunity Sites in the Specific Plan, however several residential units exist in areas identified as Retail Priority Sites in the Specific Plan. According to Alameda County Assessor's information, there are approximately 92 units on the blocks on either side of Waverly Street (between 23rd, Valdez, 24th, and Harrison Streets). One additional residential parcel falls within a Retail Priority Site west of Valdez Street, midway between 24th and 26th Streets. According to the 2009 Broadway Valdez District Specific Plan: Existing Conditions Report, there are two units in this parcel. As such, a total of 94 residential units, some currently vacant, exist in areas identified by the Specific Plan as Retail Priority Sites.

From the perspective of the City's housing stock, the loss of up to approximately ~~94~~ ³⁰ housing units as a result of adoption and development under the Specific Plan would be offset by the production of a large amount of new housing within the Plan Area as well as elsewhere in Oakland as has been occurring and is expected to occur in the future, consistent with the City's Housing Element. ~~As described earlier in the setting,~~ ^{approximately 4,600 new households were added in Oakland from 2005 through 2010 (see Table 4.11-1).} Over the longer-term future, the ABAG projections forecast substantial housing growth in Oakland, averaging about 2,000 units per year from 2010 through 2035.

The levels of housing development anticipated in Oakland are consistent with Oakland's Housing Element and the City's General Plan. The construction of replacement housing for the up to ~~94~~ ³⁰ units that could be removed by adoption and development under the Specific Plan, would not be in excess of replacement housing anticipated in the City's

Housing Element and related General Plan and zoning policies. Further, the Broadway Valdez Development Program anticipates approximately 1,800 additional housing units within the Plan Area (see Table 4.11-6). Overall, the removal of up to ~~94~~³⁰ housing units would not represent “substantial” numbers in the context of a total of approximately 169,710 housing units in Oakland in 2010 (the majority of which are renter-occupied), and the construction of large numbers of housing units in the future as described above.

[Oral Comment from Naomi Schiff, October 30, 2013]

Chapter 4.13, Transportation and Circulation

The text on page 4.13-6 of the DEIR is revised to the following:

- The 19th Street BART station, about 0.3 miles south of the Plan Area, is located underground beneath Broadway in downtown Oakland. ~~Four~~^{Six} portals along Broadway between 18th and 20th Streets provide access to the station. The 19th Street Station does not have designated motor vehicle parking or pick-up/drop off facilities. However, informal shuttle pick-up/drop offs occur near the 20th Street portal.

[Comment Letter 3]

The policy language on page 4.13-99 is updated as follows:

If an areawide TPMA is not formed, then each development in the Plan Area would be responsible for implementing TDM strategies as required by the City’s SCA 25.

- Policy C.6.6 would provide dedicated car-sharing spaces throughout the Plan Area.
- Policy C.~~6.27.1~~^{6.27.1} would implement a comprehensive wayfinding signage program in the District with an emphasis on pedestrian, bicycle, transit, and parking facilities.
- Policy C.~~6.37.2~~^{6.37.2} would provide bicycle support facilities such as attendant bicycle parking/bike station, and/or bike sharing/rental program.
- Policy C.~~6.47.3~~^{6.47.3} would consider providing Plan Area residents with a transit pass and/or transit subsidies.
- Policy C.~~6.57.4~~^{6.57.4} would explore providing transit validation for shoppers in order to encourage them to use transit
- ~~Policy C.6.6 would provide dedicated car sharing spaces throughout the Plan Area.~~
- Policy C.~~6.77.5~~^{6.77.5} would encourage all employers in the Plan Area to participate in TDM programs.

[City-initiated]

The text and policy language on page 4.13-100 is updated as follows:

Developments in the Plan Area are required to provide short-term and long-term bicycle parking consistent with the City of Oakland Bicycle Parking Ordinance (addressed in more detail in a subsequent section). Policy C.3.4 of the Specific Plan would ~~provide for additional increase~~ bicycle parking supply in the public ~~realm~~right-of-way where feasible. Therefore, the Specific Plan is consistent with the City’s *Bicycle Master Plan* by including infrastructure improvements, policies, and facilitating developments that would improve bicycle safety and encourage and promote bicycle use.

The Broad Valdez Specific Plan includes the following policies that encourage and promote transit use in the Plan Area and surroundings and are therefore consistent with the City’s Public Transit and Alternative Mode Policy (i.e., “Transit First” Policy):

- Policy C.5.1 includes a number of improvements along Broadway as described in the Transit Travel Time subsection that would improve bus travel times along Broadway.
- Policy C.5.1 also includes improvements at bus stops such as shelters, benches, real-time transit arrival displays, route maps/schedules, trash receptacles that enhance the user experience and make bus travel more attractive.
- Policy C.5.2 promotes work with local shuttle operators to explore expanding the geographic area, extending the hours of operations, and funding shuttle service in the Plan Area.
- Policy C.5.3 encourages enhancements to Broadway between the Plan Area and the 19th Street BART Station in order to provide a more welcoming pedestrian connection between the Plan Area and 19th Street BART Station.
- Policy C-5.4 encourages the City to 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.
- Policy C-5.5 encourages the City to work with business-owners to display the next BART arrival times within their businesses.
- Policy C.5.4-6 ensures that modifications on Broadway would not preclude the possibility for future streetcar service along the corridor.

[City-initiated]

The text and policy language and Table 4.13-18 on pages 4.13-103 through 4.13-105 regarding parking supply under the Specific Plan is updated as follows:

Parking Supply under Specific Plan

The Broadway Valdez Specific Plan proposes new Planning Code requirements to reduce minimum parking requirements for both residential and non-residential uses ~~recommends~~

parking supply ratios based on parking requirements in Metropolitan Transportation Commission's (MTC) *Toolbox/Handbook: Parking Best Practices and Strategies for Supporting Transit Oriented Development in the San Francisco Bay Area for City Center/Urban Neighborhoods*. **Table 4.13-18** presents the estimated parking supply, using these parking ratios, for the Development Program buildout based on parking ratios published in Metropolitan Transportation Commission's (MTC) Toolbox/Handbook: Parking Best Practices and Strategies for Supporting Transit Oriented Development in the San Francisco Bay Area for City Center/Urban Neighborhoods, which would represent typical developments in the Plan Area.

**TABLE 4.13-18
BROADWAY VALDEZ SPECIFIC PLAN DEVELOPMENT PROGRAM
ESTIMATED PARKING SUPPLY^a**

Land Use	Units	Parking Ratio	Supply (Parking Spaces)
Multi-Family Residential	1,797 DU	1.0	1,797
Retail	1,114.1 KSF	2.5	2,785
General Office	336.0 KSF	2.0	672
Medical Office	358.9 KSF	3.0	1,077
Hotel	180 rooms	0.5	90
Total			6,421

^a Based on parking ratios presented Metropolitan Transportation Commission's (MTC) Toolbox/Handbook: Parking Best Practices and Strategies for Supporting Transit Oriented Development in the San Francisco Bay Area for City Center/Urban Neighborhoods in the Broadway Valdez Specific Plan.

SOURCE: Fehr & Peers, 2013.

Based on the Specific Plan parking ratios, the Development Program would provide about 6,420 new parking spaces throughout the plan area.

Parking Management Policies

Previously, this EIR discussed Specific Plan policies that would reduce automobile demand in the Plan Area. These policies would also reduce parking demand. The Specific Plan also includes the following policies to reduce overall parking supply and maximize parking use:

- **Policy C.6.2** would explore establishing a Community Benefit District or a Parking Benefit District to manage the on-street and off-street parking supply and use the parking revenue to fund additional parking facilities and/or improve circulation and transportation in the Plan Area.
- **Policy C.6.3** would encourage the use of existing parking facilities in the Plan Area and vicinity, rather than construction new parking facilities. Currently, Alta Bates and Kaiser Medical Centers provide more than 3,700 parking spaces in or near the northern portions of the Specific Plan area. There are also more than 2,600 spaces in the northern portions of Downtown Oakland. Most of these parking facilities generally operate at or near capacity during weekday business hours. However, many

are far below capacity on weekday evenings and nights and weekends and may be available to Specific Plan area parkers.

- **Policy C.7.16.4** would encourage shared parking within each development and between different developments. Shared Parking is defined as the ability to share parking spaces due variations in the accumulation of vehicles by hour, by day, or by season at individual land uses. For example, shared parking is where an office has high use during the day and a restaurant has high use during the evening, enabling both uses to utilize the same space at different times. Shared parking would reduce the overall parking supply by allowing one parking space to be used by more than one use.
- **Policy C.7.26.5** would encourage construction of centralized parking facilities that do not assign parking spaces to specific uses in order to encourage a “park once” strategy. Instead of driving to multiple destinations, this strategy would allow users visiting multiple sites to park once and walk to the various destinations within the Plan Area and adjacent neighborhoods.
- **Policy C.7.36.7** would explore publicly funding assistance for the development construction of parking as part of, or near to, larger-scale retail developments with multiple comparison goods tenants that serves the catalyst retail projects in the early phases of Specific Plan development in order to compete with other destination retail in the area and encourage retailers to the Plan Area.
- ~~**Policy C.7.46.2** would explore establishing a Community Benefit District or a Parking Benefit District to manage the on-street and off-street parking supply and use the parking revenue to fund additional parking facilities and/or improve circulation and transportation in the Plan Area.~~
- **Policy C.7.56.8** would encourage require residential developments to unbundle the cost of parking from the cost of housing. When parking is bundled (a parking space is included in an apartment rent or is sold with a condominium) into apartment tenant leases or condominium prices, the true cost of parking is hidden. For example the price for an apartment with one parking space may be rented for \$1,000 per month. However, if the parking spaces were unbundled, the rent for the apartment may be \$900 per month, plus \$100 per month for the parking space. Unbundled parking would help tenants understand the cost of parking, and may influence a resident’s decision to own a car. Not including the cost of parking in the apartment rent or condominium price would attract and/or residents that do not own an automobile.
- ~~**Policy C.7.66.3** would encourage the use of existing parking facilities in the Plan Area and vicinity, rather than construction new parking facilities. Currently, Alta Bates and Kaiser Medical Centers provide more than 3,700 parking spaces in or near the northern portions of the Specific Plan area. There are also more than 2,600 spaces in the northern portions of Downtown Oakland. Most of these parking facilities generally operate at or near capacity during weekday business hours. However, many are far below capacity on weekday evenings and nights and weekends and may be available to Specific Plan area parkers.~~
- **Policy C-6.9** would establish a parking in-lieu fee program, which provides the benefit of facilitating shared parking between uses, thereby maximizing use of the existing parking supply and avoiding decentralized surface lots or garages needed for individual development sites which can limit walkability. Revenues generated by an in-lieu fee program should be used to expand public parking supply through the

construction of new parking facilities, or to fund improvements that reduce automobile parking demand, such as pedestrian, bicycle, transit, and streetscape improvements recommended in this Specific Plan.

- **Policy C-6.10** would reduce the amount of parking required by the Planning Code for both residential and commercial uses. Other proposed changes include a new way of defining parking requirements for ground floor or upper floor uses, which allows for shared use of parking for different activities on the same floor.
- **Policy C.7.76.11** would encourage implementing an area-wide real-time parking information system that would direct visitors to the Plan Area to the nearest available parking, which would improve efficiency of the parking facilities and reduce excessive automobile circulation looking for parking.
- **Policy C.7.86.12** would consider using attendant parking during peak shopping periods. Considering that most retail uses peak during the holiday shopping period. Using attendant or valet parking during the peak demand periods would avoid constructing large amounts of surplus parking that remain unused throughout the rest of the year.
- **Policy C.7.96.13** would explore implementing a parking pricing strategy that encourages Plan Area employees to walk, bike or use transit. Combined with the TDM strategies previously discussed, setting reasonable short-term parking rates and high long-term rates can discourage employees from driving and ensure parking availability for shoppers.
- **Policy C.7.106.14** would provide metered on-street parking along commercial frontages and explore strategies, such as smart meters, variable demand-based pricing and time restrictions, to better manage the on-street parking supply in order to provide convenient parking with high turnover rates for short-term commercial customers.
- **Policy C.7.116.15** would consider monitoring parking demand in the Plan Area in the early phases of development so that parking supply and strategies in later phases of development can be adjusted to reflect observed conditions.
- **Policy C.7.126.16** would study the need for implementing Residential Parking Permit (RPP) on nearby residential streets to discourage potential parking spillover from the Plan Area into nearby residential neighborhoods.

[City-initiated]

The text under Parking Demand and Parking Management Strategies Implemented on page 4.13-106 is revised as follows:

Specifically, this scenario accounts for the following strategies:

- All new off-street parking spaces in the Specific Plan area would be available to parking generated by the Development Program per Policies C.7.16.4 and C.7.26.5.

- ~~Instead of reserved parking spaces, residential developments would be provided with parking passes for unreserved spaces for sale or lease separately from the cost of housing, per Policy C.7.5. Thus, parking spaces used by residents at night would be available to area employees during the day.~~

[City-initiated]

Table 4.13-21 on page 4.13-109 of the Draft EIR is revised to the following:

**TABLE 4.13-21
OVERALL TRANSIT RIDERSHIP (2003-2012)**

Year ^a	AC Transit		BART	
	Average Weekday Ridership	Revenue Vehicle Hours (x 1,000)	Average Weekday Ridership	Revenue Vehicle Hours (x 1,000)
FY 2003-2004	215,466	1,915	324,003 295,158	4,768 1,638
FY 2004-2005	210,496	1,800	320,100 306,570	4,775 1,842
FY 2005-2006	226,732	1,817	343,026 310,717	4,820 1,774
FY 2006-2007	226,855	1,822	362,483 322,965	4,050 1,820
FY 2007-2008	218,245	1,870	384,234 339,359	4,040 1,844
FY 2008-2009	197,208	1,897	370,007 357,775	4,042 1,940
FY 2009-2010	197,445	1,853	367,464 356,712	4,780 1,942
FY 2010-2011	190,948	1,660	367,506 334,984	4,775 1,780
FY 2011-2012	N/A	N/A	301,777 345,256	4,814 1,775
FY 2012-2013	N/A	N/A	366,565	1,800
FY 2013-2014	N/A	N/A	392,293	1,820

^a Data for BART is based on data provided by BART and represents BART's fiscal year.

SOURCE: MTC, 2008 and 2013, and BART, 2014.

[Comment Letter 3]

The text regarding the acquisition of the right-of-way, the following paragraph is added after the third paragraph on page 4.13-68 of the DEIR:

In addition, if the private right-of-way at the southwest corner of the 24th Street/ Harrison Street cannot be acquired, 24th Street between Harrison and Valdez Streets would continue to remain one-way westbound and eastbound traffic would continue to be prohibited on this segment of 24th Street. All other components of this mitigation measure can be implemented regardless of this right-of-way acquisition. The impact would continue to remain significant and unavoidable.

[Comment Letter 21]

The text on page 4.13-113 of the DEIR is revised to the following:

Faregate queuing is typically most critical for exiting travelers as trains, and passengers they carry, arrive at the station at the same time. BART recently relocated the timed transfer between Richmond and Pittsburg/Bay Point-bound trains from the 19th Street Station to the 12th Street Station in order to reduce the faregate delays at the 19th Street Station. As previously shown in Table 4.13-3, exiting passengers at the 19th Street Station peak during the AM peak period.

[Comment Letter 3]

Chapter 4.14, Utilities and Service Systems

The following change is made to Section 4.14, *Utilities and Service Systems*, on page 4.14-15 of the DEIR:

As discussed above, EBMUD's Main Wastewater Treatment Plant is currently operating at approximately 43 percent of its 168 mgd secondary treatment capacity (EBMUD, 2012b). Proposed sewer generation within the Plan Area was reviewed by EBMUD's Wastewater Planning Engineering Group, which indicated that there will be adequate dry weather wastewater treatment capacity to accommodate increased sewer generation for the Specific Plan Area, provided that these projects and the wastewater generated by these projects meet the requirements of the current EBMUD Wastewater Control Ordinance (BKF, 2012).

EBMUD has historically operated three Wet Weather Facilities to provide treatment for high wet weather flows that exceed the treatment capacity of the Main Wastewater Treatment Plant. On January 14, 2009, due to the Environmental Protection Agency's (EPA) and the State Water Resources Control Board's (SWRCB) re-interpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an order prohibiting further discharges from EBMUD's Wet Weather Facilities. Additionally, on July 22, 2009, a Stipulated Order for Preliminary Relief issued by the EPA, SWRCB, and RWQCB became effective. This order requires EBMUD to begin work that will identify problem infiltration/inflow areas, begin to reduce infiltration/inflow through private sewer lateral improvements, and lay the groundwork for future efforts to eliminate discharges from the Wet Weather Facilities.

Currently, there is insufficient information to forecast how these changes will impact allowable wet weather flows in the individual collection system subbasins contributing to the EBMUD wastewater system, including the subbasin in which the Specific Plan Area is located. As required by the Stipulated Order, EBMUD is conducting extensive flow monitoring and hydraulic modeling to determine the level of flow reductions that will be needed in order to comply with the new zero-discharge requirements at the Wet Weather Facilities. It is reasonable to assume that a new regional wet weather flow allocation

process may occur in the East Bay, but the schedule for implementation of any new flow allocations had not yet been determined.

[Comment Letter 5]

Chapter 5, Alternatives

The text on page 5-3 is updated to reflect the clarifications in the Cultural Resources chapter:

SU Cultural Resources Impacts

- **Impact CUL-1:** Adoption and development under the Specific 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.
- **Impact CUL-5:** Adoption and development under the Specific Plan, combined with cumulative development in the Plan Area and its vicinity-citywide, including past, present, existing, approved, pending, and reasonably foreseeable future development, would contribute considerably to a significant adverse cumulative impact to cultural resources.

[City-initiated]

In response to comments received, City staff developed Historic Preservation Sub-Alternative B, where staff is now proposing that this new Sub-Alternative be incorporated into the Specific Plan. Therefore, the DEIR is revised to reflect the addition of Sub-Alternative B. The text on DEIR page 5-7 is revised as follows:

2. **Partially Mitigated Alternative 2:** Under this alternative, the Plan Area would be developed at a reduced intensity (roughly 25 percent of the non-residential development compared with the Broadway Valdez Development Program). The mix of uses would shift such that a higher percentage of residential development would occur compared to commercial (retail and office) development. ~~This alternative also would reduce maximum allowable heights on the parcel bounded by Webster, 29th Street, Broadway, and 28th Street, and would not amend the General Plan to expand the Central Business District land use designation.~~ All other aspects of the Specific Plan would be adopted with this Alternative.
3. **Maximum Theoretical Buildout Alternative 3:** This 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 Specific Plan. Under this alternative, the Plan Area would be developed at an increased density/intensity (roughly 300 percent of the residential development and 200 percent of non-residential development assumed in the Broadway Valdez Development Program). All other aspects of the Plan would occur with this Alternative.

4. **Historic Preservation Sub-Alternatives:**

- a. Historic Preservation Sub-Alternative A: The intent of this sub-alternative is to avoid the SU historic resources impacts identified for the Plan. Under this sub-alternative, development on sites with historic resources would be prohibited and thus no identified historic resources within the Plan Area would be demolished or significantly altered. In addition, allowable heights on the parcel bounded by Webster, 29th Street, Broadway, and 28th Street would be reduced such that new development within that parcel would avoid adversely shading the stained glass windows of the Temple Sinai during morning worship periods. The development restrictions and limitations of this sub-alternative are assumed in the Partially Mitigated Alternative 2 and thus represented together with Alternative 2 in Tables 5.1, 5.3, and 5.5. The development restrictions and limitations of this sub-alternative also could be used in combination with the Specific Plan and thus are classified as a sub-alternative to provide for this flexibility. In this case, all other aspects of the Specific Plan would occur if combined with this sub-alternative.
- b. Historic Preservation Sub-Alternative B: The intent of this sub-alternative is to reduce but not eliminate the Significant and Unavoidable historic resources impacts identified for the Plan. Under this sub-alternative, the Plan would be revised to include a more robust set of policies and incentives to preserve and enhance existing buildings, including those that are not deemed to be CEQA historic resources. The May 2014 Final Broadway Valdez District Specific Plan would remove the policy that explicitly states that new development that furthers Specific Plan goals to provide destination retail uses will take precedence over adaptive reuse on Retail Priority Sites, and would add a policy to support efforts to establish a State Historic Rehabilitation Tax Credit program; and the proposed zoning for the Broadway Valdez District would include the following incentives for adaptive reuse:
- In the Retail Priority Sites, existing buildings that are utilized for retail can count towards the retail square footage that is required in order be able to build residential uses;
 - A CEQA Historic Resource within a Retail Priority Site that is utilized for retail can be counted as double square footage towards the retail square footage requirement to build residential uses;
 - Potentially Designated Historic Properties (PDHP) or a CEQA Historic Resource within an Adaptive Reuse Priority Overlay Zone will not be required to provide new parking or open space to convert from a commercial to residential use;
 - If a PDHP or a CEQA Historic Resource is incorporated as part of a larger project, the square footage that is incorporated will be exempt from parking and open space requirements.

[City-initiated]

Table 5-1 on DEIR page 5-9 is revised as follows:

**TABLE 5-1
SUMMARY OF ALTERNATIVES TO THE PROJECT**

	Broadway Valdez Development Program	No Project Alternative 1	Partially Mitigated Alternative 2 (including Historic Preservation Sub-Alternative A or B)¹	Maximum Theoretical Buildout Alternative 3
Residential Units	1,800	1,400	1,800	5,400
Office (sq. ft.)	700,000	120,000	300,000	2,090,000
Retail (sq. ft.)	1,100,000	140,000	150,000	1,670,000
Hotel Rooms	180	0	0	540
<i>Non-Residential Development (sq. ft.)</i>	<i>1,800,000</i>	<i>260,000</i>	<i>600,000</i>	<i>3,760,000</i>
Estimated Daily Trip Generation	40,301	12,908	17,293	65,953
Service Population				
Employees	4,500	650	1,210	10,400
Residents	3,230	2,500	3,230	9,690
Total	7,740	3,160	4,440	20,090
GHG Emissions				
Total Emissions (CO ₂ e)	38,116 MT/yr	<u>12,648 MT/yr</u>	<u>17,943 MT/yr</u>	77,693 MT/yr
GHG Emissions by Service Population (CO ₂ e)	4.9 MT/yr	<u>4.0 MT/yr</u>	<u>4.0 MT/yr</u>	<u>3.9 MT/yr</u>
Average Daily Construction Emissions (lb/day) (Worst Case Year)				
ROG	120 pounds per day (lb/day)	<u>72 lb/day</u>	<u>75 lb/day</u>	691 lb/day
NO _x	55 lb/day	<u>40 lb/day</u>	<u>42 lb/day</u>	75 lb/day
Average Daily Operational Emissions (lb/day)				
ROG	181 pounds per day (lb/day)	<u>73 (lb/day)</u>	<u>99 (lb/day)</u>	404 (lb/day)
NO _x	197 (lb/day)	<u>66 (lb/day)</u>	<u>90 (lb/day)</u>	348(lb/day)
PM ₁₀	253(lb/day)	<u>87(lb/day)</u>	<u>119 (lb/day)</u>	443(lb/day)
Maximum Annual Operational Emissions (ton/year)				
ROG	31 tons per year (ton/yr)	<u>13 ton/yr</u>	<u>17 ton/yr</u>	70 ton/yr
NO _x	36 ton/yr	<u>12 ton/yr</u>	<u>16 ton/yr</u>	63 ton/yr
PM ₁₀	37 ton/yr	<u>13 ton/yr</u>	<u>17 ton/yr</u>	65 ton/yr

Bold and underlined formatted text indicates value is less than would occur with the Specific Plan.

¹ The Partially Mitigated Alternative total development program shown in this table would be the same whether considered in conjunction with Historic Preservation Sub-Alternative A or B because the amount and type of development reductions associated with the Partially Mitigated Alternative are designed, specifically, with the goal of avoiding identified significant unavoidable impacts related to transportation and circulation; thus, it comprises a development program that is reduced to the greatest extent while not reducing development below what was assumed for the No Project Alternative. However, Historic Preservation Sub-Alternative A would only potentially result in a reduction of retail development between approximately 140,000 sf to 226,000 sf and approximately 32,000 sf of office development. The bulk of the reduction in retail and office development is associated with other aspects of the Partially Mitigated Alternative, Historic Preservation Sub-Alternative B, which includes policies and incentives to preserve historic resources and other existing buildings, may or may not result in a reduction to retail and office development; it is not possible to predict with any certainty, but as with Historic Preservation Sub-Alternative A, the bulk of the reduction in development would be associated with other aspects of the Partially Mitigated Alternative.

SOURCE: Detailed tables for each of the data in this table are provided in Appendix I, *Alternatives Technical Background*, to this Draft EIR.

[City-initiated]

The text in Section 5.4.2 on DEIR page 5-16 is revised as follows:

5.4.2 Partially Mitigated Alternative 2

Description

The Partially Mitigated Alternative would reduce the extent of growth and development anticipated within the Plan Area as a result of adoption and development under the Specific Plan. Therefore, the growth of new businesses and population also would be reduced. This alternative is designed with the goal of avoiding significant unavoidable impacts identified for the Broadway Valdez Development Program to less than significant levels. However, since the No Project Alternative would not avoid all identified SU impacts, and considering the extent of development reductions necessary to fully avoid all SU impacts, specifically those related to transportation and circulation, a “fully mitigated” alternative was eliminated from further consideration in this EIR (see subsection 5.6.2, below). Rather, the Partially Mitigated Alternative comprises a development program that is reduced to the greatest extent while ~~continuing to be feasible from a market standpoint (i.e. not less reducing development than below what was~~ assumed for the No Project Alternative) in combination with the Historic Preservation Sub-Alternatives A or B (see subsection 5.4.4 below).

[City-initiated]

The text in Section 5.4.2 on DEIR pages 5-17 and 5-18 is revised as follows:

Aesthetics, Shadow and Wind

Similar to the adoption and development under the Specific Plan, individual developments that would occur under the Partially Mitigated Alternative would be required to incorporate all the City’s SCAs, as well as adhere to the City’s design review process. Development under the Partially Mitigated Alternative would be less than the Broadway Valdez Development Program, therefore the aesthetic effects from that development likely would continue to be less than significant.

As stated above, the Partially Mitigated Alternative assumes the development program above in combination with the aspects and constraints detailed in the Historic Preservation Sub-Alternatives A or B. Historic Preservation Sub-Alternative A. Therefore, the Partially Mitigated Alternative would reduce the allowable heights on the parcel bounded by Webster, 29th Street, Broadway, and 28th Street such that new development would avoid shading the stained glass windows of the Temple Sinai during morning worship periods; while Historic Preservation Sub-Alternative B would not include this component, it would revise the Specific Plan to include more robust policies and incentives to preserve and enhance historically significant structures and other existing buildings and avoid the conservative SU

~~shadow impact. Therefore, the conservative SU shadow Plan and cumulative impacts identified with the Plan (Impact AES-4, shading an historic resource and Impact AES-6, cumulative impacts for shadow and wind), would be avoided under the Partially Mitigated Alternative in combination with Historic Preservation Sub-Alternative A, and reduced when considered in combination with Historic Preservation Sub-Alternative B.~~

The Partially Mitigated Alternative would not amend the General Plan to expand the *Central Business District* land use designation northward to 27th Street and throughout the Valdez subarea. As such, the City's threshold requiring project sponsors proposing buildings 100 feet tall or taller within the *Central Business District*, to conduct detailed wind studies (consistent with Mitigation Measure AES-5), would not apply. ***Therefore, the conservative SU wind impact identified with adoption and development under the Specific Plan (Impact AES-5, adverse wind conditions) would be avoided under the Partially Mitigated Alternative.***

~~The Partially Mitigated Alternative would avoid the conservative SU shadow and wind impacts identified with adoption and development under the Specific Plan. ***Therefore, conservative SU cumulative impacts for shadow and wind identified with the Plan (Impact AES-6), would be avoided under the Partially Mitigated Alternative.***~~

Overall, the Partially Mitigated Alternative, in combination with Historic Preservation Sub-Alternative A, would avoid the conservative SU impacts and have the same less than significant aesthetics impacts identified with adoption and development under the Specific Plan. Overall, the Partially Mitigated Alternative, in combination with Historic Preservation Sub-Alternative B, would reduce but not eliminate the conservative SU impacts and have the same less than significant aesthetics impacts identified with adoption and development under the Specific Plan.

[City-initiated]

The text in Section 5.4.2 on DEIR pages 5-19 is revised as follows:

Cultural Resources

As stated above, the Partially Mitigated Alternative would combine with the aspects and constraints detailed in the Historic Preservation Sub-Alternatives A or B. In combination with Historic Preservation Sub-Alternative A, new development would be prohibited from demolishing or damaging historically significant structures within the Plan Area; while Historic Preservation Sub-Alternative B would revise the Specific Plan to include a more robust set of policies and incentives to preserve and enhance existing buildings, including those that are not deemed to be CEQA historic resources, it is not possible to predict with certainty whether or not historically significant structures within the Plan Area would be demolished or damaged. ***Therefore, the SU historic resources impacts identified with the Plan (Impacts CUL-1 and CUL-5, impacts to historic resources – project and cumulative),***

would be avoided under the Partially Mitigated Alternative *when combined with Historic Preservation Sub-Alternative A, or be reduced (when considered with Historic Preservation Sub-Alternative B).*

All other cultural resources impacts with the Partially Mitigated Alternative would be less than significant as identified with adoption and development under the Specific Plan. Therefore, overall impacts to cultural resources under the Partially Mitigated Alternative would result in the same less than significant impacts as the Plan and avoid the SU impacts identified for the Broadway Valdez Development Program.

[City-initiated]

The text in Section 5.4.4 on DEIR pages 5-30 and 5-31 is revised as follows:

5.4.4 Historic Preservation Sub-Alternatives A and B

The intent of ~~the~~ Historic Preservation Sub-Alternative A is to ***avoid*** the SU historic resources impacts identified for the Plan. The intent of the Historic Preservation Sub-Alternative B is to ***reduce but not eliminate*** the SU historic resources impacts identified for the Plan. The development restrictions and limitations of ~~this-these~~ sub-alternatives are assumed in the Partially Mitigated Alternative 2 and thus represented together with Alternative 2 in Tables 5-1, 5-3, and 5-5. The development restrictions and limitations of these sub-alternatives also could be used in combination with the Specific Plan and thus are classified as a sub-alternative to provide for this flexibility. However, ~~this-these~~ sub-alternatives could not combine with the Maximum Theoretical Buildout Alternative 3 since that alternative assumes development on every parcel within the Plan Area.

Under the Historic Preservation Sub-Alternative A, all identified historic resources within the Plan Area would be protected from demolition and significant alteration by prohibiting development on parcels where such resources are located. As such, Sub-Alternative A could result in a reduction of retail development between approximately 140,000 and 226,000 square feet and a reduction of office development of approximately 32,000 sf. Specifically, this sub-alternative in combination with the Specific Plan, would avoid the SU historic resources impact identified for five Historic Resources (Biff's II Coffee Shop, 2401 Broadway, Connell GMC Pontiac Cadillac/Bay City Chevrolet building, the Seventh Church of Christ Scientist, and the Newsom Apartments) with adoption and development under the Specific Plan. ***Therefore, the SU historic resources impacts identified with the Plan (Impacts CUL-1 and CUL-5, impacts to historic resources – project and cumulative), would be avoided under the this Historic Preservation Sub-Alternative.***

Further, this sub-alternative would reduce the allowable heights on the parcel bounded by Webster, 29th Street, Broadway, and 28th Street such that new development would avoid shading the stained glass windows of the Temple Sinai during morning worship periods,

and avoid the SU shadow impact. ***Therefore, the conservative SU shadow impact identified with the Plan (Impact AES-4, shading an historic resource), would be avoided under Historic Preservation Sub-Alternative A.***

Under the Historic Preservation Sub-Alternative B, additional policies and incentives are incorporated into the Plan to encourage the preservation and enhancement of CEQA historic resources and other existing buildings, such as allowing exemptions from parking and open space requirements and allowing the square footage of any proposed retail use of an existing building located within a Retail Priority Area to count towards the retail threshold needed to achieve a bonus to build residential units (see section 5.3 above for a more detailed description). While these added policies and incentives would not guarantee that a property owner would consider preserving a CEQA historic resource, they could increase the chance that a particular resource would be preserved. Specifically, Sub-Alternative B, may reduce but not eliminate the SU historic resources impact identified for five Historic Resources (Biff's II Coffee Shop, 2401 Broadway, Connell GMC Pontiac Cadillac/Bay City Chevrolet building, the Seventh Church of Christ Scientist, and the Newsom Apartments) with adoption and development under the Specific Plan. ***Therefore, the SU historic resources impacts identified with the Plan (Impacts CUL-1 and CUL-5, impacts to historic resources – project and cumulative), may be reduced but not eliminated under Historic Preservation Sub-Alternative B.***

All other aspects of the Plan or the Partially-Mitigated Alternative would occur with these sub-alternatives.

[City-initiated]

The text in Section 5.5.2 on DEIR page 5-31 is revised as follows:

5.5.2 Partially Mitigated Alternative 2

The Partially Mitigated Alternative in combination with Historic Preservation Sub-Alternative A would be the environmentally superior alternative after consideration of the No Project Alternative. The Partially Mitigated Alternative (which incorporates Historic Preservation Sub-Alternative A or B) would avoid several SU impacts that would occur with the Plan and with the other alternatives (other than the No Project Alternative, as discussed above). Specifically, as with the No Project Alternative, the Partially Mitigated Alternative would avoid ***the conservative SU Aesthetics impact (AES-5), conservative SU Greenhouse Gases impact (GHG-1), SU Noise impacts (NOI-5 and NOI-6), and many of the Transportation impacts would no longer occur. In addition, the conservative SU Aesthetics impacts (AES-4 and AES-6), and SU Cultural Resources impacts (CUL-1 and CUL-5), would no longer occur.***

[City-initiated]

The heading in Table 5-5, starting on DEIR page 5-34 is revised as follows:

**TABLE 5-5
SUMMARY COMPARISON OF IMPACTS: SPECIFIC PLAN AND ALTERNATIVES**

Environmental Impact	Specific Plan (Broadway Valdez Development Program)	No Project Alternative 1	Partially Mitigated Alternative 2 (including the Historic Preservation Sub-Alternatives <u>A or B, except as noted</u>)	Maximum Theoretical Buildout Alternative 3
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[City-initiated]

The text in Table 5-5, on DEIR page 5-34 is revised as follows:

**TABLE 5-5 (Continued)
SUMMARY COMPARISON OF IMPACTS: SPECIFIC PLAN AND ALTERNATIVES**

Environmental Impact	Specific Plan (Broadway Valdez Development Program)	No Project Alternative 1	Partially Mitigated Alternative 2 (including the Historic Preservation Sub-Alternatives <u>A or B, except as noted</u>)	Maximum Theoretical Buildout Alternative 3
Aesthetics, Shadow and Wind				
Impact AES-1: Adoption and development under the Specific Plan would not adversely affect scenic public vistas or views of scenic resources (Criteria 1 and 2). (Less than Significant)	LS	LS	LS	LS
Impact AES-2: Adoption and development under the Specific Plan would not substantially degrade the existing visual character or quality of the site and its surroundings (Criterion 3). (Less than Significant)	LS	LS	LS	LS
Impact AES-3: Adoption and development under the Specific Plan would result in new sources of light or glare which would not substantially and adversely affect day or nighttime views in the area (Criterion 4). (Less than Significant)	LS	LS	LS	LS
Impact AES-4: Adoption and development under the Specific Plan could result in substantial new shadow that would shade solar collectors, passive solar heaters, public open spaces, or historic resources or otherwise result in inadequate provision of adequate light (Criteria 5 through 9). (Conservatively Significant and Unavoidable)	Conservatively SU	Conservatively SU	LS (Sub-Alt. A) <u>Conservatively SU↓</u> (Sub-Alt. B)	Conservatively SU↑
Impact AES-5: Adoption and development under the Specific Plan has the potential to result in adverse wind conditions (Criterion 10). (Conservatively Significant and Unavoidable)	Conservatively SU	LS	LS	Conservatively SU↑
Impact AES-6: Adoption and development under the Specific Plan, in combination with other past, present, and reasonably foreseeable future projects within and around the Plan Area, would result in significant cumulative wind, and shadow impacts. (Conservatively Significant and Unavoidable)	Conservatively SU	Conservatively SU	LS (Sub-Alt. A) <u>Conservatively SU↓</u> (Sub-Alt. B)	Conservatively SU↑

[City-initiated]

The text in Table 5-5, on DEIR page 5-37 is revised as follows:

**TABLE 5-5 (Continued)
SUMMARY COMPARISON OF IMPACTS: SPECIFIC PLAN AND ALTERNATIVES**

Environmental Impact	Specific Plan (Broadway Valdez Development Program)	No Project Alternative 1	Partially Mitigated Alternative 2 (including the Historic Preservation Sub-Alternatives <u>A or B, except as noted</u>)	Maximum Theoretical Buildout Alternative 3
Cultural Resources				
Impact CUL-1: Adoption of and development under the Specific 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 (Criterion 1). (Significant and Unavoidable)	SU	SU↓	LS (Sub-Alt. A) SU↓ (Sub-Alt. B)	SU↑
Impact CUL-2: Adoption of and development under the Specific Plan could result in significant impacts to unknown archaeological resources (Criterion 2). (Less than Significant)	LS	LS ↓	LS ↓	LS↑
Impact CUL-3: Adoption of and development under the Specific Plan could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Criterion 3). (Less than Significant)	LS	LS ↓	LS ↓	LS↑
Impact CUL-4: Adoption of and development under the Specific Plan could disturb human remains, including those interred outside of formal cemeteries (Criterion 4). (Less than Significant)	LS	LS ↓	LS ↓	LS↑
Impact CUL-5: Adoption of and development under the Specific Plan, combined with cumulative development in the Plan Area and citywide, including past, present, existing, approved, pending, and reasonably foreseeable future development, would contribute considerably to a significant adverse cumulative impact to cultural resources. (Significant and Unavoidable)	SU	SU↓	LS (Sub-Alt. A) SU↓ (Sub-Alt. B)	SU↑

[City-initiated]

The text in Table 5-5, on DEIR pages 5-43 through 5-48 is corrected as follows:

**TABLE 5-5 (Continued)
SUMMARY COMPARISON OF IMPACTS: SPECIFIC PLAN AND ALTERNATIVES**

Environmental Impact	Specific Plan (Broadway Valdez Development Program)	No Project Alternative 1	Partially Mitigated Alternative 2 (including the Historic Preservation Sub-Alternatives <u>A</u> or <u>B</u> , <u>except as noted</u>)	Maximum Theoretical Buildout Alternative 3
Transportation and Circulation⁵				
Impact TRANS-1: The development under the Specific Plan would degrade the <i>MacArthur Boulevard/Piedmont Avenue</i> intersection (Intersection #13) from LOS D to LOS E (Significant Threshold #1) during the weekday PM peak hour under Existing Plus Project conditions. (Significant)	LS	LS↓	LS↓	?SU
Impact TRANS-2: The development under the Specific Plan would degrade the <i>Perry Place/I-580 Eastbound Ramps/ Oakland Avenue</i> intersection (Intersection #15) from LOS E to LOS F and increase intersection average delay by four seconds or more (Significant Threshold #2) during the weekday PM peak hour under Existing Plus Project conditions. (Significant and Unavoidable)	SU	?SU↓	?SU↓	SU↑
Impact TRANS-3: The development under the Specific Plan would degrade overall intersection operations from LOS E to LOS F and increase intersection average delay by four seconds or more (Significant Threshold #2) at the <i>Lake Park Avenue/Lakeshore Avenue</i> intersection (Intersection #17) during the weekday PM peak hour under Existing Plus Project conditions. (Significant)	LS	LS↓	LS↓	?SU

⁵ As permitted by CEQA, the effects of the alternatives are discussed in less detail than the impact discussions for the Specific Plan in Chapter 4 (CEQA Guidelines Section 15126.6[d]). For this reason, the effects of each alternative at specific intersections has been assessed relative to the effects of the Specific Plan and are determined either to be reduced or more severe. However, final impact determinations for specific intersections have not been concluded.

TABLE 5-5 (Continued)
SUMMARY COMPARISON OF IMPACTS: SPECIFIC PLAN AND ALTERNATIVES

Environmental Impact	Specific Plan (Broadway Valdez Development Program)	No Project Alternative 1	Partially Mitigated Alternative 2 (including the Historic Preservation Sub-Alternatives <u>A or B, except as noted</u>)	Maximum Theoretical Buildout Alternative 3
Transportation and Circulation (cont.)				
Impact TRANS-4: The development under the Specific Plan Project would add more than 10 peak-hour trips to <i>24th Street/Broadway</i> intersection (Intersection #36) which would meet peak-hour signal warrant (Significant Threshold #6) under Existing Plus Project conditions. (Significant)	LS	LS↓	LS↓	LS↑
Impact TRANS-5: The development under the Specific Plan Project would add more than 10 peak-hour trips to <i>23rd Street/Broadway</i> intersection (Intersection #39) which would meet peak-hour signal warrant (Significant Threshold #6) under Existing Plus Project conditions. (Significant)	LS	LS↓	LS↓	LS↑
Impact TRANS-6: The development under the Specific Plan Project would add more than 10 peak-hour trips to <i>23rd Street/Harrison Street</i> intersection (Intersection #40) which would meet peak-hour signal warrant (Significant Threshold #6) under Existing Plus Project conditions. (Significant and Unavoidable)	Conservatively SU	Conservatively SU↓	Conservatively SU↓	Conservatively SU↑
Impact TRANS-7: The development under the Specific Plan would degrade the intersection from LOS E to LOS F and increase intersection average delay by four seconds or more (Significant Threshold #2) at the <i>Perry Place/I-580 Eastbound Ramps/ Oakland Avenue</i> intersection (Intersection #15) which would operate at LOS F during the weekday PM peak hour under 2020 conditions. (Significant and Unavoidable)	SU	LS↓	LS↓	SU↑
Impact TRANS-8: The development under the Specific Plan would increase the total intersection v/c ratio by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more (Significant Threshold #5) during the weekday PM peak hour which would operate at LOS F under 2020 conditions at the <i>Lake Park Avenue/Lakeshore Avenue</i> intersection (Intersection #17). (Significant and Unavoidable)	SU	?SU↓	?SU↓	SU↑
Impact TRANS-9: The development under the Specific Plan Project would add more than 10 peak-hour trips to <i>24th Street/Broadway</i> intersection (Intersection #36) which would meet peak-hour signal warrant (Significant Threshold #6) under 2020 Plus Project conditions. (Significant)	LS	LS↓	LS↓	LS↑

TABLE 5-5 (Continued)
SUMMARY COMPARISON OF IMPACTS: SPECIFIC PLAN AND ALTERNATIVES

Environmental Impact	Specific Plan (Broadway Valdez Development Program)	No Project Alternative 1	Partially Mitigated Alternative 2 (including the Historic Preservation Sub-Alternatives <u>A or B, except as noted</u>)	Maximum Theoretical Buildout Alternative 3
Transportation and Circulation (cont.)				
Impact TRANS-10: The development under the Specific Plan would increase the total intersection v/c ratio by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more (Significant Threshold #5) at an intersection operating at LOS F during the weekday AM and PM peak hours at the <i>27th Street/24th Street/Bay Place/Harrison Street</i> intersection (Intersection #37) under 2020 conditions. (Significant and Unavoidable)	SU	?SU↓	SU↓	SU↑
Impact TRANS-11: The development under the Specific Plan Project would add more than 10 peak-hour trips to <i>23rd Street/Broadway</i> intersection (Intersection #39) which would meet peak-hour signal warrant (Significant Threshold #6) under 2020 Plus Project conditions. (Significant)	LS	LS↓	LS↓	LS↑
Impact TRANS-12: The development under the Specific Plan Project would add more than 10 peak-hour trips to <i>23rd Street/Harrison Street</i> intersection (Intersection #40) which would meet peak-hour signal warrant (Significant Threshold #6) under 2020 Plus Project conditions. (Significant and Unavoidable)	Conservatively SU	Conservatively SU↓	Conservatively SU↓	Conservatively SU↑
Impact TRANS-13: The development under the Specific Plan would increase the v/c ratio for the total intersection by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more (Significant Threshold #5) at the West <i>Grand Avenue/Northgate Avenue</i> intersection (Intersection #47) which would operate at LOS F during the PM peak hour in 2020. (Significant and Unavoidable)	SU	?SU↓	?SU↓	SU↑
Impact TRANS-14: The development under the Specific Plan would increase the v/c ratio for a critical movement by 0.05 or more (Significant Threshold #5) during the weekday PM and Saturday peak hours at the <i>51st Street/Pleasant Valley Avenue/Broadway</i> intersection (Intersection #7) under 2035 conditions. (Significant and Unavoidable)	SU	?SU↓	SU↓	SU↑
Impact TRANS-15: The development under the Specific Plan would increase the total intersection v/c ratio by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more (Significant Threshold #5) during the weekday PM peak hour at the <i>40th Street/Telegraph Avenue</i> intersection (Intersection #8) under 2035 conditions. (Significant)	LS	LS↓	LS↓	?SU

**TABLE 5-5 (Continued)
SUMMARY COMPARISON OF IMPACTS: SPECIFIC PLAN AND ALTERNATIVES**

Environmental Impact	Specific Plan (Broadway Valdez Development Program)	No Project Alternative 1	Partially Mitigated Alternative 2 (including the Historic Preservation Sub-Alternatives <u>A or B, except as noted</u>)	Maximum Theoretical Buildout Alternative 3
Transportation and Circulation (cont.)				
Impact TRANS-16: The development under the Specific Plan would increase the total intersection v/c ratio by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more (Significant Threshold #5) at an intersection operating at LOS F during the weekday PM peak hour at the <i>West MacArthur Boulevard/Telegraph Avenue</i> intersection (Intersection #11) under 2035 conditions. (Significant)	LS	LS↓	LS↓	?SU
Impact TRANS-17: The development under the Specific Plan would increase the total intersection v/c ratio by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more (Significant Threshold #5) at an intersection operating at LOS F during the weekday PM peak hour at the <i>Perry Place/I-580 Eastbound Ramps/Oakland Avenue</i> intersection (Intersection #15) under 2035 conditions. (Significant and Unavoidable)	SU	?SU↓	?SU↓	SU↑
Impact TRANS-18: The development under the Specific Plan would increase the total intersection v/c ratio by 0.03 or more (Significant Threshold #5) at an intersection operating at LOS F during the Saturday peak hour at the <i>Grand Avenue/Lake Park Avenue/Santa Clara Avenue</i> intersection (Intersection #16) under 2035 conditions. (Significant and Unavoidable)	SU	LS↓	LS↓	SU↑
Impact TRANS-19: The development under the Specific Plan would increase the total intersection v/c ratio by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more (Significant Threshold #5) at the <i>Lake Park Avenue/Lakeshore Avenue</i> intersection (Intersection #17) during the weekday PM and Saturday peak hours which would operate at LOS F under 2035 conditions. (Significant and Unavoidable)	SU	?SU↓	SU↓	SU↑
Impact TRANS-20: The development under the Specific Plan would degrade overall intersection operations from LOS E to LOS F and increase intersection average delay by four seconds or more (Significant Threshold #2) during the weekday PM peak hour at the <i>Piedmont Avenue/Broadway and Hawthorne Avenue/Brook Street/Broadway</i> intersection (Intersections #20 and #21) under 2035 conditions. (Significant and Unavoidable)	SU	LS↓	LS↓	SU↑
Impact TRANS-21: The development under the Specific Plan would increase the v/c ratio for the total intersection by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more (Significant Threshold #5) at the <i>27th Street/Telegraph Avenue</i> intersection (Intersection #29) which would operate at LOS F during the weekday PM peak hour under 2035 conditions. (Significant and Unavoidable)	SU	?SU↓	SU↓	SU↑

TABLE 5-5 (Continued)
SUMMARY COMPARISON OF IMPACTS: SPECIFIC PLAN AND ALTERNATIVES

Environmental Impact	Specific Plan (Broadway Valdez Development Program)	No Project Alternative 1	Partially Mitigated Alternative 2 (including the Historic Preservation Sub-Alternatives <u>A or B, except as noted</u>)	Maximum Theoretical Buildout Alternative 3
Transportation and Circulation (cont.)				
Impact TRANS-22: The development under the Specific Plan would degrade overall intersection operations from LOS E to LOS F and increase intersection average delay by four seconds or more (Significant Threshold #2) during the weekday PM peak hour and at the <i>27th Street/ Broadway</i> intersection (Intersection #30) under 2035 conditions. (Significant and Unavoidable)	SU	2SU↓	SU↓	SU↑
Impact TRANS-23: The development under the Specific Plan Project would add more than 10 peak-hour trips to <i>24th Street/Broadway</i> intersection (Intersection #36) which would meet peak-hour signal warrant (Significant Threshold #6) under 2035 Plus Project conditions. (Significant)	LS	LS↓	LS↓	LS↑
Impact TRANS-24: The development under the Specific Plan would increase the total intersection v/c ratio by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more (Significant Threshold #5) at an intersection operating at LOS F during the weekday AM and PM peak hours and degrade overall intersection operations from LOS E to LOS F and increase intersection average delay by four seconds or more (Significant Threshold #2) during the Saturday peak hour at the <i>27th Street/24th Street/Bay Place/Harrison Street</i> intersection (Intersection #37) under 2035 conditions. (Significant and Unavoidable)	SU	SU↓	SU↓	SU↑
Impact TRANS-25: The development under the Specific Plan Project would add more than 10 peak-hour trips to <i>23rd Street/Broadway</i> intersection (Intersection #39) which would meet peak-hour signal warrant (Significant Threshold #6) under 2035 Plus Project conditions. (Significant)	LS	LS↓	LS↓	LS↑
Impact TRANS-26: The development under the Specific Plan Project would add more than 10 peak-hour trips to <i>23rd Street/Harrison Street</i> intersection (Intersection #40) which would meet peak-hour signal warrant (Significant Threshold #6) under 2035 Plus Project conditions. (Significant and Unavoidable)	Conservatively SU	Conservatively SU↓	Conservatively SU↓	Conservatively SU↑
Impact TRANS-27: The development under the Specific Plan would increase the v/c ratio for the total intersection by 0.03 or more and increase the v/c ratio for a critical movement by 0.05 or more (Significant Threshold #5) at the <i>West Grand Avenue/Northgate Avenue</i> intersection (Intersection #47) which would operate at LOS F during the weekday PM peak hour in 2035. (Significant and Unavoidable)	SU	2SU↓	SU↓	SU↑

**TABLE 5-5 (Continued)
SUMMARY COMPARISON OF IMPACTS: SPECIFIC PLAN AND ALTERNATIVES**

Environmental Impact	Specific Plan (Broadway Valdez Development Program)	No Project Alternative 1	Partially Mitigated Alternative 2 (including the Historic Preservation Sub-Alternatives <u>A or B, except as noted</u>)	Maximum Theoretical Buildout Alternative 3
Transportation and Circulation (cont.)				
<p>Impact TRANS-28: The development under the Specific Plan would degrade intersection operations from LOS D to LOS F and increase intersection average delay by four seconds or more (Significant Threshold #2) during the weekday PM peak hour at the <i>Grand Avenue/Broadway</i> intersection (Intersection #49) in 2035. (Significant and Unavoidable)</p>	SU	LS↓	LS↓	SU↑
<p>Impact TRANS-29: The development under the Specific Plan would degrade from LOS E or better to LOS F or increase the v/c ratio by 0.03 or more for segments operating at LOS F on the following CMP or MTS roadway segments:</p> <ul style="list-style-type: none"> • MacArthur Boulevard in both eastbound and westbound directions between Piedmont Avenue and I-580 in 2020 and 2035. • Grand Avenue in the eastbound direction from Adeline Street to MacArthur Boulevard, and in westbound direction from Harrison Street to San Pablo Avenue in 2035. • Broadway in the northbound direction from 27th Street to College Avenue, and in the southbound direction from Piedmont Avenue to 27th Street in 2035. • Telegraph Avenue in the northbound direction from MacArthur Boulevard to Shattuck Avenue in 2035. • San Pablo Avenue in the southbound direction from Market Street to 27th Street in 2035. • Harrison Street in the northbound direction from 27th Street to Oakland Avenue in 2035. (Significant and Unavoidable) 	SU	2SU↓	SU↓	SU↑

Chapter 6, Overview and Growth Inducement

The text on page 6-2 is updated to reflect the clarifications in the Cultural Resources chapter:

SU Cultural Resources Impacts

- **Impact CUL-1:** Adoption and development under the Specific 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.
- **Impact CUL-5:** Adoption and development under the Specific Plan, combined with cumulative development in the Plan Area and its vicinity-citywide, including past, present, existing, approved, pending, and reasonably foreseeable future development, would contribute considerably to a significant adverse cumulative impact to cultural resources.

[City-initiated]

Chapter 7, Report Preparers

The text describing the lead agency on page 7-1 has been corrected as follows:

Lead Agency

City of Oakland
~~Community and Economic Development Agency~~ Planning and Building Department
 Strategic Planning Division
 250 Frank H. Ogawa Plaza, Suite 3315
 Oakland, California 94612

Laura B. Kaminski, Planner II
 Alisa Shen, Planner III
Ed Manasse, Strategic Planning Manager

[City-initiated]

CHAPTER 4

Commenters on the DEIR

4.1 Agencies, Organizations and Individuals Commenting in Writing

The following lists correspondence received by the City of Oakland from public agencies, organizations, and individuals in response to the DEIR. Within each listing, correspondence is listed alphabetically.

Designator	Agency / Signatory Name	Correspondence Dated
Agency		
1	AC Transit, Jim Cunradi	12/30/2013
2	Alameda County Public Health Department, Muntu Davis	11/8/2013
3	Bay Area Rapid Transit (BART)	11/21/2013
4	California Department of Transportation (Caltrans)	11/5/2013
5	East Bay Municipal Utilities District	10/17/2013
6	Office of Planning and Research, State Clearinghouse	11/5/2013
Organization		
7	Better Broadway Coalition	11/12/2013
8	East Bay Housing Organizations, Better Broadway Coalition	10/30/2013
9	East Bay Housing Organizations, Gloria Bruce	11/12/2013
10	Golden State Audubon Society, Michael Lynes	11/12/2013
11-A	Oakland Heritage Alliance, Naomi Schiff	10/14/2013
11-B	Oakland Heritage Alliance	10/16/2013
11-C	Oakland Heritage Alliance	10/30/2013
11-D	Oakland Heritage Alliance	11/11/2013
12	Walk Oakland Bike Oakland, Jonathan Bair	11/12/2013
Individual		
13	Anissa S. Burnley-Humphreys	9/25/2013
14	Andrew Danish	10/30/2013
15	Bruce De Benedictis	11/12/2013
16	Riley Doty	11/12/2013
17-A	Alan Hess	10/13/2013
17-B	Alan Hess	10/13/2013
18	Ann Killebrew	12/12/2013
19	Camille Holser	10/30/2013
20	Adam Mann	10/16/2013
21	Elizabeth Masri	11/12/2013
22	Tim Mulshine	11/1/2013
23	Adhi Nagraj	10/17/2013
24-A	Chris Pattillo	10/15/2013
24-B	Chris Pattillo	10/27/2013
25-A	Joyce Roy	10/14/2013
25-B	Joyce Roy	10/16/2013
25-C	Joyce Roy	11/12/2013
26	Diana Sherman	11/12/2013
27-A	Tom Willging	11/5/2013
27-B	Tom Willging	11/15/2013

4.2 Commenters at the October 14, 2013 Landmarks Preservation Advisory Board Regular Meeting

The following lists persons who provided verbal comments at the Landmarks Preservation Advisory Board Meeting, held on the October 14, 2013.

Public Speakers (Listed in Order of Presentation)	Landmarks Preservation Advisory Board Members
<ul style="list-style-type: none"> • Joyce Roy • Tom Brown • Naomi Schiff • Tom Willging • Mary MacDonald • Daniel Schulman • Valerie Garry • Christopher Andrews • Valerie Garry • Christopher Andrews • Daniel Schulman 	<ul style="list-style-type: none"> • Peter Birkholz, (recused) • Christopher Andrews, Vice Chair • Valerie Garry, Chair • Daniel Schulman, Board Member • Mary MacDonald, Board Member • Betty Marvin, City Staff (Historic Preservation Planner) • Cheryl Dunaway, City Staff (Administration)

4.3 Commenters at the October 16, 2013 Planning Commission Public Hearing

The following lists persons who provided verbal comments at the Public Hearing on the DEIR, held at the October 16, 2013, meeting of the Oakland Planning Commission.

Public Speakers (Listed in Order of Presentation)	Planning Commissioners
<ul style="list-style-type: none"> • Joel DeValcourt, Greenbelt Alliance and member of the Better Broadway Coalition • Marie Taylor, Westlake Christian Terrace Resident Council and Valdez Plaza Senior Housing • Andreas Clouver, Alameda County Building Trades Council and Executive Board Member of Central Labor Council and member of the Better Broadway Coalition • Gloria Bruce, Deputy Director at East Bay Housing Organizations and member of the Better Broadway Coalition • Leal Charonnat, Friends of Biff's • Naomi Schiff, Oakland Heritage Alliance • Valerie Winemiller, Steering Committee of Piedmont Avenue Neighborhood Improvement League • Joyce Roy, Retired Architect and Friends of Biff's • Jonathan Bair, Board Member of Walk Oakland Bike Oakland and member of the Better Broadway Coalition • Ralph Cook • Keira Williams, City Staff (Retail specialist, Economic Development Department) 	<ul style="list-style-type: none"> • Emily Weinstein, Commissioner • Jahaziel Bonilla, Commissioner • Adhi Nagraj, Commissioner • Jim Moore, Commissioner • Chris Patillo, Chair • Michael Coleman, Commissioner

4.4 Commenters at the October 30, 2013 Planning Commission Public Hearing

The following lists persons who provided verbal comments at the Public Hearing on the DEIR, held at the October 30, 2013, meeting of the Oakland Planning Commission.

Public Speakers (Listed in Order of Presentation)	Planning Commissioners
<ul style="list-style-type: none"> • Naomi Schiff, Oakland Heritage Alliance • Riley Doty • Paul Young, Oakland Metropolitan Chamber of Commerce • Pam White • Peter Berkholtz • Michael Sagel, Waverly Street Resident • Catherine Hughes, Retired City of Oakland Employee • Reesa Tansy • Gloria Bruce • Brittney Brown • Kenya Wheeler, Plan Area Resident and Volunteer Leader for the Sierra Club • Brian Stankey • Keira Williams, City Staff (Retail specialist, Economic Development Department) • Kate Dobbins, Resident of Kempton Way • Loria Rossey, Resident of Echo Creek Area • Sara Cohen, Resident in Plan Area 	<ul style="list-style-type: none"> • Emily Weinstein, Commissioner • Jahaziel Bonilla, Commissioner • Adhi Nagraj, Commissioner • Jim Moore, Commissioner • Chris Patillo, Chair • Michael Coleman, Commissioner

CHAPTER 5

Master Responses to Recurring Comments

Although not required by CEQA, this chapter presents “Master Responses” to address three recurring topics from comments received on the DEIR, presenting a comprehensive response to each of the individual comments made on the particular topic. The intent of the master responses is to avoid repetition within this document and give a single, comprehensive response to the recurring comments to improve readability of the document by avoiding repetition and multiple cross-references.

Comments received pertaining to the merits of the Specific Plan are addressed in Master Response 5.1. Comments received pertaining to information about existing residential units in the Plan Area and/or the potential effects of the Specific Plan to population and housing are addressed in Master Response 5.2. Comments received regarding the potential effects of the Specific Plan to historic resources are addressed in Master Response 5.3. Responses to the individual comments in Chapter 6, *Written Comments and Responses to Written Comments Received on the DEIR*, and Chapter 7, *Comments and Responses to Comments Made at the Public Hearings on the DEIR*, that raise these recurring topics refer the reader to the Master Responses in this chapter.

5.1 Specific Plan Merits and Related Non-CEQA Topics Master Response

The majority of comments received in response to the DEIR speak to the merits of the Specific Plan. These Plan-related comments include without limitation affordable housing, historic resource preservation, the geographic focus of retail development, development incentives, provision of open space, local hiring, urban design, economic viability and market conditions and parking policies.¹ Recognizing that most of these topics and their respective goals and policies sometimes can affect the physical environment within the purview of CEQA, appropriate responses to comments addressing those instances are presented in Chapters 6 and 7 of this document. Other non-CEQA comments pertained to the adequacy of the public review process of the Plan and EIR process.

This Master Response specifically addresses Plan-related comments that raise Plan design and goals and policies that clearly do not affect the physical environment or pertain to the adequacy of the analysis in the EIR that addresses the Specific Plan’s physical impacts on the environment

¹ A more detailed discussion of these issues is provided in an Attachment to the staff report to the Planning Commission about the Broadway Valdez District Specific Plan and EIR, which will be published separately.

pursuant to CEQA. Primarily, Plan goal and policy concerns are not typically related to the quantifiable, physical environmental issues addressed in the EIR document, which are objectively assessed against the significance criteria provided by the City of Oakland's CEQA Thresholds/Criteria of Significance Guidelines. Many of the goal and policy comments address economic and social considerations that the City must consider. Specifically, section 15131(b) of the CEQA Guidelines provides that the economic or social impacts of a project shall be evaluated in an EIR if there is evidence that the economic or social effects of the project will produce significant physical environmental impacts. To the extent that the economic and social effects of the Plan could result in physical changes to the environment, such potential environmental impacts have been identified and fully analyzed in the relevant topical sections of the DEIR.

Each of these Plan-related comments and comments that address topics beyond the purview of the EIR or CEQA is noted in this document for the public record of this process. The City has considered and in many cases addressed (through Plan revisions) these Plan-related comments as it prepared its *May 2014 Final Broadway Valdez Specific Plan*. Further, as noted above, many of the concerns will be specifically addressed in an Attachment to the staff report to the City Planning Commission on the Plan. Moreover, these concerns will again be considered by the City decision-makers prior to taking action on the Specific Plan, as Plan goals and policy considerations pertain to discretionary matters that the City must balance in its deliberations of the project. Additionally, certain Plan-related comments may be specifically addressed further during the City's discretionary and design review processes for the individual development projects under the Plan.

5.2 Residential Displacement and Affordability Master Response

Many of the comments received expressed concern over the potential displacement of existing residents, and some indicated that the number of existing residential units in the Plan Area, as presented in Impact POP-2, in DEIR Chapter 4.11, was understated. The discussion citing the number of existing units presented in Impact POP-2, on DEIR page 4.11-12, is revised as follows (new text is double underline formatted; deleted text is strikeout formatted):

Replacement Housing as Part of Citywide Housing Production

The actual number of units that would be demolished, and the associated number of residents that would be displaced, as a result of adoption and development under the Specific Plan cannot be known at this time. For the EIR analysis, the estimates of potential growth and development under the Specific Plan assume that demolition could include residential units in areas identified as Major Opportunity Areas in the Specific Plan (Large Opportunity Sites and Retail Priority Sites) (see Figure 3-9 on DEIR page 3-22).

There are no existing residential units in areas identified as Large Opportunity Sites in the Specific Plan, however several residential units exist in areas identified as Retail Priority Sites in the Specific Plan. According to Alameda County Assessor's information,

there are approximately 92 units on the blocks on either side of Waverly Street (between 23rd, Valdez, 24th, and Harrison Streets). One additional residential parcel falls within a Retail Priority Site west of Valdez Street, midway between 24th and 26th Streets. According to the 2009 Broadway Valdez District Specific Plan: Existing Conditions Report, there are two units in this parcel. As such, a total of 94 residential units, some currently vacant, exist in areas identified by the Specific Plan as Retail Priority Sites.

From the perspective of the City's housing stock, the loss of up to approximately 94~~30~~ housing units as a result of adoption and development under the Specific Plan would be offset by the production of a large amount of new housing within the Plan Area as well as elsewhere in Oakland as has been occurring and is expected to occur in the future, consistent with the City's Housing Element. ~~As described earlier in the setting,~~ approximately 4,600 new households were added in Oakland from 2005 through 2010 (see ~~Table 4.11-1~~). Over the longer-term future, the ABAG projections forecast substantial housing growth in Oakland, averaging about 2,000 units per year from 2010 through 2035.

The levels of housing development anticipated in Oakland are consistent with Oakland's Housing Element and the City's General Plan. The construction of replacement housing for the up to 94~~30~~ units that could be removed by adoption and development under the Specific Plan, would not be in excess of replacement housing anticipated in the City's Housing Element and related General Plan and zoning policies. Further, the Broadway Valdez Development Program anticipates approximately 1,800 additional housing units within the Plan Area (see Table 4.11-6). Overall, the removal of up to 94~~30~~ housing units would not represent "substantial" numbers in the context of a total of approximately 169,710 housing units in Oakland in 2010 (the majority of which are renter-occupied), and the construction of large numbers of housing units in the future as described above.

As written on DEIR pages 4.11-9 through 4.11-10, the CEQA significance criteria that are specific to displacement and that direct the analysis and determination regarding potential significant effects related to displacement are restated here (emphasis added):

- Displace substantial numbers of housing units, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element.
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere in excess of that contained in the City's Housing Element.

CEQA only requires analysis and mitigation of potentially substantial adverse changes in the physical environment.² As stated on DEIR page 4.11-12, and restated above, displacement of up to 94 housing units would not be considered "substantial," in part because it represents such a small fraction of the approximate 170,000 units currently existing citywide, and of Oakland's Regional Housing Needs Assessment Allocation (RHNA) for the Housing Element current and future planning periods for 2007-2014 and 2015-2022 of total of 14,629 units and 14,765,

² Public Resources Code §§ 21151, 21060.5, 21068.

respectively.³ Further, should all or some of the 94 units be removed as a result of adoption and development under the Plan and thus necessitate the construction of replacement housing, it is reasonable to assume that the replacement housing would be developed within the Plan Area. As such, the potential environmental effects from construction and operation of these replacement units, a consideration within the significance criteria above, is already analyzed and evaluated throughout this EIR.

Specifically relevant to the significance criteria restated above, residential development within the Plan Area, considered as either additional or replacement housing, is consistent with the City's Housing Element. The Housing Element specifically illustrates and thus guides the geographic distribution of future residential development throughout the City.⁴ According to the Housing Element, the focus of future housing development, including identified residential development opportunity sites, is concentrated in the downtown, and further concentrated in the area labeled "Broadway/Valdez Specific Plan Area" which encompasses the Plan Area. Thus, residential development within the Plan Area is supported by the policies, goals and objectives contained in the City's Housing Element. Therefore, as stated in the DEIR, adoption and development under the Specific Plan, including its potential to demolish up to 94 existing residential units, is considered less-than-significant with respect potential displacement of housing units and residents and the construction of associated replacement housing.

Comments regarding displacement and housing affordability do not address the Specific Plan's physical impacts on the environment nor other aspects pertinent to the potential effects of the Specific Plan on the environment, and thus are beyond the purview of the EIR. For informational purposes, the City of Oakland's relocation process for households is described on DEIR pages 4.11-11 through 4.11-12.

While not a CEQA issue, concern over the socio-economic effects of potential displacement of the existing residential units described above, 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. The provision of affordable housing choices is a concern and goal for the City of Oakland and must be addressed comprehensively, on a citywide basis.⁵ According to the *May 2014 Final Broadway Valdez Specific Plan*, the City is exploring the feasibility of developing a Housing Overlay Zone (HOZ) that would target those areas **throughout the city** that are most primed for development and could most likely provide affordable housing and other community benefits. 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. 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:

³ City of Oakland, 2010. *City of Oakland Housing Element 2007-2014* and Association of Bay Area Governments (ABAG).

⁴ City of Oakland, 2010. *City of Oakland Housing Element Draft Environmental Impact Report*, 2010.

⁵ A more detailed discussion of this issue is provided in an Attachment to the staff report to the Planning Commission about the Broadway Valdez District Specific Plan Final EIR.

- 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.

5.3 Historic Resources Master Response

Many of the comments received expressed concern about the potential removal of historic resources in the Valdez area and requested revisions to Plan to reflect retention of various buildings such as the homes on Waverly Street, Harrison Street, the Newsom Apartments, and Biff's II Coffee Shop/JJs, among others. This response clarifies what the DEIR analysis found with respect to impact to CEQA historic resources, as well as provides some information about what the Plan states regarding historic resources.

The Specific Plan does not mandate the physical demolition, destruction, relocation, or alteration of any properties, historic or otherwise. As described in DEIR Chapter 4.04, *Cultural Resources*, properties that are considered significant for CEQA purposes are defined as those resources *meeting the criteria* for listing on the California Register of Historic Resources (CRHR, California Register). This definition of "historic resources" includes buildings, structures, objects, sites, and districts determined to be eligible for or listed on the California Register, the National Register, or a local register of historic resources. While no properties within the Plan Area are listed in or determined eligible for listing in the California Register, properties of local significance that have been designated under a local preservation ordinance (i.e., local landmarks), or that have been identified as significant in a local historical resources inventory may also be eligible for listing in the California Register and are presumed to be significant resources for purposes of CEQA. The Plan Area contains 20 individual properties that meet the definition of the City of Oakland's Local Register and are therefore considered significant for purposes of environmental review under CEQA (see Tables 4.4-1, 4.4-2 and Figure 4.42 in the DEIR). Of the specific properties of concern mentioned by various commenters, only the Newsom Apartments at 2346 Valdez Street and Biff's II Coffee Shop/JJ's at 315 27th Street are considered historic resources under CEQA.

As noted in the DEIR page 4.4-34, The Broadway Valdez Development Program and the Physical Height Model (see Figure 3-11 in DEIR Chapter 3, Project Description) are the basis for this analysis. The Physical Height Model assumes development on the parcel containing Biff's II Coffee Shop, a Heritage Property determined eligible for Landmark status (see #15 in DEIR Table 4.4-1). It also shows development on the parcel containing the Pacific Kissel Kar salesroom and garage at 2401 Broadway (see #2 in DEIR Table 4.4-1). Three additional parcels containing CEQA historic resources are also assumed to have a high potential for development and are therefore analyzed in this section. These include the Connell GMC Pontiac Cadillac/Bay City Chevrolet building at 3903 Broadway (see #10 in DEIR Table 4.4-1), the Seventh Church of Christ, Scientist at 2333 Harrison Street (see #12 in DEIR Table 4.4-1), and the Newsom Apartments at 2346 Valdez Street (see #13 in DEIR Table 4.4-1) Although measures are

available that could mitigate the potential impact to these CEQA historic resources (see Mitigation Measure CUL-1 in Chapter 4.04 of the DEIR), mitigation to reduce impacts to a less-than-significant level may not be deemed feasible for development in the Plan Area. Thus adoption and development under the Plan was determined to result in a significant and unavoidable impact with respect to historic resources and would require a statement of overriding consideration prior to certification of the EIR and adoption of the Specific Plan.

Regarding the commenters' requests for revisions to Specific Plan policies, these comments pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA.⁶ However, as noted in Chapter 3 Modifications to the DEIR, in response to comments received on the *September 2013 Public Review Draft Specific Plan* and DEIR, City staff developed an additional Historic Preservation Sub-Alternative. Under "Historic Preservation Sub-Alternative B", the Plan is revised to include a more robust set of policies and incentives to preserve and enhance existing buildings, including those that are not deemed to be CEQA historic resources. An overview of these changes is provided below.

Policy CD-3.15 was revised as follows:

Policy CD-3.15~~6~~

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 24th 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 27th and Valdez and the Newsom Apartments at 24th 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 they could potentially be in conflict with the Plan's highest priority, which is to achieve major new retail development.~~

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 ~~as possible~~, but also does not sacrifice the Specific Plan's primary objective to establish major new destination retail in the Triangle ~~in order to save individual buildings. The Plan recognizes that trade-offs will need to be made to realize the vision for the Triangle, and that those trade-offs are~~

⁶ A more detailed discussion of these issues is provided in an Attachment to the staff report to the Planning Commission about the Broadway Valdez District Specific Plan Final EIR.

~~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 24th 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.

Furthermore, the following additions/deletions have been made in the *May 2014 Final Broadway Valdez District Specific Plan*:

- Deletion of LU-Policy 11.2, which explicitly stated that new development that furthers Specific Plan goals to provide destination retail uses will take precedence over adaptive reuse on Retail Priority Sites was Public Review Draft Plan;
- Addition of a new land use policy to support current efforts by the California Preservation Federal and State Office of Historic Preservation to establish the State Historic Rehabilitation Tax Credit program, which could help in furthering adaptive reuse opportunities.

The proposed zoning for the Broadway Valdez District includes the following incentives for adaptive reuse:

- In the Retail Priority Sites, existing buildings that are utilized for retail can count towards the retail square footage that is required in order be able to build residential uses;
- A CEQA Historic Resource within a Retail Priority Site that is utilized for retail can be counted as double square footage towards the retail square footage requirement to build residential uses;
- Potentially Designated Historic Properties (PDHP) or a CEQA Historic Resource within an Adaptive Reuse Priority Overlay Zone will not be required to provide new parking or open space to convert from a commercial to residential use;
- If a PDHP or a CEQA Historic Resource is incorporated as part of a larger project, the square footage that is incorporated will be exempt from parking and open space requirements.

The intent of Historic Preservation Sub-Alternative B is to reduce but not eliminate the Significant and Unavoidable historic resources impacts identified for the Plan. The Broadway Valdez District Specific Plan, in combination with Historic Preservation Sub-Alternative B is now “the Project” that City staff is recommending for adoption. For ease of administrative purposes, the changes noted above have been made to the *May 2014 Final Draft Specific Plan*.

CHAPTER 6

Written Comments on the DEIR and Responses to Comment

This chapter includes copies of the written comments received by hand-delivered mail or electronic mail during the public review and comment period on the DEIR. Specific responses to the individual comments in each correspondence follow each letter.

Each correspondence is identified by a numeric designator (e.g., “11”). Commenters who submitted multiple correspondence are presented with the same numeric designator, followed by an alphabetical designator indicating its sequence (e.g., 11-A and 11-B are consecutive letters submitted by the same commenter). Specific comments within each correspondence also are identified by a numeric designator that reflects the numeric sequence of the specific comment within the correspondence (e.g., “11-A-3” for the third comment in Individual Comment Letter 11-A).

Responses focus on comments that pertain to the adequacy of the analysis in the EIR or to other aspects pertinent to the potential effects of the Specific Plan on the environment pursuant to CEQA. Comments that address topics beyond the purview of the EIR or CEQA are noted as such for the public record. Where comments have triggered changes to the DEIR, these changes appear as part of the specific response and are consolidated in Chapter 3, *Modifications to the DEIR*, where they are listed in the order that the revision would appear in the DEIR document.

6.1 Comments Submitted by Agencies During Public Comment Period and Responses

The following comments were submitted during the public comment period for the DEIR from September 20, 2013 to November 12, 2013:



1600 Franklin Street, Oakland, CA 94612 - Ph. 510/891-4754 - Fax. 510/891-7157

December 30 2013

Laura Kaminski
Planner II
City of Oakland
Community and Economic Development Agency
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612
Lkaminski@Oaklandnet.com

Subject: Draft Broadway-Valdez District Specific Plan and Environmental Impact Report (EIR)

Thank you for the opportunity to comment on the Broadway Valdez District Specific Plan. The Broadway Valdez plan area is an important area for AC Transit, one with significant potential for ridership growth.

As we have noted previously, we appreciate that the Plan devotes substantial attention to transit, and includes (as items for exploration) such innovative measures as transit validation for shoppers (Policy C.6.5). A strong emphasis on transit will be necessary to make the intense retail district envisioned by the Plan feasible and acceptable in this central area of the city. While we applaud the transit-oriented basis of the Plan, we are concerned that some specific proposals could unintentionally and negatively impact transit service.

1-1

Plan Vision

The Plan’s proposed Vision Statement reads as follows: “The Broadway Valdez District will be a new, re-imagined 21st Century neighborhood. A “complete neighborhood that supports socially and economically sustainable mixed use development; increases the generation and capture of local sales tax revenue; captures the cultural and architectural influences of the neighborhood’s past and present-day prosperity, and implements a “green,” “transit-first” strategy that reduces greenhouse gas emissions and the use of non-renewable resources.” Unfortunately, Plan policies and proposals are not yet adequate to implement this vision.

1-2

Broadway-Valdez as a Destination and Origin

The Broadway-Valdez plan area is some 95 acres (or .15 square miles), including approximately 60 acres of buildable land. It stretches some .9 miles from Grand Ave. to Interstate 580, roughly one-two blocks on either side of Broadway. The area along Broadway between Grand Ave. and 20th St. BART (Uptown Transit Center) is not part of the Plan but is designated as an area for special collaboration between the City, BART, and AC Transit. The Plan area does not include Pill Hill or the Koreatown/Northgate commercial district along Telegraph Avenue.

1-3

The Plan estimates that, over time, some 1.9 million square feet of non-residential development will be added to the Broadway-Valdez area. There would be approximately 1.1 million square

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feet of retail (the equivalent of a large regional shopping center) 700,000 square feet of office space (roughly 1.5 Transamerica Pyramids), and a 180 room hotel. The plan also targets development of 1,800 housing units in an area which has become increasingly attractive for housing development. As will be discussed below, this level of development is expected to have substantial impacts on roadway congestion and therefore on transit.

↑
1-3
cont.

Transit Serving the Broadway-Valdez Plan Area can be summarized as follows for Section 2.5.3:

- *Long distance/inter-county transit provided primarily by BART and AC Transit Transbay lines;
- *Medium distance/city level transit (also extending into Berkeley, Alameda and Emeryville) of approximately 1-5 miles provided by AC Transit;
- *Short distance community service transit provided primarily by private shuttle routes.

The summary could also note that, unlike north-south service, the area's primary east-west transit connections are just outside the plan area, at Grand Ave. and Macarthur Blvd.

Line 51A: AC Transit Line 51A operates along Broadway (for the length of the plan area) as part of its overall route from Fruitvale BART through Alameda and Downtown Oakland to Rockridge BART. Line 51A serves eight out of the nine Oakland districts shown on the Plan's Broadway Corridor diagram.

However, contrary to the statement in the Plan, we do not see evidence that the 51A is routinely overcrowded in the Plan area, though it likely carries some standees during the weekday peak commute. Line 51A is one of AC Transit's most important and most productive bus lines. It is defined as one of AC Transit's trunk routes. With just over 10,000 passengers per weekday, the line is the third busiest in the AC Transit system. Averaging over 53 passengers per hour, the 51A is the fourth most productive in the system. Given the importance of this route, the Metropolitan Transportation Commission (MTC) is funding a Transit Performance Initiative (TPI) grant to improve the speed and reliability of Line 51.

1-4

AC Transit's Line 11 also operates along Harrison Street in the plan area.

19th St. BART/Uptown Transit Center: The 19th St. BART Station/Uptown Transit Center provides major transit support to the Plan Area. The Uptown Transit Center should be shown on relevant maps in the Plan and EIR and discussed in Plan Section 2,5.3, the Transit System section of the Planning Context chapter. In addition to BART and the 51A, nine additional bus routes stop at the Transit Center, providing direct service to Grand Avenue, the Macarthur Corridor, Park Boulevard, and International Boulevard, among other destinations.

Speed of and Delays to Transit Operation on Broadway

The Plan sets a transit goal of "**Enhanced efficiency and effectiveness in the Plan Area**" (Goal C-2). Efficient, effective service is also an important goal for AC Transit. For the Plan to achieve that goal, it must avoid creating additional delays to transit, particularly on Broadway. It is well documented that if transit is slowed, passengers will be discouraged from, not attracted to, using transit. Supporting efficient and effective transit also requires transit-friendly streetscapes.

1-5
↓

AC Transit supports the Plan’s overall Circulation Goal (Goal C-1) of a multimodal transportation system which serves both the internal and external transportation needs of the area. This approach supports Oakland’s Complete Streets goals. To achieve a true complete streets balance, systematic attention must be paid to transit goals, so that they are not unintentionally subsumed when pedestrian, bicycle, or automobile facilities are improved.

↑
1-5
cont.

Vehicle Delay Impacts Identified in the EIR

AC Transit is very concerned about the potential for additional traffic delays identified, but not mitigated, in the EIR. Appendix G of the EIR indicates that intersections on Broadway will cumulatively experience approximately 120 seconds (2 minutes) of additional delay per direction, comparing existing conditions to the 2020 With Project scenario. Delay to bus service is likely to be greater, as buses have less ability to avoid congested conditions than cars.

Nine intersections on Broadway are shown in Appendix G as having increases in delay of four or more seconds in one or more times of day—51st/Pleasant Valley (outside the plan area but affected by the plan), 40th, Macarthur, Piedmont, 27th, 24th, 23rd, and Grand. Yet because of the looser threshold of traffic significance used in the EIR—intersection Level of Service falling to F, only 23rd & 24th St. are designated for mitigations (because of meeting signal warrants).

The overall delay anticipated on Broadway should be treated as a cumulative impact to transit, and mitigated accordingly. Under the TPI, AC Transit is working with the City to reduce travel time on line 51 in Oakland by 12-16 minutes. This projected increase of 4 minutes or more will erase 25-33% of that travel time savings, making it very difficult to realize the projected reduction. Slowing the route is directly contradictory to the Plan goal of efficient and effective transit. The Plan and EIR should assure that development under the Plan does not result in slowing of transit, and should mandate all necessary measures to achieve this. Improvements under the TPI can then achieve their purpose of travel time reduction.

1-6

The EIR on p. 4-13.92, argues that various transit improvements such as far side stops, bus bulbs, and transit signal priority will mitigate time lost due to congestion. However, the EIR includes no commitment to implement any specific improvements. The EIR also fails to quantify the expected time savings from these improvements. These measures can only be quantified as providing travel time savings if they are included in the EIR as specifically included mitigations to be implemented at specified locations. Otherwise, AC Transit cannot simply accept the document’s hope that these improvements will be adequate to maintain or improve bus speed.

Potential Impacts of Streetscape and Intersection Treatments

The plan proposes changes to a number of intersections along Broadway. These include 23rd, 24th, 25th and 27th Streets. . There is also general language supporting the narrowing of key intersections (Policy C-2.3). Similarly, Design Guideline 208 in Appendix C calls for curb extensions to be “**designed into all intersections.**”

1-7

We understand that these proposals are intended to improve the walking environment for pedestrians. AC Transit supports this goal; when transit service is strong, better pedestrian environments also encourage people to ride transit. However, these changes must be

implemented in such a manner that does not impede transit operations. Unlike autos, AC Transit local buses must operate in the right lane and cannot evade congestion using the left lane. The Plan should note certain situations where curb extensions will not be installed. These include but are not necessarily limited to:

*At corner containing a bus stop. A curb extension there would force the bus to move circuitously to reach the bus stop and/or to stop in a way blocking the travel lane. Curb extensions should only be installed at these locations in the form of bus bulbs;

*At locations where the space adjacent to the curb is needed for a queue jump.

1-7
cont.

We request that the City consult with AC Transit before planning, designing, or implementing changes to any intersections on Broadway. The process for this consultation is outlined in the Transit Streets Agreement between the City and AC Transit, a document which should be referenced in both the Plan and the EIR. Any streetscape modifications should be consistent with changes approved under the Transit Performance Initiative which AC Transit and the City are undertaking.

Bus Stop Characteristics and Locations:

Policy C.5.1 calls on the City to “Collaborate with AC Transit to improve bus service along Broadway and support Specific Plan objectives by incorporating the following recommendations into the Transit Performance Initiative.” We appreciate this Policy, which reflects AC Transit’s approach to such issues as stop spacing and far side stops.

However, the 60-foot bus stop length standard is only applicable to far side stops on bus bulbs, where buses do not have to pull into and out of stops. Near side stops and curbside stops require more length. The Policy should also highlight the need for adequate clear space on the sidewalk to provide a disabled landing area which complies with the Americans with Disabilities Act (ADA).

1-8

Some of the existing bus stop locations shown on Figure 6.3 are incorrect. The existing northbound bus stops are on the near side of 25th St., far side of 28th St., and near side of Piedmont Ave. The existing southbound bus stops are on the near side of Piedmont Ave., near side of 30th St., far side of 28th St. and far side of 25th St. There are no bus stops located at or proposed for 23rd or 24th St. In the context of the TPI, AC Transit and the City are discussing potential bus stop relocations at 29th St. northbound and Piedmont Ave. northbound.

Streetcar Policies:

As the Plan indicates, the City of Oakland is studying potential improvements to transit service along Broadway north from downtown in the Broadway Transit Urban Circulator Study (BTUCS). Potential services include both bus-based modes and streetcars. A streetcar running on rails would be a new fixed element in the streetscape, with potential effects on buses, bicycles, other vehicles, and pedestrians. Any streetcar should be designed and operated so that it does not interfere and considers Line 51A bus operations. BTUCS will be the City’s guiding document for evaluating and the recommending the appropriateness of Broadway transit improvements. The BTUCS is intended to provide objective analysis concerning the many economic, capacity, and ridership questions concerning streetcar development.

1-9

While the Specific Plan is not the major document concerning a streetcar, it should include certain overall policies:

1. Any new modes introduced on Broadway, such as a streetcar, should not interfere with speed, reliability, or functionality of bus service along Broadway;
2. Stops and facilities for users of all modes—rail or bus-based—shall be equivalent, and not discriminate against a mode.

↑
1-9
cont.

The BTUCS is ongoing and has not yet made recommendations. At this stage, therefore, it is inappropriate for the Specific Plan to include maps of a potential streetcar alignment, particularly ones that show station locations. These should be removed so that the Plan does not appear to be prejudging the appropriate mode.

Land Use Considerations:

AC Transit has published statements supporting Transit-Oriented Development (TOD) since 1983, before the term itself was coined. Today, TOD is supported by Oakland’s Priority Development Areas (PDAs), which are incorporated in MTC and ABAG’s Plan Bay Area. The Broadway corridor is one of Oakland’s most promising locations for mixed use housing development and has seen significant development of that kind. By contrast, retail development has been limited to modest expansions within existing buildings.

↑
1-10

However, the draft Plan designates much of the Valdez Triangle between 27th St. and Grand Ave. as “Broadway Valdez District Retail Priority Sites Commercial Zone.” In that zone, residential uses can only be developed if retail uses of specified sizes are built as well. If the plan’s retail strategy fails, or develops slowly, these potentially valuable housing sites would be delayed awaiting redevelopment. We would urge the City to either relax these restrictions, or have them sunset after three (3) years, to free them for development. If retail demand is strong, the restrictions could be renewed.

Summary of Key AC Transit Comments

Description of Transit: The Plan should provide a structured description of all forms of transit serving the area, including long distance BART service, City level AC Transit service, and community level shuttles. The Plan should note that these services comprise a strong transit network, though not frequent enough to provide needed service to a major retail area.

Vehicle Delay: AC Transit is very concerned about the potential for additional traffic delays identified, but not mitigated, in the EIR. Appendix G of the EIR indicates that intersections on Broadway will cumulatively experience approximately 120 seconds (2 minutes) of additional delay per direction, comparing existing conditions to the 2020 With Project scenario This could undo the gains from the Transit Performance Initiative (TPI)..

The overall delay anticipated on Broadway should be treated as a cumulative impact to transit, and mitigated accordingly.

Bus Stop Locations and Characteristics: Policy C.5-1 in the Plan should be refined to reflect that many types of bus stop need to be longer than 60 feet, and to reflect the planned location of bus stops as set forth on p.4 of this letter..

Policies for a Streetcar on Broadway: The Plan should state that

1. Any new modes introduced on Broadway, such as a streetcar, should not interfere with speed, reliability, or functionality of bus service along Broadway;
2. Stops and facilities for users of all modes—rail or bus-based—shall be equivalent, and not discriminate against a mode.

The Plan should not show potential streetcar stops on a map—this is very premature.

Land Use: The Plan should assure that housing development is not impeded on retail priority sites, either by relaxing the requirements or by having the requirements sunset in three years.

We look forward to continuing to work with the City to improve transit in this high priority area and further develop the plan to incorporate elements that prioritize transit.

Yours Sincerely,



Jim Cunradi
Manager of Long Range Planning

Cc: David Armijo, James Pachan, Robert del Rosario, Sean DiestLorgion, Wil Buller Nathan Landau, Stephen Newhouse, Becca Homa

1-11

Letter 1 Response – AC Transit

- 1-1: This comment generally appreciates the attention to transit in the Specific Plan and refers to specific related comments that are addressed in response to comments 1-2 through 1-11.
- 1-2: This comment regarding the inadequacy of the Specific Plan policies to implement the stated vision pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.
- 1-3: This comment correctly describes the Plan Area and the buildout of the Broadway Valdez Development Program. It does not raise any specific issues regarding the analysis presented in the DEIR; therefore, no further response is required.

Also see Master Response 5.1 in Chapter 5 of this Response to Comments document.

- 1-4: This comment generally addresses the transit service summary provided in Section 2.5.3 of the Specific Plan. In general, these comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Section 2.5.3 of the Specific Plan provides a brief summary and overview of transit service in the Plan Area. Section 6.3 of the Specific Plan provides a more detailed description of transit service.

As suggested by comment, Section 6.3 of the Specific Plan has been updated to mention that primary east-west bus service is provided just outside the Plan Area along Grand Avenue and MacArthur Boulevard.

The comment incorrectly states that the Specific Plan states that Route 51A buses are routinely overcrowded. The Specific Plan, consistent with the DEIR as described on page 4.13-6 and summarized in Table 4.13-2, and based on ridership data provided by AC Transit, states that Route 51A buses serving through the Plan Area are over capacity during peak service periods. Further, the DEIR, on page 4.13-6 states that Route 51A buses operate with average load factors of 38 to 57 percent through the Plan Area.

The comment also mentions Route 11 along Harrison Street, which is included in the discussion of existing AC Transit starting on page 4.13-6 of the DEIR.

The comment incorrectly states that the Uptown Transit Center is not discussed or shown on relevant figures in the Specific Plan or DEIR. Figures 2.9 (Transit Service), 6.1 (Circulation Concept), and 6.3 (Transit Service) in the Specific Plan, and Figure 4.13-2 (Existing Transit Service) in the DEIR identify the Uptown Transit Center.

- 1-5: The comment agrees with the goals of the Specific Plan to provide a multi-modal transportation system. No further response is required.

1-6: The comment expresses concern about the additional delay to Route 51A buses caused by congestion generated by adoption and development under the Specific Plan along Broadway. By comparing the average intersection delays for Existing and 2020 Plus Project Conditions presented in Appendix G of the DEIR, the comment estimates that buses along Broadway would be delayed by about two minutes per direction (or more than four minutes total). The comment does not state how this delay is estimated and what segments of Broadway are used. Thus, it is difficult to verify the accuracy of the comment. However, the methodology used in the comment to estimate delay seems incorrect for the following reasons:

- The comment includes the total average intersection delay reported at each study intersection along Broadway. Buses along Broadway would only experience delay on the Broadway approaches, and including the delay on side-streets is not appropriate for accurately estimating delay.
- Comparing the 2020 Plus Project travel times to Existing travel times does not fully represent the affects of the Specific Plan on travel times because the 2020 Plus Project travel times include congestion caused by traffic from other developments and other potential changes to the roadway system that are not part of the Specific Plan.

Based on the analysis summarized starting on DEIR page 4.13-91, it is estimated that the additional congestion generated by and the roadway modifications proposed by the Specific Plan would increase travel time along Broadway within the Plan Area (between Grand and Piedmont Avenues which is about 0.8 miles) by about 20 seconds in the northbound direction (about 15 percent more than existing travel times) and about 30 seconds in the southbound direction (about 30 percent more than existing travel times).

The additional congestion generated by adoption and development under the Specific Plan is also expected to affect travel times along other segments of Broadway. Based on the intersection operations analysis presented in the DEIR, Table 6-1, below, summarizes travel times along Broadway between 20th Street and College Avenue, which is just over two miles long. As shown in Table 6-1, adoption and development under the Specific Plan is estimated to increase travel times along this longer corridor by about 50 seconds in the northbound direction and about 40 seconds in the southbound direction. This corresponds to about 10 percent more than existing travel times in both directions, which is within the typical day-to-day fluctuation in travel times expected on urban arterials.

Since the Broadway corridor between 20th Street and College Avenue is more than twice as long as the segment of Broadway within the Plan Area, it would experience a higher amount of absolute delay. However, the relative (i.e., percentage) increase in delay is lower over the longer corridor because development under the Specific Plan would be generating fewer trips further away from the Plan Area. Therefore, the effects on travel time over the longer Broadway corridor would be less than within the Plan Area.

**TABLE 6-1
BROADWAY TRAVEL TIMES (BETWEEN 20TH STREET AND COLLEGE AVENUE)
WEEKDAY PM PEAK HOUR**

Corridor/ Direction	Existing		Existing Plus Project		Existing Plus Project (Mitigated)	
	Travel Time (min:sec) ^a	Average Speed (mph)	Travel Time (min:sec) ^a	Average Speed (mph)	Travel Time (min:sec) ^a	Average Speed (mph)
Broadway, Northbound (From 20th Street to College Ave)	7:20	18	8:00	16	8:10	16
Broadway, Southbound (From College Ave to 20th Street)	7:10	18	7:20	18	7:50	17

^a Corridor travel times were calculated using intersection delay and free-flow segment speeds from Synchro 8.0.

SOURCE: Fehr & Peers, 2014.

The commenter also requests the travel time savings expected from the potential improvements that may be implemented along Broadway. Based on the analysis conducted for the AC Transit Line 51 Transit Performance Initiative (TPI), the following travel time improvements can be expected:

- Moving bus stop from near-side to far-side of the intersection: up to 40 seconds per location
- Implementing transit signal priority: up to six seconds per location

As noted on DEIR page 4.13-92, based on Policy C.5.1 of the Specific Plan, City of Oakland will collaborate with AC Transit to improve bus service along Broadway. Therefore, the DEIR conclusion that the estimated increase in bus travel times caused by the adoption and development under the Specific Plan would have a minor effect on transit service in the Plan Area remains valid.

- 1-7: The commenter expressed concern about potential bulbouts interfering with bus operations. As stated in the comment, the Specific Plan includes installing bulbouts at intersections in the Plan Area where feasible. It is expected that installation of each bulbout would be reviewed and if found to interfere with bus operations would not be installed. In addition, as described on DEIR page 4.13-92, the Specific Plan proposes installation of bulbouts that accommodate buses within the Plan Area. Therefore, bulbouts would not interfere but would enhance bus operations in the Plan Area.
- 1-8: The comment expresses concern that providing 60-foot bus stops may not be adequate to accommodate AC Transit buses operating along Broadway. However, as noted in the comment, 60-foot bus stops are adequate for far-side bus stops that have a bus bulbout. Since the Specific Plan recommends moving bus stops to the far-side of the intersection and providing a bus bulbout at all bus stops, the 60-foot bus stops would be adequate.

Also, the correct locations of current bus stops along Broadway are noted and are reflected in the corrected Figure 6.3 in the *May 2014 Final Broadway Valdez District Specific Plan*.

- 1-9: The commenter feels that it is inappropriate for the Specific Plan to include a potential streetcar alignment in the document. As described in the *May 2014 Final Broadway Valdez District Specific Plan*, City of Oakland is investigating possible options for enhancing transit along Broadway. One of the options under consideration is a streetcar system. Furthermore, the DEIR does not analyze streetcar alignment. Rather, it presents the streetcar as a potential improvement on Broadway (see DEIR, page 4.13-27). Therefore, the comment pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. See Master Response 5.1 in Chapter 5 of this Response to Comments document.
- 1-10: This comment, requesting a relaxation of restrictions to residential development in the Retail Priority sites, pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.
- 1-11: This comment summarizes the other comments in the letter. See response to comments 1-4 through 1-10 for responses to specific comments. Also see Master Response 5.1 in Chapter 5 of this Response to Comments document.



ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
PUBLIC HEALTH DEPARTMENT

Alex Briscoe, Director
Muntu Davis, MD, MPH, Director and Health Officer

1000 Broadway, 5th Floor
Oakland, CA 94607

(510) 267-8000 (p)
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November 8, 2013

City of Oakland
Attn: Laura Kaminski
Department of Planning and Building
Strategic Planning Division
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612
Via e-mail: lkaminski@oaklandnet.com

RE: Broadway Valdez Draft Specific Plan, Draft Environmental Impact Report and Promoting Public Health

Dear Ms. Kaminski:

On behalf of the Alameda County Public Health Department (ACPHD), I am writing to share our comments and recommendations regarding the Broadway Valdez Draft Specific Plan. As the agency responsible for monitoring and advising officials on matters affecting public health and safety and the development of policies and practices that protect and promote health and well-being, we recommend that you consider the public health impacts of the Broadway Valdez Draft Specific Plan in your decision-making. We have submitted prior comments on February 19, 2010 and January 9, 2012.

We have documented the health inequities in Oakland that have historically disproportionately impacted low-income communities and communities of color. In order to ensure public health and health equity is adequately considered, we recommend the following:

- Strengthen the goal and strategies to ensure the Draft Specific Plan results in 15% affordable housing;
- Strengthen policies that aim to prevent the displacement of housing and people;
- Adopt Health Risk Reduction Measures in SCA B for all sensitive receptors developed within 500 feet of the freeway or significant stationary source;
- Prioritize early funding for pedestrian and transit improvements and neighborhood-service retail to serve existing residents.

Affordable Housing for All

The Draft Specific Plan should be strengthened around its affordable housing goal and should provide more adequate implementation strategies. Creating diverse neighborhoods that offer housing for all income levels is one of the most significant ways to promote healthy communities. Oakland residents are housing cost-burdened compared to the County and State and people of color in Oakland are especially likely to experience cost burden. Oakland currently lacks sufficient affordable housing to meet the needs of its current residents. A

2-1

lack of affordable housing forces people to accept sub-standard housing conditions, such as overcrowding, displacement and homelessness and is associated with food insecurity and poor nutrition, especially among children, as well as cutting back on childcare, preventative healthcare, and prescription drugs. Furthermore, stress due to a lack of affordable housing is associated with a greater likelihood of developing hypertension and lower levels of psychological well-being. Finally neighborhoods that are diverse and have a housing mix of affordability, reduces concentrations of high poverty and segregation and is associated with better health outcomes. **In order to meet the City’s need for affordable housing, we recommend:**

- **Strengthening the policy language to ensure a goal of 15% affordable housing, and ensuring a housing mix of affordability levels including very-low, low-income as well as moderate income housing;**
- **Allowing more ground floor flexibility at mixed use developments to allow more opportunities for housing;**
- **Creating an incentive program like density bonuses for building affordable housing.**

2-1
cont.

Preventing Displacement of Homes and People

There is a significant risk of displacement in this Plan. Displacement harms health; it decreases social cohesion, increases isolation within communities, can destabilize community institutions, such as schools, and cause homelessness. In the Draft Environmental Impact Report (DEIR) Impact POP-2, 30 units are anticipated for removal and 1800 new units built, and yet the DEIR determines that risk of displacement is “less than significant” and that no mitigations are required. I am concerned that the magnitude of displacement may be higher as a result of the pressure development will put on rising costs to the surrounding neighborhoods. **To protect community health, we recommend 1) strengthening the regulations in place to prevent displacement, as building affordable housing is not a sufficient anti-displacement strategy. We also recommend closing the building size loophole in the Condominium Conversion Ordinance, strengthening the Just Cause for Eviction and rent control ordinances, and funding the relocation fund program through developer impact fees.**

2-2

Preventing Exposure to Air Pollution

This Plan could be strengthened to prevent or reduce exposure to air pollution. Populations exposed to diesel pollution and toxic air contaminants are at increased risk of developing respiratory diseases and cancer and of exacerbating asthma and other respiratory illnesses. The California Air Resources Board recommends not locating sensitive land uses, including residential developments, within 500 feet of a highway with more than 100,000 vehicles per day. The DEIR Impact AIR-8 essentially says that all residential development and sensitive receptors in the Plan Area within 1000 feet of a stationary or mobile source and exceeds BAAQMD screening criteria would have to comply with Standard Conditions of Approval (SCA) B, which enumerates strategies to minimize potential exposures to toxic air pollution. **To ensure prevention of exposure to air toxics, we recommend adopting the Health Risk Reduction Measures in SCA B for all sensitive receptors developed within 500 feet of the freeway or significant stationary source in the Plan Area. We also recommend that the SCAs utilize Best Available Control Technology so that the SCAs do not lag behind technology available.**

2-3

Creating Complete Neighborhoods and Access to Daily Needs

The Plan makes great leaps around complete streets and neighborhoods policies, but can go further to promote public health and equity for existing residents. These policies promote active and healthy lifestyles, help reduce greenhouse gases, and help achieve sustainability goals. Affordable, accessible and reliable public transit is essential to low-income communities that are transit dependent. Access to affordable, healthy foods and other daily needs and services supports public health and can thwart obesity and chronic health issues,

2-4

especially considering there are a lot of low-income residents and seniors in the Plan Area. **To ensure public health benefits, particularly for existing residents, we recommend prioritizing early funding for pedestrian and transit amenities, such as bus shelters that are accessible to seniors and wheelchair-users, improving lighting at the freeway underpass, maintaining the existing local transit stops and consider extending the Free B Shuttle to serve the neighborhood. We also recommend ensuring neighborhood-serving retail in the North End, such as a grocery stores and a pharmacy, at a low price point.**

↑
2-4
cont.

ACPHD is dedicated to improving the health of all Oakland residents and to preventing avoidable health risks. Please feel free to contact me with any questions or concerns.

Sincerely,



Muntu Davis, MD, MPH
Health Officer and Department Director
Alameda County

Letter 2 Response – Alameda County Public Health Department

- 2-1: This comment, requesting strengthened affordable housing goals and implementation strategies, pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Responses 5.1 and 5.2 in Chapter 5 of this Response to Comments document.
- 2-2: The Agency feels that in order to mitigate DEIR Impact POP-2, stronger regulations should be put in place to prevent displacement, closing the loophole in the Condominium Conversion Ordinance, strengthening Just Cause for Eviction and rent control ordinances, and funding the relocation fund program through developer impact fees. Regarding the potential displacement of existing Plan Area residents, please see Master Response 5.2 in Chapter 5 of this Response to Comments document.

Also see Master Response 5.1 in Chapter 5 of this Response to Comments document.

- 2-3: The Agency requests that the City’s Standard Condition of Approval B, *Exposure to Air Pollution (Toxic Air Contaminants)*, be broadened such that the Health Risk Reduction Measures within SCA B should be adopted for all sensitive receptors within 500 feet of the freeway or significant stationary source, regardless of whether or not 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. As detailed in Chapter 4.02, *Air Quality*, of the DEIR, SCA B would apply to all projects under the Plan that would include new sensitive receptors within 1,000 feet of a freeway and other known sources of air pollution *and* exceed the significance criteria (see DEIR page 4.2-21). To impose Health Risk Reduction Measures only on projects for which emissions exceed the health risk screening criteria is suitably conservative. The DEIR Air Quality evaluation analyzed a combination of highly conservative screening-level data and more precise but still conservative refined modeling analysis for TAC concentrations within and surrounding the Plan Area. The screening-level data also is from the BAAQMD, which provides a publicly available inventory of TAC-related health risks for permitted stationary sources throughout the San Francisco Bay Area Air Basin as well as for freeways (see DEIR pages 4.2-5 through 4.2-6). The inventory presents community risk and hazards from screening tools and tables that are intentionally conservative. The screening-level risk factors derived from the BAAQMD’s tool are intentionally conservative and intended to indicate whether additional review related to the impact is necessary and are not intended to be used to assess actual risk for all projects. Therefore, the BAAQMD screening criteria are considered suitably conservative to determine projects with exposure to toxic air contaminants such that the potential health risks require mitigations.¹

¹ Although not raised by this comment letter, in response to discussions with the Alameda Public Health Department, the City has modified SCA A: Construction-Related Air Pollution Controls (Dust and Equipment Emissions) to include the following requirement: “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.” Please see Chapter 3: Modifications to the DEIR for more detail.

The Agency states that the best available control technology shall be used in SCAs. SCA B is designed to establish the minimum requirements to mitigate impacts but includes flexibility should control technology improve over the lifetime of the Plan. For example, SCA B, a., 2 states that air filtration systems shall be rated *MERV-13 or higher*, establishing a minimum threshold for mitigation and allowing for more advanced technology should it become available.

- 2-4: This comment, recommending prioritization of early funding for pedestrian and transit amenities and promotion of neighborhood serving retail in the North End, pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688
Oakland, CA 94604-2688
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2013

November 21, 2013

Tom Radulovich
PRESIDENT

Joel Keller
VICE PRESIDENT

Grace Crunican
GENERAL MANAGER

Laura Kaminski
City of Oakland Strategic Planning Division
Department of Planning and Building
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

RE: Draft Broadway Valdez District Specific Plan and Draft Environmental Impact Report,
and General Plan Amendments (Case number ER12-0005)

DIRECTORS

Gail Murray
1ST DISTRICT

Joel Keller
2ND DISTRICT

Rebecca Saltzman
3RD DISTRICT

Robert Raburn
4TH DISTRICT

John McPartland
5TH DISTRICT

Thomas M. Blalock, P.E.
6TH DISTRICT

Zakhary Mallett
7TH DISTRICT

James Fang
8TH DISTRICT

Tom Radulovich
9TH DISTRICT

Dear Ms. Kaminski:

On behalf of the San Francisco Bay Area Rapid Transit District (BART), I would like to thank the City for its invitation to provide the comments on the Draft Broadway Valdez District Specific Plan (Specific Plan) and Draft Environmental Impact Report (EIR) , and General Plan Amendments.

In July 2005, the BART Board of Directors adopted a Transit-Oriented Development Policy, which promotes high quality, more intensive development at or near BART stations. Station area development will, in turn, generate increased ridership as well as new revenues for transit. In addition, transit-oriented development (TOD) reduces the impact of congestion and increased air pollution by encouraging built-in ridership at the station. The development proposed in the Specific Plan is supportive of this goal and BART looks forward to collaborating with the City to make the vision in the Specific Plan a reality.

We therefore support the vision for new development that is outlined in the Broadway Valdez Specific Plan, one that features a walkable setting and includes a mix of uses, higher density, placemaking elements and other public amenities. Importantly, the Plan also encourages sustainable transportation modes, such as taking transit. As BART ridership grows, BART seeks to expand the station access mode share for pedestrian and bicyclists, and supports the creation of a robust bicycle and pedestrian network that connects all areas of new development to the BART station. Appropriate pedestrian and bicycle improvements would make significant strides to accommodate growing demand for access to the BART system, which BART greatly appreciates. BART staff also supports the creation of the proposed open space and streetscape improvements.

Sincerely,

Val Joseph Menotti
Planning Department Manager
San Francisco Bay Area Rapid Transit District



3-1

Specific Plan Comments:

5.3.2 Gateways and Public Space – Policy CD -2.23

- Although outside of the Plan area, it would be beneficial to acknowledge that the intersection of 20th Street/Broadway is a natural gateway to the Plan area given the regional transit opportunities of BART and AC Transit Uptown Transit Center. This would also include extending streetscape improvements to this intersection.

3-2

6.3.2 Shuttles – Policy C-5.1

- The 20th Street entrance to the 19th Street / Oakland BART (19th St.) station already experiences a high volume of shuttle traffic (20th Street east of entrance) without a formal shuttle drop of area. If encouraging more shuttles the Policy should also address committing to looking at the sidewalk/infrastructure requirements to formalize this use in this location, or to work with shuttle operators, AC Transit and BART to identify another appropriate location.
- Coordinate planning for shuttle service with AC Transit to ensure that opportunities for AC transit to serve some of the shuttle needs are explored.

3-3

3-4

6.3.3 BART – C-5.3

- BART is supportive of this policy and agrees that a seamless pedestrian (and bicycle) experience between the BART station and the Plan Area is necessary for the success of the vision presented in the Plan. Similar to the comment on Policy CD-2.23, this policy should also address the fact that the 19th Street Station is a key gateway to the Plan Area and should be addressed as such on Broadway.

3-5

6.3.4 Streetcar

- BART is supportive of the need for an "urban circulator" investment, such as a streetcar, to better connect opportunity areas with the regional BART system, and looks forward to partnering with the City and other transit providers to improve last mile connections.
- There should be an additional policy that states that implementation of any short-term streetscape improvements identified in the Plan, focus on "no regrets" investments that would not preclude a larger urban circulator investment on Broadway.
- This section (and the Plan) should also identify the potential to have a dedicated ROW if needed for the Urban Circulator

3-6

3-7

3-8

6.4 Transportation Demand Management Strategies

General

- BART is very supportive of Transportation Demand Management Strategies and the cumulative impact of strong TDM strategies can have a great impact on helping individuals to modify their travel behavior. BART suggests strengthening the language in the Specific Plan to communicate the importance and the City's dedication to the necessity of an area-wide Transportation and Parking Management Agency.
- Consider a new policy that is marketed externally to potential shoppers throughout the bay area to promote taking transit to the destination retail portions of the Plan Area development.

3-9

3-10

Policy C-6.2		3-11
<ul style="list-style-type: none"> Wayfinding signage program should also emphasize transit. 		
6.5 Parking Management		
<ul style="list-style-type: none"> Consider adding additional parking reduction strategies such as transferable entitlements 		3-12
<ul style="list-style-type: none"> The plan should encourage facilitation of off-hours shared use of parking facilities, and the identify ways in which the City can help to facilitate this use 		3-13
6.5.2 Parking Ratios		
<ul style="list-style-type: none"> BART understands that there is a necessary amount of parking that is needed during the initial phases of development, and encourages the City to consider phasing in reduced parking standards over time 		3-14
<ul style="list-style-type: none"> Consider raising the minimum square footage threshold and minimum right-of-way frontage for when/where parking is required 		3-15
<ul style="list-style-type: none"> Consider reducing of parking ratios for developments that also include demand reduction strategies such as transit pass subsidies, car-sharing, bike sharing, etc. 		3-16
<ul style="list-style-type: none"> Consider setting maximum limits to parking and introducing transferable parking entitlements 		3-17
6.5.3 Parking Management Strategies		
Policy C-7.9		
<ul style="list-style-type: none"> Develop a coordinated and comprehensive Parking management system that coordinates on-street parking pricing with off-street parking (MTC: Reforming Parking Policies to Support Smart Growth) 		3-18
8.2.2 Components of Implementation Strategy for Destination Retailing in the Valdez Triangle – Policy IMPI.3		
<ul style="list-style-type: none"> Please provide more detail as to how, when and through what mechanism will policies and actions geared towards the “Uptown Coordination Area” will be created 		3-19
EIR Comments:		
Specific Comments:		
Page 4.13-6		
<ul style="list-style-type: none"> There are 6 portal entries to the 19th Street station 		3-20
<ul style="list-style-type: none"> There are informal shuttle pick-up/drop off facilities at the 20th Street Portal entrance 		3-21
Page 4.13-109		
We would prefer you use BART ridership numbers and revenue hours (rather than MTC numbers), they are attached as an appendix to these comments.		3-22
The second paragraph of this section seems to be alluding to the overall reduced service and ridership of BART. It does not seem accurate to state that BART has reduced service in last ten years. The text indicates that we have we are cutting service levels over the last ten years. In FY 08 and 09 BART actually increased service. As a result of the recession FY 10 and 11 revenue hours were decreased, however since FY 12 they have been steadily increasing.		3-23

In terms of ridership, although BART ridership did decrease in fiscal years 2008/2009 and 2009/2010 as a result of the recession it should be noted that since fiscal year 2012/2013 our ridership numbers have rebounded and steadily grown. And over the past ten years ridership has increased 30%, and by almost 100,000 riders. Please revise to give a more accurate portrayal of BART ridership and service in the past decade and include FY 2013 numbers.

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3-23
cont.

Page 4.13-113

Please note in your analysis of BART faregates that the timed transfer location has been relocated from the 12th Street Station to the 19th Street Station in order to reduce scheduled delays for patrons using this downtown station.

3-24

General Comments:

Comment 1: BART requests that the impacts on transit ridership be considered CEQA issues. This was not done in previous DEIRs performed by the City of Oakland. Under the list of identified CEQA “thresholds of significance” for Transportation and Circulation, previous DEIRs have recognized that a significant impact can occur where a project might “[f]undamentally conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.” The inclusion of this threshold of significance is consistent with recent amendments to Appendix G of the CEQA Guidelines, which became effective July 16, 2010. Despite this acknowledgment of transit impacts as CEQA impacts, those DEIR have treated increases in both BART train and station capacity as non-CEQA issues even though the identified potential impacts in train and station capacity might “decrease the performance or safety of such facilities.” An increase in peak hour ridership or lines for stations could well result in a decrease in the performance or safety of BART facilities. Thus, it is absolutely appropriate to treat impacts to transit ridership as CEQA impacts, and we would like to see this reflected in the EIR.

3-25

Comment 2. Because previous DEIRs have treated impacts to transit service as non-CEQA impacts, those analyses of impacts to BART service have also failed to identify or, where necessary, mitigate potentially significant impacts to BART. This omission should be rectified and impacts to transit service should be analyzed as CEQA impacts.

3-26

Comment 3. BART requests that Project-related station access improvements and other major projects such as the Kaiser Center be coordinated, especially during construction. BART is concerned that the construction period will lead to interruptions in access to the 19th Street Station. Such access interruption during construction is a potentially significant impact that must be analyzed. The DEIR should analyze all impacts, including potential entrance closures, resulting from necessary modifications to access pathways to the 19th Street Station.

3-27

Comment 4. Pursuant to Section VII(g) of Appendix G of the CEQA Guidelines, a potentially significant impact may occur if a project would “impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation

3-28
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plan.” BART has adopted an Emergency Plan for the 19th Street Station. We request that this issue be analyzed, in particular the Project’s impacts on the performance of station vertical circulation (elevators, stairways and escalators) and platforms capacity.

BART has undertaken a preliminary analysis of station capacity needs for the system, including for the 19th Street Station. While this analysis evaluates cumulative forecasted ridership growth for 2030 on the BART system and was not intended to provide a project-specific, micro-level analysis for the 19th Street Station, the analysis does indicate that, to ensure public safety and to meet BART’s performance standards, the 19th Street Station needs wider train platforms (for both the lower and upper platforms), more vertical circulation (stairways, escalators and elevators), additional fare gates, and potentially additional platform screen doors.

Based on this analysis, the addition of 450 AM peak hour and 780 PM peak hour passengers to the 19th Street station platforms and vertical circulation systems could well impact the ability of the 19th Street station to manage evacuated passengers in the event of an emergency, and therefore decrease the performance of the safety of BART’s facilities under the CEQA threshold. As indicated earlier, the peak hour ridership will be higher if SCA TRANS-1 succeeds in achieving transit mode share comparable to Oakland City Center.

The impact on safety from increasing the number of passengers within the station complex, particularly during peak periods, must be analyzed in order to determine whether any significant impacts will result from the Project and whether mitigation measures such as improvements to the 19th Street Station’s vertical circulation, platform widths, lighting, ventilation systems, fire suppression systems and wayfinding might be necessary to ensure safety during emergency situations. Typically, it would be appropriate for a project contributing to such conditions to pay a “fair-share” of the projected \$37 million cost of the mitigation improvements to the 19th Street Station.

BART looks forward to continue to work with the City on a station design solution that encourages transit ridership, but fundamentally provides for a safe and secure transit experience. In addition, BART seeks to work with the City to include BART station improvements as part of a funding and implementation plan for to the Plan Area, the Uptown District and Lake Merritt business district.

3-28
cont.

Appendix:
Revenue Vehicle Hours (1000s)

FY 03	1,637.6
FY 04	1,841.9
FY 05	1,773.9
FY 06	1,820.2
FY 07	1,844.1
FY 08	1,940.4
FY 09	1,941.6
FY 10	1,780.2
FY 11	1,774.5
FY 12	1,800.0
FY 13	1,821.2

BART Average Weekday Exits

	Actual	Budget	Actual vs Budget	Actual Change
FY84	202,550	190,472	6.3%	
FY85	211,612	210,813	0.4%	4.5%
FY86	204,244	216,166	-5.5%	-3.5%
FY87	194,226	208,040	-6.6%	-4.9%
FY88	198,259	201,056	-1.4%	2.1%
FY89	207,231	203,649	1.8%	4.5%
FY90	241,525	215,403	12.1%	16.5%
FY91	247,456	242,437	2.1%	2.5%
FY92	249,548	252,760	-1.3%	0.8%
FY93	253,838	252,455	0.5%	1.7%
FY94	251,981	257,464	-2.1%	-0.7%
FY95	248,169	254,340	-2.4%	-1.5%
FY96	248,669	248,098	0.2%	0.2%
FY97	260,543	254,120	2.5%	4.8%
FY98	265,324	270,287	-1.8%	1.8%
FY99	278,683	271,452	2.7%	5.0%
FY00	310,268	298,758	3.9%	11.3%

Comment Letter 3

FY01	331,586	335,000	-1.0%	6.9%
FY02	310,725	317,000	-2.0%	-6.3%
FY03	295,158	311,660	-5.3%	-5.0%
FY04	306,570	330,100	-7.1%	3.9%
FY05	310,717	316,593	-1.9%	1.4%
FY06	322,965	317,415	1.7%	3.9%
FY07	339,359	332,073	2.2%	5.1%
FY08	357,775	348,598	2.6%	5.4%
FY09	356,712	361,179	-1.2%	-0.3%
FY10	334,984	334,470	0.2%	-6.1%
FY11	345,256	334,470	3.2%	3.1%
FY12	366,565	348,845	5.1%	6.2%
FY13	392,293	376,475	4.2%	7.0%

Notes:

Upcoming year budget typically prepared in February/March of preceding FY

and then updated if necessary during April/May, with final budget adoption in May or June.

Letter 3 Response – Bay Area Rapid Transit

3-1 through -2: The commenter expresses support for the Specific Plan’s vision for new development and requests that the Plan acknowledge the 20th Street and Broadway intersection as a natural gateway to the Plan Area. These comments are noted. They pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

3-3: The comment expresses concern about current shuttle traffic and lack of formal shuttle stop near the 19th Street BART Station, which pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. As shown on Figure 4.13-2 of the DEIR, the current shuttles serving the Plan Area, with the exception of the Free “B” shuttle, do not serve the 19th Street BART Station. The Free “B” shuttle, which serves the 19th Street BART Station, has formal stops identified along Broadway adjacent to the BART Station. Other shuttles, which do not serve the Plan Area, provide informal service at the 19th Street BART Station. It is expected that if shuttle service is expanded, shuttle operations, including location of stops and other infrastructure needs would be coordinated between the shuttle operator, City of Oakland, BART, and AC Transit.

Also see Master Response 5.1 in Chapter 5 of this Response to Comments document.

3-4: See response to comment 3-3 regarding coordination of shuttle services with AC Transit.

Also see Master Response 5.1 in Chapter 5 of this Response to Comments document.

3-5: This comment, expressing support for Specific Plan policy C-5.3, pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

3-6 through -8: These comments are regarding the potential for an urban circulator on Broadway which pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. See response to comment 1-9 regarding the urban circulator. Also, please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

3-9: The comment expresses support for TDM strategies and request strengthening the policies presented in the Specific Plan, which pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA.

The traffic impact analysis presented in the DEIR conservatively assumes minimal implementation of TDM strategies to present a worse-case scenario. Similarly, the parking demand analysis presented in the DEIR estimates parking demand with and without implementation of these strategies in order to present the potential range in parking demand in the Plan Area. Since the actual implementation of these strategies

would result in better conditions than presented in the DEIR, the analysis presented in the DEIR continue to conservatively present worse-case conditions and remain valid.

Also see Master Response 5.1 in Chapter 5 of this Response to Comments document.

3-10: The comment requests a new policy in the Specific Plan to promote transit and encourage potential shoppers to use transit to travel to and from the Plan Area. This comment pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Also see Master Response 5.1 in Chapter 5 of this Response to Comments document.

3-11: The commenter requests that transit be included in the Plan Area wayfinding. This comment pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. See Master Response 5.1 in Chapter 5 of this Response to Comments document.

3-12 through -17: These comments, regarding parking management strategies, pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

3-18: The commenter requests comprehensive approach to parking management, which is consistent with the Specific Plan. In addition, this comment pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. See Master Response 5.1 in Chapter 5 of this Response to Comments document.

3-19: This comment, requesting clarification on how the Specific Plan would create policies geared toward the “Uptown Coordination Area,” pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

3-20 through -21: As requested, the text on page 4.13-6 of the DEIR is revised to the following:

- The 19th Street BART station, about 0.3 miles south of the Plan Area, is located underground beneath Broadway in downtown Oakland. ~~Four~~Six portals along Broadway between 18th and 20th Streets provide access to the station. The 19th Street Station does not have designated motor vehicle parking or pick-up/drop off facilities. However, informal shuttle pick-up/drop offs occur near the 20th Street portal.

3-22: As requested, Table 4.13-21 on page 4.13-109 of the Draft EIR is revised to the following:

**TABLE 4.13-21
OVERALL TRANSIT RIDERSHIP (2003-2012)**

<u>Year^a</u>	AC Transit		BART	
	Average Weekday Ridership	Revenue Vehicle Hours (x 1,000)	Average Weekday Ridership	Revenue Vehicle Hours (x 1,000)
FY 2003-2004	215,466	1,915	324,003 <u>295,158</u>	4,769 <u>1,638</u>
FY 2004-2005	210,496	1,800	320,499 <u>306,570</u>	4,775 <u>1,842</u>
FY 2005-2006	226,732	1,817	343,026 <u>310,717</u>	4,820 <u>1,1774</u>
FY 2006-2007	226,855	1,822	362,483 <u>322,965</u>	4,050 <u>1,1820</u>
FY 2007-2008	218,245	1,870	384,234 <u>339,359</u>	4,940 <u>1,1844</u>
FY 2008-2009	197,208	1,897	370,007 <u>357,775</u>	4,042 <u>1,940</u>
FY 2009-2010	197,445	1,853	357,464 <u>356,712</u>	4,780 <u>1,942</u>
FY 2010-2011	190,948	1,660	367,505 <u>334,984</u>	4,775 <u>1,780</u>
FY 2011-2012	N/A	N/A	304,777 <u>345,256</u>	4,814 <u>1,775</u>
FY 2012-2013	N/A	N/A	<u>366,565</u>	<u>1,800</u>
FY 2013-2014	N/A	N/A	<u>392,293</u>	<u>1,820</u>

^a Data for BART is based on data provided by BART and represents BART's fiscal year.

SOURCE: MTC, 2008 and 2013, and BART, 2014.

3-23: The comment states that the DEIR alludes that the BART had reduced service over the last ten years. As correctly stated in the comment, and shown in Table 4.13-21 (shown above), BART is providing more service (indicated by Revenue Vehicle Hours) in year 2013 than in 2003. However, the DEIR continues to correctly state that the amount of service provided by BART has fluctuated from year to year. The overall conclusion that the physical capacity of the transit service in general (and BART in particular) is not part of the physical environment and can change due to a variety of factors continues to remain valid.

3-24: As requested, the text on page 4.13-113 of the DEIR is revised to the following:

Faregate queuing is typically most critical for exiting travelers as trains, and passengers they carry, arrive at the station at the same time. BART recently relocated the timed transfer between Richmond and Pittsburg/Bay Point-bound trains from the 19th Street Station to the 12th Street Station in order to reduce the faregate delays at the 19th Street Station. As previously shown in Table 4.13-3, exiting passengers at the 19th Street Station peak during the AM peak period.

3-25 though -26: The commenter requests that impacts on transit ridership be analyzed as CEQA issues. See page 4.13-109 of the DEIR for an explanation of why increased transit ridership is not considered a significant impact under CEQA.

As discussed on page 4.13-49 and starting on page 4.13-109 of the DEIR, the Specific Plan's effects on BART service are not considered CEQA impacts due to the transitory nature of both transit ridership and service in general and because they are not impacts to

the physical environment. Like parking, which is also discussed in the DEIR as a non-CEQA topic, users will adjust their travel behavior depending on the available transit service. Therefore, identification of impacts on BART service, as well as the mitigation of any such impacts, is not required. However, the analysis presented in the DEIR, which includes an evaluation of existing passenger loads on BART trains, is consistent with the technical analysis that would be required to adequately analyze the Specific Plan's potential operational impacts to BART loading.

The commenter also states that the increase in transit ridership should be considered a CEQA impact because it may “fundamentally conflict with adopted policies, plans, or programs, regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.”

In addition, while the DEIR acknowledges that adoption and development under the Specific Plan would increase BART ridership, increased ridership attributable to the Broadway Valdez Development Program Buildout — even the size of the Specific Plan as documented in the DEIR — would not constitute a decrease in the “performance or safety” of public transit facilities such that major infrastructure such as stations and tracks would require improvements to operate effectively or safely. Just as drivers adapt their travel behavior depending on availability of the parking supply, transit riders will adapt their travel behavior depending on the availability of the transit service.

The City also welcomes a joint effort with BART (and other transit service providers, local jurisdictions, or government agencies, as necessary) in the development of a regional approach to transit impact fee assessment or other mechanisms to ensure that development projects make contributions to transit improvements commensurate with their effects on transit service. However, any such approach should be a comprehensive, logical, and fair process that assesses contributions reasonably accurately and across all development projects. An “ad hoc” approach that targets specific developments such as the proposed Project without a set of well-defined criteria or methodologies is neither logical nor fair.

- 3-27: The commenter requests analysis of impacts and coordination of project related construction at the Station with other ongoing construction projects to minimize interruptions at the 19th Street BART Station. The Specific Plan does not currently include any specific construction projects that would affect access or operations at the 19th Street BART Station. Therefore, the DEIR cannot assess the potential impacts of such construction projects. However, as described on page 4.13-101 of the DEIR, City of Oakland Standard Condition of Approval (SCA) 33 requires coordination of construction projects and development of plans to maintain access and circulation for all travel modes during construction.
- 3-28: The comment expresses concerns about potential impacts of the Specific Plan on emergency access and evacuation at the 19th Street BART Station.

First, the City appreciates and acknowledges any information provided by BART regarding station capacity needs for the 19th Street Station. However, increased transit ridership from adoption and development under Specific Plan would not alone require major improvements to station facilities such as new elevators, stairways, or escalators, wider platforms, additional fare gates, or platform screen doors. In fact, increased transit ridership is a primary goal of the Specific Plan as it reduces greenhouse gas (GHG) emissions and is, overall, a more environmentally sustainable alternative to automobile traffic.

Second, BART ridership generated by the Broadway Valdez Development Program would not represent new ridership above BART's latest cumulative ridership projections. According to BART, forecasts prepared for the 19th Street Station developed by the Santa Clara Valley Transportation Authority (VTA) for the Silicon Valley Rapid Transit (SVRT) DEIS (i.e., BART to San Jose) for a horizon year of 2030, using data from ABAG's Projections 2007.

Conservatively assuming that adoption and development under the Specific Plan would generate BART ridership not fully accounted for already in BART's cumulative projections, this increased ridership alone would not "impair implementation of or physically interfere" with the emergency plan adopted by BART for 19th Street Station. Ridership is volatile and can be affected by any number of external factors, as described on page 4.13-109 of the DEIR. In addition, platform queuing and the demand on vertical circulation within the station is, at least partially, subject to BART's service plans at any given moment. The recent relocation of the transfer point between Richmond and Pittsburg/Bay Point-bound trains from 19th Street to 12th Street Station, for example, has already affected passenger flow and volume within and into/out of the station, but no changes to the emergency plans have been made.

The need to move passengers out of the station in an emergency does not constitute "impairment" to the implementation of the emergency plan for 19th Street Station, but is instead the ultimate goal of the emergency plan. Likewise, the need to move additional passengers (generated by development under the Specific Plan) out of the station in an emergency does not constitute "impairment" to the implementation of the station emergency plan. The Specific Plan would not physically alter the layout of the station, the station entry /exit points, or its vertical circulation systems. As a result, the Specific Plan cannot be considered to result in a hazard impact under Section VIII(g) due solely to generating additional ridership at the station.

To present the effects of additional Plan-generated ridership in perspective, the peak Plan-generated BART ridership is estimated at 780 riders during the PM peak hour. Assuming that all BART trips would use the 19th Street Station and that the station is served by 32 trains during the peak hour, it is estimated that the project would add an average of 24 riders on each train. Increases in ridership levels at this scale would not be sufficient to require new infrastructure at the Station.

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-6053
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TTY 711



Flex your power!
Be energy efficient!

November 5, 2013

ALAVAR017
SCH#2012052008

Ms. Laura Kaminski
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Ms. Kaminski:

Broadway/Valdez District Specific Plan – Draft Environmental Impact Report

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the Broadway/Valdez District Specific Plan. The following comments are based on the Draft Environmental Impact Report.

Trip Distribution

From Table 4.13-9, the proposed plan will generate approximately 1,980 AM, 3,709 PM, and 4,114 Saturday peak hour trips under 2035 conditions. This will significantly impact adjacent State facilities such as Interstates 580 and 980. To further understand traffic distribution to these facilities, please include a turning movement traffic diagram per study intersection under Existing, Project Only, 2035 Cumulative, and 2035 Cumulative + Project Conditions for validating purpose.

4-1

Fair-Share Contribution

Mitigation measures within the State's right-of-way will require approval and encroachment permits from Caltrans. These improvements will require a fair-share contribution from the proposed project proponent similar to the fair-share contribution for improvements under the City of Oakland's jurisdiction.

4-2

Should you have any questions regarding this letter, please call Yatman Kwan, AICP of my staff at (510) 622-1670.

Sincerely,

ERIK ALM, AICP
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

Letter 4 Response – California Department of Transportation

- 4-1: The commenter requests intersection turning volume figures for various scenarios. Appendix G.D provides turning volumes at the study intersections under the scenarios analyzed in the DEIR, including Existing Conditions, 2035 No Project Conditions, and 2035 Plus Project conditions.
- 4-2: The commenter requests a fair-share contribution to the mitigation measures within the Caltrans right-of-way, similar to the fair-share contribution for improvements under the City of Oakland jurisdiction. Applicants of future development projects under the Specific Plan would be required to implement mitigation measures, regardless of whether such mitigation measures are under City of Oakland or Caltrans jurisdiction, subject to approval of the appropriate jurisdiction.



October 17, 2013

Laura Kaminski, Planner II
City of Oakland, Strategic Planning Division
Department of Planning, Building, and Neighborhood Preservation
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Notice of Availability of a Draft Environmental Impact Report - Broadway/Valdez District Specific Plan (Case Numbers: ZS12046, ER12-0005)

Dear Ms. Kaminski:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Broadway/Valdez District Specific Plan (Specific Plan) located in the City of Oakland (City). EBMUD has the following comments.

WATER SERVICE

EBMUD's Central Pressure Zone with a service elevation between 0 and 100 feet and Aqueduct Pressure Zone with a service elevation between 100 and 200 feet serves the Specific Plan area. Any development project associated with the City's Specific Plan will be subject to the following general requirements.

Main extensions that may be required to serve any specific development projects to provide adequate domestic water supply, fire flows, and system redundancy will be at the project sponsor's expense. Pipeline and fire hydrant relocations and replacements due to modifications of existing streets, and off-site pipeline improvements, also at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. When the development plans are finalized, all project sponsors should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions of providing water service to the development. Engineering and installation of new and relocated pipeline and services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

5-1

The project sponsor should be aware that EBMUD will not inspect, install or maintain pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may pose a health and safety risk to construction or maintenance personnel

5-2

wearing Level D personal protective equipment. Nor will EBMUD install piping in areas where groundwater contaminant concentrations exceed specified limits for discharge to sanitary sewer systems or sewage treatment plants. Project sponsors for EBMUD services requiring excavation in contaminated areas must submit copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary.

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5-2
cont.

In addition, the project sponsor must provide a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater. EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by the project sponsor is insufficient EBMUD may require the applicant to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the project sponsor's expense.

On page 4.14-14, it states "Based on this data, adoption and development under the Specific Plan would not require expansion of existing water delivery facilities." The pressure and flow data provided by EBMUD was for the distribution system and known water demands as they currently exist; EBMUD has not analyzed the water distribution system with the added water demand proposed by this specific plan. As stated above, water main extensions and off-site pipeline improvements, at the project sponsor's expense, may be required to provide adequate domestic water supply, fire flows, and system redundancy; the size and extent of any such extension and/or improvement will be determined when the project sponsor applies for water service to EBMUD's New Business Office.

↑

WASTEWATER SERVICE

5-3

On page 4.14-15, it states "Proposed sewer generation within the Plan Area was reviewed by EBMUD's Wastewater Planning Engineering Group, which indicated that there will be adequate wastewater treatment capacity to accommodate increased sewer generation for the Specific Plan Area." This section should be modified to indicate that EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate **dry weather capacity** to treat the proposed wastewater flows from projects within the Specific Plan planning area, provided that these projects and the wastewater generated by these projects meet the requirements of the current EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. EBMUD has historically operated three Wet Weather Facilities to provide treatment for high wet weather flows that exceed the treatment capacity of the MWWTP. On January 14, 2009,

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due to Environmental Protection Agency's (EPA) and the State Water Resources Control Board's (SWRCB) re-interpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an order prohibiting further discharges from EBMUD's Wet Weather Facilities. Additionally, on July 22, 2009 a Stipulated Order for Preliminary Relief issued by EPA, the SWRCB, and RWQCB became effective. This order requires EBMUD to begin work that will identify problem infiltration/inflow areas, begin to reduce infiltration/inflow through private sewer lateral improvements, and lay the groundwork for future efforts to eliminate discharges from the Wet Weather Facilities.

Currently, there is insufficient information to forecast how these changes will impact allowable wet weather flows in the individual collection system subbasins contributing to the EBMUD wastewater system, including the subbasin in which the proposed project is located. As required by the Stipulated Order, EBMUD is conducting extensive flow monitoring and hydraulic modeling to determine the level of flow reductions that will be needed in order to comply with the new zero-discharge requirement at the Wet Weather Facilities. It is reasonable to assume that a new regional wet weather flow allocation process may occur in the East Bay, but the schedule for implementation of any new flow allocations has not yet been determined. In the meantime, it would be prudent for the lead agency to require the project applicants to incorporate the following measures into any proposed projects within the Specific Plan planning area: 1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to reduce infiltration/inflow and 2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent infiltration/inflow to the maximum extent feasible. Please include such provisions in the environmental documentation and other appropriate approvals for the Broadway/Valdez District Specific Plan.



5-3
cont.

WATER RECYCLING

EBMUD's Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant, fish and wildlife to offset demand on EBMUD's limited potable water supply. Appropriate recycled water uses could include landscape irrigation, commercial and industrial process uses, toilet and urinal flushing in non-residential buildings and other applications.

Project sponsors for future development projects within the Specific Plan area shall coordinate and consult with EBMUD regarding the feasibility of providing recycled water for appropriate non-potable uses.

WATER CONSERVATION

Individual projects within the Specific Plan area may present opportunities to incorporate water conservation measures. EBMUD would request that the City include in its conditions of approval a requirement that the project sponsors comply with the Landscape Water Conservation Section, Article 10 of Chapter 7 of the Oakland Municipal Code. Project sponsors should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

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5-3

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,



FOR William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:TRM:sb
sb13_215.docx

Letter 5 Response – East Bay Municipal Utility District

- 5-1: The commenter notes that engineering and installation of any water main extensions or upgrades required to provide adequate domestic water supply, fire flows, and/or system redundancy shall be at the expense of project applicants of individual development projects under the Specific Plan. This comment is noted. All project applicants of individual development projects under the Specific Plan shall comply with this requirement, which does not affect the potential environmental effects of the Plan.
- 5-2: The commenter notes that EBMUD will not inspect, install, or maintain facilities in contaminated areas and describes the process for remediation and documentation for contaminated areas where EMBUD service is required. This comment is noted. All project applicants of individual development projects under the Specific Plan shall comply with this requirement, which does not affect the potential environmental effects of the Plan.
- 5-3: The commenter cites text on DEIR page 4.14-14 and notes that while pressure and flow data show an adequate distribution capacity for water demands as they currently exist, individual future projects under the Specific Plan may trigger the need for water main extensions and off-site pipeline improvements (see comment 5-1 above). The potential need for such extension and/or improvements will be determined as individual future project applicants apply for water service from EBMUD. The DEIR acknowledges the potential need for distribution line upgrades associated with compliance with the California Fire Code. Further, individual development projects under the Specific Plan would be required to undergo project-specific review as needed and appropriate, including those associated with the potential need for localized investment in expanded or upgraded local water conveyance infrastructure, would be evaluated at that time. In addition, any potentially adverse environmental effects associated with construction activity for such extensions or improvements are disclosed and adequately mitigated in the relevant sections of the DEIR.
- 5-4: The commenter addresses the statement in the DEIR that EBMUD currently has adequate wastewater capacity to accommodate future increases in sewer demand. The DEIR is corrected as follows:

The following change is made to Section 4.14, *Utilities and Service Systems*, on page 4.14-15 of the DEIR:

As discussed above, EBMUD’s Main Wastewater Treatment Plant is currently operating at approximately 43 percent of its 168 mgd secondary treatment capacity (EBMUD, 2012b). Proposed sewer generation within the Plan Area was reviewed by EBMUD’s Wastewater Planning Engineering Group, which indicated that that there will be adequate dry weather wastewater treatment capacity to accommodate increased sewer generation for the Specific Plan Area, provided that these projects

and the wastewater generated by these projects meet the requirements of the current EBMUD Wastewater Control Ordinance (BKF, 2012).

EBMUD has historically operated three Wet Weather Facilities to provide treatment for high wet weather flows that exceed the treatment capacity of the Main Wastewater Treatment Plant. On January 14, 2009, due to the Environmental Protection Agency's (EPA) and the State Water Resources Control Board's (SWRCB) re-interpretation of applicable law, the Regional Water Quality Control Board (RWQCB) issued an order prohibiting further discharges from EBMUD's Wet Weather Facilities. Additionally, on July 22, 2009, a Stipulated Order for Preliminary Relief issued by the EPA, SWRCB, and RWQCB became effective. This order requires EBMUD to begin work that will identify problem infiltration/inflow areas, begin to reduce infiltration/inflow through private sewer lateral improvements, and lay the groundwork for future efforts to eliminate discharges from the Wet Weather Facilities.

Currently, there is insufficient information to forecast how these changes will impact allowable wet weather flows in the individual collection system subbasins contributing to the EBMUD wastewater system, including the subbasin in which the Specific Plan Area is located. As required by the Stipulated Order, EBMUD is conducting extensive flow monitoring and hydraulic modeling to determine the level of flow reductions that will be needed in order to comply with the new zero-discharge requirements at the Wet Weather Facilities. It is reasonable to assume that a new regional wet weather flow allocation process may occur in the East Bay, but the schedule for implementation of any new flow allocations had not yet been determined.

The commenter also requests that, prior to implementation of new flow allocations, as may result from EBMUD's required flow monitoring and hydraulic modeling currently underway, project applicants of future projects under the Specific Plan adhere to measures that would reduce infiltration/inflow. These requested measures are consistent with SCA 91, *Stormwater and Sewer*, which, as described in the DEIR, would require applicants of future projects under the Specific Plan to construct necessary sanitary sewer infrastructure improvements.

- 5-5: The commenter notes that applicants of future projects under the Specific Plan are required to use non-potable water for non-domestic purposes, where feasible and appropriate, and to consult with EBMUD regarding the feasibility of providing recycled water for appropriate non-potable uses. This comment is noted. The DEIR states that no recycled water system improvements exist or are proposed in the Plan Area. Applicants of future projects under the Specific Plan will consult with EBMUD regarding the feasibility of providing recycled water at the time those future projects are implemented.
- 5-6: The commenter notes that the Specific Plan presents opportunities to incorporate water conservation measures. Future development projects under the Specific Plan would be

required to adhere to the City's Green Building Ordinance which requires water conservation measures in buildings and requires bay friendly landscaping compliance. In addition, the City requires projects to comply with the state's Model Water Efficient Landscaping Ordinance and with CALGreen and mandatory water conservation measures in the state building code.



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

November 5, 2013

Laura Kaminski
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Subject: Broadway/Valdez District Specific Plan
SCH#: 2012052008

Dear Laura Kaminski:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on November 4, 2013, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

6-1

Document Details Report
State Clearinghouse Data Base

Comment Letter 6

SCH# 2012052008
Project Title Broadway/Valdez District Specific Plan
Lead Agency Oakland, City of

Type EIR Draft EIR

Description The Broadway Valdez District Specific Plan will be a 25-year planning document that provides a vision and planning framework for future growth and development within the Plan Area, which runs along Oakland's Broadway corridor between Grand Avenue and I-580. The plan provides a comprehensive vision for the Plan Area along with goals, policies and development regulation 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.

Lead Agency Contact

Name Laura Kaminski
Agency City of Oakland
Phone (510) 238-6809 **Fax**
email lkaminski@oaklandnet.com
Address 250 Frank H. Ogawa Plaza, Suite 3315
City Oakland **State** CA **Zip** 94612

Project Location

County Alameda
City Oakland
Region
Lat / Long
Cross Streets Along Oakland's Broadway corridor between Grand Avenue and I-580
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways I-580, 980
Airports No
Railways No
Waterways San Francisco Bay, Oakland Inner Harbor, Lake Merritt
Schools Yes
Land Use Community Commercial, Institutional, Urban Residential and Mixed Housing Type Residential

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Economics/Jobs; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Department of Housing and Community Development; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission; San Francisco Bay Conservation and Development Commission

Date Received 09/20/2013 **Start of Review** 09/20/2013 **End of Review** 11/04/2013

Letter 6 Response – Governor’s Office of Planning and Research

- 6-1: The commenter acknowledges receipt and distribution of the DEIR to select state agencies. This comment is noted. No further response is required.

6.2 Comments Submitted by Organizations During Public Comment Period and Responses

The following comments were submitted during the public comment period for the DEIR from September 20, 2013 to November 12, 2013:



November 12, 2013

Laura Kaminski, AICP
 City of Oakland
 250 Frank H. Ogawa Plaza, Suite 3315
 Oakland, CA 94612

Dear Ms. Kaminski:

The **Better Broadway Coalition** comprises Greenbelt Alliance, East Bay Housing Organizations Sierra Club Northern California Chapter, Walk Oakland Bike Oakland, Valdez Plaza Resident Council, Alameda County Building Trades Council, Westlake Christian Terrace Resident Council, California Nurses Association, TransForm, and Urban Habitat. Together our organizations represent multiple stakeholders who live, work, do business and worship in the Broadway-Valdez area. We are pleased to respond to the Draft Broadway Valdez District Specific Plan (Draft Plan) and Draft Environmental Impact Report (DEIR) with the collective comments of the Coalition.

First, we express thanks to you for your work with the Better Broadway Coalition over the past several years. As you know, our Coalition continues to support the vision of the Broadway-Valdez District Specific Plan. To achieve this vision, the Plan needs to contain stronger policies to support a truly balanced neighborhood with opportunities for all Oaklanders. This letter elaborates on our Coalition platform and comments made to the Oakland Planning Commission about the current Draft Plan and the DEIR. We urge your close attention to these issues highlighted below regarding successful retail, affordable homes, smart parking management, circulation and sustainable community design, and jobs.

Viable Retail for Oakland’s Bottom Line

Our Coalition strongly supports the economic development goals of the Broadway Valdez District Specific Plan. Bringing in more retail serves multiple goals: more convenient shopping opportunities, much-needed sales tax revenue, and the development of a vibrant pedestrian district. We are aware that comparison goods stores are a major goal of the plan, but we also encourage strategies that promote a diverse range of retail businesses. Neighborhood-serving retail with goods and services at affordable price points (such as a pharmacy) will help to create varied and vibrant commercial frontage, and will serve existing and new residents and workers at many income levels. This letter also details our recommendations for stronger provisions in the plan for

7-1

community needs in addition to retail, and urges staff to work with community stakeholders to make sure the bonus and incentive program in the plan will realize these benefits. ↑ 7-1
| cont.

As mentioned several times at the two Planning Commission hearings by commissioners and stakeholders, we believe it behooves the City to update its market study to reflect the significant changes in the economy since the release of the “Upper Broadway Strategy” in 2007 (known as the Conley Report). A deeper analysis of the recent economic trends and the proposed “retail first” program could illuminate opportunities for instituting evaluation mechanisms and metrics, phasing incentives over time, and avoiding unintended negative impacts on the full range of Plan goals. A broader range of market expertise and updated data will help ensure that the retail goals are grounded in realistic assumptions about the local development market, leading to a program that generates tangible results for Oakland and Broadway Valdez residents, and can serve as a successful model for other communities. 7-2

These market studies should also inform updates within the Draft Plan to change photos and tables to include currently strong destination businesses, rather than examples of chains that have been closing locations nationally, such as Best Buy and Barnes & Noble. Moreover, with the exciting new independent businesses located in the district that are drawing off the success of Uptown, we encourage Table 4.1 to include mom and pop shops, local businesses, and independent stores, especially those that have been successful. This will not only demonstrate the City’s dedication to local innovation and entrepreneurship, but also facilitate better relationships with current merchants that reside in the Plan Area and in nearby neighborhoods.

Recommendations: The Final Plan should revise Policy LU-10.10 to require community stakeholder involvement in the development of the bonus and incentive program. The Final Plan should update the market study that informs the retail goals and strategies of the plan and the types of destination retail encouraged in the Valdez Triangle, as well as strategies for enhancing neighborhood-serving and independent business throughout the Plan Area.

Homes We Can All Afford

Thriving retail depends on a strong residential presence, as evidenced by older commercial districts such as Piedmont Avenue and the newly revitalized Uptown. To that end, we are glad that the plan still calls for a target of 1,800 residential units and a target of 15% affordability (section 8.5.1).

We urge this 15% target be strengthened with clear policies and implementation strategies allowing it to be achieved over the life and the area of the plan. This would help Oakland make meaningful progress in addressing the continued need for housing accessible to the workforce and achieving its Regional Housing Need Allocation. Further, although the loss of Redevelopment funds creates significant challenges, Redevelopment law requiring at least 15% of housing within a project area to be below-market-rate is still in place. We believe that at least 300 units of affordable housing is an achievable and necessary target, and will help encourage a local workforce to live – and shop – in the area. The plan should have built-in periodic evaluations to assess whether the 15% target is being met, and what policy and regulatory changes will be needed to achieve it. 7-3

This is a difficult time to finance affordable housing, now that the city has lost the ability to use tax-increment financing. Given the 25-year time horizon of the plan, however, it is likely that new ↓

sources will be developed to help fund affordable homes, so it is important to take the long view. For example, in October 2013, the City Council voted to set-aside 25% of its former redevelopment “boomerang” funds for affordable housing in future years. Building in an affordability requirement *now* not only provides a much-needed protection against rising housing costs, but creates predictability for developers.

↑
7-3
cont.

Innovative strategies for creating affordable homes – what the plan describes as a “menu of creative options” – will certainly be needed. These should include height and density bonuses, and/or the creation of an affordable housing overlay zone (similar to the entertainment overlay zone in 4.4.7). Periodic evaluations could allow for these approaches to be phased in or tiered, to reflect changing market conditions over the time horizon of the plan (as suggested in policy 4.5.5) and to encourage early development by developers who wished to build before community benefits requirements take effect.

We also urge more flexibility in ground floor zoning in the North End, recognizing that while not every site or property may be mixed-use, the intent of the plan is to create a mixed-use boulevard overall. While we support the goal of bringing a concentration of retail to the Valdez Triangle, continuous commercial frontage in Upper Broadway is unlikely to be viable in the foreseeable future. Further, the larger sites on North Broadway represent some of the best opportunities for affordable and mixed income development, with appropriate neighborhood-serving uses at the ground floor where feasible. To avoid creating a stumbling block for crucial residential development, we request that the Plan avoid placing strict requirements for ground floor retail on the sites in the "northern combining zone." (Policy LU 10.5) Large retail development on these sites could be limited due to lack of connections to the freeway and the surrounding neighborhood, and should not create a hindrance to bringing new households into the neighborhood to support the larger goals of the Plan.

7-4

Finally, we are concerned over the potential displacement impacts of the Plan, particularly in the Valdez triangle where there are a number of smaller, older multi-unit buildings that serve as “naturally affordable” (i.e. unsubsidized) housing. If 1,800 units are constructed over the life of the Plan, this supply will hopefully increase housing options for households at a range of income levels. However, without an affordability requirement, new development can increase the risk of residential displacement; both direct displacement as homes are removed or demolished, and indirect displacement due to rising rents or condominium conversions. Not only would we like to see an affordable housing requirement, the EIR should more fully explore the displacement potential of the Draft Plan, which might require important mitigations (currently designated as “not substantial” in Impact POP-2 of the DEIR).

7-5

Recommendation: The Final Plan should require 15% affordable housing, include a detailed “menu of creative options” to create affordable housing that could include strategies like an affordable housing overlay zone, and allow more flexibility in ground floor retail requirements so that key residential developments are feasible (especially in the North End). The Final EIR should include a more robust exploration of the housing displacement impacts of the plan and relevant mitigations for those impacts.

Feasible Parking Policies

To fully achieve the complete community goals of the plan, as well as achieve the City’s “transit first” and climate goals, it is critical for the plan to include robust transportation demand management (TDM) strategies, smart parking demand management tools, and appropriate triggers and conditions for the use of public funding for structured parking. It is made abundantly clear from the DEIR that implementing the Draft Plan’s TDM strategies will result in broad benefits for the Plan Area and could reduce parking demand by as much as 18-30 percent (4.13-107). Robust TDM and parking management will help to create the livable and pedestrian-oriented community that will bring life to the Plan Area and connect it with Oakland’s exciting downtown neighborhoods. The following changes to the Draft Plan area needed to ensure the plan meets these goals.

7-6

The plan’s proposed Transportation and Parking Management Agency (TPMA) would provide a great opportunity to make sure that the existing parking supply—inside the plan area, as well as within walking distance outside the plan area—is appropriately utilized and that timely data informs the use of City funds. TDM should start in the first phase of implementation, potentially created through the Lake Merritt Uptown Community Benefit District (LMU-CBD), as suggested in the Draft Plan, which covers half of the Valdez Triangle (IMP-8.2, p. 245). If incorporating the TMPA into the LMU-CBD is not feasible, the Final Plan should incorporate strategies for ensuring the expeditious creation of such an agency.

7-7

It is vital for transportation data collection and analysis to begin immediately following the passage of the Final Plan. Policy C-7.11 states: “The Transportation and Parking Management Agency will monitor parking demand in the parking facilities in the early phases of the Plan Area’s development.” However, in implementation table 8.9, this policy is listed as “mid-term.” Implementing Policy C-7.7 in the early phase of the plan to create an area-wide real-time parking information system will also be critical as development occurs to efficiently manage existing parking resources and inform decisions about public investments. For example, data in the Draft Plan show current off-street parking in the Valdez Triangle at 60% capacity. Understanding how parking usage changes from this current low baseline will be crucial for the City to determine how parking management practices could be improved and if and when increased supply is needed.

7-8

Public improvements prioritizing non-auto oriented modes in Phase 1—and maximization of existing parking structures and opportunities for shared parking—will help to create a livable community and will provide revenue savings in a time of significant municipal budget shortfalls. Low-cost improvements (e.g. signage, street security, lighting upgrades, streetscape improvements and facilitation of temporary uses) should be made on surface streets to encourage the use of existing on and off-street parking facilities.

The city should design appropriate triggers and conditions for the use of public funding for structured parking. These triggers should include successful implementation of TDM and parking demand management activities envisioned in the plan. Cities such as Glendale aggressively pursued TDM in early phases of their successful downtown revitalization plans and only considered additional public shared parking if these measures were insufficient to meet parking demand

7-9

The draft plan should include an analysis of the many ways to pay for a public garage that lessen the City’s financial risk. One common tool is to 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. This is being used throughout the country as an effective alternative to funding public parking structures exclusively with general funds and other public dollars (i.e. redevelopment funds/bonds), freeing up these funds to be programmed for other uses to create a safe, vibrant and livable neighborhoods.

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7-9
cont.

It is also critical to create robust incentives for reducing parking, while also retaining developer interest and enhancing the livability of the district. 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. Another strategy to compliment an in lieu program is to allow for more flexibility in the minimum parking ratios for residential units. We are glad to see that the plan includes a reduction in parking for affordable housing units and we encourage further exploration of appropriate parking ratios and reductions as incentives.

7-10

The proposed Parking Benefits District (PBD) could serve an important role in the Plan Area if it is re-envisioned to provide funding for a range of public improvements in the area besides parking. However, as currently proposed, 100% of the future parking revenue would go into funding more parking garages. The Plan must prioritize early funding from the PBD for pedestrian, bicycle, and livability improvements that will ensure the creation of the safe, vibrant, and complete district envisioned by the plan. Moreover, phase II should include specific dedication of PBD funds to community enhancing infrastructure and remaining bicycle, pedestrian, and streetscape improvements so that these crucial public investments aren’t dependent on competitive grants (e.g. One Bay Area Grant funds) and other unreliable funding sources.

7-11

Recommendations: Parking demand management strategies (TPMA, real time parking information systems, etc.) should be implemented as early as possible. If financing of a public parking garage is considered in the plan, triggers and conditions should be included so that public investments in such infrastructure are only made if and when needed. Incentives for reducing parking ratios (unbundling parking, free transit passes, in lieu parking program, etc.) should also be required in the Final Plan. The Final Plan should include a broader array of streetscape improvement uses for PBD funds.

Quality Jobs for Oakland Residents

Beyond mentioning the goal of quality jobs, the plan offers no specifics on job quality or a plan for how these jobs will benefit local Oakland residents. 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. The plan should specify that jobs created should be jobs with good wages and benefits directed at residents from distressed communities in and adjacent to Oakland, and that developers and operators provide a plan as part of their project applications

7-12
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specifying how they will achieve those goals. The Final Plan should also list “quality jobs” as one of the community benefits in the development of the bonus and incentive program. We hope to see details emerge on the following recommendations in the Final Plan.

7-12
cont.

Recommendations: 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.

Walkable Streets, Green Building and Greener Ways to Get Around

The current focus on compact development and urban density incorporated into the current Draft Plan leaves ample room for community amenities like open space, plazas, and paseos. We would like this trend of more details on these public spaces to progress further, and recommend that the City consider assigning programming or specific uses to some of the proposed open spaces. We would also like to see aggressive implementation strategies for a central plaza or gathering area. We are pleased with the focus on improving Glen Echo Creek as an additional natural public space. Emphasizing adaptive reuse and specifically urging consideration of the historical properties in the Valdez triangle makes us more confident that new development will not erase the area’s historic character.

7-13

We envision a neighborhood that features strong ties, particularly to public transit as well as to the successful Uptown district and Piedmont Avenue. This can be accomplished through more rigorous planning for lively pedestrian streetscapes and a mix of uses to lead pedestrians from the 19th Street Broadway BART station to the new Broadway-Valdez district. We also strongly support the inclusion of Green Streets & sustainable stormwater drainage plans, which we hope are implemented in the early phases of streetscape improvements.

7-14

The Draft Plan recognizes the importance of various modes of travel to encourage sustainability and accessibility. It is critical that policy statements supporting alternative transportation options should be requirements, not encouragements, in order to achieve the goals of the specific plan. Overall, pedestrian connections to BART and Uptown should be prioritized in the implementation in order to support Plan goals. While we appreciate creative ideas for alternative transportation options like streetcars, the plan should focus investments and planning on enhancing the existing transportation network to create more benefits for the district, encourage shoppers to use public transit, and provide other benefits for the residents of Oakland.

7-14

Features such as widened sidewalks, paseos, bicycle lanes, routes, and other infrastructure elements of Oakland’s Bicycle and Pedestrian Master Plans, as well as street lighting and bulb-outs, will provide for the kind of pleasant environment that is a proven precursor to successful retail development. Changes to the streetscape need to create complete streets that are safe and accessible for all people and transportation modes. For example, while we support ample sidewalks, we also support a balance of needs so that street improvements can also accommodate bicycle lanes where

7-15
cont.

appropriate and other road improvements. Medians should be removed to protect pedestrians, with the resulting extra lane space dedicated to walking and biking, including Class I (protected) bike lanes.

↑ 7-15
cont.

Recommendations: 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.

Thank you for your consideration of these comments. We look forward to your response on these issues, and we would be happy to discuss these points further with you as the Final Plan and Final EIR take shape over the next few months.

Sincerely,

The Better Broadway Coalition:

Gloria Bruce, East Bay Housing Organizations
Joel Devalcourt, Greenbelt Alliance
Jonathan Bair, Walk Oakland Bike Oakland
Kenya Wheeler, Sierra Club
Francine Williams, Valdez Plaza Resident Council
Andreas Cluver, Alameda County Building Trades Council
Marie Taylor, Westlake Christian Terrace Resident Council
Michael Lighty, California Nurses Association
Joël Ramos, TransForm
Vu-Bang Nguyen, Urban Habitat

Letter 7 Response – Better Broadway Coalition

7-1 through -4: These comments request revisions to the Specific Plan including more strategies that promote a diverse range of retail businesses, an update to the 2007 *Upper Broadway Strategy* report by Conley Consulting Group and Claritas, Inc., revisions to Policy LU-10.10, an affordable housing overlay zone, and flexibility in ground floor zoning in the North End. These comments pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

7-3 and 7-5: The commenter expresses concern over the potential displacement of existing housing, particularly in the Valdez Triangle and particularly units that may be “naturally affordable.” The commenter also expresses concern for the lack of affordability requirements on new residential development. The commenter requests that the DEIR “more fully explore the displacement potential” of the Specific Plan and requests a mitigation requiring 15 percent of residential development in the Plan Area to be affordable. Regarding the potential displacement of existing Plan Area residents, please see Master Response 5.2 in Chapter 5 of this Response to Comments document. Regarding the request for affordable housing requirements, this comment is noted and pertains to policy rather than the adequacy of the CEQA analysis. Please see Master Responses 5.1 and 5.2 in Chapter 5 of this Response to Comments document.

7-6: The commenter agrees with the DEIR and the Specific Plan in that implementation transportation and parking demand management strategies would reduce automobile trips and parking demand in the Plan Area. The comment does not raise any CEQA issues and no further response is required.

7-7: The commenter expresses concern about timing and implementation of transportation and parking demand strategies, which pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. The traffic impact analysis presented in the DEIR conservatively assumes minimal implementation of TDM strategies to present a worse-case scenario. Similarly, the parking demand analysis presented in the DEIR estimates parking demand with and without implementation of parking management strategies in order to present the potential range in parking demand in the Plan Area. Since the actual implementation of these strategies would result in better conditions than presented in the DEIR, the analysis presented in the DEIR continue to conservatively present worse-case conditions and remain valid.

Also see Master Response 5.1 in Chapter 5 of this Response to Comments document.

7-8: The commenter expresses concern about timing of non-automobile improvements and parking demand strategies, which pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Also, see response to comment 7-7.

Also see Master Response 5.1 in Chapter 5 of this Response to Comments document.

- 7-9: The commenter expresses concern about funding and triggers for parking garage construction, which pertain exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. See response to comment 7-7. In addition, as noted in the comment, the *May 2014 Final Broadway Valdez District Specific Plan* includes a new policy to provide developers with the option to pay an in-lieu fee instead of providing the parking supply required by the Planning Code.

Also see Master Response 5.1 in Chapter 5 of this Response to Comments document.

- 7-10: The commenter expresses concern about incentives for reducing parking supply, which pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. See response to comment 7-7.

Also see Master Response 5.1 in Chapter 5 of this Response to Comments document.

- 7-11 through -13: These comments recommend that the Specific Plan reprioritize funds toward pedestrian and bicycle improvements, place requirements on construction employment for projects enabled by the Specific Plan, and add more aggressive implementation strategies for the creation of open space and preservation of historic resources. These comments pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

- 7-14: The commenter expresses concern about prioritizing improvements to pedestrian connections to the 19th Street BART Station and Uptown, which pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. See response to comment 7-7.

Also see Master Response 5.1 in Chapter 5 of this Response to Comments document.

- 7-15: This comment, recommending strengthened focus on streetscape improvements, transit, and public spaces, pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document. Also, pedestrian and bicycle safety is addressed on DEIR pages 4.13-92 through 4.13-97.

From: Gloria Bruce [gloria@ebho.org]
Sent: Wednesday, October 30, 2013 6:40 PM
To: Manasse, Edward; Kaminski, Laura; Parker, Alicia
Subject: Fwd: Better Broadway Coalition comments on draft Broadway-Valdez Plan

Hello Ed, Laura and Alicia:

I realized I neglected to copy you on this email from the Better Broadway Coalition to the Planning Commission. My apologies-see our comments below. Looking forward to talking further.

Best,
Gloria

----- Forwarded message -----

From: Gloria Bruce
Date: Wednesday, October 30, 2013
Subject: Better Broadway Coalition comments on draft Broadway-Valdez Plan
To: "patillo@pgadesign.com" <patillo@pgadesign.com>, "jaw1123@aol.com" <jaw1123@aol.com>, "jahazielbonillaoaklandpc@gmail.com" <jahazielbonillaoaklandpc@gmail.com>, "michael@mbcarch.com" <michael@mbcarch.com>, "jmoore.ocpc@gmail.com" <jmoore.ocpc@gmail.com>, Adhi Nagraj <nagrajplanning@gmail.com>, "EW.oakland@gmail.com" <EW.oakland@gmail.com>

Dear Chair Patillo, Vice-Chair Whales, and Commissioners Bonilla, Coleman, Moore, Nagraj, and Weinstein:

The draft Broadway-Valdez District Specific Plan before you this evening has come a long way, and we commend staff for convening the Community Stakeholder Group throughout the process and for their efforts to create a complete community in the Broadway Valdez District. There is a good deal of potential in the plan and we look forward to continue working with staff, all of you, and elected leaders to make this a great and vibrant place for Oakland.

We feel that the draft plan can do more to achieve these goals. In particular, the draft plan calls for development of a bonus and incentive program. This is promising, but we want to see stronger provisions in the plan for community needs beyond retail, and urge staff to work with community stakeholders to make sure the program will realize these benefits.

8-1

The following is a list of initial comments and concerns about the Draft BVDSP:

Housing: Since successful retail depends on successful residential development, and since the plan should serve needs of existing and future residents at different income levels, the plan should include:

8-2

- A **requirement** that 15% of housing in the plan area be affordable (rather than the current encouraged "target"), in keeping with redevelopment law for the area
- Flexible ground-floor zoning that allows for feasible residential development throughout the Broadway corridor and North End

- Consideration of stronger and specific incentives and tools to facilitate affordability & community benefits, such as an overlay zone or residential priority zones
- Anti-displacement measures, especially since the EIR minimizes the impact of losing residential units in the Waverly street area

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8-2
cont.

Parking:

- Use smart parking management to achieve the City’s climate goals and appropriately trigger the funding of structured parking. This may include adjustment of minimum parking ratios for residential units; we are glad to see that the plan includes a reduction in parking for affordable housing units and we encourage further exploration of appropriate parking ratios and reductions as incentives.
- Existing parking lots inside the plan area, as well as within walking distance outside the plan area, should be fully utilized for plan objectives before new parking investments are considered
 - o Parking demand management should start in the first phase of implementation. Policy C-7.11 states: “The Transportation and Parking Management Agency will monitor parking demand in the parking facilities in the early phases of the Plan Area’s development.” In implementation table 8.9, this policy is listed as “mid-term”, which is inconsistent and will be less helpful for making smart investment decisions in the Plan Area.
 - o Phase 1 improvements should prioritize non-auto oriented modes in the early phase, not \$30 to \$60 million for publicly funded parking garages. Lower costs improvements (signage, street security, lighting upgrades, streetscape improvements) should be made on surface streets to encourage using existing on and off-street parking facilities.
- Make the exciting things in the plan that incentivize development and enhance the livability of the district a requirement, including unbundled parking, transit passes, etc.

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8-3

Jobs/Workforce Development:

- First and foremost, the City should consider the value of retaining existing quality jobs in the plan area as they are an important component of the City’s tax base.
- Provide career opportunities for area youth in the construction industry by employing local apprentices enrolled in a qualified California apprenticeship program
- Pay area standard wages to construction workers employed on projects enabled by the Specific Plan
- Strive toward a goal of a minimum of 50% of the construction workforce from the City of Oakland.

↑
8-4

Circulation and Community Design:

- Prioritize early funding for pedestrian, bicycle, and livability improvements to ensure a safe, vibrant, and complete district envisioned by the plan. In particular, 100% of the future parking revenue should not be used to fund more parking.
- Ensure that streets are safe and accessible for people of all ages and ability
- Pedestrian connections to BART and Uptown should be prioritized in the implementation in order to support Plan goals
- Policy statements supporting alternative transportation options should be requirements, not encouragements.
- Medians should be removed to protect pedestrians, with the resulting extra lane space dedicated to walking and biking, including Class I (protected) bike lanes
- References to a streetcar that has not even been studied, let alone approved, should not be part of the plan draft

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8-5
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Comment Letter 8

-Identify specific places in the plan that can be dedicated open and/or green space

↑ 8-5
| cont.

Retail:

- A balance of retail options will greatly serve the community, especially having options for neighborhood-serving retail and independent businesses, in addition to national retailers.

| 8-6

Sustainable infrastructure:

- We voice support for Green Streets & sustainable stormwater drainage plans

| 8-7

Thank you for your consideration of these comments. We would be happy to discuss these points further and will be submitting a detailed letter to the Planning Commission and Planning Staff in November.

Sincerely,

The Better Broadway Coalition:

Andreas Cluver, Alameda County Building Trades Council
Gloria Bruce, East Bay Housing Organizations
Joel Devalcourt, Greenbelt Alliance
Kenya Wheeler, Sierra Club
Francine Williams, Valdez Plaza Resident Council
Jonathan Bair, Walk Oakland Bike Oakland
Marie Taylor, Westlake Christian Terrace Resident Council

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GLORIA BRUCE

Deputy Director/Interim Executive Director
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Wednesday, November 6th

[Click here](#) for event information and sponsorship opportunities.

Alternatively, contact Anthony Federico at anthony@ebho.org or (510) 663-3830 ext. 313

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Letter 8 Response – East Bay Housing Organizations and Better Broadway Coalition

8-1 through -4: The commenter requests stronger provisions for community needs and continued work between City staff and community stakeholders. They request a requirement that 15 percent of housing development be affordable and adjustments to how parking would be required to be developed. They suggest the City closely consider retaining existing quality jobs in the Plan Area and place requirements on construction employment for projects enabled by the Specific Plan. These comments pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Responses 5.1 and 5.2 in Chapter 5 of this Response to Comments document. Regarding parking and parking management, see DEIR pages 4.13-33 through 4.13-35 for the City's Parking and Transportation Demand Management Standard Conditions of Approval.

8-5: The commenter expresses concern about various transportation and circulation issues, which pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. See response to comment 7-7 regarding prioritization and timing of non-automobile improvements and parking strategies. See response to comment 12-2 regarding potential impacts on safety of removing medians. See response to comment 12-3 regarding encouraging versus requiring TDM strategies.

Also see response to comment 1-9, above, regarding the streetcar and Master Response 5.1 in Chapter 5 of this Response to Comments document.

8-6 through -7: These comments, regarding the encouragement of neighborhood serving retail, green streets, and sustainable stormwater drainage plans, pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document. Further, see DEIR page 4.14-10 and DEIR pages 4.8-17 through 4.8-20 for the City's Standard Conditions of Approval regarding stormwater.



EBHO

EAST BAY HOUSING ORGANIZATIONS

November 12, 2013

Laura Kaminski, AICP
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Ms. Kaminski:

Thank you for the opportunity to comment on the Draft Broadway Valdez District Specific Plan and Draft Environmental Impact Report. As you know, EBHO is a 29-year-old membership coalition devoted to preserving and creating affordable housing opportunities in Alameda and Contra Costa Counties through education, advocacy and coalition building. As a co-convener of the Better Broadway Coalition, EBHO has been extensively engaged in community stakeholder input throughout the development of the Plan, bringing in several of our members including non-profit developers, architects, limited-income senior residents of affordable housing, and other housing and planning experts who also are residents of the Plan Area or nearby neighborhoods. EBHO strongly supports the shared goals of the Better Broadway Coalition, as expressed in our joint letter. Additionally, our members have identified some concerns about housing and land use that require more detailed or technical explanation, and we are submitting this separate letter to focus on these issues.

EBHO members have a long history of collaborating with local government staff to provide technical assistance in the shaping of plans and policies, and we would be happy to discuss any of these points further with you. Our main recommendations are that the plan should:

- Include a strengthened target of 15% affordable housing for the Plan Area;
- Allow flexibility in ground-floor zoning to encourage feasibility of residential development of all types, especially in the North End;
- 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;
- 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;
- Include stronger anti-displacement measures, accompanying a fuller examination of potential residential displacement impacts in the EIR.

First, we reiterate our recommendation that the 15% affordability “target” be strengthened as an affirmative goal to be achieved over the life and the area of the plan (rather than a goal for single developments). This could help Oakland to achieve its Regional Housing Need Allocations; ABAG’s current projections predict a need for 27% of all new housing in Oakland to be affordable to very-low and low-income households (Broadway Valdez draft plan, page. 84). Further, although the loss of Redevelopment funds creates significant challenges for the funding, Redevelopment law requiring at least

9-1

15% of housing within a project area to be below-market-rate is still in place. We believe that at least 300 units of affordable housing is an achievable and necessary goal, enabling a local workforce to live – and shop – in the area.

Not only will the provision of affordable housing help to fill a need in Oakland, it will also draw on the significant expertise and community roots of the East Bay’s nonprofit development industry. The mission-driven developers within EBHO’s membership are locally-based and have an extensive track of building and rehabilitating properties in Oakland that enhance their neighborhood and have high standards of management and maintenance. City staff and elected officials can attest to the fact that in Oakland, affordable housing – particularly when owned and managed by non-profits with a long-term investment – is a proven “good neighbor.”

The Plan rightly acknowledges the need for city-wide policies on affordable housing (Policy IMP 9.4). However, in the wake of the *Palmer* decision and the veto of AB 1229, city-wide inclusionary policies will be exceedingly difficult to pass. Because specific plans have the potential to increase land value through public actions (primarily, upzoning and infrastructure investment) specific plans are a crucial tool to address some – though certainly not all – of Oakland’s affordable housing need by recapturing that increased value as a community benefit.

Approaches that direct a portion of unearned increases in land value to community needs are necessary, given the difficulties in financing affordable housing and other community benefits without Redevelopment funds. Given the 25-year time horizon of the plan it is likely that new sources and methods will be developed to help fund affordable homes so it is important to take the long view. For example, just this year, the city voted to set-aside 25% of its “boomerang” funds for affordable housing going forward. Building in an affordability requirement **now** not only provides a needed protection against rising housing costs, but creates predictability for developers.

To make this target a reality, the plan will need innovative “value recapture” strategies for creating affordable homes – what the plan describes as a “menu of creative options.” These should include height and density bonuses (above and beyond those in state law). This approach – trading height and density for community benefits – is proposed in the Draft Plan for the “retail priority sites” in the Valdez Triangle (Policy LU 10-8). We urge staff to consider a similar zoning approach in the North End for “residential priority sites,” so that some portion of the windfall profits going to landowners as a result of upzoning is captured for community benefit. These public benefits zoning policies could include an affordable housing overlay zone with special incentives (similar to the entertainment overlay zone in 4.4.7). As suggested in policy 4.5.5, these approaches should be phased in or tiered, to reflect changing market conditions over the time horizon of the plan and to encourage early development by developers who wish to build before community benefits requirements take effect. The Plan’s implementation chapter should incorporate a periodic evaluation (perhaps every 3 years) to assess whether affordability targets are being met, and what policy and regulatory methods are feasible to achieve these targets given market conditions and political climate.

However, these strategies will only be possible if there is a re-examination of the new height limits proposed for the North End of the Plan Area. We support the North End as a dense, mixed-use boulevard and believe that taller buildings are one way to achieve that goal. However, we are concerned that the considerable upzoning proposed for much of the North End of the plan area is well in excess of what the current market can support. These proposed height limits curtail the city’s ability to work with developers on community benefits in exchange for height and density bonuses – one of the strategies suggested by the



9-1
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9-2

9-3

plan to create affordable housing. This is borne out by analysis in the DEIR, which uses significantly lower heights than the proposed maximums in its physical model, based on a determination that lower heights (75 feet or below) are “more reasonably foreseeable” (Section 3.5, page 3-25).

9-3
cont.

Instead of allowing maximum heights from 85 to 200 feet, we suggest that existing maximum heights be maintained, with the opportunity for density bonuses in exchange for community benefits, when the market makes Type I construction feasible. The *Downtown Oakland Development Study* has found that – for high premium sites (such as Telegraph site in the study) - the high-rise buildings generate more than 30 percent additional revenue than low-rise; “indicating that once projects tip the scale into feasibility, high-rise quickly begins to outpace low-rise, offering potential for community benefits.” The North End Area is certainly not a high premium site, yet. We can foresee a time in the near future, according to the trends assumed in the study, when high rises in the North End will generate more revenue than the low-rise. Part of that revenue should be tapped for community benefits, including affordable housing. There is nothing to be gained by upzoning the North End as proposed, and a lot to lose for the city and the area.

It is interesting to note if the city were to condition increases in densities and heights to the provision of community benefits, the result would likely be a moderation, or a “flattening” of the cost curve in land values. We understand that at current market levels, even with the proposed upzonings, there is limited likelihood that major development will occur in the near future. It is likely, however, that an improving market and the prospect of increased densities will raise landowners’ expectations, driving land prices higher and postponing the likelihood of development. With the upzoning, land value will increase even more, and more sharply. But with a density bonus, the land value will not increase as much; that would make development more likely and provide benefits to the area.

9-4

Adjustment of the proposed heights to lower maximum could achieve these policy goals. In most cases, the by-right maximum height and the maximum height allowable with provision of community benefits should be within the same construction type to ensure that the increased height earned would be economically feasible for the developer. For example, much of zone D-BV-3 south of 30th Street is proposed to have its maximum height increased to 85 feet. Keeping that height limit at its current 75 feet (or even lowering it to 65 or 70), but allowing a maximum of 85 *if* below-market-rate units or other benefits are provided, could potentially allow a development to “earn” an extra story while still using Type III construction. Similarly, the northern-most end of the plan area has maximum heights proposed at 135 and 200 feet; an overlay zone could be created with by-right heights at 85 and 135 feet (respectively) but allow much higher maximums with provisions of affordable housing. Again, this is no more complex than the approach proposed for the Valdez Triangle “retail priority sites” – the difference being that the community benefit to be provided would be affordable housing rather than retail. EBHO would be happy to provide model policies from cities such as Concord, Alameda and Corte Madera that have used overlay zones in this way – please see the attached fact sheet for more details.

Another key point to examine in the proposed zoning changes is increased flexibility in the North End, recognizing that while not every site or property may be mixed-use, the intent of the plan is to create a mixed-use boulevard overall. We are glad that much of the D-BV-3 and D-BV-4 zones allow a range of appropriate active uses on the ground floor (not just commercial). While we support the goal of bringing a concentration of retail to the Valdez Triangle, we believe that continuous commercial frontage in the North End is unlikely to be viable in the near future. Further, the larger sites on North Broadway represent some of the best opportunities for affordable and mixed income development, with appropriate neighborhood-serving uses at the ground floor where feasible. To avoid creating a stumbling block for crucial residential development, we request that the Plan avoid placing additional requirements for ground floor retail on the

9-5

sites in the "northern combining zone." (Policy LU 10.5) Large retail development on these sites could be limited due to lack of connections to the freeway and the surrounding neighborhood, and should not create a hindrance to bringing new households into the neighborhood to support the larger goals of the Plan.

9-5
cont.

Next, we appreciate the analysis of the Low Income Housing Tax Credit sites added to the plan; several of these, such as those along Webster and Hawthorne might well be appropriate for multi-family development. Also, we are pleased that the identified housing sites are far enough from Highway 580 that they avoid the worst public health impacts due to freeway proximity. However, in the absence of specific mechanisms to facilitate affordable housing – such as designating these sites as “residential priority sites” with particular incentives – this analysis may otherwise have limited usefulness. EBHO notes that these LITHC potential sites have very little intersection with the housing opportunity sites identified in the City’s Housing Element, and urges more explanation of why these sites were selected. In the current highly competitive environment for tax credits, the sites identified in the plan may actually not be competitive for financing since most are not close enough to public parks or libraries to win full points (which is usually necessary in statewide competition). The sites from the Housing Element that could be most competitive due to proximity to community amenities are those in the Valdez Triangle near the YMCA, Lakeside Park, and Whole Foods, but these sites have been designated as retail priority sites in the Plan. This eligibility may change as development brings additional grocery stores and open space, but currently the sites identified in the plan may not be the most viable.

9-6

Finally, while construction of new affordable housing units is important, preservation of existing housing opportunities is also crucial. We urge staff to more closely examine the potential displacement impacts of the plan. For the most part, the Plan identifies underutilized sites (often surface parking lots) as likely locations for development and we certainly support this approach. While in most cases the Plan does not anticipate removal of residential units, the residential stock along Waverly Street & 24th Street may be at risk within the retail priority zone, and the single-family homes along 30th Street between Brook and Richmond Avenues have been identified as an LITHC site, which may be problematic. These existing single-family and multi-family properties tend to be older housing stock of the type that is usually more affordable than new construction.

9-7

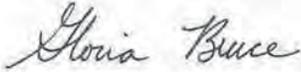
We are concerned that the DEIR understates the potential impact of displacement as “less than significant,” based on the following statement in section **Impact POP-2**: “the loss of up to approximately 30 housing units as a result of...development under the Specific Plan would be offset by the production of new housing within the Plan Area as well as elsewhere in Oakland as has been occurring.” If a large number of housing units are built within the Plan Area (or elsewhere) but with no affordability requirement, those new units are unlikely to be accessible to residents of the current naturally affordable units that could be lost. Therefore, in addition to plan-wide policies for affordability, some displacement measures beyond the cities’ current relocation ordinance may be in order. These may include extending the “primary impact zone” for condominium conversions to include all of the Plan Area (it currently contains only the areas east of Broadway). As residential displacement is one of the fastest-growing issues affecting lower- and middle-income residents in Oakland right now, the final EIR and Plan must have a fuller analysis of this issue.

Thank you for your consideration of these complex issues. Stronger affordable housing and anti-displacement policies position the plan area well for PDA-related funding such as One Bay Area Grants, but also will help promote a balanced neighborhood that provides opportunities for low- and moderate-income Oaklanders and encourage sustainable and economically vibrant development.

Comment Letter 9

Again, we support the overall goals and vision of the plan, and we acknowledge that staff has incorporated many different interests and made significant changes throughout this process. We look forward to meeting with you in the coming months to help shape a final Specific Plan and EIR that will truly facilitate an equitable, balanced and vibrant Broadway Valdez district.

Sincerely,

A handwritten signature in cursive script that reads "Gloria Bruce". The signature is written in black ink on a light-colored background.

Gloria Bruce
Deputy Director/Interim Executive Director
East Bay Housing Organizations

Letter 9 Response – East Bay Housing Organizations

9-1 through -2: These comments, recommending strengthening the Specific Plan language around the provision of affordable housing, specifically through height and density bonus programs, pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Responses 5.1 and 5.2 in Chapter 5 of this Response to Comments document.

9-3: The commenter expresses concern that the proposed height limits in the North End subarea would exceed what the market can support and misses an opportunity to use height and density bonuses to extract community benefits from future developers. The commenter concludes this concern is supported by the DEIR analysis of “significantly lower heights.” As described in the DEIR Chapter 3, *Project Description*, the *maximum development* that is the basis of this EIR analysis is distinctly different from the *theoretical maximum development potential* that could ultimately occur in the Plan Area. This is reflected in the Physical Height Model (see DEIR Figure 3-11), which shows heights that are more reasonably foreseeable than the height maximums and are informed by a number of market factors, including: market demand for various uses; broader regional economic and market conditions; backlog of approved or planned projects in the vicinity; recent development and business investment in the area; landowner intentions for their properties; and properties susceptible to change due to vacancy, dereliction, or absence of existing development. As noted, the Physical Height Model forms the basis of the EIR analysis.

The comment expressing concern that the Specific Plan misses an opportunity to use height and density bonuses to extract community benefits from future developers is noted though it pertains to the merits of the Specific Plan and does not pertain to the adequacy of the analysis in the DEIR. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

9-4 through -6: These comments, suggesting revisions to the proposed height limits, more flexibility for ground floor uses, and specific mechanisms to facilitate affordable housing, pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Responses 5.1 and 5.2 in Chapter 5 of this Response to Comments document.

9-7: The commenter requests a close examination of potential displacement as a result of the Specific Plan and concern for the existing housing units within the proposed Retail Priority Sites (along Waverly Street) and along 30th between Brook Street and Richmond Avenue. The commenter expresses concern that in the absence of affordability requirements, development under the Plan would not provide residential units accessible as replacement housing for existing Plan Area residents. The commenter requests that the Specific Plan include displacement measure in addition to the City’s Condominium Conversion Ordinance. Regarding the potential displacement of existing Plan Area residents, please see Master Response 5.2 in Chapter 5 of this Response to Comments document.

All other comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.



*inspiring people to protect
Bay Area birds since 1917*

November 12, 2013

Submitted Via Email

Laura Kaminski
City of Oakland Planning Department
Email: lkaminski@oaklandnet.com

Re: Comments on Draft EIR for the Broadway/Valdez District Specific Plan

To Whom It May Concern:

I am writing on behalf of the Golden Gate Audubon Society (GGAS) and its members and supporters in Oakland and adjacent areas regarding the Draft Environmental Impact Report (DEIR) for the Broadway/Valdez District Specific Plan. GGAS is primarily concerned with the impacts of the project on local and migratory birds, especially impacts that arise from nighttime lighting included in the project. GGAS does not believe that the DEIR does an adequate job describing the impacts and fails to ensure that the impacts are avoided or mitigated to the fullest extent as required by law.

Since 1917, GGAS has worked to promote the conservation of natural values in the Bay Area, including protection of Lake Merritt and reduction in practices that create risks for birds. Given the ongoing decline in migratory and marine bird species in North America, protection of areas such as Lake Merritt is more important now than ever before.

The City of Oakland’s Broadway Valdez District Specific Plan (BVDSP) will “develop strategies to provide destination retail and mixed-use development along Broadway between Grand Avenue and Interstate 580.” Among the proposed strategies is an exemption from the City’s “dark skies” ordinance in order to allow architectural uplighting, and larger and brighter signs than would be allowed under the ordinance. Golden Gate Audubon Society will oppose any such exemption because it will increase light pollution at Lake Merritt and negatively affect migratory birds.

The Draft Environmental Impact Report (DEIR) for the plan does not consider the impacts of increased lighting on birds and other wildlife. Negative impacts may be large, especially at Lake Merritt (the Lake), which is adjacent. Even at existing levels, lighting is harmful to birds at the Lake. Impacts of additional lighting of the type and magnitude contemplated by the Plan should be considered both on their own and as cumulative impacts adding onto the already deleterious conditions. Mitigations must be discussed, and an alternative project that does not require an exemption from the “dark skies” ordinance should be considered.

10-1

I. LAKE MERRITT PROVIDES IMPORTANT HABITAT FOR BIRDS.

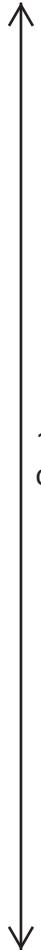
“The oldest wildlife refuge anywhere in North America, Lake Merritt is something of an urban miracle.” –City of Oakland Parks Department website.

Over 250 species of migratory birds visit the San Francisco Bay Area¹ and over 140 of them can be found at Lake Merritt.² Many species of migratory birds are in decline in North America and globally.³ It is more important than ever that reserves such as Lake Merritt are protected to ensure the continued viability of local and migratory bird species.⁴

Lake Merritt is a highly important bird habitat. The City of Oakland explains:

Lake Merritt, home to large breeding populations of herons, egrets, geese and ducks, is the oldest wildlife refuge on North America. Countless migratory birds make the lake their home during the winter months. The artificial islands, its close proximity to shore, the isolation of the north arm of the lake from boat traffic, and the nature center have all helped create this miracle. Lake Merritt is a great place for beginning birders to get up-close views of many species, including the incredibly tame black-crowned night herons, snowy egrets and hundreds of scaup. The birds shown below are water-birds that you are virtually guaranteed to see on the lake in the winter.

From time to time, brown pelicans and great blue herons make an appearance on the lake. Occasionally, strange and exotic birds such as Egyptian geese and Mandarin ducks make an appearance in the nature center as well. There are also an abundance of less obvious winter visitors; for example, the single female tufted duck that was present throughout the winter of 2002. Other winter visitors include gadwalls, common and red-throated loons, Eurasian and American wigeons, pintail ducks, wood ducks, ring-necked ducks, white-eyed scoters and surf scoters - not to mention the many species of land birds around the lake.⁵



10-1
cont.

¹ See <http://baynature.org/articles/signs-of-the-season-feathered-fall-migrants/>)

² See “Birding Hotspot: Lake Merritt”, available at <http://www.goldengateaudubon.org/blog-posts/birding-hotspot-lake-merritt/>

³ "Over half of the Neotropical migratory birds in North America have suffered substantial declines over the past 40 years, particularly since the 1980s, for largely uncertain reasons." BirdLife International (2013), citing Kirby, J. S., Stattersfield, A. J., Evans, M. I., Grimmett, R., Newton, I., O'Sullivan, J. and Tucker, G. (2008) *Key conservation issues for migratory birds in the world's major flyways*. Bird Conserv. Int. 18: 49–7, available at http://www.eaaflyway.net/documents/Kirby%20et%20al_2008.pdf.

⁴ Cornell Laboratory of Ornithology. 2008. *Restoring North America's Birds*, at 3 (calling for the enhancement for protections of coastal and marine migratory birds), available at <http://www.birds.cornell.edu/pr/RestoringBirdsJan2007Web.pdf>.

⁵ “Birds of Lake Merritt”, available at <http://www2.oaklandnet.com/Government/o/opr/s/Parks/OAK032397>

II. THE DEIR FAILS TO ADEQUATELY ASSESS IMPACTS ARISING FROM THE DARK SKIES ORDINANCE EXEMPTION FOR THE ENTERTAINMENT OVERLAY DISTRICT.

A. Light Pollution Negatively Affects Birds.

Light pollution is harmful to birds in many ways.⁶ Many birds navigate at night by the stars and can be confused by urban lights. Drawn off course by brightly-lit buildings, they often die from window collisions or circle buildings until exhausted. Ecologists at Germany's Max Planck Institute for Ornithology have found that light pollution can cause urban birds to gear up for mating season by singing and molting earlier than their country counterparts. "Our findings show clearly that light pollution influences the timing of breeding behavior, with unknown consequences for bird populations." (*Current Biology*, 16 September 2010, Volume 20, Issue 19, pages 1735-1739.)

The Fatal Light Awareness Program (FLAP), a non-profit that researches bird building collisions, explains some of these light-related hazards:

Many species of birds, especially the small insect-eaters, migrate at night. Night-migrating birds use the age-old and constant patterns of light from the moon, the stars, and from the setting sun as navigational tools to follow their migration routes.

Artificial, city lights interfere with this instinctive behavior and draw night-migrating birds toward brightly-lit buildings in urban areas. Researchers have used radar imagery to determine how birds respond to lit environments. The observations found that once they fly through a lit environment they'll return to that lit source and then hesitate to leave it...

The danger of artificial light to migrating birds is intensified on foggy or rainy nights, when the weather further obscures the night sky, or when cloud cover is low and the birds naturally migrate at lower altitudes. Disoriented, the birds are pulled off course and into an unfamiliar maze of lighted buildings. In trying to follow their instincts, they often collide with the windows or walls of the buildings, or even with other disoriented birds.

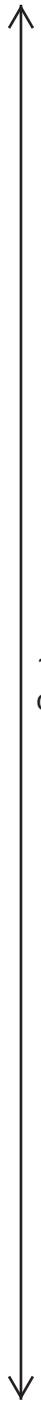
Floodlights, lighthouses, festival lighting and airport ceilometers (light beams used to determine the altitude of clouds) are also dangerous to migrating birds. The birds get trapped inside the beams of light and are reluctant to fly back out into the dark. They continue to circle inside the beams until they drop to the ground from exhaustion. Once on the ground, the stunned or injured birds become vulnerable to predation."⁷

GGAS has worked for years to reduce risks to birds arising from lights, especially strong lights that reach high in the sky and may act as dangerous beacons for migratory birds. GGAS has initiated a local Lights Out for Birds Program, working with PG&E and building owners and operators to reduce lighting in tall structures in San Francisco and Oakland in an effort to reduce collision risks for birds.⁸

⁶ See, e.g., C. Rich and T. Longcore (eds.) (2004). *Ecological consequences of artificial night lighting*. Island Press, Washington, D.C.

⁷ Available at <http://www.flap.org/lights.php>

⁸ <http://www.goldengateaudubon.org/conservation/make-the-city-safe-for-wildlife/learn-about-lights-out-san-francisco/>



10-1
cont.

B. The Proposed Exemption to the Dark Skies Ordinance for the Entertainment Overlay District Will Increase Lighting and Lighting-related Risks at and around Lake Merritt.

The City acknowledged the harmful effect on bird life of urban lighting by passing and enforcing one of the country’s few “dark skies” ordinance - the City of Oakland Street Lighting Warrants and Outdoor Lighting Standards (Oakland City Council Resolution No. 77571 C.M.S.) (referred to here as the “Dark Skies Ordinance.”) Unfortunately, the City now proposes allowing an exemption to the Dark Skies Ordinance for entertainment purposes.

Despite that Oakland acknowledges the importance of Lake Merritt as a bird sanctuary and has passed a strong Dark Skies Ordinance, the Draft Specific Plan proposes granting an exemption to the Dark Skies Ordinance for the area immediately adjacent to Lake Merritt: The plan would “Adopt an Entertainment District Overlay Zone that facilitates the introduction of entertainment uses to the Valdez Triangle and leverages the energy and reputation of the Uptown District to promote economic development in the Plan Area” and would

Exempt the Entertainment District overlay zone district from the City’s “dark skies” ordinance to allow architectural up-lighting that highlights building features; and create special sign regulations that allow for bold, eye-catching signs that exceed current sign standards.

C. The DEIR Does Not Address the Impacts on Wildlife Arising from the Dark Skies Ordinance Exemption.

The exemption from the Dark Skies Ordinance is not discussed in the DEIR. Rather, the DEIR states that the City’s Lighting Plan will be complied with:

4.1.2 Regulatory Setting. The City’s Standard Conditions of Approval (SCA) that directly pertain to reducing visual, light and glare, wind, and shade/shadow impacts and that apply to the adoption and development under the Specific Plan are listed below. If the Specific Plan is adopted by the City, all applicable SCAs would be adopted as conditions of approval and required, as applicable, of the adoption and development under the Specific Plan to help ensure no significant impacts occur to aesthetic Resources . . .

SCA 40: Lighting Plan. Prior to the issuance of an electrical or building permit. 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.

The sections quoted immediately above imply that the “dark skies” ordinance will be followed, but this is not the case. Rather, DEIR section 3.4.8 states:

The overlay zone would encourage live entertainment and cabaret type uses by streamlining the permit process and allowing more extended hour permits; allowing more temporary events such as “artisan marketplaces” and mobile food provisions; streamlining the Encroachment Permit process for sidewalk cafes and reducing or eliminating extra fees; exempting the Entertainment District overlay zone district from the City’s “dark skies”



10-1
cont.

ordinance to allow architectural up-lighting that highlights building features; and creating special sign regulations that allow for bold, eye-catching signs that exceed current sign standards.

D. The DEIR Does Not Adequately Explain the Need for the Exemption Given Its Potential Environmental Impacts.

Since the plan, if implemented, would likely lead to increased lighting immediately adjacent to the Lake Merritt Bird Sanctuary, the potential impact of the exemption must be analyzed. As is, the DEIR is legally insufficient in that it has not considered the impact on birds of increased lighting designed outside the current regulatory standard for decreasing glare and light pollution. The DEIR only addresses the light and glare on “day or nighttime views in the area.” (Impact AES-3.)

In 2011, when the Public Works Department and The Oakland Police Department requested authorization to increase lighting in those areas where lighting is found to be lower than the city's lighting standards and/or where the police department deems additional lighting is warranted, the City Council was careful to stress that any such authorization would not include a change to the Dark Skies ordinance. “Approve with the following amendments correcting the subject line to clarify that no changes will be made to the Dark Skies ‘Ordinance.’” (November 15, 2011 City Council Meeting Minutes.) The request for additional lighting in that case was motivated by an effort to decrease the City’s murder rate. In that case, the City remained true to its commitment to decreasing light and glare pollution while also attempting to address safety-related lighting issue. Yet here, in a sharp departure from precedent, the City is ready to grant a blanket exception to the Ordinance for entertainment purposes.

III. CONCLUSION

For the reasons stated above, Golden Gate Audubon urges the City to remove the Dark Skies Ordinance exemption from the proposed Project or, at a minimum, revise the DEIR to identify environmental impacts and provide alternatives that do not include the exemption and mitigation measures intended to avoid or reduce the impacts.

Thank you for considering our comments. If you would like to discuss this matter further, please contact me at mlynes@goldengateaudubon.org or (510) 843-9912.

Respectfully submitted,



Michael Lynes

↑
10-1
cont.

Letter 10 Response – Golden Gate Audubon Society

- 10-1: The commenter expresses concern regarding the proposed exemption to the City of Oakland’s Dark Skies Ordinance for the Entertainment Overlay District and the potential detrimental effects on migratory birds. According to the *May 2014 Final Broadway Valdez District Specific Plan*, an exemption to the City of Oakland’s Dark Skies Ordinance is no longer proposed or considered for adoption as a part of the Specific Plan.

From: Manasse, Edward [EManasse@oaklandnet.com]
Sent: Monday, October 14, 2013 2:37 PM
To: Kaminski, Laura
Subject: FW: Broadway-Valdez

From: Naomi Schiff [mailto:naomi@17th.com]
Sent: Monday, October 14, 2013 12:19 PM
To: Valerie K. Garry; Peter Birkholz; Chris Andrews; Mary MacDonald; Daniel Schulman; john_goins@berkeley.edu
Cc: Marvin, Betty; Flynn, Rachel; Manasse, Edward
Subject: Re: Broadway-Valdez

Fixed typo under number 10, below. My apologies, and thank you for your consideration! In a separate email I will forward some photographs which may be useful.

Thanks again,

Naomi Schiff
for Oakland Heritage Alliance

Naomi Schiff

Seventeenth Street Studios
410 12th Street, Suite 300
Oakland, CA 94607

510-835-1717
www.17th.com

Just a few steps from the 12th Street BART station

On Oct 14, 2013, at 12:09 PM, Naomi Schiff wrote:

Dear Landmarks Preservation Advisory Board Members and staff,

Oakland Heritage Alliance is working on a comprehensive EIR letter, but tonight would like to emphasize the following points:

1) We strongly disagree with the plan's implications that it would be alright to remove historic buildings in the Valdez area. Retain the residential properties as residential, and preserve historic homes on Waverly, Harrison Street, and the Newsom Bros. Apt. Building. These intact historic resources lend character and context to whatever will be built new. They also provide housing, for 24-hour eyes on the street, and contribute to a feeling of authenticity and true urban fabric. Some

11-A-1
↓

Comment Letter 11-A

could be repurposed as small scale commercial if needed. Please do not extend new-construction commercial frontage to Harrison St.; it is an ASI, near the lake, with its intact street frontage, forming a key transitional area in a lovely historic setting which includes the historic Merritt Hotel (formerly Lake Merritt Lodge), the Veterans' Memorial Building, the former Christiian Science Church, the Congregational Church, and Whole Foods. Don't kill the goose that lays the golden eggs: urban authenticity will help bring in people to use, shop in, and enjoy the area, and will enhance safety and a feeling of real city living.

↑
11-A-1
cont.

2) Overall, orient new development toward Broadway, not Harrison Street.

11-A-2

3) Consider working with the YMCA to reconfigure their street frontage on Broadway for better retail compatibility.

11-A-3

4) Prioritize reuse of commercial auto-related and residential buildings, and support current efforts to establish a state historic tax credit, which could help in furthering this project's re-use opportunities. Provide more detailed information on incentives for historic preservation.

11-A-4

5) Strengthen, clarify, improve historic preservation incentives. Get specific. Establish a TDR program. Incentives could prioritize such things as: affordable housing, historic preservation, open space.

11-A-5

6) The current YMCA is largely the result of a parking-space-allocation swap with an offsite office building to the south, years ago, to address some predicted parking shortfall (which didn't quite materialize). Now is the time to consider exchanging parking requirements in the Valdez area with parking structures on some of the empty and underutilized lots south of Grand Avenue. Orient shopper and visitor arrivals to these parking areas and to the 19th Street BART station, and establish robust shuttle or bus routes back and forth, rather than destroying residential areas of HarriOak, Richmond Boulevard, and Adams Point with traffic and fumes, and to avoid wasting some of the hoped-for retail space.

11-A-6

7) To preserve neighborhoods that surround the development area, make a robust effort to route traffic along 27th to the freeway, not encouraging traffic on the Harrison/Oakland corridor, and steering traffic away from the lake area as much as possible. these dense residential areas are key housing resources and should not be burdened with overwhelming loads of parking demand and traffic, with its attendant air quality and noise impacts. Pay particular attention to safe bicycle and pedestrian access, already problematic around Whole Foods, which was designed with no thought for waste handling and with inadequate truck delivery arrangements. There are two schools in the immediate area.

11-A-7

8) Do not spend any city money on ornamental tree grates. While they look lovely at first, the city has no money to maintain them, and the trees are damaged when they grow into the grates. Instead, use small rock fill, which is easier to maintain and does not damage trees. We have hundreds of examples of street trees in terrible shape due to inadequate staffing in the tree division.

11-A-8

9) Do not spend any city money on signing the area with a cute name. Only places that are needy and striving do this. It makes the area look like a "wannabe" instead of a "there". This should free up a little money for more useful projects.

11-A-9

Comment Letter 11-A

10) No banners. See above, plus, they wear out and look terrible after a while, and nobody takes them down until too late.

11-A-10

11) Watch out for "gateways". These too can become cliches. While they are popular right now, we should be thinking longer term. If the urban design is good, we shouldn't need a lot of naming and flag waving and arches over streets.

11-A-11

Naomi Schiff

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www.17th.com

Just a few steps from the 12th Street BART station

Letter 11A Response – Oakland Heritage Alliance

11A-1: The commenter expresses concern for the potential removal of historic resources in the Valdez area and requests retention of the homes on Waverly Street, Harrison Street, and the Newsom Apartments. Regarding CEQA historic resources, please see Master Response 5.3 in Chapter 5 of the Response to Comments document. Neither the Waverly Street Residential District ASI nor the Harrison Street neighborhood meet the criteria for a significant historic resources under CEQA. The commenter's request for retention of the homes on Waverly Street and Harrison Street is noted and is beyond the purview of CEQA analysis and will be considered by the City prior to its taking action on the project. Please also see Master Response 5.1 in Chapter 5 of this Response to Comments document.

11A-2 through -11: These comments recommend specific revisions to the Specific Plan including prioritize reuse of existing buildings, strengthen historic preservation incentives, and prohibit city funds to purchase tree grates and certain neighborhood signage. These comments pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Responses 5.1 and 5.3 in Chapter 5 of this Response to Comments document.



October 16, 2013

City of Oakland Landmarks Preservation Advisory Board
250 Frank Ogawa Plaza
Oakland, CA 94612

Dear Planning Commissioners and staff,

Oakland Heritage Alliance will submit a comprehensive EIR letter, and hope you will consider continuing the hearing on this large proposal. We would like to emphasize the following points with regard to the draft plan itself:

1) We strongly disagree with the plan’s implications (page 150, Policy CD-3.15) and in many of the maps that it would be advantageous to remove historic buildings in the Valdez area. Retain residential sites as residential, and preserve historic homes on Waverly, Harrison Street, and the Newsom Bros. Apartment building. These intact historic resources lend character and context to whatever will be built new. They also provide housing—even for families; 24-hour eyes on the street; and contribute authenticity and irreplaceable urban fabric. Some could be repurposed as small scale commercial if needed. We urge that the city *not* extend new-construction commercial frontage to Harrison St.; it is an ASI, near the lake, with its intact street face forming a key transitional area. It should be enhanced as a lovely historic setting connecting to the 24th and 27th Street walkable retail areas. It includes the historic Merritt Hotel (formerly Lake Merritt Lodge), the Veterans’ Memorial Building, the former Christian Science Church (now Word Assembly Church), the Congregational Church, and Whole Foods in the old cable car building. Let’s not kill the goose that lays the golden eggs: urban authenticity will attract people to dine, shop, and enjoy the area, will enhance safety and reinforce a sense of real city life. Reuse or incorporate the mid-century Biff’s/JJ’s instead of building such an unpleasant and anti-walkable mass as is shown on page 145. We support a rewrite of Section CD-3.15 such as proposed by Mr. Charonnat (our version attached).

11-B-1

2) Overall, orient new development toward Broadway, not Harrison Street. We must ensure that the uptown developments south of Grand Avenue are consolidated and strengthened, and connected to this B-V plan, not diluted such that neither thrives. The best way to do this is to *strengthen Broadway*, not to expand wider a retail area that is already too thinly leased.

11-B-2

3) Consider working with the YMCA to reconfigure their street frontage on Broadway for better retail compatibility.

11-B-3

4) Prioritize reuse of commercial auto-related and residential buildings, and support current efforts to establish a state historic tax credit, which could help in furthering this project’s re-use opportunities. Provide incentives for adaptive reuse to rigorous historic standards.

11-B-4

Comment Letter 11-B

- 5) Strengthen, clarify, improve and implement historic preservation incentives and programs. Get specific and include these measures in the plan. Establish a TDR program. Do not wait for the rest of the city. Incentives can prioritize things like: affordable housing, historic preservation, open space. 11-B-5
- 6) The current YMCA's position as the ground floor and street frontage of a parking garage resulted from a 1986 parking-space swap as condition of approval for an office building with a parking deficit. Now, please consider exchanging parking requirements in the Valdez area with parking structures on some of the empty and underutilized lots just south of the plan area. Orient shopper and visitor arrivals to these parking areas and the 19th Street BART station, and establish robust shuttle, bicycle, pedestrian, and bus routes back and forth, rather than destroying residential areas of HarriOak, Richmond Boulevard, and Adams Point with traffic and fumes, and to avoid wasting some of the hoped-for retail space. As a Landmarks Board member remarked on Monday, it is entirely unacceptable to scrape off historic resources to make way for parking structures. 11-B-6
- 7) 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. These quite-dense and hilly residential areas are key housing resources and should not be burdened with overwhelming new parking demand and traffic, with the attendant air quality and noise impacts. Pay particular attention to safe bicycle and pedestrian access, already problematic around Whole Foods, which was designed without off-street waste handling and with inadequate truck docking. The bike lane is blocked daily. There are two schools in the immediate area, the senior center, and senior housing developments. Pedestrian safety is of high importance. 11-B-7
- 8) Do not spend city money on ornamental tree grates. While they look lovely at first, the city does not maintain them longterm; the trees are damaged as they gradually grow into the grates, which become embedded in the bark. Instead, use small rock fill, which is easier to maintain and does not damage trees. We have hundreds of examples of street trees in terrible shape due to inadequate staffing in the tree division. Design for lower maintenance and lower cost. 11-B-8
- 9) Do not spend funds on signing the area with self-conscious real estate monuments like the suburban-looking El Cerrito example (page 129). Striving little places do this, but it sends a message of "wannabe" instead of "there." Use funds for more useful projects like getting rid of the embarrassing inspirational but failed public art at the Webster St. plaza (page 62-63). There are no signs in New York's SOHO saying SOHO. People figure it out if there is a there there. 11-B-9
- 10) No banners (KONO, page 47. Don't do this). See above, plus, they wear out fast and look tired. 11-B-10
- 11) Watch out for "gateways." These can become trite clichés. While they are popular right now, we should be thinking longer term. If the urban design is good, we shouldn't need a lot of naming and flag waving and arches over streets. It should be a real city, not Disneyland. 11-B-11

12) We most strongly support Mr. Charonnat’s call for a rewrite of Policy CD 3.15. It is entirely unacceptable to build into the planning structure a policy that directly contradicts the historic preservation element, and ignores the objectives of promoting a vibrant urban context. **Sterility does not sell.** The staff should support creative design to incorporate valuable historic structures.

11-B-12

13) We support the EIR’s Preservation Subalternative plus the environmentally preferable Alternative 2, *with the addition* of the preservation of the Waverly ASI: specifically, the Harrison Street frontage, Waverly between 23rd and 24th, the Newsom Brothers Apartment House, and Creative Growth Gallery. Call it Preservation Subalternative 2.5 plus 4. We request that this be studied, and that mixed use zoning be applied to these areas. Some of these buildings, should they become less usable for apartment rental, could house boutique hotel or bed-and-breakfast uses, eateries, small retail. College Avenue has buildings of this scale and seems to work pretty well in generating sales tax for the city.

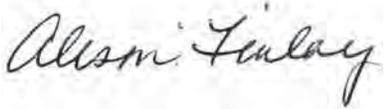
11-B-13

In view of the changes in retail since the 2007 Conley study, with more purchases made online, and with dining and boutique shopping a greater force in attracting shoppers, we believe that this plan needs some revision. It should focus more on Broadway. It should not wipe out a historic area. It should encourage a true urban experience, not a replicant of the suburban approach.

11-B-14

Thank you for considering our views.

Sincerely,



Alison Finlay
President



Naomi Schiff
Preservation Committee

VALDEZ TRIANGLE POLICY REVISION

(Slightly reworked by Oakland Heritage Alliance, from draft suggested by Leal Charonnat)

ORIGINAL POLICY

VALDEZ TRIANGLE Policy CD-3.15 New development will be encouraged to protect and re-use many of the area's distinctive historic buildings, ~~in particular those as long as such preservation does not impede achievement of the City's~~ primary objective to establish destination retail in the Triangle.

REVISED POLICY

VALDEZ TRIANGLE Policy CD-3.15 New development will be encouraged to protect and re-use many of the area's distinctive historic buildings, in order to achieve the City's primary objective to establish destination retail in the Triangle.

POLICY DISCUSSION REVISION

ORIGINAL POLICY DISCUSSION

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 27th and Valdez and the Newsom Apartments at 24th 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.~~

REVISED POLICY DISCUSSION

While all of these buildings have the potential to make positive contributions to the Triangle's design character, the biggest design opportunity will be the integration of the desired retail development and uses with these older buildings. The rejuvenation and reuse of the centrally located former Biff's coffee shop at 27th and Valdez will provide a catalyst to help jump start new development. The Newsom Apartments at 24th and Valdez, while maintaining a residential component in the area, would contribute to the urban texture. Others, such as the residential units along Waverly, are candidates for adaptive reuse to provide smaller scale economic texture.



H building at right, if residential use does not persist, the “Moana Apartments” has particularly great potential as a small hotel or Bed and Breakfast use. he historic church building. In the long term, the

Comment Letter 11-B



Waverly, east side (above) and west side (below) between 23rd and 24th Streets. These houses provide a sense of what the neighborhood has been, and some of them could be repurposed as commercial. (Note business signs on below house, second from left.) The west side could provide move-on lots for any small structures that require relocation. This street could provide a very pleasant transition to commercial areas toward Broadway, 27th, and 23rd Streets. Oakland also has successful restaurants and eateries located in repurposed older homes, such as Bay Wolf on Piedmont.





Newsom Bros. Apartment house is an excellent building at a good scale to fit in with surrounding development, whether maintained as residential, repurposed as small hotel or b and b, or changed to office and small commercial uses. It should be retained for its excellent architecture and strong corner presence. This building is likely eligible for tax credits or other incentives.





Two multi-unit buildings on Waverly house Tibetan immigrants, and form a locus of cultural activity for this community.



Good period detailing and excellent construction materials are irreplaceable. These houses are on Waverly, inhabited by families.



Buildings such as the Creative Growth gallery and studio provide enormous value: service to the community, excellent building quality, a sense of place, and walkable scale.



Apartment buildings in the area are solidly constructed, have good period detail, and are appropriately densely populated. At least 80 residential units exist in the Valdez area and provide housing at reasonable rents. This building is on 23rd Street at Harrison.

Letter 11B Response – Oakland Heritage Alliance

11B-1: The commenter expresses concern for the potential removal of historic resources and requests retention of the homes on Waverly Street, Harrison Street, the Newsom Apartments, and Biff's II Coffee Shop/JJ's. The commenter also requests revisions to Specific Plan policies Policy CD-3.15 pertaining to the protection and re-use of many of the area's distinctive historic buildings. The commenter's requests for retention of the homes on Waverly Street and Harrison Street and to revise Specific Plan policies are noted and are beyond the purview of CEQA analysis but will be considered by the City prior to its taking action on the project. See response to comment 11A-1 above. Please also see Master Responses 5.1 and 5.3 in Chapter 5 of this Response to Comments document.

11B-2 through -11: These comments are the same as comments 11A-2 through 11A-11 (see response above). These comments pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

11B-12: The commenter suggests that Specific Plan Policy CD 3.15 is inconsistent with the Historic Preservation Element of the General Plan. Objectives and policies found in the Historic Preservation Element are relevant to the Specific Plan because they provide guidance toward minimizing adverse effects to historic resources and have the potential to assist in implementation of beneficial Historic Preservation Element actions. Regardless, the Historic Preservation Element, as well as the Land Use and Transportation Element, call for a balancing of sometimes competing policies. As noted on DEIR page 4.9-6, regarding a project's consistency with the General Plan in the context of CEQA, the Oakland General Plan states the following:

The General Plan contains many policies which may in some cases address different goals, policies and objectives and thus some policies may compete with each other. The Planning Commission and City Council, in deciding whether to approve a proposed project, must decide whether, on balance, the project is consistent (i.e., in general harmony) with the General Plan. The fact that a specific project does not meet all General Plan goals, policies and objectives does not inherently result in a significant effect on the environment within the context of the California Environmental Quality Act (CEQA).²

Also see Chapter 2, *Plan Summary and Revisions*, for a summary of revisions to this policy since publication of the DEIR.

11B-13: The commenter suggests that the DEIR analyze a variation of the Historic Preservation Sub-Alternative to include preservation of the Waverly Street Residential District ASI, the Harrison Street frontage, Waverly between 23rd and 24th, the Newsom Apartments, and the Creative Growth Gallery. As required for CEQA, alternatives shall

² City Council Resolution No. 79312 C.M.S.; adopted June 2005.

be developed to avoid or lessen one or more significant effects of the project (CEQA Guidelines Section 15126.6). See Master Response 5.3 for a restatement of historic resources considered significant for the purposes of CEQA analysis. Of the properties of concern mentioned by the commenter, only the Newsom Apartments at 2346 Valdez Street is considered a significant historic resource under CEQA. As such, only preservation of this CEQA historic resource, as would occur under the Historic Preservation Sub-Alternative, would be considered to avoid or lessen the significant effects of the Specific Plan. The DEIR analysis provides information about the Historic Preservation Sub-Alternative both on its own and combined with the Partially Mitigated Alternative (reduced development) (see DEIR pages 5-30 through 5-32). The DEIR has been modified to clarify the development assumptions for the Historic Preservation Sub-Alternative. Additionally, in response to comments received, the DEIR has been further modified to include the analysis of a second (new) Historic Preservation Sub-Alternative such that the original Historic Preservation Sub-Alternative has been renamed “Historic Preservation Sub-Alternative A” and the new Sub-Alternative is named “Historic Preservation Sub-Alternative B”. See response to Commissioner Weinstein’s comment on page 7-9 in Chapter 7, Master Response 5.3 in Chapter 5, and Chapter 3 of this Response to Comments document.

- 11B-14: These comments suggest an increased focus on Broadway and broader protection for historic resources. These comments pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Responses 5.1 and 5.3 in Chapter 5 of this Response to Comments document.



October 30, 2013

City of Oakland Planning Commission
250 Frank Ogawa Plaza
Oakland, CA 94612

Dear Planning Commissioners and Staff

Here are some comments on the Broadway Valdez EIR and related plan:

- 1) In zoning the Waverly/Harrison blocks between 23rd and 24th priority should be given to historic **preservation of the ASI**, to continuing to furnish 80-plus units of housing, and to better integrate the hoped-for retail development into an existing neighborhood. Please see our suggested map. 11-C-1
- 2) In planning for the project, **more retail development should occur on and near Broadway**. Harrison Street is not a strong retail street, and has never been one. A residential and institutional use area begins immediately adjacent to 27th Street/Bay Place. 11-C-2

TABLE 2-1 Impacts, Mitigation Measures, Standard Conditions of Approval and Residual Effects

Impact AES-2: With a demolition of the Waverly/Harrison ASI there would be a major visual character impact, especially upon the former Christian Science church at 2333 Harrison. It would affect both daytime and nighttime views for passing drivers, pedestrians, bicyclists, and users of Lake Merritt. It would have a major impact on the historic area which includes the Vets Memorial and the Lake Merritt Lodge building at 2332 Harrison. Removal of an ASI constitutes a visual impact. 11-C-3

Impact AIR-2: In only requiring a TDM plan for the largest commercial occupants, the mitigation becomes insufficient, not very helpful, and inadequate. Require an area-wide TDM plan and make it much more robust. Include parking and transit services south of and just outside the plan area. The 50,000 square foot/325 unit and “if determined feasible” mitigation loopholes are large enough to drive a lot of cars and trucks through. Adjoining areas are already heavily affected by parking demand. Harrison and Oakland Avenue carry a great deal of traffic they were never meant for. Oakland has a large problem with respiratory disease. This is a seriously inadequate and insufficient mitigation. 11-C-4

Impact AIR-4: In mitigating generator uses, include mobile food trucks and vendors in the mitigation plan. We are now seeing enough of them to create serious noise and air quality impacts. 11-C-5

Impact CUL-1: Should acknowledge that an ASI is at risk. The historic preservation subalternative should be supplemented with a version that spares the ASI. See the map we are suggesting, attached. 11-C-6

Comment Letter 11-C

While the individual properties may not all be considered as rising to the level of historic resources under CEQA, at least two in the area do, and the ASI is their context.

↑ 11-C-6
cont.

Impact NOI-5,6: Since the plan area immediately adjoins senior housing and generally quite dense residential areas, how is that no mitigation is proposed? The proposed TDM mitigation is inadequate to the project (see above), and that is what causes this unacceptable impact.

11-C-7

Impact NOI-7: Surely buildings could be designed for minimal additional noise generation. Why is there no mitigation?

11-C-8

Impact POP-2: How can it be that we would contemplate removing more than 80 units (number in EIR is wrong) of moderate-income and family housing with no mitigation? It is not insignificant to potentially displace 100-200 people. We do not believe that the City of Oakland has displaced anywhere near this many people from any area in recent times. This is bad policy, and damages the integrity of a “complete neighborhood.” The area should strive for a balance of residential and commercial, and that residential should allow all kinds of people to dwell in it. This potential eviction appears to directly conflict with page 3-3, Specific Plan Objectives: “A ‘complete’ neighborhood that supports socially- and economically-sustainable mixed use development’” Bullet 2 suggests “diverse housing opportunities” which one might hope would include our historic stock of apartment buildings and 100-year-old bungalows. Does a complete neighborhood eject whole blocks of its residents? Then it goes on to speak of bullet 5: “Creative reuse of historic buildings that maintains a link to the area’s social, cultural and commercial heritage. . . .” We applaud this goal and would submit that the Waverly ASI qualifies as a very useful component of a creative, green, and well-thought-through plan, perhaps in tandem with some denser housing of other types.

11-C-9

Impact PSR-3: What public elementary school will serve the area? Lakeview School has closed. Lincoln School is over capacity.

11-C-10

Impact PSR 6: Overall, the area is short of neighborhood park facilities, by the ratios in the general plan. Address this issue. Furnish open spaces in the plan area that are workable for families with children as well as for pedestrians and coffee drinkers.

11-C-11

Impact Trans-2-29: Impacts may be quite devastating to the Adams Point and Rose Garden neighborhoods, both in traffic times and in impacts to pedestrians, bicyclists, and nearby residents. Additionally, the pedestrian crossing at Perry Place is dangerous and should be reconfigured. The undercrossing area under the 580 freeway is also dangerous for pedestrians, unsightly, and not likely to help in attracting people to the area. A much more intense effort to work with CalTrans should be included in the EIR mitigations. The intersection of Pearl and Oakland Ave. is not mentioned, but is dangerous for drivers, cyclists and pedestrians. It will also require mitigation and possible redesign. Review the Harrison/Oakland traffic study for some suggested measures.

11-C-12

Throughout, the mitigations ask the “project sponsor” to mitigate, but who is the project sponsor in this case? Is the City of Oakland telling itself to pay itself to make these transportation mitigations occur? How is this monitored and who will pull the trigger? Is it up to the adjoining residential neighborhoods to sound the alarm when mitigations are due to be implemented? A mechanism should be incorporated into these mitigations. It seems garbled, to wit: “The project sponsor (remember, that’s the city of Oakland) shall fund the cost. . . However if the City adopts a transportation impact fee program prior to implementation. . . the project sponsor shall have the option to pay the applicable fee. . .” Since the citizens are the likely monitors of this situation, a clear statement of how to interact with the city and any private developers should be written for inclusion here.

11-C-13

The bicycle lanes in the Harrison/Oakland corridor cease to exist near the 27th/Bay Place intersection. The shared lane on Harrison northbound is often blocked by dumpsters and delivery trucks parked in the red zone adjacent to the store. The mitigations should include redesign suggestions that will improve this dangerous situation, very close to Westlake Middle School and its crosswalk.

11-C-14

There is no discussion at all in the EIR of neighborhood-cut-through traffic issues. The EIR should have studied the perilous situation on 29th Street between Broadway and Oakland Avenue. It should include traffic issues at Richmond Boulevard. It should address the already problematic stacking of cars at Vernon and Bay Place, and whether there might be impacts to Perkins as a route to and from Grand Ave. While these are not standard “arteries” with obvious LOS intersection ratings, the impacts of through traffic in this hilly area of narrow streets may be large.

11-C-15

3.3.2, “Surrounding Neighborhoods” should include the Waverly ASI and the adjoining Harrison Street block between 23rd and 24th.

11-C-16

3.4.6, Proposed Height and Massing. We note here that proponents are proposing additional height in exchange for retail development. We have no quarrel with this, but note that Oakland Heritage Alliance and other groups have repeatedly proposed that such additional height might be granted in exchange for historic preservation, for providing affordable housing, and for open space. We object to the values reflected by allowing additional height for retail, but not for these other major priorities. We urge that a more comprehensive scheme be drawn up, to incentivize construction of workforce housing and to motivate owners pursue adaptive reuse historic properties, including the Waverly ASI, the historic auto row buildings, auto repair buildings now part of the Art Murmur activities, institutional buildings, and A- and B-rated structures.

11-C-17

3.4.8 Entertainment District Overlay. We strongly object to exemption from the dark skies provisions. This area is extremely close to Lake Merritt, the nation’s oldest wildlife sanctuary and a precious natural resource. We believe that with good design the area can appear active enough without confusing migratory birds. We also object to special sign regulations if that means big LED arrays with their distracting, busy surfaces. In a liveable city let’s not barrage people with more ambient advertising lights. Let them experience the texture of the city on the pedestrian level.

11-C-18

Page 3-21, Figure 3-8 height map. The Waverly ASI should be zoned for 45 feet *with no extra height allowance for retail*. Tall buildings would overshadow the former Christian Science Church, interrupt an intact Harrison Street block front, and shadow the historic buildings across Harrison.

11-C-19

Page 3-23, Figure 3-10. Add an adaptive reuse priority area to the Waverly ASI and Harrison Street frontage. For the entertainment district overlay, consider moving its boundary eastward to back off to Valdez, between 23rd and 24th, so as not to cause conflict with the residents. Discuss whether it is appropriate to incorporate the historic First Presbyterian Church within an entertainment district.

11-C-20

Page 4.11-11, *Substantial Displacement of Housing and People*. To the 100–200 people in more than eighty units between Harrison and Valdez, it surely is a significant impact to be zoned out of the neighborhood, displaced, and not re-housed. Without any provision for affordable units to be constructed, with no adaptive reuse zone, and without regard to the historic pattern of occupancy of this small neighborhood, it is unconscionable to proceed with this plan in this configuration. “The people residing in housing units to be demolished would have to find other housing, potentially in nearby neighborhoods or in other parts of Oakland. . .”

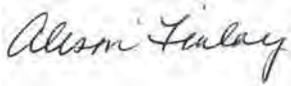
11-C-21

The number of housing units described on page 4.11-12 is incorrect. By even a rough count there are at least 80 (not 30) housing units in question. (Please show a map with a unit and occupant tally). Many of them have multiple occupants. The new housing proposed (but not well-supported by the zoning) will not necessarily be affordable to the residents who live there now, some of whom have been in these units for decades. We propose to leave this middle-class neighborhood intact. Only in that way is no mitigation required.

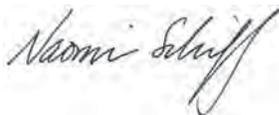
Please see the attached proposed map. In summary, we support Alternative 2 and the historic preservation subalternative, with the addition of the Waverly and Harrison St. areas as shown. Thank you for the opportunity to comment. We may submit some more detailed points before the deadline.

11-C-22

Sincerely,



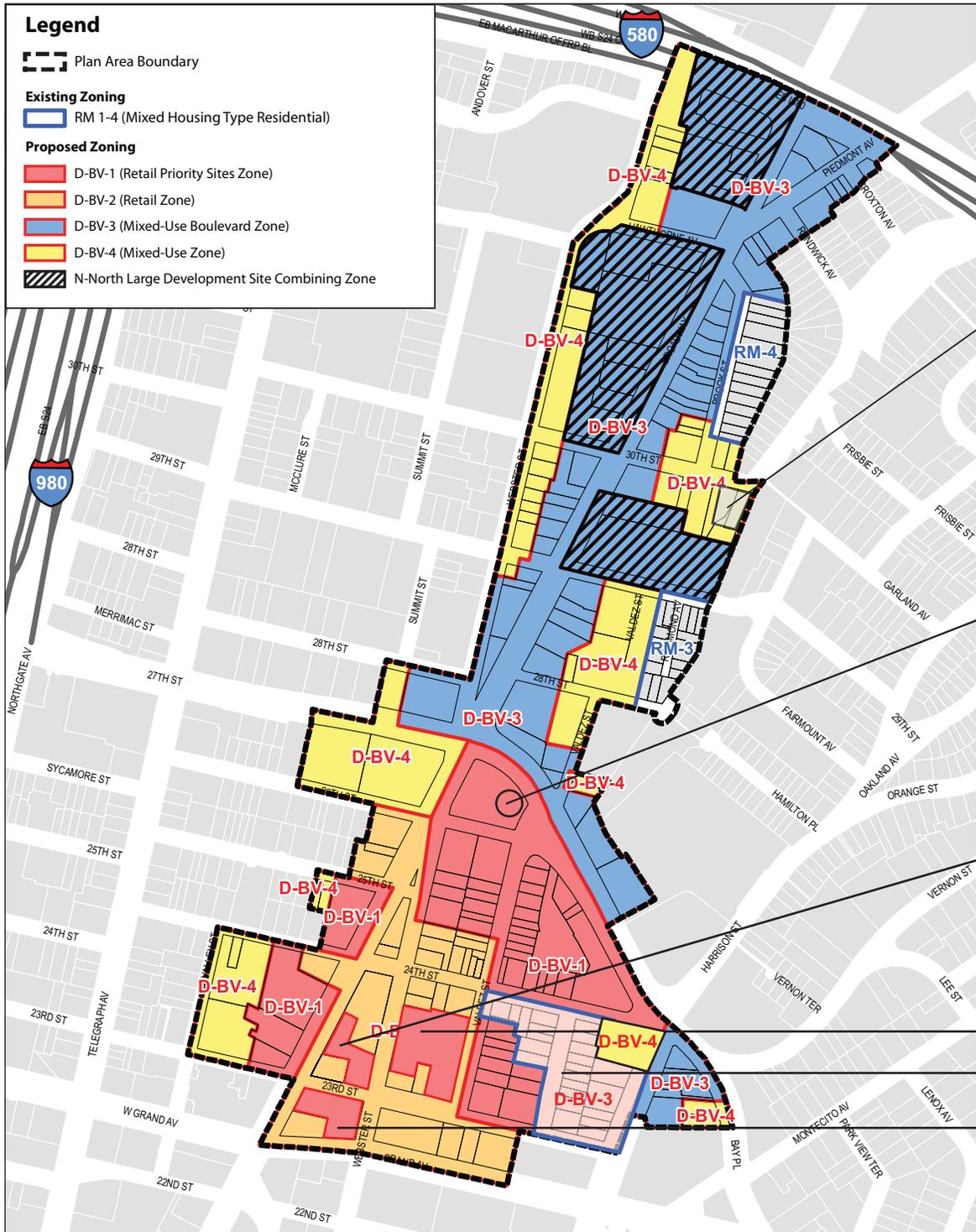
Alison Finlay
President



Naomi Schiff
Preservation Committee

Comment Letter 11-C

Oakland Heritage Alliance
 10-30-2013
 Proposed revisions to zoning map



Old house likely impossible to replace with new const, too near creek.

Reuse/incorporate Biff's/JJs

Relocate YMCA office. Place retail on Broadway, through to 23rd St and Webster.

Retail (+ parking if needed.)

Retain 80+ units residential*.

Retail at prominent site.

*allow small scale adaptive reuse commercial.

SOURCE: City of Oakland, Department of Planning and Building, 2013

Broadway Valdez District Specific Plan . 208522

Figure 3-6
 Proposed Zoning

Letter 11C Response – Oakland Heritage Alliance

11C-1 through -2: These comments request an increased focus on Broadway and broader protection for historic resources. These comments pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Responses 5.1 and 5.3 in Chapter 5 of this Response to Comments document.

11C-3: The commenter suggests that development of the Specific Plan within the Waverly Street Residential District ASI would result in a significant impact with respect to visual character. Future development under the Specific Plan would represent a change to the existing visual conditions within the Plan Area. However, new development does not necessarily represent an adverse impact to the overall visual character of an area. As stated in the DEIR, future development under the Specific Plan would undergo design review approval where City staff would assess a project's adherence to the Specific Plan's *Design Guidelines* as well as overall compatibility with the existing surrounding built form and architectural character of the Plan Area and surrounding areas as a whole. As such, development within the Waverly Street Residential District ASI would not result in a significant adverse impact with respect to visual character. Further, the Waverly Street Residential District is not considered a historic resource protected under CEQA. See Master Response 5.3, in Chapter 5 of this Response to Comments document, for a restatement of CEQA historic resources.

11C-4: The commenter expresses concern about prioritizing improvements to pedestrian connections to the 19th Street BART Station and Uptown, which pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. See response to comment 7-7 and Master Response 5.1 in Chapter 5 of this Response to Comments document.

The commenter expresses concern that the TDM is insufficient to mitigate impacts from emissions of ROG NO_x, and PM₁₀. The commenter is correct. First, the traffic impact analysis and air quality analysis presented in the DEIR conservatively assumes minimal implementation of TDM strategies to present a worse-case scenario. Second, the air quality analysis within the DEIR concluded that, even with implementation of SCA 25 (TDM) the impact for emissions of ROG NO_x, and PM₁₀ would remain significant and unavoidable. In addition, the *May 2014 Final Broadway Valdez District Specific Plan* includes strategies beyond those identified in SCA 25 that would reduce automobile travel and associated emissions in the Plan Area. These strategies include increasing zoning code requirements for bicycle parking, requiring unbundling of parking for residential developments, providing an in-lieu parking fee, and reducing the minimum parking requirement.

11C-5: The commenter suggests emissions from mobile food and vendor trucks should be included in analysis and mitigation plan for new sources of TACs. The majority of

mobile food and vendor trucks are medium duty gasoline-fueled trucks.³ While parked and operating their business, these trucks typically operate a small generator, which is also gasoline fueled, and thus does not emit TACs. Therefore, there is no meaningful health risk impact associated with these uses.

Note that mobile emissions (vehicle trips) from mobile food and vendor trucks, both gasoline-fueled and the potential small portion of diesel-fueled food trucks, are represented in both the existing and Plan roadway volumes in the Plan Area which were assessed for roadway toxics. The Specific Plan analysis assumes a certain percentage of new vehicle trips associated with adoption and development under the Specific Plan would be medium duty trucks. Therefore, these emissions are included in the DEIR analysis of criteria air pollutants.

- 11C-6: The commenter suggests that ASIs should be included in the development of the Specific Plan within the Waverly Street Residential District ASI would result in a significant impact with respect to visual character. Please see Master Responses 5.3 in Chapter 5 of this Response to Comments document that addresses ASIs, historic resources considered significant for the purposes of CEQA analysis, and analysis of alternatives.
- 11C-7: The commenter suggests that the significant and unavoidable Plan and cumulative impacts relating to traffic noise is the result of an inadequate TDM Mitigation. Please see response to comment 11C-4 and 7-7 regarding TDM mitigation.
- 11C-8: The commenter suggests that adequate mitigation must exist to reduce stationary sources of noise from buildings to a less than significant level. As described in Impact NOI-7, new stationary noise sources from new buildings (rooftop mechanical equipment and back-up generators) would be required to comply with the City's Noise Ordinance and thus, independently, would not likely result in a substantial increases in noise levels at sensitive land uses in the Plan Area. However, to present a worst case scenario and conservative analysis, these new stationary noise sources were evaluated in combination with estimated roadway noise sources (see Impacts NOI-5 and NOI-6 as well as SCAs 31, *Interior Noise*, and SCA 32, *Operational Noise*, in Section 4.10 of the DEIR). The cumulative noise increase from both roadway and stationary sources would result in combined would result in a significant and unavoidable impact. Other than the SCAs presented, no other feasible measures exist to reduce operational noise impacts.
- 11C-9: The commenter expresses concern for the potential displacement of existing residential units as a result of adoption and development of the Specific Plan. The commenter suggests that the potential "eviction" is in conflict with the proposed Specific Plan objective to support "diverse housing opportunities." The commenter interprets the diverse housing opportunities to include historic residential structures. The commenter

³ US Catering Trucks, 2014. Luis Soto, Owner, personal communication with Chris Sanchez, Environmental Science Associates, March 19, 2014.

requests the preservation of the Waverly Street Residential District ASI. Regarding the potential displacement of existing Plan Area residents and explanation of CEQA historic resources, please see Master Responses 5.2 and 5.3 in Chapter 5 of this Response to Comments document.

Also, please see response to comment 11B-14, above that addresses ASIs and historic resources considered significant for the purposes of CEQA analysis.

11C-10: The commenter asks which elementary school will serve residents in the Plan Area. As noted in DEIR Chapter 4.12, *Public Services, Parks, and Recreation Facilities*, students from the Specific Plan Area may not necessarily attend nearby schools. Oakland Unified has an open enrollment policy called the School Options Program that allows any student to apply to any school in the District. Moreover, impacts to schools are mitigated in full by payment of Senate Bill 50 impact fees (see DEIR page 4.12-10 through 4.12-11).

11C-11: The commenter notes an existing shortage of neighborhood park facilities and requests provision of new open spaces suitable for families, children, pedestrians and coffee drinkers. This comment is noted. As noted in DEIR Chapter 4.12, *Public Services, Parks, and Recreation Facilities*, the DEIR acknowledges that, since 1994, the City of Oakland has remained short of its goal for 4.0 acres of local-serving parkland per 1,000 residents as stated in the General Plan. However, the City also puts forth in its General Plan an overall parkland standard of 10 total acres per 1,000 residents. The City currently exceeds this standard. Further, increases in permanent and daytime population resulting from adoption and development under the Specific Plan would be commensurate with the growth envisioned in the General Plan. Overall, current conditions of exceeding the City's overall park standard and falling short of the City's local-serving parkland goal would continue with or without adoption and development under the Specific Plan, and the impact would be less than significant.

11C-12: Comment is concerned about potential impacts on Adams Point and Rose Garden neighborhoods, the pedestrian crossing at Perry Place, undercrossing at I-580 interchange and the Oakland Avenue/Pearl Street intersection.

See response to comment 11C-15 regarding cut-through traffic on residential streets.

The Draft EIR identifies a significant impact at the Perry Place/I-580 Eastbound Ramps/Oakland Avenue intersection (Impact and Mitigation Measure TRANS-2 on page 4.13-55 of the Draft EIR). The mitigation measure requires City of Oakland to coordinate with Caltrans to upgrade the signal equipment at the intersection and upgrade facilities supporting vehicle travel and alternative modes through the intersection to the latest standards. The proposed mitigation measure, if implemented by Caltrans, would reduce the impact to a less than significant level. However, the impact is conservatively identified as significant and unavoidable because it is under Caltrans, not the City of Oakland's, jurisdiction.

Regarding the Oakland Avenue/Pearl Avenue intersection, the Draft EIR did not analyze project impacts at this intersection because based on City of Oakland's Significance Thresholds, the Specific Plan Development Program would not cause a significant impact at this intersection. The intersection is currently side-street stop-controlled and Threshold #6, as listed on page 4.13-47 of the Draft EIR, requires the intersection to meet the peak hour volume traffic signal warrant and the project to add ten or more trips to the critical movement. Since the Specific Plan Development Program is not expected to add traffic to the critical stop-controlled Pearl Street approach at this intersection, it is not expected to cause a significant impact. Therefore, the Draft EIR did not include this intersection in the list of study intersections.

- 11C-13: The commenter request clarification about the term "Project Sponsor" with respect to transportation mitigations. The project sponsor is a developer of a particular project; City of Oakland is generally not a project sponsor. Pursuant to its standard practice and the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCA/MMRP), the City will review the appropriate and applicable mitigation measures for each proposed development project as development projects are reviewed through the planning and building process.
- 11C-14: The commenter requests bicycle improvements on the Harrison Street/Oakland Avenue corridor near 27th Street/Bay Place. As stated in the comment, the current conditions on northbound Harrison Street is primarily caused by trucks illegally parking adjacent to the Whole Foods Supermarket and blocking the bicycle route. Adoption and development under the Specific Plan would not modify the roadway at this location, nor cause any significant impacts. Therefore, based on the application of the thresholds of significance established by City of Oakland (see page 4.13-45 of the DEIR), the Specific Plan would not cause a significant impact at this location and no mitigation is required. Since the issue pertains exclusively to the merits of the Specific Plan, it is beyond the purview of the EIR and CEQA. See Master Response 5.1 in Chapter 5 of this Response to Comments document.
- 11C-15: The commenter expresses concern regarding neighborhood cut-through traffic on 29th Street between Broadway and Oakland Avenue, Richmond Boulevard, Vernon Street Bay Place, and Perkins Street. In general, addition of development generated traffic on residential streets is not considered a significant impact under CEQA. The thresholds of significance established by City of Oakland (see page 4.13-45 of the DEIR) and used to determine if the Specific Plan would result in significant impacts are based on the physical capacity of intersections. Due to the relatively low traffic volumes on residential streets, even if a large amount of Plan-generated traffic use the street, the traffic volumes would not meet the capacity-based thresholds set by the City of Oakland's significance criteria. Furthermore, as described on page 4.13-93 of the DEIR, the Specific Plan includes a policy to monitor traffic on residential streets that can potentially be affected by developments in the Plan Area and to implement traffic calming strategies if needed.

See response to comment 26-1, below, regarding cut-through traffic on 29th Street. In addition to the reasons described above, it is unlikely that the Broadway Valdez Development Program would result in a substantial increase in traffic on Richmond Boulevard and cause a significant impact on Richmond Boulevard for the following reasons:

- As part of its off-site improvements, the Kaiser Medical Center project will close the existing median opening on MacArthur Boulevard at Richmond Boulevard, which will eliminate all left-turns at this location. The planned median closure would reduce the amount of traffic on southbound Richmond Boulevard, and prohibit vehicles traveling to the Plan Area from the east on MacArthur Boulevard to use Richmond Boulevard.
- Although a few of the vehicles generated by the Broadway Valdez Development Program may use Richmond Boulevard, it is unlikely that many would; because Richmond Boulevard is a narrow street with speed humps along its length. Based on data collected in 2006, the 85th percentile and median speeds⁴ on Richmond Boulevard, just north of 30th Street, were 20 mph and 16 mph, respectively. Considering the relatively low speeds on Richmond Boulevard, it is unlikely that a noticeable amount of non-neighborhood traffic would use Richmond Boulevard, instead of Broadway and Piedmont Avenue. The few additional trips that may use Richmond Boulevard would not be noticeable to local residents. The additional traffic would not exceed the capacity of intersections along Richmond Boulevard. Thus, it would not result in a significant impact based on the City of Oakland's significant criteria. As a result, no mitigation measure would be required on Richmond Boulevard.

However, as described above, traffic conditions on Richmond Boulevard would be monitored before and after construction of a development project that would most likely result in cut-through traffic on Richmond Boulevard and traffic calming strategies would be implemented if necessary.

It is not clear how the adoption and development under the Specific Plan would result in cut-through traffic on Vernon or Perkins Streets as neither street provides access to the Plan Area or a short-cut to major arterials or freeway ramps in the area. As stated in the comment and shown on Figure 4.13-6 in the DEIR, Bay Place is expected to be used by traffic generated by the Specific Plan Development Program as it provides access between Grand Avenue and 27th Street. However, Bay Place is not considered a residential street.

11C-16: The commenter requests the inclusion of the Waverly Street Residential District ASI and the Harrison Street block between 23rd and 24th streets in the description of surrounding neighborhoods. This comment is noted. The descriptions in Section 3.3.2, *Surrounding Neighborhoods*, in DEIR Chapter 3, *Project Description*, pertain to neighborhoods surrounding the Plan Area rather than neighborhoods within the Plan

⁴ The 85th percentile speed is defined as the speed that 85 percent of vehicles drive below. The median speed is defined as the speed that 50 percent of vehicles drive below and 50 percent of vehicles drive above.

Area. Please see Sections 3.3.3.2, *Existing Land Uses*, and 3.3.3.4, *Existing Historic Resources*, within that chapter for a description of uses within the Plan Area.

- 11C-17: This comment requests revisions to the proposed height and massing requirements and inclusion of a height and density bonus program. This comment pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.
- 11C-18: The commenter objects to the proposed exemption from the dark skies provisions. According to the *May 2014 Final Broadway Valdez District Specific Plan*, an exemption to the City of Oakland's Dark Skies Ordinance is no longer proposed or considered for adoption as a part of the Specific Plan.
- 11C-19: This comment suggests a revision to the proposed height limits and thus pertains, in part, to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document. Pertaining to the potential impacts of the Plan, the commenter also expresses concern for potential shadowing of historic buildings across Harrison Street from the Waverly Street Residential District ASI. Please see Master Response 5.3 in Chapter 5 of this Response to Comment document that addresses ASIs and historic resources considered significant for the purposes of CEQA analysis. Further, as stated in Impact AES-4, in DEIR Chapter 4.1, *Aesthetics, Shadow and Wind*, a significant impact would occur if a project were to shade a designated historic resource such that the new shadow would materially impair the resource's historic significance. While access to light may be critical for historic places of worship where the light through stained glass windows conveys its historical significance, access to light is not typically an important characteristic of most historic buildings.
- 11C-20: This comment requests revisions to Specific Plan figures and the boundaries of the Entertainment District Overlay. These comments pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.
- 11C-21: The commenter expresses concern over the potential displacement of existing housing, particularly between Harrison and Valdez. The commenter also expresses concern for the lack of affordability requirements on new residential development. Regarding the potential displacement of existing Plan Area residents, please see Master Response 5.2 in Chapter 5 of this Response to Comments document.
- 11C-22: The commenter expresses support for the Historic Preservation Sub-Alternative and suggests revisions to include the preservation of the Waverly Street Residential District ASI and a portion of Harrison Street. Please see Master Responses 5.3 in Chapter 5 of this Response to Comments document that addresses ASIs, historic resources considered significant for the purposes of CEQA analysis, and analysis of alternatives.



November 11, 2013

Laura Kaminski, Broadway/Valdez Team
250 Frank Ogawa Plaza
Oakland, CA 94612

Dear Ms. Kaminski, Planning Commissioners, Consultants, and Oakland Planning Staff

We previously commented on October 16 and October 30. Here is a final addition to our comments on the Broadway Valdez EIR and related plan:

Additional comment to TABLE 2-1 Impacts, Mitigation Measures, Standard Conditions of Approval and Residual Effects

In general the study of the triangle area below 27th Street, and the related mitigations, conditions of approval, and residual effects, is inadequate and insufficient. We request re-study of the housing stock, and a closer assessment of the potential value of the street frontages at Waverly, Harrison, 23rd, 24th, the Newsom Apartment Building, Biff's/JJ's, Creative Growth, and other modest but context-contributing structures in the area, as housing and/or adaptively-reused commercial space. We point to some of the most successful commercial areas in Oakland as examples: Lakeshore Ave., College Avenue, Piedmont Avenue and Park Boulevard are contributing to the economy and providing jobs while capitalizing on Oakland's urban fabric. Examples in other cities include Pasadena, Carmel-by-the-Sea, Santa Monica, Union Street San Francisco, and Sonoma. Designating an area such as this to be replaced by speculative rectangular-box retail is not guaranteed to generate the kind of income that the city council was hoping for, nor the living-wage jobs it seeks, but could destroy some of the attractiveness of the area. It also would remove a resource that could provide live-in 24-hour activity. Lively urban areas include local residences, not just businesses which close at night.

11-D-1

Please see the images which follow, along with the appended previous comments. Thank you for the opportunity to weigh in.

Sincerely,

Alison Finlay, President

Naomi Schiff, Preservation Committee

Comment Letter 11-D



Reusing urban fabric for successful retail. Above, clockwise from top left: Oakland Lakeshore, Piedmont Ave., College Ave., Glenview/Park Blvd. Below, clockwise from top left: Carmel, Sonoma, Pasadena, Santa Monica, San Francisco



Letter 11D Response – Oakland Heritage Alliance

11D-1: The commenter expresses concern that the general assessment of the potential economic value of preserving the structures in the triangle area below 27th Street. This comment pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Jonathan Bair
% Walk Oakland Bike Oakland
436 14th St, Suite 1000
Oakland, California

November 12, 2013

Mr. Scott Miller
Environmental Review Officer
City of Oakland Department of Planning and Zoning
250 Frank Ogawa Plaza, Suite 3315
Oakland, California

Dear Scott:

Please accept this letter as my formal comment on the sufficiency of the Draft Environmental Impact Report (DEIR) for the Broadway Valdez Specific Plan, ER12-0005. Please see the Better Broadway Coalition’s letter submitted today, of which Walk Oakland Bike Oakland is a signatory, as well as my Planning Commission testimony on October 16, 2013 for additional comments on the policies in the plan.

The construction of large parking structures is a tremendously impactful undertaking, as the DEIR acknowledges. However these impacts are not sufficiently mitigated by the Plan in the DEIR. There is no funding for transit improvements that would be needed to substantially mitigate the auto traffic. If widened sidewalks and bike lanes at least to the highest standards of the Bicycle Master Plan are not fully implemented in the first phase of the project, then any parking created beforehand is a very substantial, completely unmitigated safety, health, congestion and air quality impact for an indefinite time period.

12-1

Actuated pedestrian signals are an impact on pedestrian mobility, and will reduce walking trips in the area, further reducing mitigations. A larger impact is the use of overly-wide streets, especially those with medians. Too-long crossing distances slow pedestrian movement and expose them to danger for longer period of time. Safety is also reduced because of poor visibility. Medians are not safety improvements, but reductions in pedestrian safety, and should be removed from the Plan as an unnecessary and unmitigated impact.

12-2

Policies in the Plan referring to encouragement of alternative transportation for residents and employees in new developments could act as mitigations for the large, concentrated volume of car traffic induced by parking lots, but only if “encouragement” becomes a mandate. Additionally, first-floor building setbacks are not in the public right of way and do not constitute sidewalk widening for the purposes of mitigating the above-discussed impacts to pedestrian health and safety, as well as acting as a mitigation for induced traffic congestion from parking structures.

12-3

12-4

The presence of a busy AC Transit line is noted in the DEIR and is assumed to reduce some of the auto impacts. Therefore the City of Oakland, as project sponsor, should commit to improving and enjoined from harming any aspect of AC Transit operations in the Project Area as a defined mitigation.

12-5

Comment Letter 12

Because of the need to substantially mitigate the congestion, safety, health and CO2 impacts of the planned parking structures, adding bicycle facilities beyond what is already in the Bicycle Master Plan should have been fully considered as an alternative. Separated bike lanes work well with widened sidewalks, removed medians, and shorter crossing distances to encourage non-auto uses and mitigate danger to pedestrians, impacts on BART and AC Transit service, and health impacts.

12-6

Please identify and include additional transit policies and bicycle and pedestrian circulation improvements to provide sufficient mitigations to the impacts of the Plan.

12-7

Sincerely,

A handwritten signature in black ink that reads "Jonathan Bair". The signature is written in a cursive, flowing style.

Jonathan Bair
Board President, Walk Oakland Bike Oakland

Letter 12 Response – Walk Oakland Bike Oakland

12-1: The commenter is concerned about significant impacts caused by large parking structures on bicycle, pedestrian and transit networks. The traffic impact analysis presented in the Transportation and Circulation section (Section 4.13) of the DEIR identifies the significant impacts of the Broadway Valdez Development Program, including potential parking structures, and provides mitigation measures to mitigate those impacts where feasible. As described in the Vehicle, Pedestrian, and Bicycle Safety discussion, starting on page 4.13-92 of the DEIR, the Specific Plan would not cause a significant impact on safety of pedestrians, bicyclists, and bus riders. In addition, as described in the Consistency with Adopted Policies, Plans or Programs Supporting Alternative Transportation discussion, starting on page 4.13-98 of the DEIR, the Specific Plan is consistent with the City's *Pedestrian Master Plan*, *Bicycle Master Plan*, and other policies, plans, or programs for pedestrian, bicycle, or transit. In addition, the DEIR, starting on page 4.13-102, discusses parking supply and demand under the Broadway Valdez Development Program, as well as parking management strategies that would be implemented by the Specific Plan, as planning-related non-CEQA issue. Based on the discussion presented in the DEIR, the parking demand generated by the Broadway Valdez Development Program, and the parking supply and parking-related policies proposed by the Specific Plan would not result in significant impacts on the environment.

12-2: The commenter is concerned about potential impacts of actuated signals, wide streets, and medians on pedestrian mobility and safety.

The DEIR includes a number of mitigation measures, such as Mitigation Measure TRANS-5 at 23rd Street/Broadway intersection Mitigation Measure TRANS-22 at 27th Street/Broadway intersection, that would include actuated signals. Actuated signals can be an annoyance to pedestrians as they typically require pedestrians to push a button to cross the street. However, they benefit all users of the intersection (pedestrians, bicyclists, transit riders and motorists) by reducing the signal cycle length and wait time at the signal when there is no demand for opposing movements.

As stated in the comment, widening of streets can result in longer pedestrian crossings and potentially impact pedestrian safety and comfort. However, the Specific Plan does not propose to widen any streets. The curb-to-curb width on all streets within the Plan Area would remain same as current or be reduced. In addition, the Specific Plan proposes corner bulbouts or eliminates right-turn lanes to reduce street widths and pedestrian crossings.

The commenter states that medians reduce pedestrian safety. However, it does not provide any reasons. The Specific Plan would maintain the existing median on Broadway and would widen the median on 27th Street. In general, medians are considered safety improvements because they provide a refuge for pedestrians crossing a street and they minimize potential for head-on collisions for motorists traveling in opposing directions.

12-3: The commenter states that policies that encourage non-automobile transportation modes should not only be encouraged but should be mandated in order to be effective. As required by Oakland's SCA 25, *Parking and Transportation Demand Management*, (see page 4.13-33 of the DEIR) all new developments that would generate more than 50 peak hour automobile trips are required to implement a Transportation and Parking Demand Management (TDM) to reduce their automobile trip generation. In addition, as described starting on page 4.13-37 of the DEIR, the Specific Plan includes various infrastructure improvements that would benefit pedestrian, bicyclists, and transit riders.

Also see response to comment 7-7 regarding potential effects of TDM strategies on the DEIR analysis.

12-4: The commenter states providing first floor building set-backs should not be used to widen sidewalks. However, the comment does not provide any reasons for why set-backs should not be used to widen sidewalks. The Specific Plan proposes building set-back along Broadway, which would widen the sidewalks by providing additional right-of-way that can be used by pedestrians.

12-5: The commenter is consistent with the DEIR in acknowledging frequent AC Transit bus service along Broadway. As described on page 4.13-39 of the DEIR, the Specific Plan would collaborate with AC Transit to implement improvements along Broadway to increase bus rider safety and comfort and reduce bus travel times along the corridor. Also, as listed on page 4.13-100 of the DEIR, the Specific Plan includes policies that encourage transit use. Also, see responses to comments 1-1 through 1-11 regarding AC Transit bus operations.

12-6: The commenter requests implementation of additional bicycle facilities beyond the City's *Bicycle Master Plan* (BMP). As described on page 4.13-99 of the DEIR, most of the bicycle facilities in the Plan Area envisioned by the BMP have been completed and the Specific Plan recommends completing the remaining segments. In addition, the Specific Plan (Policy C.3.2) would enhance bicycle facilities at intersections with high bicycle and automobile volumes. In addition, considering the limited right-of-way on the streets in the Plan Area and surroundings, additional bicycle facilities, such as separated bicycle lanes, would require reducing the right-of-way for pedestrians, and/or automobiles, which would potentially impact pedestrians, automobiles, and/or buses.

12-7: The commenter requests additional transit policies and pedestrian and bicycle improvements to mitigate impacts of the Specific Plan; however, no specifics are provided. As described on pages 4.13-90 through 4.13-100 of the DEIR, adoption and development under the Specific Plan would not cause a significant impact on transit travel times, safety for pedestrians, bicyclists, or bus riders, and would not conflict with adopted policies, plans, or programs supporting non-automobile travel modes. Since the Specific Plan would not cause a significant impact on pedestrians, bicyclists, or bus riders, no additional mitigation measures are necessary.

6.3 Comments Submitted by Individuals During Public Comment Period and Responses

The following comments were submitted during the public comment period for the DEIR from September 20, 2013 to November 12, 2013:

From: A Burnley [aburnley@yahoo.com]
Sent: Wednesday, September 25, 2013 8:35 PM
To: Kaminski, Laura
Subject: Fw: Sprouts Store

FYI. Aapprove the current EIS plan
Anissa S. Burnley-Humphreys

----- Forwarded Message -----

From: Anissa <aburnley@yahoo.com>
To: "pattillo@PGAdesign.com" <pattillo@PGAdesign.com>; "Michael@mbcarch.com" <Michael@mbcarch.com>; "jmoore.ocpc@gmail.com" <jmoore.ocpc@gmail.com>
Cc: "elisabeth@ajepartners.com" <elisabeth@ajepartners.com>
Sent: Tuesday, June 25, 2013 8:48 PM
Subject: Sprouts Store

13-1

As a local resident I can't express enough how overdue an organic grocery store is for our Neighborhood. I support this effort wholeheartedly!

Owner
406 Fairmount Ave
Oakland 94611

Sent from my iPhone

Letter 13 Response – Anissa S. Burnley-Humphreys

13-1: This comment expresses support for a separate project undergoing independent environmental review. This comment pertains neither to the merits of the Specific Plan nor the analysis in the EIR.

From: andrew danish [andrew@danishmodern.com]
Sent: Wednesday, October 30, 2013 9:14 AM
To: Kaminski, Laura
Subject: broadway

just please don't plant sycamore trees.
they're depressing.

14-1

Letter 14 Response – Andrew Danish

14-1: The commenter requests a prohibition on planting new sycamore trees. This comment pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

From: Bruce De Benedictis [bru1debenedictis@earthlink.net]
Sent: Tuesday, November 12, 2013 1:15 AM
To: Kaminski, Laura
Subject: 3.4.8 Entertainment District Overlay comment

Dear Laura Kaminski,

I am opposed to easing the sidewalk encroachment permitting for this or any other area. The sidewalk encroachment permits are already far too lax, enabling businesses to barricade sidewalks without notice, consideration, or recourse for pedestrians or businesses who need to use the sidewalks for what they are meant for.

There is already one restaurant in the area which has put up a fence that has turned the sidewalk on Broadway into a slalom for pedestrians. It has killed foot traffic going past that point. What is worse, having fenced off the sidewalk for rent-free business space, they never use it! The only purpose for the fence is to say, "Pedestrians are scum, and we can take whatever we want from them!" This leads to an attitude which leads other people, like people driving, and even the police, to care less about the safety of pedestrians than convenience for drivers, all too often with loss of life as a result.

Once these fences go up, there seems to be no way to get rid of them. There is another fence up on another part of Broadway, and the business that put it up has been gone for years, and yet the fence remains, a barrier to pedestrians.

This is not even good for business. If one person puts up a barrier that keeps people away from store windows and displays, it affects all the nearby businesses, because the pedestrians are herded away from the displays.

Besides the fences, there are any other number of barriers erected by businesses for pedestrians. In the some neighborhoods, no sooner than projects funded by Measure B tax funds dedicated specifically for pedestrian improvements are completed, they are covered with stuff from businesses which take them over for their own use. This is a gross misuse of funds.

Oakland needs to improve safety and convenience for pedestrians. Businesses do not need to block pedestrians to be successful. Besides, there are other businesses, including my own, that use those same sidewalks for whom barricades are a significant difficulty. I have several customers in that area, and I need to carry heavy equipment when I go to service them. Barricades are a problem for me. Sidewalk encroachments should be completely reconsidered before they are weakened anywhere.

Bruce De Benedictis
631 Boulevard Way
Oakland, CA 94610-1642
(510) 763-4657
Bus. Lic. No. 3237907

15-1

Letter 15 Response – Bruce De Benedictis

15-1: The comment expresses concern for appropriate safety and convenience for pedestrians and opposition for further sidewalk encroachment permitting. This comment pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document. Also, the DEIR adequately analyzes the potential effects to pedestrian safety and related improvements proposed in DEIR Section 4.13.

From: Riley Doty [dotytile@gmail.com]
Sent: Tuesday, November 12, 2013 2:44 PM
To: Kaminski, Laura
Subject: Comments on Brroaday-Valdez

I'm Riley Doty, a 35-year Oakland resident, a tile setter specializing in artistic and historic installations and restorations. I'm a big booster of Oakland.

This area has so much paved surface parking that it can be a model for putting up large amount of infill virtually without tearing down existing buildings. Years ago urban development considered the existing stock of older buildings to be a liability. Now we see them as capital assets. Think of the restoration of tidal wetlands; we used to do landfill to "reclaim" them, but now we cherish them. That concept should carry over directly to development philosophy.

16-1

Consider the magnetic draw of older, mixed urban environments. A good barometer may be the number of young techies who choose San Francisco instead of suburban Silicon Valley. (Tech companies are now galloping to both establish work spaces in the City and run multiple buses daily to bring these folks down the Peninsula.) Unless the social media bubble bursts we know there will be increasing migration of these people to Oakland - a transportation hub with cheaper rents and delicious urban texture of its own. We see from existing patterns that this population is willing to live in new medium-rise housing - so long as it is woven in to a richly layered surrounding. The latter has come only from through historic incremental development. It can't be created all at once. (Look at the pathetic Forest City development in Uptown; the only good feature it offers is that people live there. Architecturally it sucks energy from the truly outstanding mix of historic buildings nearby. It is only by that strength that it isn't a colossal flop like the sunken retail plaza at City Center. Take stock in what was destroyed there and the folly of trying to make development in the urban core "relevant" by imitating mediocre suburban trends. The urban core has its own strengths which cannot be matched. Let Walnut Creek have all its faux man street style development - we'll go toe to toe with them, offering our vastly more profound and real urbanism. And observe which trend the young techies, artists, many families, and many older empty-nesters are drawn to.)

16-2

The history of the automobile through the 20th century is written in stone (and concrete and stucco...) along the Broadway corridor. Let the auto dealerships and auto-related suppliers and repair shops flourish there as long as they can. Save those building like gold! In whatever their future incarnation of creative reuse they will always embody a history that is real - and they are irreplaceable. Disney himself could only create a weak stand-in for the real thing.

16-3

Think of the success of Whole Foods. That is now a busy destination. Follow that example and please insert more retail in spots along with housing along the Broadway corridor. That's where the vast paved surface lots lie, and where the transportation infrastructure is ready. Don't try to get next to Whole Foods - there's too much good neighborhood housing there and the 27th/Bay intersection at Harrison is already a choke point. (Whole Foods didn't need a "synergistic" immediate closeness of other retailers.) Develop up Broadway from Uptown, wherever there are open lots. Replacing those vast open lots is a critical requirement for transforming this to a walkable, livable. vibrant neighborhood.

16-4

Thank you very much. I agree with many of the ideas proposed, and I see this as a tremendous opportunity to make Oakland more wonderful. A slightly "edgy" mix of new market rate and

16-5

Comment Letter 16

affordable housing, neighborhood retail and destination retail, blue collar auto repair, artists lofts and galleries, mixed ethnicity of people who already live in a a variety of interesting period houses and apartment buildings - this should be the new of face development. We do not want to carry forward the baggage of "bulldozer redevelopment" of past decades. We now understand that implementing those old approaches does far more harm than good. Let's celebrate and embrace a more enlightened strategy. I will bet that after ten years and after twenty years that this is the approach that's going to result in greatest success - including the greatest tax benefits flowing to the city

↑
16-5
cont.

Riley Doty
2170 E. 27th St.
Oakland CA 94606
<http://www.artisticlicense.org/members/doty/index.html>

Letter 16 Response – Riley Doty

16-1 through -5: The commenter expresses objection to past development projects and encourages preservation of existing buildings within the Plan Area. These comments pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

ALAN HESS
ARCHITECT
4991 CORKWOOD LANE
IRVINE, CA 92612
949 551 5343
alan@alanhess.net
www.alanhess.net

October 13, 2013

Landmarks Preservation Board
50 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

re: Broadway Valdez District Specific Plan - Biff's Coffee Shop

To the Landmarks Preservation Board:

I am writing to urge you to preserve Biff's Coffee Shop as part of the Broadway Valdez District Specific Plan.

This building is a unique asset both historically and economically which will contribute to the quality of Oakland's urban fabric -- if it is allowed to remain. It offers a distinct opportunity to contribute to the BVDSP's stated goal of creating true "destination retail." Simply stated, no new building can provide what this historic building already offers this district: a clear Californian character to distinguish this retail district from its competition.

Biff's architecture is a representative of California's remarkable growth, optimism, and innovative design in the mid twentieth century, a unique period in California's history. It was designed by a recognized master architect, Armet and Davis, who helped develop this style and type, and spread it nationally.

The building type, known as the California Coffee Shop, is an example of how the state's prosperity and its distinctive lifestyle were made widely available to the average citizen. The sophisticated custom Modern design, both inside and out, brought a sense of California as a place where the future had already arrived, and was available to everyone as they went about their daily lives -- in this case, when they stopped in for a meal or a cup of coffee.

The building style, known as Googie, is an example of the state's innovative Midcentury Modern design. Its unconventional circular form, for example, promised a new type of architecture that broke free of the past. Its scale and sign were suited to its commercial and street-oriented function.



17-A-1

I write to you as an architect and historian who has written about twentieth century Modern architecture in several of my nineteen published books. My books *Googie Redux: Ultramodern Roadside Architecture* (Chronicle Books, San Francisco 2004) and *Googie: Fifties Coffee Shop Architecture* (Chronicle Books, San Francisco 1985) are architectural histories of the type and style seen in Biff's; it includes a lengthy history of the architecture firm of Armet and Davis. I have also helped to landmark and preserve numerous buildings of this style, including qualifying the nation's oldest McDonald's stand for the National Register of Historic Places in 1983.

Buildings of this type and style are now recognized as part of the significant historic fabric of our cities, alongside examples of the Victorian, Craftsman, and Art Deco styles. These historic styles were also once vilified and widely demolished, only to be later rediscovered and appreciated for their true worth. Oakland has its share of Victorian, Craftsman, and Art Deco buildings which are today acknowledged as enriching the city's streets and increasing its quality of life. Biff's, as a Googie style building, can also become part of a larger economic and urbanist program for the BVDSP. But that will only be achieved by saving this building. Historic architecture of all periods insures the variety on which livable cities thrive.

The historic and economic value of Googie buildings is not mere theory. Among many examples around the country where once-threatened buildings of this type and style were preserved, restored, and have become economically successful are:

- In 1993, the Bob's Big Boy restaurant (1949) in Burbank, CA, became a county landmark and was preserved. It has since become one of the most profitable restaurants in that chain -- because people want to see something unique which is part of their own history.
- In 2010, the Harvey's Broiler coffee shop (1958) in Downey, CA, was re-opened as a Bob's Big Boy with active city support. Though it had been in poor repair for years, it was reconstructed according to its original plans. It also continues to be economically successful.
- In 2013, the Los Angeles Historic and Cultural Monuments commission approved landmark status for Johnie's Coffee Shop (1957) by Armet and Davis, architects of Biff's in Oakland. Planning is currently underway to study how this historic Midcentury Modern architecture can be incorporated into future plans for the adjacent site as a subway station.

These economic successes are due in large part to the unique resource historic buildings bring to a city. They provide variety and delight to the public. Their uniqueness brings a distinctive identity to any district or development which includes them.



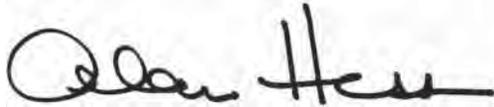
17-A-1
cont.

Oakland's Biff's has the same architectural pedigree, the same historic character, and the same economic potential as these examples. Once common, few examples of buildings like Biff's remain. In a practical sense, this distinctive identity will help give BVDSP a competitive edge over other all-new, look-alike developments. Biff's is a valuable resource that should not be thrown away.

↑
17-A-1
cont.

Preserving Biff's makes economic, historical, and urban planning sense for Oakland. I urge you to preserve this building.

Sincerely,

A handwritten signature in black ink that reads "Alan Hess". The signature is written in a cursive style with a large initial "A" and "H".

Alan Hess

Letter 17A Response – Alan Hess

17A-1: The comment is consistent with information presented in the Section 4.4, *Cultural Resources*, of the DEIR. Also, the DEIR presents and analyzes alternatives to the Plan that address the adverse effects to historical resources. Other comments regarding historical significance and architectural style is noted and is beyond the purview of the EIR and CEQA. See Master Response 5.1 in Chapter 5 of this Response to Comments document.

ALAN HESS
ARCHITECT
4991 CORKWOOD LANE
IRVINE, CA 92612
949 551 5343
alan@alanhess.net
www.alanhess.net

October 13, 2013

Oakland City Planning Commission
City Hall
Oakland, CA 94612

re: Broadway Valdez District Specific Plan - Biff's Coffee Shop

To the Planning Commission:

I am writing to urge you to preserve Biff's Coffee Shop as part of the Broadway Valdez District Specific Plan.

This building is a unique asset both historically and economically which will contribute to the quality of Oakland's urban fabric -- if it is allowed to remain. It offers a distinct opportunity to contribute to the BVDSP's stated goal of creating true "destination retail." Simply stated, no new building can provide what this historic building already offers this district: a clear Californian character to distinguish this retail district from its competition.

Biff's architecture is a representative of California's remarkable growth, optimism, and innovative design in the mid twentieth century, a unique period in California's history. It was designed by a recognized master architect, Armet and Davis, who helped develop this style and type, and spread it nationally.

The building type, known as the California Coffee Shop, is an example of how the state's prosperity and its distinctive lifestyle were made widely available to the average citizen. The sophisticated custom Modern design, both inside and out, brought a sense of California as a place where the future had already arrived, and was available to everyone as they went about their daily lives -- in this case, when they stopped in for a meal or a cup of coffee.

The building style, known as Googie, is an example of the state's innovative Midcentury Modern design. Its unconventional circular form, for example, promised a new type of architecture that broke free of the past. Its scale and sign were suited to its commercial and street-oriented function.

17-B-1
↓

I write to you as an architect and historian who has written about twentieth century Modern architecture in several of my nineteen published books. My books *Googie Redux: Ultramodern Roadside Architecture* (Chronicle Books, San Francisco 2004) and *Googie: Fifties Coffee Shop Architecture* (Chronicle Books, San Francisco 1985) are architectural histories of the type and style seen in Biff's; it includes a lengthy history of the architecture firm of Armet and Davis. I have also helped to landmark and preserve numerous buildings of this style, including qualifying the nation's oldest McDonald's stand for the National Register of Historic Places in 1983.

Buildings of this type and style are now recognized as part of the significant historic fabric of our cities, alongside examples of the Victorian, Craftsman, and Art Deco styles. These historic styles were also once vilified and widely demolished, only to be later rediscovered and appreciated for their true worth. Oakland has its share of Victorian, Craftsman, and Art Deco buildings which are today acknowledged as enriching the city's streets and increasing its quality of life. Biff's, as a Googie style building, can also become part of a larger economic and urbanist program for the BVDSP. But that will only be achieved by saving this building. Historic architecture of all periods insures the variety on which livable cities thrive.

The historic and economic value of Googie buildings is not mere theory. Among many examples around the country where once-threatened buildings of this type and style were preserved, restored, and have become economically successful are:

- In 1993, the Bob's Big Boy restaurant (1949) in Burbank, CA, became a county landmark and was preserved. It has since become one of the most profitable restaurants in that chain -- because people want to see something unique which is part of their own history.
- In 2010, the Harvey's Broiler coffee shop (1958) in Downey, CA, was re-opened as a Bob's Big Boy with active city support. Though it had been in poor repair for years, it was reconstructed according to its original plans. It also continues to be economically successful.
- In 2013, the Los Angeles Historic and Cultural Monuments commission approved landmark status for Johnie's Coffee Shop (1957) by Armet and Davis, architects of Biff's in Oakland. Planning is currently underway to study how this historic Midcentury Modern architecture can be incorporated into future plans for the adjacent site as a subway station.

These economic successes are due in large part to the unique resource historic buildings bring to a city. They provide variety and delight to the public. Their uniqueness brings a distinctive identity to any district or development which includes them.



17-B-1
cont.

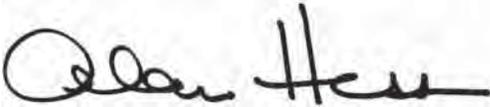
Comment Letter 17-B

Oakland's Biff's has the same architectural pedigree, the same historic character, and the same economic potential as these examples. Once common, few examples of buildings like Biff's remain. In a practical sense, this distinctive identity will help give BVDSP a competitive edge over other all-new, look-alike developments. Biff's is a valuable resource that should not be thrown away.

Preserving Biff's makes economic, historical, and urban planning sense for Oakland. I urge you to preserve this building.

↑
17-B-1
cont.

Sincerely,

A handwritten signature in black ink that reads "Alan Hess". The signature is written in a cursive style with a large initial "A" and "H".

Alan Hess

Letter 17B Response – Alan Hess

17B-1: See response to comment 17A-1, as this letter is the same as Letter 17A.

Elizabeth Kanner

From: Ann Killebrew [aklori@yahoo.com]
Sent: Thursday, December 12, 2013 12:08 AM
To: Kaminski, Laura
Subject: Fwd: Save Latham Square - Decision on Tuesday Dec 17

Hi, Laura and staff,

Thank you for an even presentation of the Broadway Valdez project this evening for the Zoning Committee.

The many issues continue to beg for review, discussion, and reevaluation. I apologize for missing you presentation to the bike committee. We certainly want safe biking and pedestrian walking. For me creating numbers of diverse small shops along Broadway is great. Having a few more restaurants would be fun as well. I continue to be unconvinced that anyone would head to 24th or to Valdez Streets for retail.

Having heard twice that economic advancement woman extoll the virtues of Walnut Creek and Emeryville with her vision of Oakland demonstrates how very out of touch she is with what Oakland residents want for themselves.

In case you missed the notice below from WOBO, here it is. If your staff haven,t received this message perhaps you could share it with them? The part about staff not knowing the real popularity of Latham Square doesn't,t make sense but here it is. Also we know more people were shopping and hanging around with traffic stopped, even opening the south bound flow from Telegraph. Who benefits by opening the north flow from Broadway to Telegraph? Certainly not merchants, pedestrians or cyclists.

Happy holidays,

Ann Killebrew

Sent from my iPad

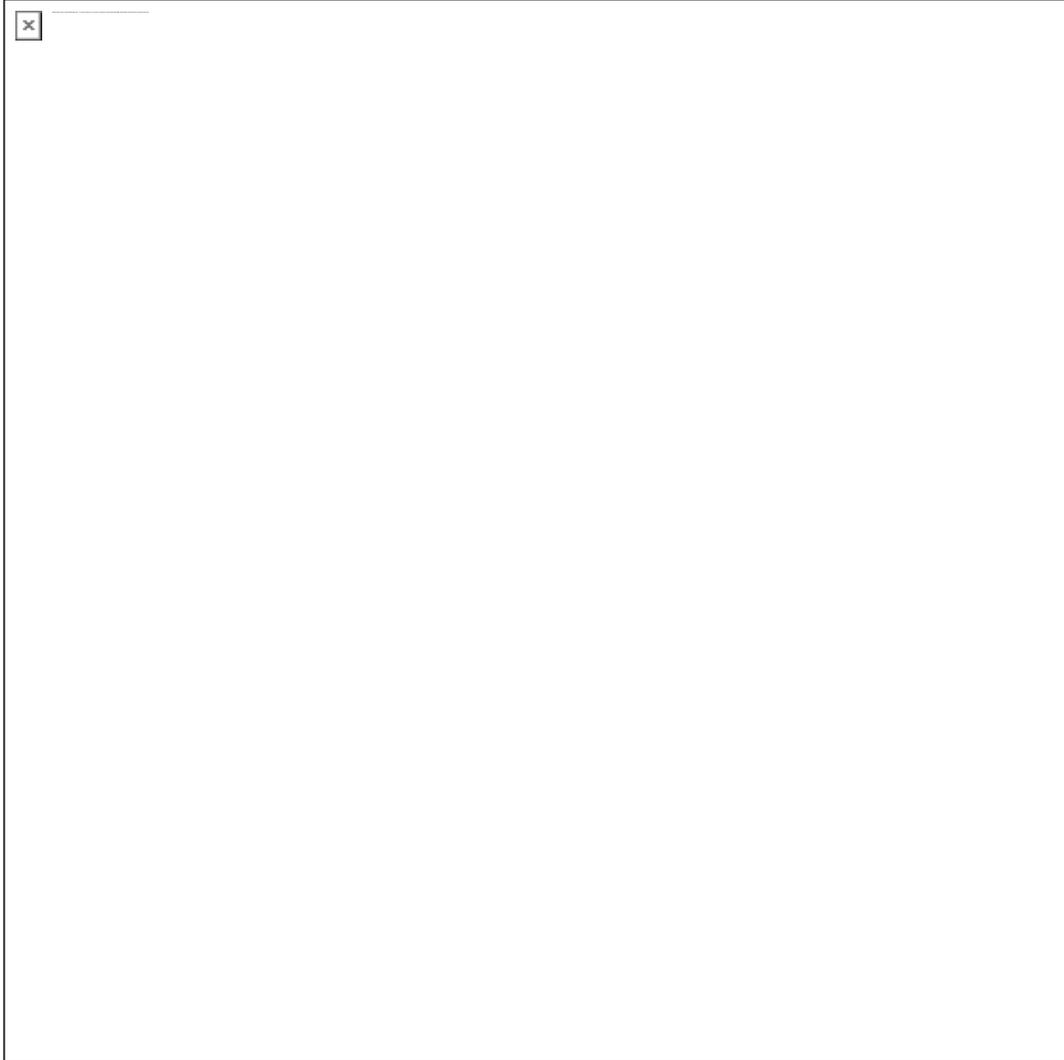
18-1

Begin forwarded message

From: Walk Oakland Bike Oakland <info@wobo.org>
Date: December 11, 2013 at 2:47:47 PM PST
To: Ann <Aklori@yahoo.com>
Subject: Save Latham Square - Decision on Tuesday Dec 17
Reply-To: Walk Oakland Bike Oakland <info@wobo.org>

Save Latham Square by emailing the City Council by Dec 17th

[View this email in your browser](#)



Save Latham Square!

City Council Committee Meeting on Tues Dec 17th

Dear Ann,

Thank you for your support of the new community gathering space at Latham Square Plaza!

The pilot period for the Plaza is ending, and **next Tuesday, the City Council's Public Works Committee will make a decision about what Latham Square will look like permanently.**

Despite the overwhelmingly positive feedback from the community for a car free gathering space, the City's planning department is unfortunately recommending that the Council open up the square to two way traffic. (You can read the staff report [here](#))

Although the recommendation is disappointing, we still have a good shot at keeping Latham Square a vibrant, car-free community gathering space. **The biggest factor in the Council's decision on Tuesday will be whether the Committee members are aware of the widespread community support for a full street closure.** That's where you come in!

It's important that we turn out as many supporters as possible on Tuesday - if you are able to, please attend the Public Works Committee meeting and voice your support for a permanent full closure of the plaza.

- Public Works Committee
- Oakland City Hall, 1 Frank Ogawa Plaza, Hearing Room 1
- Tuesday, December 17th, 11:30am

Whether or not you can attend the Public Works Committee meeting, please send an e-mail to the Committee members: rkaplan@oaklandnet.com, dkalb@oaklandnet.com, ngallo@oaklandnet.com, lreid@oaklandnet.com, info@wobo.org, lmcelhaney@oaklandnet.com - just copy and paste this string into your email service.

Personalize your message by telling the Council more about yourself (do you live or work nearby?) and how you use Latham Square.

Thank you again for your support, and please share this message with your friends!

Sincerely, *your friends at Walk Oakland Bike Oakland*

Here is a sample e-mail you can use to get started:

Dear Councilmembers -

I am writing to express my support for a permanent full street closure of Telegraph at Latham Square Plaza. Latham Square has created much needed a human-scale community space in downtown Oakland.

The Plaza's high visibility location makes it an excellent spot for community gatherings and small outdoor events, such as the wonderful Santa's Village on Plaid Friday, or for just spending some time outside with a cup of coffee or take-out lunch on a busy day.

Opening the plaza to one way traffic has already made the space feel less safe - two-way traffic on Telegraph as recommended in the staff report would create a serious safety hazard for pedestrians trying to access the Plaza, and having cars buzzing by on both sides would destroy the welcoming feel that has made Latham Square so successful, turning it into nothing more than an oversized median.

Please vote for a permanent full closure of Telegraph at Latham Square and give the residents and workers of downtown Oakland a long-needed comfortable outdoor space.

Sincerely,
[your name]

Copyright © 2013 Walk Oakland Bike Oakland, All rights reserved.
You signed a petition in support of Latham Square on WOBO.org.

Our mailing address is:
Walk Oakland Bike Oakland
436 14th Street, Oakland, CA
Oakland, CA 94612

[Add us to your address book](#)

[unsubscribe from WOBO's list](#) [update subscription preferences](#)

Elizabeth Kanner

From: Ann Killebrew [aklori@yahoo.com]
Sent: Saturday, December 14, 2013 8:58 AM
To: Kaminski, Laura
Subject: Fwd: The Season of Giving

Hi, Laura,

In the bottom, left hand corner of Sue Jonson,s page is the Solano Avenue page link. The variety of Mom and Pop services and businesses (where new big boxes are also fighting to intrude) make sense for Broadway, Oakland. Your presentation to the Zoning Committee on Wednesday defined numbers of specific restrictions for ground floor businesses for defined areas of the Broadway Valdez. These will inhibit rather than foster retail growth. In spite of these disastrous years since 2008, Solamo flourishes even as old businesses leave and new ones move in.

Lakeshore Avenue in Oakland with those terrible absentee landlords and high rents continues to be more crowded than ever, but is too short a Retail district to be the perfect retail model.

Happy Holidays,
Ann

18-2

Sent from my iPad

Begin forwarded message:

From: Sue Johnson Custom Lamps & Shades <info@suejohnsonlamps.com>
Date: December 13, 2013 at 10:02:20 PM PST
To: aklori@yahoo.com
Subject: The Season of Giving
Reply-To: info@suejohnsonlamps.com



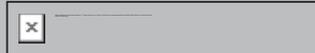
Small Gifts from Sue Johnson Lamps
SUE JOHNSON
custom lamps & shades
December 2013
LIGHTING UP THE SEASON!



Shell nightlights \$12



Fanciful finials \$10-\$25



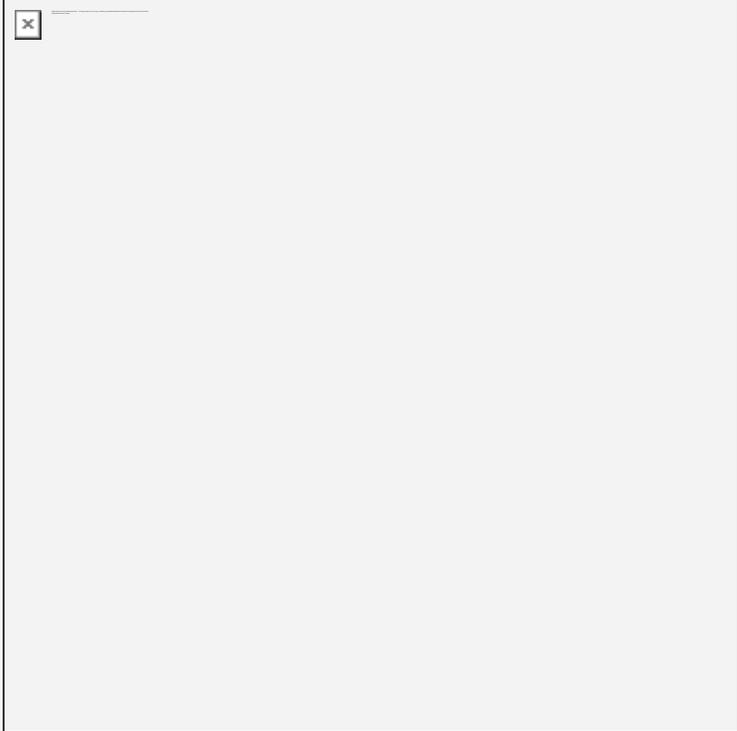
Strings of shell lights
\$49.50

--++--++--++

To find out about everything that's happening along Solano Avenue check out both the Solano Avenue Association site and the mobile app onsolano.com



Check us out on facebook



Christmas is the season of giving.

This year we will donate 5% of our sales between Saturday December 14 and Tuesday December 24 to our local community food banks in Alameda and Contra Costa counties. Stop by the shop for holiday gifts that will help brighten many lives.

We wish you all a wonderful holiday season. We appreciate your support and enthusiasm and look forward to the coming New Year.

Best wishes from everyone here at Sue Johnson custom lamps & shades!

The lights are on!



Sue Johnson

HOLIDAY HOURS:
Tuesday, 12/24/13: closing early, at 4 pm
Christmas - New Years: closed
Thursday, 1/2/14: open at noon

REGULAR HOURS:
Monday - Saturday 12:00 - 6:00 pm
Sunday 12:00 - 5:00 pm

Visit our website, www.suejohnsonlamps.com, and our Berkeley store, 1745 Solano Avenue, or give us a call, 510 527 2623.

Forward email



This email was sent to aklori@yahoo.com by info@suejohnsonlamps.com | [Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).
Sue Johnson Custom Lamps & Shades | 1745 Solano Avenue | Berkeley | CA | 94707

Elizabeth Kanner

From: Ann Killebrew [aklori@yahoo.com]
Sent: Thursday, January 16, 2014 1:39 PM
To: Kaminski, Laura
Subject: Re: Broadway/Valdez project comments

Hi,

I didn't find the letter to resend.

What happened that the Latham Square (triangles) are returning to the scary two way car traffic? One way north on Broadway, two ways south from Telegraph or Broadway make us all happy, pedis, bikes, and cars. That area is hostile and scary when cars can turn merge left from Broadway north to Telegraph. No one like me shops in the area because of the lousy traffic. You know all the road diet, ambiance stuff, so why the decision to reopen two way traffic?

18-3

Thanks for your response.

Ciao,

Ann

Sent from my iPad

On Jan 8, 2014, at 2:45 PM, "Kaminski, Laura" <LKaminski@oaklandnet.com> wrote:

Ann,

I am just checking to see if you were going to send the word document you are talking about that we were not able to open. I received two other emails from you but it seemed that those were newer comments and were not the original attachment that we are unable to open from your November email.

Thanks,

Laura B. Kaminski, AICP

City of Oakland | Department of Planning and Building | Strategic Planning Division

250 Frank H. Ogawa Plaza - Suite. 3315 | Oakland, CA 94612

P: (510)238-6809 F: (510)238-6538 | Website: www.oaklandnet.com | Email: lkaminski@oaklandnet.com

From: Ann Killebrew [<mailto:aklori@yahoo.com>]
Sent: Wednesday, November 20, 2013 8:00 PM
To: Kaminski, Laura
Subject: Re: Broadway/Valdez project comments

Hi, Laura,

I,m in Washington, DC. With an iPad. The letter remains at home written In an older Word format. I can send it to you after I return. Bicycle and pedestrian cohesive, sensible safety is a big concern. Preservation of 'the unique diversity in that neighborhood seems appropriate for the character of Oakland where small retail flourishes in several other neighborhoods. Knowing that only a few families own most of the property in the Valdez triangle certainly looks like they, not the city will benefit from this project based on the old early twenty first century economics. The BPAC. Staff have terrific ideas for safety. Some members of the committee, though not preservationists like me, are quite knowledgable. Housing not displacement and relocation are

18-4

big concerns for us all. And the car businesses also pay taxes. Why try to fix something not broken? I hope your meeting with the BPAC is a good chance to share.

Regards,
Ann
Sent from my iPad

On Nov 20, 2013, at 5:58 PM, "Kaminski, Laura" <LKaminski@oaklandnet.com> wrote:

Ann,

I was not able to open your attachment above, could you send it in a different format?

Thanks,

Laura B. Kaminski, AICP

City of Oakland | Department of Planning and Building | Strategic Planning Division

250 Frank H. Ogawa Plaza - Suite. 3315 | Oakland, CA 94612

P: (510)238-6809 F: (510)238-6538 | Website: www.oaklandnet.com | Email: lkaminski@oaklandnet.com

From: Ann Killebrew [<mailto:aklori@yahoo.com>]
Sent: Monday, November 11, 2013 2:38 PM
To: Kaminski, Laura
Cc: naomi@17th.com; Chris Hwang; kenyaw@gmail.com; Stanley, Jennifer; Patton, Jason
Subject: Broadway/Valdez project comments

*Hi, Laura,
Hope this Veterans' Day is giving you a well
deserved break in your busy schedule.
Attached are only a few comments about
greening the Broadway/Valdez area.
Long range planning is a good thing.
Cheers,
Ann*

**Ann Killebrew
AFT 2121 Retiree Chapter Liaison
City College of San Francisco Faculty Union
311 Miramar Avenue
San Francisco, California 94112
415 585 2121**

<Broadway_Valdez letter>

Letter 18 Response – Ann Killebrew

18-1 through -4: The commenter expresses concern regarding the economic viability of the Specific Plan's visions for destination retail. The commenter encourages more flexibility in ground floor retail, preservation of historic resources, and expresses concern regarding potential displacement. The commenter also expresses concern over Latham Square which is not in the Plan Area. These comments pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Responses 5.1, 5.2, and 5.3 in Chapter 5 of this Response to Comments document. Also, the DEIR adequately analyzes the potential effects to pedestrian and bicycle safety and related improvements proposed in Section 4.13.

From: Camille Holser [cholser@berkeley.edu]
Sent: Wednesday, October 30, 2013 6:55 PM
To: Kaminski, Laura
Cc: Camille Holser
Subject: ER12-0005, Broadway Valdez District Specific Plan

Please remove Richmond Avenue from the Broadway Valdez District Specific Plan.

I don't want my house to be confiscated and torn down or converted into a shop.
I want to live in this house for the rest of my life.

Most or all of the houses on this street are arts and crafts style.
Please leave them alone. This is a charming little neighborhood.

Concerned,

Camille Holser
2820 Richmond Ave.
Oakland, CA 94611

510-763-2550
cholser@berkeley.edu

19-1

Letter 19 Response – Camile Holser

- 19-1: The commenter expresses concern that her home or houses on her block will be torn down as a result of the Specific Plan. The Specific Plan does not mandate the physical demolition, destruction, relocation, or alteration of any properties, historic or otherwise. This comment is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

From: Adam Mann [adammann930@gmail.com]
Sent: Wednesday, October 16, 2013 3:29 PM
To: Kaminski, Laura
Subject: Public comment on Broadway-Valdez plan, case number ER12-0005

Hello Laura,

I'm an Oakland resident and I recently came across the new draft plan for Broadway-Valdez. I think it's a really great plan and I hope the city is able to move forward with its implementation, especially if it is able to help bring extra money to Oakland and revitalize an area that is fairly empty at this point. I had a couple comments I wanted to submit, especially since I see that I missed the last two public meetings and there is another one tonight that I will also unfortunately miss. I hope this is the right way to make comments, since I've never really done this before.

1. I live in the Harri-Oak neighborhood which is directly adjacent to the Broadway-Valdez plan area. I think it would be cool to be located so close to this new district but I had reservations about the plan's call for Harrison and 24th to be a major entrance point, particularly for cars. The draft mentions that the 580 has on/off ramps at Harrison and Oakland near the plan area as a way for people to get to the Broadway-Valdez area. My concern is that this is a primarily residential neighborhood that already experiences a lot of fast-moving traffic because of our proximity to the freeway. Even though speed limits on the streets are 30 mph (and should probably be slower) people routinely go extremely fast because they are already in "freeway mode" and getting either on or off the highway.

20-1

I guess if there's anything the final plan could do to deemphasize that area of Harrison and Oakland as a major corridor to get people in and out of the Broadway-Valdez area, I would appreciate it. I don't know how much this would be possible but there is already an offramp to get to the plan area on Broadway. There is actually a community transport plan drafted in 2010 for streetscape improvements in the Harri-Oak neighborhood but it hasn't moved forward because of the economic downturn. It would be great if the Broadway-Valdez plan would be able to look to the Harri-Oak plan and make sure that it's decisions don't nullify or preclude the changes that might be made if the Harri-Oak plan ever moves forward. If this is something that has already been taken into consideration, I thank those making the plans.

20-2

2. In particular regards to the intersection of 24th and Harrison, I noticed the Broadway-Valdez plan calls for a small plaza on 24th. The Harri-Oak plan included a similar pocket plaza, though one that was more extensive and mostly closed off traffic at the intersection. Considering that the Broadway-Valdez plan is looking to be more pedestrian friendly, I would find it preferable to devote this space to people rather than cars. I would advocate for the final Broadway-Valdez plan to have this full plaza.

20-3

3. Finally, I am relatively young (29) and my preferred mode of transport is by bike. The Broadway-Valdez draft plan already has a lot of really nice bike infrastructure in it but I guess I would like to see it be even better. Broadway is a fairly wide street and it seems like there could be room in the plan area for something that makes biking a lot safer and more comfortable: completely separated and protected bike lanes. Normal bike lanes are great and all but those that put cyclists with parked cars on one side (where you risk getting doored) and fast moving traffic on the other aren't necessarily the best. A bike lane that is switched around with the parking lane

20-4

Comment Letter 20

(so that it's next to the sidewalk) is vastly more comfortable and safer to ride on. Protected bike lanes exist in many other cities, including SF, though I know that Oakland's master bike plan doesn't really call for any in our city. But I think they can help encourage cycling, especially for people who might be timid or for younger children.

Again, I don't know if that's really possible to include in the plan at this point. But I think it would be great if an area that was once primarily devoted to the sale and use of automobiles, which defined cities in the 20th century, now did everything in its power to look forward to the next century, where I hope streets become once again a place for people. In order to be successful, I know that the Broadway-Valdez area will likely rely on folks arriving from around the Bay in cars but I hope that everything can be done to make it that much more likely that someone nearby will walk, take public transit, or bike.

Thank you for the opportunity to comment on the Broadway-Valdez plan. Please let me know if there is somewhere else I should submit this.

~

Adam Mann
Space and physics reporter
at www.wired.com/wiredscience/
301 Oakland Ave.
Oakland, Ca, 94611
Cell: 818.312.0435

↑
20-4
cont.
↓

Letter 20 Response – Adam Mann

20-1 through -4: The commenter expresses concern over the proposed Plan Area entrance point at Harrison and 24th Streets and the potential for increased traffic. The commenter suggests expanding the proposed small plaza on 24th Street and adding separated and protected bike lanes. These comments pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document. Also, the DEIR adequately analyzes the potential effects to pedestrian and bicycle safety and related improvements proposed in Section 4.13.

November 12, 2013

Elizabeth Masri
Masri Investment Corporation
290 27th Street
Oakland, CA 94612

Laura Kaminski
City of Oakland
Department of Planning And Building, Ste. 3315
Oakland, CA 94612

RE: Case No. ER12-0005

Dear Laura,

Please find attached comments and questions for review regarding the Broadway/Valdez District Specific Plan and the associated Draft Environmental Impact Report (DEIR). These have been pulled together by our team: Madison Marquette (with input from MBH Architects) Miller Starr Regalia and our family.

As you will find mentioned, we have owned property in Oakland since the 1920's and have owned and operated property specifically in the Plan Area for over 45 years. We also own and operate a small business in the Plan Area, employing over 30 people.

While we are encouraged by the progress the City has made in bringing the Plan thus far to fruition, there are certain items in the Specific Plan and Draft EIR that we must comment on and question.

Thank you for reviewing and addressing these comments/concerns as you finalize the Specific Plan and EIR.

Sincerely,

Elizabeth Masri

(copy emailed to lkaminski@oaklandnet.com)

Our History

We are owners of several parcels in the Valdez Triangle, a portion of the Broadway/Valdez District identified in the Specific Plan. We have been investing in Oakland since the 1920's and in the Plan Area since 1968. We employ over 30 people that work in the Valdez Triangle. We selected this area to invest in because it was zoned R90 – High Rise Residential since the 1960's. We paid a premium on our assemblage because of this zoning and the promise it held. We met with Mayor Jerry Brown, was asked to participate in his 10K Initiative, and made our property available to residential development.

Some years back the City came to us and asked that we now make our property available for retail because they were making a specific plan for retail. We were told that it would help in the development of our land and that issues that we have raised with the City on many occasions would be addressed in the specific plan. The initial specific plan documents did not include our property bound by Harrison, Waverly, 23rd, and 24th streets. We asked that it be included in order to have some of our issues addressed and to add another development opportunity instead of just residential.

We have followed the plan and attended many of the stakeholder and public hearings.

We continue to do everything we can to work with the City, but before we give our specific comments we do want to respectfully request to have our protest noted: we are being downzoned. It does not seem fair that we are being forced to only contemplate retail and are being told that we might be rewarded with the right to do residential development only if we meet certain high retail thresholds.

Over time our property rights have been diminished and this document proposes additional sweeping changes. The changes that we have suggested we believe make the proposed documents stronger, more balanced and create a better likelihood for success.

21-1

Specific Plan Comments

The proposed Broadway/Valdez District Specific Plan tackles a challenging yet very important and strategic planning area in Oakland. It has many diverse uses from auto dealers to single family residential, strong daytime and residential demographics to places of worship, medical uses and artisan shops. It serves adjacent schools, hospitals and retirement residences. The City and staff are to be commended for their effort in tackling the crucial task and by and large it is a fine effort. Our team has taken the time to study key areas and now provide both general and more detailed comments that with staff's additional input we think will make a stronger, more achievable plan.

Section 4 Land Use

The Specific Plan spells out that "high density residential development is conditionally permitted as an incentive within the Retail Priority Sites only when a retail project of a minimum size is developed" (pg. 88). We believe that it would be helpful for the Plan to clearly identify potential locations for high density residential towers.

The plan clearly outlines the desire for comparison goods retail. Along with the other goals, such as a vibrant mixed-use district and creating a TOD district that requires walkable goods and services for residents, we wonder if the emphasis should be less on comparison goods retail and instead should simply be on retail in general. With the continued growth of internet provided goods retail continues to evolve. A restrictive plan will have a harder time adapting to that evolution. Placing controls on retail does not encourage it.

We suggest that the plan be clear that it desires retail, entertainment and services that serve not only local residents, businesses and nearby neighborhoods but also the greater east bay. To be able to attract strong retailers it will need to draw from the greater east bay and the plan needs to support that consistently.

Clearly there is conflict between the certain noted historic resources and the stated desire to encourage retail (especially large format). While the plan is generally clear that it puts retail first there are opportunities to address conflicts in the document. This is especially important with the retail priority sites it proposes to establish. As a long-time resident proclaimed at one of the Planning Commission meetings do not let fear guide the plan.

Section 5 Community Design

1. On page 121 a sentence states that "It is assumed that this development will be multi-story, potentially including multiple upper floors of retail and complementary commercial and entertainment uses and/or residential. This is potentially misleading especially when elsewhere in Section 5 it is provided that single use buildings are



allowed (see page 144). We suggest that the sentence might read “Multi-story development is encouraged, potentially including multiple upper floors of retail and complementary commercial and entertainment uses and/or residential.” Please also review the proposed zoning regulations and height restrictions. A three story retail project could be 54’ or higher (parking – retail on the ground floor, retail and other commercial above). You do not want to limit the creativity of the market. Remember that this is intended to be a 25 year plan.

21-3
cont.

- 2. On page 124 CD-2.13 should also include new construction/development.
- 3. On page 147 second paragraph, second to the last sentence to support retail it needs to address all existing buildings, not just the Waverly St. ASI. We suggest the following “... retail development will be given priority in this area over the preservation of historic resources and the Waverly Street ASI.” This will make it consistent with other concepts in the Plan.

21-4
21-5

Section 6 Circulation

1. The 5-point intersection at Harrison/ 24th/27th/Bay Place indicates a portion of the current Wheel Works parcel being truncated. Understanding that this is a challenged intersection it is concerning that no details are shown as to how much is proposed to be “taken”. Is this just a proposed solution? Given that this is a prime development corner the SP needs to allow for actual development input. Does the plan require these improvements be made? Can other options be considered as a plan(s) come forward (ref. Figure 6.12)?

21-6

2. Policy C-4.3 Depending on what development options come forth will there be the ability to examine any other street closures or changes that might facilitate development?

21-7

3. Policy C-6.1 This provides for a Transportation and Parking Management Agency (TPMA) which requires all developments to join and fund but there is significant detail lacking. The entire burden appears to be placed on the developers. Can development proceed without the TPMA being in place? Once established it should also require that all major employers and/or buildings to join so as not to burden retail or retail development.

21-8

4. Policy C-.7.4 This provides that a Parking Benefit District (PBD) may be established and administrated by the TPMA. It provides that all or part of parking revenue from parking meters / spaces go to the PBD and provides that the TPMA set all pricing. There is very little detail provided for a program that has a large potential impact on commercial development.

21-9

Section 8 Implementation, Phasing and Financing

This section discusses an overall implementation strategy for establishing retail in the Triangle and outlines that 700,000 sf is a target for that area. Concern lies with significant amount of individual, small parcels (many of which are currently residential),

21-10

some of them with historically rated buildings and multiple owners making assemblage potentially difficult. Oakland has a very long history seeking a large retail development in the CBD – Downtown area with nothing materializing. There are many retail districts across the state and country that have less than 700,000 sf. While that is a laudable goal what is equally important is success. We question the wisdom of dictating or even noting what the size of a first phase may be. It is more important that there be a first phase. A catalyst project could truly be smaller than this anticipates.



21-10
cont.

For example one of the blocks (priority site 5B) closest to Whole Foods is less than 2 acres in size with a CEQA historic building in the middle. It is also potentially encumbered with a taking of land at the corner to upgrade the 5-points intersection. A single level retail proposal- development could easily be less than 50,000 sf. Given that there is a density of both residential and day time population, please do not overlook that a successful mix of retail is likely to include both comparison and convenience retail. Remember by the City's definition Whole Foods is a convenience retailer. Also remember that the vision is to have a "complete" neighborhood. To accomplish this vision we again caution on dictating types of retail; simply call it all retail.

Lastly given all the complexity, multiple property owners and other items inherently challenging development over the years in the Valdez area, what will be the result if no retail happens? We have consistently been actively engaged in the Specific Plan process, understanding the importance, from the City's perspective, to bring significant amounts of retail uses to this area. This is the case despite the changes in land uses for our property proposed by the Specific Plan that would change the current planned land use from high density residential uses to mixed use development with a heavy focus on retail uses. While we appreciate the laudable goal of drawing more retail uses to this part of Oakland, there remains a significant risk that the market may not ultimately support the proposed high level of retail activity. While this would likely be unfortunate for a number of reasons, it is imperative that the Specific Plan acknowledge this risk in some fashion, and incorporate enough flexibility to accommodate additional residential uses in place of some of the retail uses in the event the market will not support the latter. Given the innovative, intrinsically flexible framework that the Specific Plan already reflects, we believe the language in this document can be refined in a manner to address this concern without jeopardizing the current planning and CEQA processes, while also continuing to facilitate the Specific Plan's fundamental goal of revitalization and redevelopment. The concept of retail priority sites is not tested. There remain complex reasons for the lack of development in the Specific Plan area. Continuing to down zone could work against the desired effect. Many of these properties provide good income for their owners, making development risky and the status quo comfortable. It may be more conducive to the goals of the Specific Plan to encourage development through flexible zoning.



21-11

We also are concerned about dedicating public funding only for retail parking. The mixed use district that this area currently is and will remain can provide more efficient parking if there is a shared -parking arrangement. We suggest simply eliminating references to retail (example. Page 226- bold paragraph) so that potential projects can be evaluated on their own merits.

21-12

Appendix B Zoning

We have several questions- concerns- comments:

1. Are there definitions of retail and uses in the planning code that will apply? For example what is the definition of large scale combined retail and grocery sales? Also how is retail area calculated? Please clarify. 21-13
2. Please see earlier comments on concerns over the 45' non-residential height level. Consider raising it to 60'. Do not limit but encourage creative development. 21-14
3. Concern has already been expressed about designating Retail Priority sites and if that concept will be successful. In the review of the proposed minimum retail area additional concerns become apparent. In looking at sites 3A, 3B, 4, 5A and 5B in particular it is very clear that the proposed standards are not being evenly applied. Sites 5A & 5B have the most potential development restrictions and yet they are assigned the highest minimum retail required based psf of land area: 5B is approx. 1.9 acres (before any taking at the corner) the proposed minimum retail is 80,000 sf resulting in an FAR of .97. Site 4 is approx. 3.6 acres, has no historical structures and the minimum area is 80,000 resulting in an FAR of .51. In addition 5B has, based on the information in the Specific Plan, less retail frontage. 5A has a proposed minimum FAR of .44 and more potential retail frontage. The minimums and proposed incentives clearly need to be re-examined. We suggest that 5B and 5A be set at an FAR of approximately .50 or 40,000 sf each, 80,000 combined. . Remember the goal is to encourage retail, encourage a catalyst, and not make it so daunting at the onset that nothing happens. 21-15
4. While a tenant such as Wheelworks is not attractive to pedestrian shopping, it provides solid tax revenue for Oakland and convenience for those of Oakland. We suggest changing the relocate section to 12 months but allow such tenants to stay in the Valdez district to establish retail. 21-16
5. We suggest including retail parking requirements here for clarity. 21-17

Appendix C Design Guidelines

1. 2.3.12 One of the major goals for the SP is to establish a Retail Destination and to establish four retail priority sites within the Valdez Triangle. In Sites 5A & B reside two historic buildings and the Waverly ASI. The structures that comprise the Waverly ASI are all residential and certainly not capable of creating destination retail as anticipated throughout the Specific Plan. Many of the Design Guidelines, for 21-18

Comment Letter 21

example DG 118, 119, 122, and 126 are in conflict with Policy LU-11.2 and create confusion. We suggest that some language be added to seek quality contemporary solutions as opposed to matching historic detail.

↑
21-18
cont.

Draft Environmental Impact Report (DEIR) Comments

1. The EIR states that it analyzes what might be feasible based on various market factors, including market demand for various uses, broader regional economic and market conditions, backlog of approved or planned projects in the vicinity, recent development and business investment in the area, landowner intentions for their properties, and properties susceptible to change due to vacancy, dereliction, or absence of existing development. See, e.g. pp. 3-24, 4.11-7. This method of analysis is laudable and appropriate but it appears to be merely a statement with no explanation. Suggest that the EIR expand its discussion of this approach, however, to make clearer exactly how this consideration of market factors drives the overall analysis of potential environmental impacts. 21-19

2. The EIR seeks to allow for flexibility in terms of the future development that may occur within the Plan Area and suggests that there may be a potential cap on development if traffic generation exceeds certain ranges. Such a cap is plainly not consistent with the Specific Plan and not intended in the EIR, yet the EIR contains language that in isolation is potentially problematic. In particular, the EIR states that “if significantly more residential and less office development than projected for the North End occurs, it would be allowed as long as the projected traffic generation is within ranges assumed by the Specific Plan and analyzed in this EIR.” See p. 3-25. This statement should be clarified, preferably by eliminating the last statement and replacing it with the following: “it would be allowed subject to appropriate environmental review.” 21-20

3. The EIR plainly contemplates a wide range of allowable activities under the Specific Plan, but Mitigation Measure CUL-1 should be clarified to avoid a potential ambiguity. In particular, p. 4.4-38 should be revised as follows:
Mitigation Measure CUL-1, below, includes multiple mitigation measures and approaches to activities allowable under the Specific Plan, including demolition, alteration, and new construction. Some approaches could reduce impacts to historic resources to a less-than-significant level, and others could reduce impacts to historic properties, but not to a less-than-significant level.
Mitigation Measure CUL-1:
a) Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures.
Avoidance. The City shall ensure, where feasible, that all future development activities allowable under the Specific Plan, ~~including demolition, alteration, and new construction~~, would avoid historical resources (i.e., those listed on federal, state, and local registers). 21-21

4. The EIR states in that it would not “substantially” conflict with existing Planning Code regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. See p. 4.9-12. Similarly, the EIR uses as land use impact significant criteria the issue of whether development under the Specific Plan would “fundamentally” conflict with various applicable plans. See p. 4.9-14. The point of these statements is clear, but suggest the elimination of the words “substantially” and “fundamentally.”

21-22

5. The EIR analyzes three potential street closures to through traffic. See pp. 3-29, 4-9.14, 4.13-39, 4.13-99. Consider whether other traffic control measures might be appropriate for analysis for other streets in the Plan Area in order to support Specific Plan policies related to safe pedestrian streetscapes. For example, might traffic calming measures ultimately be needed or desired depending on the nature of development that actually occurs under the Specific Plan? Analyzing different control measures would be consistent with the Specific Plan's clear focus on transforming the Plan Area into a more pedestrian-oriented mixed-use neighborhood.

21-23

Letter 21 Response – Elizabeth Masri

21-1 through -5: The commenter expresses concern over losing property rights as a result of the Specific Plan. The commenter requests identification of specific sites for high density residential towers and an emphasis on retail in general as opposed to comparison goods retail. The commenter also requests revisions to the proposed zoning, policies, and other portions of the Specific Plan text. These comments pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

21-6: The commenter inquires how much of the private right-of-way at the southwest corner of the 24th Street/Harrison Street is required to implement the improvements at the 27th Street/24th Street/Bay Place/Harrison Street intersection. As described on page 4.13-67 of the DEIR, Mitigation Measure TRANS-10 at the 27th Street/24th Street/Bay Place/Harrison Street intersection includes acquisition of private property at the southwest corner of the intersection. The acquisition is required to convert 24th Street between Valdez and Harrison Streets to two-way operations and allow eastbound traffic on 24th Street to turn right on Harrison Street. The amount of private property needed for the acquisition is not known at this time. The improvement plans shown on Figure 6.12 of the Specific Plan are conceptual and do not represent the exact additional right-of-way needed. If the additional right-of-way cannot be acquired, that segment of 24th Street cannot be converted to two-way operations and would remain one-way westbound. The DEIR currently identifies Impact TRANS-10 as significant and unavoidable after implementation of Mitigation Measure TRANS-10. The impact would remain significant and unavoidable if the private property cannot be acquired.

To clarify the DEIR text regarding the acquisition of the right-of-way, the following paragraph is added after the third paragraph on page 4.13-68 of the DEIR:

In addition, if the private right-of-way at the southwest corner of the 24th Street/Harrison Street cannot be acquired, 24th Street between Harrison and Valdez Streets would continue to remain one-way westbound and eastbound traffic would continue to be prohibited on this segment of 24th Street. All other components of this mitigation measure can be implemented regardless of this right-of-way acquisition. The impact would continue to remain significant and unavoidable.

Please also see Master Response 5.1 in Chapter 5 of this Response to Comments document.

21-7 through -18: The commenter requests revisions to Specific Plan policies regarding street closures, transportation and parking management processes, emphasis on comparison goods retail and retail over residential use, and public funding for retail parking. The commenter also requests revisions to the proposed zoning and design guidelines. These comments pertain exclusively to the merits of the Specific Plan and are beyond the

- purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.
- 21-19: The commenter supports the use of the Broadway Valdez Development Program and Physical Height Model as the basis for the EIR analysis and requests more information about how the City arrived at the development program. As described in the DEIR Chapter 3, *Project Description*, the *maximum development* that is the basis of this EIR analysis is distinctly different from the *theoretical maximum development potential* that could ultimately occur in the Plan Area. This is reflected in the Physical Height Model (see DEIR Figure 3-11), which shows heights that are more reasonably foreseeable than the height maximums and are informed by a number of market factors, including: market demand for various uses; broader regional economic and market conditions; backlog of approved or planned projects in the vicinity; recent development and business investment in the area; landowner intentions for their properties; and properties susceptible to change due to vacancy, dereliction, or absence of existing development. As noted, the Physical Height Model forms the basis of the EIR analysis.
- 21-20: The commenter requests clarification of how the Plan and CEQA analysis allows for flexibility of development within the Plan Area. As described on DEIR page 3-25, the CEQA analysis is based on the Broadway Valdez Development Program, which is the maximum feasible amount of development for the Plan Area in the 25-year planning period, and the basis of the CEQA analysis. Therefore, individual future projects that conform to the *overall* Plan Area Broadway Valdez Development Program, generally would be covered in this EIR analysis, even if these projects were to vary from the Broadway Valdez Development Program in terms of quantity and profile of future development within each subarea or between subareas. However, individual future projects that exceed assumptions about the generation of new automobile trips within any of the five subdistricts of the Plan Area, necessarily would require appropriate subsequent environmental review.
- 21-21: The commenter requests additional clarifying text to the preamble of DEIR Mitigation Measure CUL-1. The commenter also requests omission of the clause “including demolition, alternation, and new construction,” from Mitigation Measure CUL-1 text under “*Avoidance*”. The text of Mitigation Measure CUL-1 specifies that development activities allowable under the Specific Plan may include demolition, alteration, and new construction. Omission of this text within the next of Mitigation Measure CUL-1 is neither necessary nor correct. However, to clarify that demolition, alteration, and new construction are considered development activities allowable under the Specific Plan, the following change is made to page 4.4-38 of Chapter 4.4, *Cultural Resources*, of the DEIR:

Mitigation Measure CUL-1, below, includes multiple mitigation measures and approaches to activities allowable under the Specific Plan, including demolition, alternation, and new construction. Some approaches could reduce impacts to

historic resources to a less-than-significant level, and others could reduce impacts to historic properties, but not to a less-than-significant level.

- 21-22: The commenter requests elimination of the words “substantially” and “fundamentally” when describing potential conflicts with plans and policies adopted for the purpose of avoiding or mitigating an environmental effect. As stated in the *Approach to Analysis* section of DEIR Chapter 4.9, *Land Use, Plans, and Policies* (DEIR page 4.9-14), the City of Oakland General Plan has determined that “the fact that a specific project does not meet *all* [emphasis added] General Plan goals, policies, and objectives does not inherently result in a significant effect on the environment within the context of [CEQA].” A project’s or plan’s consistency with General Plan goals, policies, and objectives necessarily requires some interpretation and assessment of overall consistency with a General Plan despite minor inconsistencies with specific policies imperfectly worded. For this reason, it is essential to determine a conflict exists when that conflict is substantial and fundamental to the intent of the goal, policy, or objective.
- 21-23: The commenter requests if other traffic control measures, in addition to the proposed street closure, maybe appropriate on Plan Area streets to provide a more pedestrian-oriented neighborhood. Starting on page 4.13-94, the DEIR lists the policies and infrastructure improvements that benefit pedestrians. One of the policies is implementation of traffic calming strategies on adjacent residential streets. In addition, as individual projects in the Plan Area are developed, additional improvements that would improve pedestrian access, circulation, and safety would also be considered.

From: Timothy Mulshine [tgmulshine@gmail.com]
Sent: Friday, November 01, 2013 10:57 AM
To: Pattillo, Chris; Whales, Jonelyn; jahazielbonillaoaklandpc@gmail.com; Coleman, Michael; Moore, Jim; nagrajplanning@gmail.com; ew.oakland@gmail.com
Cc: Kaminski, Laura
Subject: Broadway/Valdez Plan General Comment

Dear Commissioners,

I had to run Wednesday night before getting a chance to speak on the Broadway/Valdez plan but I did want to give a few brief general comments on the plan.

I do think the city should be emphasizing and encouraging pedestrian and bicycle access in the area. There is a huge amount of parking there as it is, which makes a lack of parking seem like a very hypothetical future scenario. I do not think the city should be considering the idea of building yet another parking garage in the area.

22-1

There has also been a lot of talk about the different requirements people would like to place on developers and potential community benefits that new development could fund. Commissioner Nagraj touched on this two weeks ago, but given how hot the market is now, and how market rate housing construction in Oakland is basically non-existent, the city should be looking for ways to lower, not raise, the cost of new development. Other cities get new housing construction and Oakland just gets higher rents and displacement. The city should not be relying on some possible future bubble for new housing development to pencil out. Adding requirements like below-market housing, community benefits, parking and retail space when there isn't demand for it are a recipe for nothing getting built.

22-2

Thanks for your consideration.

Tim Mulshine

Letter 22 Response – Tim Mulshine

22-1 through -2: The commenter expresses support for proposed pedestrian and bicycle improvements, objection to development of a parking garage, and caution regarding financially infeasible development incentives. These comments pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

From: Adhi Nagraj [anagraj@bridgehousing.com]
Sent: Thursday, October 17, 2013 12:08 PM
To: Miller, Scott; Manasse, Edward; Kaminski, Laura
Cc: Pattillo, Chris; Wald, Mark; Flynn, Rachel
Subject: RE: For next Broadway/Valdez Public Hearing

Sure – and for context, I’m just worried about the land-use feasibility of the plan and wanted to know whether the auto dealers generally lease their land, or own them outright.

I know this is a large area with many parcels and don’t want to make this too onerous. Could you focus on a specific area of importance – like mid-Broadway or the Valdez priority development area?

Thanks,
Adhi

Adhi Nagraj
Project Manager
BRIDGE Housing Corporation
345 Spear Street, Suite 700
San Francisco, CA 94105-1673
Phone: (415) 321-3523
anagraj@bridgehousing.com

↑
23-1
↓

From: Miller, Scott [<mailto:SMiller@oaklandnet.com>]
Sent: Thursday, October 17, 2013 6:56 AM
To: Adhi Nagraj; Edward Manasse; Laura Kaminski
Cc: Pattillo, Chris; Mark Wald; Rachel Flynn
Subject: Re: For next Broadway/Valdez Public Hearing

Good morning, Adhi. I am forwarding your request to Ed Manasse and Laura Kaminski to review and follow up. Thanks.

Scott

On Oct 16, 2013, at 11:31 PM, "Adhi Nagraj" <anagraj@bridgehousing.com> wrote:

Scott - I'm concerned about the feasibility of incenting/compelling land owners to sell their land and consolidating their uses in an 'urban showroom'.

I'd like a map (parcel map?) of what parcels are owned by what parties. Are the dealerships fee owners or lease-holders? Just want to know the scope of who we'd be dealing with.

Thanks

Sent from my iPhone

↑
23-1
↓

Letter 23 Response – Adhi Nagrai

- 23-1: The commenter expresses concern regarding the feasibility of incenting/compelling land owners to sell their land and inquired whether the auto dealers in the Plan Area generally lease their land. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

From: Chris Pattillo [pattillo@pgadesign.com]
Sent: Tuesday, October 15, 2013 9:43 PM
To: Miller, Scott; Kaminski, Laura
Cc: Flynn, Rachel
Subject: Broadway Valdez

Scott and Laura,

I got to thinking about Broadway Valdez last night and had a number of slightly crazy ideas. Are any of these things we could actually do? Or, something like them.

1. I really like the emphasis on saving the historic buildings in the district but it won't happen unless we help it happen. Could we have a policy that would reward developers for rehabilitating and reusing one or more historic properties? I am thinking something like refunding 100% of their permit fees on opening day for rehabilitating a historic building. So they would pay all their fees up front and only get their money back if they completed the project.

24-A-1

2. I think the plan would be much better if we could make a decision about the car dealerships and my first choice would be to have them stay and be clustered in the North End subarea. I think the plan would be greatly improved if it included where each of the existing viable auto related businesses could be relocated into the North End. The plan also needs to include how those business owner's cost of relocation will be covered by the city.

24-A-2

3. Since the city has a long history of one department not knowing what another is doing - being at odds, would it be possible to include in the plan a requirement that an oversight committee be created to see this plan come to fruition? It would include representatives from every involved city department + the chamber retail committee + local retail developers, and they would meet monthly to report on what each is doing to advance the plan. Oakland has been a retail desert for decades - it's obvious we need a new approach if we stand a chance of making this happen.

24-A-3

Related to this - has the city or will the city appoint a point person to take charge of executing this plan?

4. I think we need a challenge and reward for staff - for example, the first staff person who plays a key role in getting 100,000 SF of new retail built gets to lead the Chamber of Commerce Holiday Parade and they get new business cards with the title "Retail Master" - like "Master Chef".

24-A-4

Chris Pattillo FASLA
President

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Letter 24A Response – Chris Patillo

24A-1 through -4: The commenter requests revisions to Specific Plan policies regarding the preservation of historic resources and car dealerships. The commenter suggests an oversight committee to assist with implementation of the Specific Plan. These comments pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.



CHRIS PATTILLO, FASLA

27 Oct 2013

RE: Broadway Valdez District Specific Plan

I offer the following comments on the Broadway Valdez District Specific Plan.

- 1. For the final printing it would be tremendously helpful to have an index that will facilitate finding maps, charts, sidebars, goals, policies, street sections, etc. An index will make the document much more useable. 24-B-1
- 2. Generally the plan is very well done, comprehensive and well organized. The text, example photos, and overall graphic look of the report makes it very readable and clear. It is not clear how this plan will be used and who will use it. Anticipating how it will be used should guide other organizational refinements. 24-B-2
- 3. The plan is very clear that 38% of the land within the study area is “under- utilized” and that 90% of the existing building stock is 1 or 2 story. The desired density and height limits are not so clear and deserve more focus. 24-B-3
- 4. I agree with the focus and emphasis on retaining historic fabric within the district. The vast majority of the text and policy statements support this objective, but the text on page 150 contradicts it. Eliminating page 150 would greatly improve the document. Otherwise we will convey the wrong message to prospective retail developers. 24-B-4
- 5. I support all the goals listed on page 71. 24-B-5
- 6. The description of the types of retail that are being sought is very helpful, as is the discussion on page 77 regarding complete streets and how they contribute to creating a vibrant retail area. 24-B-6
- 7. I support the retail first policy for this area. It is not fully clear how we will control the amount of housing to ensure emphasis on retail. The plan clearly states a goal of 24-B-7

Comment Letter 24-B

including at least 1800 new units of differing types of housing. Housing advocates have been pushing for housing as part of all developments. Do we need an upper limit for housing? How do we know when too much housing could become a disincentive for retail? Do we need a limit on the number of micro housing units?

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24-B-7
cont.

8. The plan needs more-fine grained mapping of the opportunity areas shown on page 93 in Figure 4.4. – Particularly in area 5 – at either side of Waverly. The plan should also include within the opportunity areas the blocks from Broadway to the east side of Webster between 23rd and 25th. Many of the parcels in this area are underutilized and are well suited to accommodating new retail. Within the triangle retail needs to be strong on both sides of Broadway. We should not dilute the retail by extending it to the intact residential neighborhood on Waverly – leave that area alone and expand the retail into it only after we have established a strong block of retail on both sides of Broadway. Section 5.2.3 on p. 114 states, “Broadway is envisioned as a vibrant pedestrian-oriented boulevard” This will not come to fruition if these blocks along Broadway are left as they are currently shown on figure 4.4.

24-B-8

9. I strongly support policy LU-9.5 that supports continued auto dealerships in the North End – in a more urban format. The city needs to assist the two remaining auto dealerships to take advantage of the tax credits and offer incentives to the existing dealerships already located in the North End to abandon their acres of surface parking lot. The VW Dealership offers a good example of a more urban model, as does the Bay City Chevrolet showroom.

24-B-9

10. I strongly support the repurposing of the historic garage and auto showroom buildings – Policy LU--9.6.

24-B-10

11. I support the exemption from the city’s dark skies policy for this district, p. 104. Lighting can be a very effective mechanism for creating the pizzazz that is needed for a thriving retail area.

24-B-11

Comment Letter 24-B

12. I support offering bonuses and incentives for the restoration and rehabilitation of all of the historic resources within the district – not just those that have been “designated”, p. 105. 24-B-12
13. The entirety of Section 4.4.9 Historic Resources and Preservation Strategies is very good. 24-B-13
14. Add a bold heading and arrow to Figure 5.1 for Kaiser Plaza similar to the 19th Street BART entrance bold/arrow. 24-B-14
15. Good that the plan does not ignore the area underneath the freeway. 24-B-15
16. The plan includes numerous statements that there needs to be consistent planting of trees throughout the study area. I concur. How do we make that happen for the next 25 years? Current city tree planting policy does not seem to be sufficiently strong to achieve this goal. More importantly we need a policy that requires the inclusion of silva cells or equivalent when planting street or plaza trees for all downtown streets and in neighborhood shopping areas throughout the city. Oakland has way too many poorly performing street trees because we do a poor job of planting them. Even when designers do a good job of detailing tree installation city engineers allow these plans to be compromised. We need clear, strong street tree planting procedures and personnel to enforce the policies. 24-B-16
17. Replace the word “landscaping” with “planting” when that is the real intent. This applies to p. 116 left column, p. 118 left column and p. 180 right, p. 137 right and left columns. 24-B-17
18. The graphic on p. 119 shows tree grates which I believe are prohibited per city policy. 24-B-18
19. The description of the vision for 24th Street and the proposal to make it 2 way are great. 24-B-19
20. The linear distance between the block with Biffs and the adjacent block towards Whole Foods is too great for this to be just a plaza. There needs to be a new retail building on the reconfigured corner at 26th, Valdez and 27th. This retail connector is needed to ensure good pedestrian flow. 24-B-20

Comment Letter 24-B

21. Wholesale re-do of the Robert Larocca plazas on the east side of Broadway between 25th and 26th, and the plaza on the west side of Broadway north of 27th should be a very low priority except all the trees should be replanted with silva cells so they will grow. Removing the cars and replacing them with café tables will accomplish a huge amount with minimal cost to the city. 24-B-21
22. No work on any of the public improvements should be begin until such time that we have a plan in place to maintain the existing and proposed improvements. The Broadway Auto Row improvements and poorly performing trees are classic examples of Oakland spending money to build improvements but too little on maintenance which is a guarantee for failure. Not removing the pavement beneath median plantings should be forbidden everywhere in Oakland. We need a policy that requires silva cells or equivalent beneath all planted medians. 24-B-22
23. How do nearby residents feel about the proposed new park space along Glen Echo Creek? 24-B-23
24. Make revisions throughout the plan as needed to reflect the current plan for a grocery store on Broadway above 30th. Policy CD-3.12. Clarify the status of the proposed Broadway-Hawthorn connector as recommended on p. 138. 24-B-24
25. Section 5.4 p. 140-141 says it all. We almost don't need the other 264 pages. 24-B-25
26. Eliminate Figures 5.12 and 5.13. Let's not proactively encourage the demolition of Biffs, which with a creative developer could become the iconic centerpiece of this new retail mecca. Alternatively, provide another graphic that depicts retention of a rehabilitated Biffs. 24-B-26
27. P. 144 clarify what is intended by "large format retail" and replace the image with the Target logo – that type of retail belongs elsewhere in Oakland. This conflicts with what is described in section 5.4. 24-B-27

Comment Letter 24-B

28. P. 147 – eliminate the narrative that suggests demolishing the existing residential on Waverly. This could happen in phase 2 but let’s not encourage it until we are bursting at the seams and must have more space to accommodate the overwhelming demand from retail developers. 24-B-28
29. P. 222, Figure 8.1 – add: provide incentive for existing auto dealerships to relocate and/or reconfigure their property. 24-B-29
30. Policies IMP-4.1 and 4.2 are very good; how much of this has been started as part of the planning process? Continue to include the Chamber’s retail committee as resources for review and input. 24-B-30
31. Change IMP-6.1 to read, “Encourage existing auto dealerships” 24-B-31

What is city policy regarding getting input from developers on specific plans? I was surprised to learn that the developer who is developing the first micro unit apartments, within the study area, had not been provided with a copy of this draft document; nor apparently was his opinion solicited. Seems like input from local developers and others engaged in active projects within the area should be actively encouraged to review and provide input in these planning processes. 24-B-32

Finally, this document is extraordinarily dense. For example it took me 50 minutes to read and process 12 pages. The amount of material to be reviewed without the benefit of an introduction was too much. The original time provided was woefully inadequate. The planning commission would have greatly benefitted by taking a guided bus tour of the planning area. I realize this violates the Brown Act but if we or are expected to provide meaningful input we need to find a way to allow that to happen. 24-B-33

Letter 24B Response – Chris Patillo

24B-1 through -33: The commenter expresses support for the Specific Plan and requests that an index be included in the Final Specific Plan. The commenter requests revisions to the Specific Plan to provide clarity on the desired density, restrictions on residential development, street tree planting procedures and other public improvements, and the definition of “large format retail.” The commenter also requests revision to the Major Opportunity Areas boundaries, consistency regarding Specific Plan goals to retain historic resources, and a process for obtaining input from potential developers. These comments pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

From: Marvin, Betty
Sent: Monday, October 14, 2013 5:04 PM
To: Kaminski, Laura
Subject: FW: Landmarks Bd - BV Specific Plan - Biff's Coffee Shop
Attachments: Biff's - Original Rendering [1962].jpg; JJ's - Interior [1996].jpg; Biff's-BW-Exterior showing Interior.JPG; Biff's-BW-Exterior.JPG; BIFFS-GRAND-OPENING.jpg

oops, here's another one

-----Original Message-----

From: Joyce Roy [mailto:joyceroy@earthlink.net]
Sent: Monday, October 14, 2013 11:29 AM
To: Marvin, Betty; Valerie Garry; Daniel Schulman; Christopher Andrews; John Goins III; Mary MacDonald; Peter Birkholz
Cc: Flynn, Rachel
Subject: Landmarks Bd - BV Specific Plan - Biff's Coffee Shop

To: The Landmarks Preservation Advisory Board

Re: Broadway Valdez District Specific Plan – Biff's Coffee Shop

It is easy to understand why planners could look at the Biff's site at 27th and Broadway and think it a good site for big box retail. Presently, with cars on half the lot and a boarded up Biff's with plywood over its huge windows, it looks like a blighted property. But, as you see from the original rendering, Biff's is a hidden gem, which, if brought to light, would be a major attraction for the Broadway Valdez area.

For you who were not around in 1996 and missed the media blitz, here is a little history:

The Los Angeles architectural firm, Armet & Davis, known for space-age coffee shops, "Googie" style, designed this, its only round diner. Standard Oil built it, along with a gas station on Broadway in 1963. It was popular from its inception.

In spite of that, Chevron, Standard Oil's successor, wanted to demolish it and replace it with a 'McChevron,' a McDonald's/Chevron gas station combo, in 1996. They closed it, then known as JJ's, but a grassroots effort by an outraged public saved the building from demolition.

In 1997, Oakland's Landmarks Board certified it as a designated historical resource thereby requiring an EIR before demolition. Probably no property has warranted more time before the board, three lively meetings, and attention from the media.

Two years later Chevron, after a hearing on the draft EIR, at which the community loudly protested its demolition, gave up and the property was sold to a car dealer who still retains ownership.

Biff's integrity is largely intact with the interior in most need of work. With the removal of the brown shingles, it could be restored to its original flying saucer spectacle. The interior with its circle of glass, felt open and, yet, embracing. It is located in an area with new restaurants attracting evening diners but needs this beloved unique full service restaurant located at the hinge of Broadway & Valdez to attract families and daytime shoppers to the area. And it would be eligible for a Historic Point of Interest on the freeway.

For more on Googie architecture, you can check out:
http://en.wikipedia.org/wiki/Googie_architecture

Joyce Roy
Retired Architect
Friends of Biff's

25-A-1

Attachments:

Biff's - Original rendering [1962]
JJ's - Interior, [1996]
Biff's - BW - Exterior showing Interior
Biff's - BW - Exterior
BIFFS-GRAND-OPENING

Letter 25A Response – Joyce Roy

25A-1: The commenter requests preservation of Biff's II Coffee Shop/JJ's. This comment pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

From: Manasse, Edward
Sent: Wednesday, October 16, 2013 3:29 PM
To: Kaminski, Laura
Subject: FW: BV Specific Plan: Is it still relevant?

From: Joyce Roy [mailto:joyceroy@earthlink.net]
Sent: Wednesday, October 16, 2013 1:41 PM
To: Pattillo, Chris; Whales, Jonelyn; Jahaziel Bonilla; Coleman, Michael; Moore, Jim; Adhi Nagraj; Emily Weinstein; Miller, Scott; Merkamp, Robert
Cc: Flynn, Rachel; Manasse, Edward
Subject: BV Specific Plan: Is it still relevant?

October 16, 2013

To: The Oakland City Planning Commission

Re: Broadway Valdez District Specific Plan

In 2013, is it still relevant?

The Broadway/Valdez Specific plan was conceived in 2007 to bring more sales tax to Oakland at the time when it seemed the auto dealers, who bring in a large chunk of sales tax, were going to leave the city and abandon many building and large lots. But instead, they are not leaving and, at least one new dealer has joined the others.

So, is this the best location for large-scale retail? If the city did manage to attract it to this unlikely location, what would that do to Broadway below Grand, Oakland’s traditional retail Main Street?

There are many opportunity sites on Broadway below Grand for big stores that will fit in and enhance its neighbors. And the surrounding scale and access to BART would encourage high density housing above, thus adding residents, thus customers, and thus sales taxes!

The location of some of these opportunity sites are: SE corner of 17th & Broadway, the vacant site on the east side of Broadway between 18th & 19th Street, and the SW corner of Broadway & 21st, next to the Paramount.

A more organic retail development for lower Broadway is smaller, lifestyle shops, mainly locally owned. In my perusal of the draft, I didn’t notice anything about phased development; it seemed to jump right into scrape it, and drop in big box.

Upper Broadway doesn’t offer much to draw people to it. It’s pretty dull and will remain so if advantage is not taken of its special resources. One of them is an opportunity site at the heart of the area; it was developed to attract people to Broadway Auto Row. And that is Biff’s.

If a retail developer in the sticks had a site with a Biff’s on it, he would restore it knowing it would be a strong draw and make his development distinctive and more memorable than others.

Biff’s is in the Entertainment District Overlay and would attract young evening crowds who particularly love Googie architecture. But if it offers good diner food, it will, also, be a popular family restaurant, which this neighborhood lacks.

Such restaurants are being restored in southern California, and if the land is reasonably priced, it should not be hard to find a developer for Biff’s.

25-B-1

25-B-2

Comment Letter 25-B

The site lends itself to public open space of a scale needed in this area, the larger portion on Broadway becoming a place-making mini Union Square, which will give identity to Broadway/Valdez at its hinge.

These public spaces could have entertainment for children, so adults would be freed up to do some serious, undistracted shopping.

There are lots of words in the draft about the importance public spaces and even pictures showing generous, lively examples, but no such spaces are shown on the plan that are in scale with this proposal; just itty-bitty green spots.

The OSCAR element, which seems to be ignored in this draft, proposes “a local-serving park acreage standard of 4 acres per 1,000 residents.” There isn’t even one acre and with a minimum of 900 dwelling units, meaning approx. 1800 residents, 7.2 acres would be called for! That is even ignoring the maximum of 1800 DU.

Remember the people fought the biggest corporation in California, Chevron, to save this round diner and won. It was a WOW! site that brought many to Broadway Auto Row and, fortunately, because of their effort, Oakland still has it as a draw for new retail development.

Biff’s and the other historic resources give this area a unique excitement that an inorganic, cookie-cutter development would lack.

Joyce Roy
Retired Architect
Oakland

25-B-3

Letter 25B Response – Joyce Roy

25B-1 through -2: The commenter questions the Specific Plan’s focus on large-scale retail, requests revisions to the Major Opportunity Areas boundaries, and requests preservation of Biff’s II Coffee Shop/JJ’s. These comments pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

25B-3: The commenter suggests the DEIR ignored the Open Space, Conservation, and Recreation (OSCAR) element of the General Plan and the stated goal to provide 4.0 acres of local-serving parkland per 1,000 residents. Please see DEIR Chapter 4.12, *Public Services, Parks, and Recreation Facilities*, and also response to comment 11C-11 above.

November 12, 2013

Laura B. Kaminski, AICP
Planner II
Strategic Planning Division
City of Oakland

Via: LKaminski@oaklandnet.com

Re: **Comments on Broadway/Valdez District Specific Plan and
Broadway/Valdez District Specific Plan DEIR**

Dear Laura,

I have broadly, three comments:

1) Is the Broadway/Valdez Specific plan area the best location for the development of new retail?

The Broadway/Valdez Specific plan was conceived in 2007 to bring more sales tax to Oakland at the time when it seemed the auto dealers, who bring in a large chunk of sales tax, were going to leave the city and abandon many building and large lots. But instead, they are not leaving and, at least one new dealer has joined the others. Would it not be more effective to attract more regional vehicle buyers to Broadway, the historic Auto Row, and focus on revitalizing Oakland’s traditional retail Main Street, Broadway below Grand?

Since the auto dealers are not leaving, there are few opportunity sites in the Broadway/Valdez Specific plan area. In the desperate search for such sites, planners have had to propose locations that impact, or annihilate historic resources, the very resources that give this area a unique excitement that an inorganic, cookie-cutter development would lack.

There are many opportunity sites on Broadway below Grand for big stores that will fit in and enhance its neighbors. And the surrounding scale and access to BART would encourage high density housing above, thus adding residents, thus customers, and thus sales taxes!

The location of some of these opportunity sites are: SE corner of 17th & Broadway, the vacant site on the east side of Broadway between 18th & 19th Street, and the SW corner of Broadway & 21st, next to the Paramount. In addition, there are many underutilized sites, the half empty Sears Store, being one.

25-C-1

2) The City’s OSCAR element seems to be ignored.

There are lots of words about the importance public spaces and even pictures showing generous, lively examples, but no such spaces are shown on the plan that are in scale with this proposal; just itty-bitty green spots.

25-C-2

The Open Space Conservation and Recreation (OSCAR) element, which proposes “a local-serving park acreage standard of 4 acres per 1,000 residents” seems to be ignored. There isn’t even one acre and with a minimum of 900 dwelling units, meaning approx. 1800 residents, 7.2 acres would be called for! That is even ignoring the maximum of 1800 DU.

3) The City’s Historic Preservation Element needs to be taken seriously.

Nowhere in the Element does it say retail trumps Historic Preservation! However, the DEIR’s Historic Preservation Sub-Alternative does seem to recognize the Element.

The historic resources are, just that, resources for development, not an impediment. For instance, Biff’s Coffee House, if restored would be a big draw to the area as it was for 33 years before it’s untimely closure in 1996. It would help bring those who flyover Oakland on freeways down to Auto Row with Historic Points of Interest signage.

If a retail developer in the sticks had a site with a Biff’s on it, he would restore it knowing it would be a strong draw and make his development distinctive and more memorable than others.

25-C-3

Biff’s is in the Entertainment District Overlay and would attract young evening crowds who particularly love Googie architecture. And, if it offers good diner food, it will, also, be a popular family restaurant, which this neighborhood lacks.

Such restaurants are being restored in southern California, and if the land is reasonably priced, it should not be hard to find a developer.

The site lends itself to public open space of a scale needed in this area, the larger portion on Broadway becoming a place-making mini Union Square, which will give identity to Broadway/Valdez at its hinge. And, among other things, it could provide entertainment for children, so adults would be freed up to do some serious, undistracted shopping.

Joyce Roy
Retired Architect
258 Mather St.
Oakland, CA 94611
(510) 655-7508

Letter 25C Response – Joyce Roy

25C-1: These comments are the same as comments submitted with comment letter 25B and pertain exclusively to the merits of the Specific Plan. They are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

25C-2: The commenter suggests the DEIR ignored the Open Space, Conservation, and Recreation (OSCAR) element of the General Plan and the goal to provide 4.0 acres of local-serving parkland per 1,000 residents stated therein. Please see DEIR Chapter 4.12, *Public Services, Parks, and Recreation Facilities*, and also response to comments 11C-11 and 25B-3 above.

25C-3: The commenter expresses concern for the potential conflict with the Historic Preservation Element and requests retention of the Biff's II Coffee Shop/JJ's. Consistency with the Historic Preservation Element and the City of Oakland General Plan as a whole is discussed in response to 11B-12, above. The remainder of this comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

From: Diana Sherman [diana.sherman@gmail.com]
Sent: Tuesday, November 12, 2013 3:38 PM
To: Kaminski, Laura
Subject: Comments on Broadway Valdez DEIR, ER12-0005

November 12, 2013

Laura Kaminski
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Ms. Kaminski:

I am writing to submit comments on the Draft EIR for the Broadway Valdez Plan (ER12-0005).

As neighbors of the Broadway Auto Row corridor who have been following the Broadway-Valdez planning process with excitement, we were astounded to find that the DEIR for the Plan did not consider the Plan's impact on the intersection of 29th and Harrison or the potential for cut-through traffic on 29th Street east of Broadway--the only through street in the grid between 27th and MacArthur, and immediately adjacent to a site designated in the Plan for major residential and commercial development.

Policy C-4.4 in the Plan specifically states that traffic speed and volume on 29th Street and Richmond Boulevard may be negatively affected by the planned development and should be evaluated and mitigated appropriately as buildout progresses. Past EIRs for projects such as the Summit and Kaiser Medical Centers have found significant impact on these neighborhood streets from new uses in Pill Hill and the Auto Row corridor, since drivers often treat these streets as cut-throughs to reach I-580. However, neither street was included in the environmental review for the Broadway-Valdez Plan, which proposes much more significant development even closer to this neighborhood. Consequently, there will be no baseline against which to measure any future impact. An assessment of current conditions and expected impacts on these streets must be added to the EIR before it is finalized.

The DEIR notes that significant new trips will be generated on Harrison Street and Oakland Avenue but presumes that this will have no impact on trips on 29th Street--the most direct access from the north side of the project area to these streets and to I-580. We know that today, traffic to and from destinations on the Auto Row corridor uses this route regularly, and there is nothing to suggest that this pattern will change in the future.

It is also frustrating to see that the DEIR includes no provisions to mitigate parking impacts on residential streets east of Broadway in the Harrison/Oakland neighborhood. With the addition of the Glen Echo neighborhood to the RPP program, these streets are the sole remaining streets within walking distance of the north end of the project area that have neither permit parking nor parking meters. Internet discussion boards reference the area as the best place to go for "free all-day parking" for those visiting Uptown destinations. However, when residents sought to create a residential parking permit zone to address this well-documented problem, we learned that these streets are currently ineligible for consideration because they are not contiguous to an existing



RPP zone. The parking impact of new development along Broadway is sufficient to require that the City consider these streets for a new residential permit parking zone.

↑ 26-2
| cont.

We request that the Final EIR include a study of the impact of the Plan on 29th Street between Broadway and Harrison and the intersection of 29th Street and Harrison Street. Should this study conclude that there will be significant traffic and parking impacts on these streets, we request the following mitigations, or other comparable measures:

1. Reduce the potential for through traffic on 29th through traffic calming at the intersection of Fairmount Avenue and 29th Street and on 29th Street between Harrison and Fairmount.

29th Street is designed as a neighborhood street, and is not equipped to handle significant through traffic between development along Broadway and I-580. Many preschool-aged children live and play on the street, and Westlake Middle School students walk to and from school along both 29th and Harrison Streets during both the AM and PM Peak periods.

Peak hour eastbound traffic on 29th Street already backs up significantly between Fairmount and Harrison many days, with long lines of cars idling, waiting to cross Harrison to get to Oakland Avenue. This will worsen substantially with a significant number of new trips. Traffic calming and volume control mitigation measures should be implemented on 29th Street to make the street a less appealing cut-through.

26-3

Volume control solutions could include:

- a) Installing a traffic circle at 29th Street and Fairmount Avenue to discourage through traffic on both streets and slow speeds;
- b) Installing speed humps, speed cushions, or other speed control measures on 29th Street between Fairmount and Harrison and Fairmount between 29th and Harrison; and/or
- c) Widening the sidewalk and improving the crosswalk at Harrison and 29th Street to improve pedestrian visibility and slow speeds for cars turning right onto 29th Street from the freeway, as recommended for consideration in the Harrison/Oakland Community-Based Transportation Plan.

2. Institute parking control measures such as time-limited meters in commercial areas and residential permit parking zones in the residential blocks to ensure that new development does not further exacerbate existing parking problems for residents.

In addition to preventing neighborhood parking problems from worsening, the implementation of permit parking and meters can help to prevent drivers in search of free parking from circling the 29th Street/Fairmount loop, a chronic problem today that contributes to congestion and emissions. If parking is restricted and/or priced comparably to street parking on Broadway or in new garages, there will be little incentive to seek out parking on residential streets.

26-4

We moved to this neighborhood in large part because of the wonderful potential that we saw in the Auto Row corridor, and we are extremely excited about the promise that the Broadway Valdez Plan holds for our community. However, we want to ensure that these new developments do not come at the cost of our existing neighborhood's livability and safety. These proposed mitigations will ensure that the Plan does not have a significant negative impact on our residential

26-5
↓

Comment Letter 26

neighborhood. We respectfully request that these mitigations be added to the Broadway Valdez Plan Final EIR before the City adopts the Plan.

↑ 26-5
| cont.

Sincerely,
Diana Sherman
215 29th Street, Oakland, CA 94611

Letter 26 Response – Diana Sherman

26-1: The commenter questions the potential for cut-through traffic on 29th Street between Broadway and Harrison Street and requests analysis of the 29th Street/Harrison Street intersection. As correctly stated in the comment and in response to potential increases in cut-through traffic on residential streets, the Specific Plan includes a policy to monitor traffic volumes and speeds on residential streets, including 29th Street between Broadway and Harrison Street. Policy C-4.4 of the *May 2014 Final Broadway Valdez District Specific Plan* also includes implementation of traffic calming measures if cut-through traffic is observed on these streets. It is expected that this policy would be implemented as individual developments that would likely result in cut-through traffic are approved and constructed.

In general, addition of development generated traffic on residential streets is not considered a significant impact under CEQA. The thresholds of significance established by City of Oakland (see page 4.13-45 of the DEIR) and used to determine if the Specific Plan would result in significant impacts are based on the physical capacity of intersections. Due to the relatively low traffic volumes on residential streets, even if a large amount of Plan-generated traffic use the street, the traffic volumes are not expected to meet the capacity-based thresholds set by the City of Oakland's significance criteria.

Currently, about 200 vehicles use eastbound 29th Street during the PM peak hour. It is estimated that the buildout of the Broadway Valdez Development Program would increase the PM peak hour volume to about 240 vehicles per hour.

In response to this comment, traffic operations at the 29th Street/Harrison Street intersection were analyzed based on recently collected data. Table 6-2 below summarizes intersection operations at the 29th Street/Harrison Street intersection for the scenarios analyzed in the DEIR. The attachment to this Final EIR provides the detailed LOS calculation sheets.

The side-street stop-controlled 29th Street approach at this intersection currently operates at LOS D or better, and would operate at LOS F under Existing Plus Project, 2020 Plus Project, and 2035 Plus Project conditions. However, adoption and development under the Specific Plan would not cause an impact at this intersection because the intersection would not satisfy the California Manual on Uniform Traffic Control Devices (MUTCD) peak-hour volume traffic signal warrant after Project completion.

As shown in Table 6-2, the delay experienced by vehicles on the 29th Street approach of the intersection is expected to increase as a result of the Specific Plan. Considering the additional delay, it is estimated that some motorists may choose alternate routes than 29th Street and the actual traffic volumes on 29th Street may be lower than predicted. In addition, any measures to reduce the traffic delay at the 29th Street/Harrison Street intersection can make 29th Street a more desirable cut-through route and increase traffic volumes on 29th Street.

**TABLE 6-2
29TH STREET/HARRISON STREET INTERSECTION LOS SUMMARY**

Scenario	Traffic Control ^a	Peak Hour	No Project		Plus Project		Significant Impact?
			Delay ^b (seconds)	LOS ^c	Delay ^b (seconds)	LOS ^c	
Existing	SSSC	PM	7.5 (31.9)	A (D)	13.3 (58.0)	B (F)	No ^d
		SAT	2.8 (15.8)	A (C)	3.3 (19.0)	A (C)	No
2020	SSSC	PM	9.2 (39.7)	A (E)	11.0 (52.7)	B (F)	No ^d
		SAT	3.3 (22.2)	A (C)	3.4 (25.5)	A (D)	No
2035	SSSC	PM	13.3 (59.4)	E (F)	44.0 (**)	E (F)	No ^d
		SAT	4.3 (29.7)	B (D)	13.8 (88.0)	B (F)	No ^d

^a SSSC = Intersection is controlled by a stop-sign on the side-street approach;

^b For side-street stop-controlled intersections, delays for worst movement and average intersection delay are shown: intersection average (worst movement)

^c Intersections operating at unacceptable levels are shown in **bold**.

^d The Project would not cause an impact at this unsignalized intersection because the intersection would not meet the peak-hour signal warrant, although it would operate at LOS F.

** Denotes an intersection where delay cannot be calculated accurately due to high amount of delay.

SOURCE: Fehr & Peers, 2014.

- 26-2: The commenter is concerned about potential parking spillover in residential streets such as 29th Street. Although parking is not considered a CEQA issue as described on page 4.13-48 of the DEIR, the DEIR includes an analysis of Plan impacts on parking as a planning-related non-CEQA issue. As listed on page 4.13-108 of the DEIR, the Specific Plan includes a policy to implement Residential Parking Permit (RPP) on nearby residential streets to discourage parking spillover from the Specific Plan developments.
- 26-3: The commenter suggests potential traffic calming strategies for 29th Street. See response to comment 26-1, above.
- 26-4: The commenter suggests potential strategies to reduce parking spillover on 29th Street. See response to comment 26-2, above.
- 26-5: The comment summarizes the overall concerns by the commenter. See response to comment 26-1 through 26-4, above.

Comment Letter 27-A

From: Tom Willging [twillgin@gmail.com]
Sent: Tuesday, November 05, 2013 1:49 PM
To: Kaminski, Laura
Cc: naomi@17th.com
Subject: Draft Broadway-Valdez Plan and Draft EIR

Dear Ms. Kaminski and Commissioners:

I am writing with a few comments on the drafts of the Broadway-Valdez plan and its draft environmental impact report. I live in the Lake Merritt area at 177 19th St. (between Jackson and Lakeside) and frequently walk or cycle through the Broadway-Valdez area and its neighborhoods. I am secretary of the East Bay Bicycle Coalition but do not in any way speak for the organization on this matter. I am also a member of the Oakland Heritage Alliance, but, again, my views are my own and not the views of the organization.

My comments relate primarily to the circulation plans and to the cultural resources in the neighborhoods with the plan area. First, as to the circulation plans, I applaud the decision to remake 24th St. between Harrison and Broadway as a pedestrian and bicycle friendly thoroughfare that would link the proposed retail district with Whole Foods. I am extremely concerned, however, that the draft plan appears to designate major portions of the area from 24th to 27th between Harrison and Valdez as retail priority sites and NOT as Adaptive Reuse Priority Areas (Figure 4.7., Attachment F).

27-A-1

There are two bases for my concerns about these locations. First, the traffic along Harrison is horrendous as exemplified by the five-street intersection of Harrison, 25th, 27th, and Bay Streets. Cars are backed up waiting for the long cycle of lights. Pedestrians and cyclists take their lives in their hands in trying to navigate the confusing signals and traffic patterns. Adding retail shoppers and drivers to this melange invites chaos.

27-A-2

Second, the buildings in this small neighborhood are cultural resources that deserve protection. The prime building is the historic Seventh Church of Christ, Scientist at 2333 Harrison. The architecture is elegant, to my nonprofessional eye. Every time I walk past, I am drawn to its color, lines, and simple beauty. The words inscribed on its archway "Then you will know the truth and the truth will set you free" lend inspiration to passersby like me. Although the plan document (Attachment H, #12) describes the building as unoccupied, I often see people coming in and out, particularly on Sunday morning.

27-A-3

Other buildings in the neighborhood deserve attention but are not listed as historic or cultural resources in the plan. For example, twin spanish-style apartment buildings bracket the buildings between 24th Street and the Wheelworks building. The apartment on 24th illustrates the cultural resources contained in this small neighborhood: A first floor resident routinely tapes art objects to her picture window and calls attention to contemporary events by writing on the window. Last week, in the spirit of Halloween, she taped a replica of a bat to the window and quoted lyrics written by blues singer Willie Dixon: "Got a black cat bone/Got a mojo too/Little John the Conqueror/ Gonna mess with you". To me, that's the spirit of Oakland and the arts community that surrounds Broadway-Valdez. We need to protect, even nurture, such resources.

27-A-4

Comment Letter 27-A

Finally, I want to mention some additional limits of the circulation plan and an opportunity to improve it. The plan area sits between two BART stations. At the south end, the area begins about three blocks from the 20th St. exit from the 19th St. BART. At the northern end, it's more than a half mile from the MacArthur BART station. These distances are ideal for cycling. At the moment, San Francisco and San Jose have just begun the Bay Area Bike Share program, making cycles available to the public on a subscription basis for short trips. This program will undoubtedly expand; cycling advocates are working with transportation planners to find ways to bring such a program to the East Bay. The Broadway-Valdez plan represents a unique opportunity to incorporate the outlines of such a program in its circulation components. Bike sharing would tie-in directly with the plan by specifying another way for retail customers to shop in the area without adding to the parking needs. Calling attention to bike sharing will shore up the Broadway-Valdez plan and lend support to creating vibrant neighborhood spaces in the B-V district.

27-A-5

Thank you for your attention.

Sincerely,

Tom Willging
177 19th St. #2D
Oakland, CA 94612
510-835-0159

Letter 27A Response – Tom Wilging

- 27A-1: The commenter expresses support for the proposed circulation plan and concern for the proposed designation of retail priority sites and adaptive reuse priority areas. This comment pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.
- 27A-2: The commenter is concerned about safety at the 27th Street/24th Street/Bay Place/Harrison Street intersection as a result of additional traffic generated by the Project. As described on page 4.13-39 of the DEIR, the Specific Plan would eliminate the channelized right-turn from southbound Harrison Street to 27th Street. In addition, Mitigation Measure TRANS-10, as described on page 4.13-67 of the DEIR would reconfigure the intersection and upgrade traffic signal equipment to improve safety and reduce delay at this intersection. The Mitigation Measure would benefit pedestrians by shortening pedestrian crossings on several intersection approaches. Figure 6.12 in the Specific Plan shows the conceptual improvements at the 27th Street/24th Street/Bay Place/Harrison Street intersection.
- 27A-3: The commenter requests protection of the Seventh Church of Christ Scientist at 2333 Harrison and questions whether or not it should be classified as “unoccupied.” As described in DEIR Chapter 4.4, *Cultural Resources*, demolition or substantial alteration of the Seventh Church of Christ Scientist building resulting from adoption of and development under the Specific Plan would be considered a significant impact under CEQA. Although measures are available that could mitigate this potential impact (see Mitigation Measure CUL-1 in Chapter 4.04 of the DEIR), mitigation to reduce impacts to a less-than-significant level may not be deemed feasible for development in the Plan Area. Thus adoption and development under the Plan was determined to result in a significant and unavoidable impact with respect to historic resources and would require a statement of overriding consideration prior to certification of the EIR and adoption of the Specific Plan. Further, at the time of the NOP and currently, there are no use permits on file with the City of Oakland’s planning department and the building at 2333 Harrison is not permitted to be occupied.
- 27A-4: The commenter requests protection of other Plan Area buildings that are not listed as historic resources. Please see Master Response 5.3, in Chapter 5 of this Response to Comments document for an explanation of CEQA historic resources.
- 27A-5: The commenter suggests incorporation of a bike share program into the proposed circulation plan. This comment pertains exclusively to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

From: Broadway-Valdez Strategic Planning
Sent: Friday, November 15, 2013 3:45 PM
To: Kaminski, Laura
Subject: FW: Broadway-Vladez Community Workshop

From: Tom Willging [mailto:twillgin@gmail.com]
Sent: Monday, October 07, 2013 9:41 AM
To: Broadway-Valdez Strategic Planning
Subject: Broadway-Vladez Community Workshop

Feedback Form

1. What do you like best about what is proposed in the plan?

I like most that there is a plan. The attention to neighborhood alternatives, particularly focusing on walking and cycling, promises to add vibrancy to the neighborhoods and bring in small to medium sized retail outlets. Paying attention to the streetscape and giving incentives as well as absolute requirements for retail outlets at the street level is a specific feature that I applaud. Limiting parking and paying attention to circulation by shuttles and otherwise is important.

27-B-1

2. Is there anything in the Plan that you think should be improved or strengthened?

Yes, two things. As discussed at the forum, the housing component seems to be the least well-developed. Particular attention to affordable housing is needed and that attention will require using all of the levers at your disposals, particularly incentives and tradeoffs to encourage investors to include affordable housing in their proposals. More attention also needs to be paid to facilitating the movement of people within the and into the area. One area that is not touched is the impending development of bike sharing in the east bay. The BV area, with its relatively short trips from the 19th Street and MacArthur BART stations seems like a prime candidate. Mentioning in the plan the development of this new transportation tool might speed its entry into the east bay. Conditions seem ripe for such an innovation. Shuttle services also need specific treatment in the plan.

27-B-2
27-B-3

3. Does the Plan achieve the vision for the area?

Time will tell. The plan does seem to pay attention to both what Oakland has and treasures and what it lacks and desires.

27-B-4

Thanks for the clear presentation and the opportunity to provide feedback.

--
Tom Willging
177 19th Street, Apt. 2D
Oakland, CA 94612
510-835-0159 (home)
202-491-4747 (cell)

Letter 27B Response – Tom Wilging

27B-1 through -4: The commenter expresses support for the Specific Plan and requests more focus on affordable housing and increased clarity on non-auto circulation within and into the Plan Area. These comments pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

CHAPTER 7

Comments and Responses to Comments made at the Public Hearings on the DEIR

Public hearings on the DEIR were held on October 14, 16 and 30, 2013. The following is a summary of comments received at the public hearings, followed by responses that address those comments. Some of the topics raised have been previously responded to in Chapter 6, *Written Comments and Responses to Written Comments Received on the DEIR*.

Responses focus on comments that pertain to the adequacy of the analysis in the EIR or to other aspects pertinent to the potential effects of the Specific Plan on the environment pursuant to CEQA. Comments that address topics beyond the purview of the EIR or CEQA are noted as such for the public record. Where comments have triggered changes to the DEIR, these changes appear as part of the specific response and are consolidated in Chapter 3, *Modifications to the DEIR*, where they are listed in the order that the revision would appear in the DEIR document.

7.1 Responses to Comments from the October 14, 2013 Landmarks Preservation Advisory Board Meeting

The following comments were made at the Landmarks Preservation Advisory Board meeting on October 14, 2013:

Joyce Roy

Comment: The speaker presents a video on the cultural significance of Biff’s restaurant and describes the extensive support that exists throughout the region to save the building, based on a circulated petition. The commenter also suggests that the space around the restaurant “would be excellent” as open space.

Response: The cultural significance of Biff’s restaurant is described in Chapter 4.04, *Cultural Resources*, and the information in the DEIR does not conflict with information presented in the video shown by the speaker. The comment regarding the level of support in the public to save the building is noted. It is beyond the purview of the EIR and CEQA and does not require further response. The speaker also suggests that the Specific Plan designate open space around the Biff’s restaurant building. This comment is also beyond the purview of the EIR and CEQA, as it puts forward suggestions for how this parcel or its adjacent parcels could be developed. Please see Master Responses 5.1 and 5.3 in Chapter 5 of this Response to Comments document. See also responses to comment letters 25A through 25C in Chapter 6 of this Response to Comments document.

Charles Brown

Comment: The speaker moved to Oakland in 1964 and describes the feelings the architecture of the Biff's building evoked for him. He notes that the restaurant was a hip late night spot in addition to serving as a meeting place for local seniors and that he wants to see it included in the plan.

Response: This comment is noted. This comment is beyond the purview of the EIR and CEQA and does not require further response.

Naomi Schiff

Comment: The commenter asks how the EIR will respond to changes that are made in the plan as a result of public suggestions and comments. She would like to revise Policy CD 3.15 so that it requires future development to make use of existing buildings. The commenter supports DEIR Alternative 2, Historic Preservation Sub-Alternative 4 with the addition of the Harrison and Waverly Street neighborhood. She would like the City to consider the buildings in proximity to historic resources before approval so they do not overcrowd them. She would like the traffic to be focused on 27th street and the retail to be concentrated along Broadway. She feels development should taper up from the Veteran's Building and provide a buffer. She does not want to see any signs or banners that name the neighborhoods.

Response: Please see Chapter 2, *Plan Summary and Revisions*, of this Response to Comments Document for a description of changes to the Specific Plan since publication of the DEIR and implications for the DEIR analysis and CEQA compliance. These comments are the same as those raised in comment letters 11A through 11C. Please see associated responses in Chapter 6 of the Response to Comments document. Regarding CEQA historic resources, please see Master Response 5.3 in Chapter 5 and response to comment 11A-1 in Chapter 6 of the Response to Comments document. Regarding the alternatives analysis, see Master Response 5.3 in Chapter 5 and response to comment 11B-13 in Chapter 6 of the Response to Comments document.

Regarding the commenter's request for revisions to Specific Plan policies, the focus of traffic and retail development, buffers, and neighborhood signage, these requests pertain exclusively to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document. Also, please see the *May 2014 Final Broadway Valdez District Specific Plan*.

Tom Wilging

Comment: The speaker supports the position of OHA and wants to ensure the plan preserves cultural resources alongside the existing neighborhood character. He does not think the Plan Area has enough open space and mentions the success of the parklets in the area in stimulating new small scale retail developments.

Response: This comment is noted. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in

Chapter 5 of this Response to Comments document. Please also see DEIR Chapter 12, *Public Services, Parks, and Recreation Facilities*, for a description of existing available open spaces as well as potential open space demand and requirements resulting from adoption and development under the Specific Plan. See also responses to comment letters 27A through 27B in Chapter 6 of this Response to Comments document.

Mary E. McDonald, Board Member

Comment: The speaker asks how this Plan is different from a similar plan the City adopted 20 years ago that did not seem to make any progress, and how this plan will affect the poor people in the area. She does not want this portion of Broadway to turn into Walnut Creek and thinks the plan should require the City to develop an incentive package which protects historical resources in the area. She is concerned that the plan is encroaching on historic resources in the Valdez Triangle, and agrees with OHA regarding the placement of retail along Broadway.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document. Regarding historical resources, DEIR Chapter 4.04, *Cultural Resources*, fully evaluates the potential environmental effects of the Plan on existing cultural resources.

Daniel Schulman, Board Member

Comment: The speaker asks if the data in the 2007 Conley Report is outdated, creating an inflated estimation of retail leakage, and asks how online shopping affects this data. He is also concerned that development resulting from this Plan will be single-use and look like Taco Bell or Sprouts which do not embody the authenticity and design aesthetic of Oakland.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Valerie Garry, Board Member

Comment: The speaker addresses the way retail should look in a city, but recognizes that retailers will not want to use the older buildings. The commenter asks if there are better examples of what the City hopes to achieve.

Response: This comment is noted. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Christopher Andrews, Board Member

Comment: The speaker states that there is an economic component to the authenticity of Oakland that people love. He states that Pasadena had similar language to recognize historic resources as an

economic benefit, and is concerned about wiping out these resources for ‘big-box’ development. He thinks the data in the 2007 Conley Study needs to be updated.

Response: This comment is noted. It is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Valerie Garry, Board Member

Comment: The speaker feels that people are drawn to the retro qualities of Oakland and that character is worth retaining. She references page 34 in the Plan that describes the extent to which older buildings contribute to the character of the area. She thinks the lower areas near Adams Point should remain as is, preserving the transition and gathering spaces that are already there. She feels there needs to be some assurance that historic resources will be protected. She does not like the use of “where feasible” in DEIR Mitigation Measure CUL-1 and thinks it provides an outlet for developers to avoid the mitigation. She thinks the plan needs to better articulate its historic preservation goals and priorities.

Response: With respect to the use of “where feasible” in mitigation measure language, although measures are available that could mitigate potential impacts to historic resources (see Mitigation Measure CUL-1 in Chapter 4.04 of the DEIR), mitigation to reduce impacts to a less-than-significant level may not be deemed feasible for development under the Specific Plan. In instances where these measures are not deemed feasible, the significant impact would remain. For this reason, adoption and development under the Plan was determined to result in a significant and unavoidable impact with respect to historic resources and would require a statement of overriding consideration prior to certification of the EIR and adoption of the Specific Plan.

All other comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Christopher Andrews, Board Member

Comment: The speaker states that the eight thousand signatures to preserve Biff’s are impressive and asks how the City can communicate this value to developers.

Response: This comment is noted. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Daniel Schulman, Board Member

Comment: The speaker supports the Specific Plan for supporting neighborhood serving retail. He wants to see that the minimum building heights in the new zones of the Plan require two stories for 35 foot buildings to prevent single-story buildings that use the roof and parapet to achieve the height without providing the density. He supports preserving Biff’s but is concerned that the structure is not in good shape and would need to be rebuilt. He feels that the parking numbers in

the plan take up too much space and put pressure on historic resources. He asks how the City can justify spending 22.5 to 30 million dollars on a new parking garage when the retail leak is only estimated at ten million dollars a year. He feels retail is an amenity as opposed to an economic engine.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document. Regarding historic resources, DEIR Chapter 4.04, *Cultural Resources*, identifies existing cultural resources in the Plan Area and assesses the potential environmental effects of the Plan on these resources.

7.2 Responses to Comments from the October 16, 2013 Planning Commission Public Hearing

The following comments were made at the City Planning Commission public hearing on the DEIR on October 16, 2013:

Joel DeValcourt

Comment: The speaker states that he supports the plan and bonus incentive program and would like to see stronger provisions for the community beyond retail, supported by stakeholder outreach. He feels the plan should require 15 percent of the housing as affordable and allow more flexible ground floor retail. He would like to see increased incentives that support the sites that are eligible for the Housing Income Tax Credit. He would like to see the public parcel in the Valdez Triangle remain a catalyst for the mixed-use vision of the Plan. He feels smart parking management is an essential component, with required unbundled parking, and transit passes alongside prioritized funding for pedestrian and bicycle facilities.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document. Regarding the comments about parking management, transit passes and prioritized funding for pedestrian and bicycle facilities, please see the City's Standard Condition of Approval 25: Parking and Transportation Demand Management listed starting on page 4.13.33 in DEIR Chapter 13, *Transportation and Circulation*, and discussed in the same chapter starting on page 4.13-105.

Marie Taylor

Comment: The speaker is concerned that regional retail will not serve limited income residents and seniors in the neighborhood. She would like to see neighborhood-serving retail in the Plan, as well as stronger acknowledgement of senior citizen's use of the Plan Area.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Andreas Clouver

Comment: The speaker states that he would like to see a mechanism in place to ensure jobs go to local residents and provide living wages that lead to careers.

Response: This comment is noted. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Gloria Bruce

Comment: The speaker states that she supports the Plan and would like to see the City work with stakeholders to strengthen the bonus and incentive program. She states that she supports the previous comments for smart parking, prioritized pedestrian and bicycle improvements, quality accessible jobs, and neighborhood serving retail. She feels that 15 percent of housing needs to be affordable and the Low-Income Tax Credit sites should have incentives that make them priority housing sites. She would like to know if the Plan can incentivize taller building heights. She does not think the displacement of 30 affordable homes in the DEIR is mitigated with building 1,800 homes that have no affordability requirement.

Response: Regarding the potential displacement of existing Plan Area residents, please see Master Response 5.2 in Chapter 5 of this Response to Comments document. See also responses to comment letter 9 in Chapter 6 of this Response to Comments document.

All other comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Leal Charonnat

Comment: The speaker would like to see Policy CD-3.15 changed to prioritize historic preservation over development to save Biff's Coffee Shop, and other similar structures.

Response: This comment is noted. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Naomi Schiff

Comment: The speaker states that there is not enough time to review the material and another hearing should be held. She believes Policy CD-3.15 needs to be rewritten, and the Harrison and Waverly Street neighborhoods should remain intact, along with the Newsom Brothers Apartment Building that could serve as a hotel. She feels the retail should be oriented towards Broadway rather than Harrison. She supports DEIR Sub-Alternative 4 with the inclusion of Harrison and Waverly Streets. She is concerned that the Conley Study (2007) is out of date and that retail uses less space as a result of online shopping trends. She urges the Commission to consider true urban design and authenticity.

Response: With regard to historic recourses considered significant for the purposes of the CEQA analysis (including the alternatives analysis), see response to Naomi Schiff's comment on page 7-2 of this document.

All other comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Valerie Winemiller

Comment: The speaker states that she prefers to see incremental growth over single-use development. She is concerned that the extent of mixed-use development in the Plan could cause drivers to use Richmond Boulevard as a cut-through to MacArthur. She states that she supports the comments of the Oakland Heritage Alliance regarding urban design aesthetic.

Response: Please see response comment 11-C-15 in Chapter 6 of this Response to Comments document regarding cut-through traffic on Richmond Boulevard.

All other comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Joyce Roy

Comment: The speaker questions the relevancy of the Plan and notes that in 2007 there was a concern that the car dealers might relocate and leave a large hole in the City's sales tax revenue. She is concerned that the Plan does not have enough open space, and states that City policies would require at least 7.2 acres of open space allocated while the Plan currently has less than one acre allocated. She suggests the parking lot around Biff's Coffee Shop, totaling 1.1 acres, could serve as a public gathering area and focal point, similar to San Francisco's Union Square. She also feels there should be a second hearing for comments on the DEIR.

Response: With respect to concerns about open space, see responses 11C-11 and 25C-2 in Chapter 6 of this Response to Comments document.

All other comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Jonathan Bair

Comment: The speaker is concerned with the car-oriented nature of this plan, and feels that car-serving amenities reduce pedestrian safety and comfort. He feels the Plan is an opportunity to go beyond the Bicycle Master Plan to incorporate new amenities. He feels the language around encouraging non-auto commuting and living in this area should be strengthened. He thinks the references to the street car should be removed since they contain unsupported and incorrect information and bias ongoing studies of transit options along Broadway. He is concerned about

the feasibility of building a publicly subsidized parking garage and feels it should be phased in towards the end of the Plan build out.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document. Also see response to previous comments by Joel DeValcourt regarding parking (on page 7-5 of this document).

Ralph Cook

Comment: The speaker states that the Plan is very transit and car oriented and he would like to see a more walkable a community oriented plan. He states that locating development on Harrison allows easy access, but does not encourage people to stay in the area and there should be more incentives for residential development.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Keira Williams

Comment: The speaker states that she is the City's Retail Specialist and is responding to concerns voiced during the meeting and minutes from the Landmarks meeting. She states that destination retail is not intended to serve the immediate area, and the Plan is intended to serve regional retail needs. She states that the Plan envisions 24th and Valdez as its center, not Harrison, and that Broadway is not a good street for retail because it is not safe for pedestrians to cross with the wide median. She further states that San Francisco is driving retailers to the East Bay, as a result of their stringent requirements, and that the City's investment in parking will support developers who can't pay the higher cost of land. She suggests the goal of the Plan is to strike a balance between retail parking and pedestrian needs.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Commissioner Jahaziel Bonilla

Comment: The speaker echoes the concerns about providing jobs for local residents and it is important to employ the youth to reduce crime. He also supports the comments about providing affordable retail for seniors and would like to see a Ross or similar store locate in the Plan Area.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Commissioner Emily Weinstein

Comment: The speaker states that the Plan should consider how uptown and downtown have changed since the market study, and how these changes will affect the Plan goals. She would like to know how adding retail to the Valdez Triangle will relate to retail in Uptown and Downtown, why priority sites have been pushed to the perimeter, and why the Plan puts so much focus on transforming the intact residential areas. She feels that the Free B shuttle should be extended down Broadway to Jack London Square. She would like to know what the market conditions are that make a hotel viable in this area. She would like to see more detail on the bonus and incentive program.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Commissioner Michael Coleman

Comment: The speaker states that Plan realization is dependent upon developers and what they will be willing to do in this area. He would like the City to consider how large scale developments will affect the single story car dealerships, and who the proposed hotel will serve. He states that there will be many opportunities to comment on the Plan in the future.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document. Regarding the potential effects of future development in the Plan Area on existing lower-scaled development that may remain, these effects are adequately analyzed in DEIR Section 4.1 *Aesthetics*.

Commissioner Adhi Nagraj

Comment: The speaker states that the Plan is walkable retail, similar to Grand and Piedmont Avenue which balances regional needs but does not look like Rockridge, and that he supports the grand vision. He states that increasing the supply of housing in this area is the best way to ensure affordability. He does not like the language in the Plan that says the economy will improve; he believes it is already very near to a high pressure price point and the City should incentivize developers, beginning with the City's investment in parking for the Plan Area. He states that destination retailers have a negative connotation in the Bay Area that needs to be changed to encourage local retail to establish nearby. He feels it is worth considering elasticity of demand for housing units in relation of supply to affordability. He would like to consider Broadway as an up-zoning area and that cheaper construction will reduce the price point, alongside parking maximum ratios to encourage development.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Commissioner Chris Patillo

Comment: The speaker states that there is too much information and has not read the DEIR so feels unprepared. She feels the Plan is vague regarding future plans for the auto dealerships, and should include a more detailed conceptual plan of how they might be relocated and what would incentivize them to move. She does not understand why 24th and Valdez is the main thrust of the Plan since Broadway has traditionally been the retail center of the City. She feels it is unfathomable to demolish the Waverly housing, and that the City should avoid big box retail.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document. With regard to historic recourses considered significant for the purposes of CEQA analysis and alternatives analysis required by CEQA, see response to comments by Naomi Schiff, above on page 7-2.

7.3 Responses to Comments from the October 30, 2013 Planning Commission Public Hearing

The following comments were made at the City Planning Commission public hearing on the DEIR on October 30, 2013:

Commissioner Emily Weinstein

Comment: The speaker would like more information on the rationale for adding the Valdez Triangle to the Central Business District (CBD), and how that will relate to other areas of the CBD south along Broadway Avenue.

Response: This comment is noted. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Naomi Schiff

Comment: Claims there are more than 80 units of housing in the Waverly ASI, rather than 30 units as stated in the DEIR. She states that the Travel Demand Management (TDM) plan is inadequate and should be area-wide. She states that historic preservation, affordable housing and open space should be incentivized as much as retail and that “C-rated” building should be considered for adaptive reuse. She objects to the Dark Skies Ordinance exemption for the Entertainment District Overlay. She objects to the sign regulations in the Plan as well as the use of LEDs and would like to see Policy 3.4.8 be revised. She would like to see Waverly ASI identified as an adaptive reuse priority area.

Response: The number of existing units presented in Impact POP-2, on DEIR page 4.11-12, is corrected and clarified in Master Response 5.2 in Chapter 5 of this Response to Comments document.

Please see responses to comments 3-9 and 7-7 in Chapter 6 of this Response to Comments document regarding TDM strategies. According to the *May 2014 Final Broadway Valdez District Specific Plan*, an exemption to the City of Oakland's Dark Skies Ordinance is no longer proposed or considered for adoption as a part of the Specific Plan.

All other comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Riley Doty

Comment: The speaker states that this area is a huge adaptive reuse opportunity area that should allow the history of the area to shine through.

Response: This comment is noted. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Paul Young

Comment: The speaker states that he supports the Plan and its attempt to close the huge gap in retail for the City. He feels that there are a lot of opportunity areas in the City and that not every plan needs to load up on every good cause. He feels that the great thing about this plan is that it creates certainty for potential retailers which will help drive down costs for developers, community members, and everyone using the area.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Pam White

Comment: The speaker applauds Staff efforts in putting together this plan. She states that Whole Foods is a catalyst site for retail in this area. She clarified that this area will be a retail district rather than center. She stated that this plan would be contextual, and would not wipe out existing structures. She stated that she wants to see a vibrant city for the youth, and that Oakland is missing the 24 hour environment and safety that comes with retail.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Peter Berkholtz, LPAB Board Member

Comment: The speaker feels that this plan is a missed opportunity and that the City should be looking to Hayes Valley as an alternative, as opposed to Walnut Creek. He feels that the plan is

short sighted. He does not understand how there is no open space, and feels that the plan should look at strengthening pedestrian and bicycle connections.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Michael Sagel

Comment: The speaker states that he lives in the Waverly Street area and is excited about the opportunities in this plan. He feels that organic growth is in jeopardy with this plan and that the allotted retail space is excessive. He also believes that there are far more than 30 units of housing in the Waverly Street Area and he does not want to see the existing culture eliminated through displacement.

Response: The number of existing units presented in Impact POP-2, on DEIR page 4.11-12, is clarified in Master Response 5.2 in Chapter 5 of this Response to Comments document.

All other comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Catherine Hughes

Comment: The speaker states that the City had completed a transportation study in 2006 that suggested converting Oakland Ave and Harrison Street back to two lane roads to resolve traffic issues in the area. She feels that the current transportation system encourages people to leave Oakland for San Francisco. She feels that the current effects of particulate matter (PM₁₀) in the area are worse than the DEIR describes. She feels that the freeway on-ramps should be moved off the residential streets and onto Broadway.

Response: These comments are noted. Comments regarding proposed roadway changes, traffic patterns, and location of freeway on-ramps, pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

DEIR Chapter 4.2, *Air Quality*, relied on publications and data from the Bay Area Air Quality Management District (BAAQMD) to assess the existing and probable future levels of air quality in Oakland, including particulate matter. As described on DEIR page 4.2-2, monitoring data from ambient air quality measurements conducted by the BAAQMD at its nearby monitoring stations—the West Oakland and International Boulevard stations, is presented in Table 4.2-1 on DEIR page 4.2-3.

In addition to presenting monitoring data, to arrive at the cumulative Air Quality conditions in the Plan Area, the DEIR Air Quality evaluation analyzed a combination of highly conservative screening-level data and more precise but still conservative refined modeling analysis for TAC concentrations within and surrounding the Plan Area (note that in 1998,

the California Air Resources Board identified particulate emissions from diesel-fueled engines [diesel particulate matter, or DPM] as TACs). The screening-level data also is from the BAAQMD, which provides a publicly available inventory of TAC-related health risks for permitted stationary sources throughout the San Francisco Bay Area Air Basin as well as for freeways (see DEIR pages 4.2-5 through 4.2-6). The inventory presents community risk and hazards from screening tools and tables that are intentionally conservative. The screening-level risk factors derived from the BAAQMD's tool are intended to indicate whether additional review related to the impact is necessary and are not intended to be used to assess actual risk for all projects.

The health risk analysis relied on the BAAQMD's conservative screening-level data to screen out low-emitting existing sources of TACs that pose no substantial threat to increased cancer risk level exposure. For TAC sources not eliminated through this screening process, a more refined concentration modeling analysis was conducted and the result evaluated. A detailed description of these existing mobile and stationary sources of TACs, as well as reasonably foreseeable future sources of TACs, both within and surrounding the Plan Area is included within Impact AIR-5 on DEIR pages 4.2-29 through 4.2-31 and in Table 4.2-8 on DEIR page 4.2-30.

The effects of inhaled particulate matter are described on DEIR pages 4.2-4 and 4.2-5 and in Table 4.2-3 on DEIR page 4.2-10.

Reesa Tansy

Comment: The speaker states that she had just returned from the Retail Live conference at ICSU Napa and wanted to make note of how many retailers are interested in Oakland. She wants to make sure the focus of this plan stays on retail to satisfy the needs identified in the Conley Study, while providing Oakland with safe areas to be.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Gloria Bruce

Comment: The speaker feels there needs to be a balance between retail, housing, and other amenities to realize benefits associated with retail. She feels the retail should serve a range of incomes. She would like to see this plan require 15 percent of housing is affordable. She would like to see a citywide policy on inclusionary zoning or affordable housing. She would like the DEIR to reevaluate and minimize impacts on displaced housing in the plan.

Response: Regarding the potential displacement of existing Plan Area residents, please see Master Response 5.2 in Chapter 5 of this Response to Comments document. See also responses to comment letter 9 in Chapter 6 of this Response to Comments document.

All other comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Brittney Brown

Comment: The speaker would like to see low-income residents included in this plan beyond providing affordable housing. She emphasized the importance of identifying existing cultural resources, and areas that serve these people and need improvements.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Kenya Wheeler

Comment: The speaker would like to see stronger language around incorporating affordable housing with retail. He feels that retail alongside housing will make Broadway safer. He feels that the City has many other service needs that are a priority for the City, and that a public-private-partnership would be a better solution for funding the parking structure. He is concerned that increasing parking would conflict with the City's Energy and Climate Action Plan (ECAP). He would like to see more future bicycle corridors or routes designated in the Plan for the Valdez Area.

Response: For a description of existing Plan Area parking, existing parking to be removed by adoption and development under the Specific Plan, and estimated parking to be developed under the Specific Plan, see discussion starting on DEIR page 4.13-102. The DEIR concluded that the Specific Plan would be consistent with the City of Oakland's Energy and Climate Action Plan (ECAP). As stated in Impact GHG-2, in DEIR Chapter 4.6, *Greenhouse Gases and Climate Change*, adoption and development under the Specific 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 (Standard Condition of Approval F), which would reduce GHG emissions of the adoption and development under the Specific Plan to the greatest extent feasible. Standard Conditions of Approval also include conditions to reduce demand for single occupancy vehicle travel (Standard Condition of Approval 25). Overall, the Specific Plan would guide specific future projects to align with existing current plans, policies and regulations adopted to reduce GHG emissions including current City Sustainability Programs, General Plan policies or regulations regarding GHG reductions, other local, regional and statewide plans, policies and regulations that are related to the reduction of GHG emissions and relevant to the Specific Plan, and including the ECAP.

All other comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Brian Stankey

Comment: The speaker feels that the balance of retail and housing is important for maximizing the benefit from development to the City and residents. He feels the plan has good intentions but that policies are not strong enough to support them, for example the emphasis on walkability contradicted by the antiquated unfunded parking mandate. He feels the policies for Smart Parking Management and Transportation Demand Management should be mandated instead.

Response: This comment is noted. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Also, please see responses to comments 3-9 and 7-7 in Chapter 6 of this Response to Comments document regarding transportation and parking management strategies.

Keira Williams

Comment: The speaker states that the City has severe shortage of destination goods and comparison retail, which will only locate in specific areas near busy intersections. She feels this plan has a very urban context, and locating retail here makes sense because of the large amount of surface parking and lower land values. She states that there is momentum already with three projects in the planning phase. She feels that the incentive for retail is important since most landowners in the area have been banking parcels in anticipation of building large residential towers. She supports incentives for historic preservation and affordable housing, but notes that the City has many of those developments elsewhere and retail has specific needs that are met by this area so should be the priority. She believes retail development here will prevent residents from driving to other places and off-set increase in trips.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document. The traffic analysis in DEIR Section 4.13 factors in the potential for the mix of land uses proposed by the Plan to increase pass-by trips and reduced vehicles traveled with the Plan.

Kate Dobbins

Comment: The speaker feels that growing up in Oakland, the City was very walkable until the removal of the streetcar system and the installation of I-580. The commenter would like the City to restore the Glen Echo Creek trail, and form a connection along Broadway to the Hills by linking the open space by Summit to the new garden at Kaiser.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Loria Rossey

Comment: The speaker believes the intersection of Piedmont and Broadway is dangerous and needs a protected left turn signal.

Response: The provision for a protected left-turn phase from southbound Broadway to Piedmont Avenue was considered as part of Mitigation Measure TRANS-20 and rejected because it would not mitigate the significant impact at this intersection.

Sarah Cohen

Comment: The speaker raises attention to the importance of improvements mentioned in three sections of the Specific Plan page 92, Goal LU-9; page 122, Policy CD 2.9; and page 141, Section 5.4. She feels these improvements are critical to making lower Piedmont safer for pedestrians and bicyclists.

Response: This comment is noted. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Commissioner Emily Weinstein

Comment: The speaker would like clarification about the development program assumed in the DEIR for the Historic Preservation Sub-Alternative, independent of the Partially Mitigated Alternative (Alternative 2).

Response: Under the Historic Preservation Sub-Alternative, all identified historic resources within the Plan Area would be protected from demolition and significant alteration by prohibiting development on parcels where such resources are located. As noted in Chapter 3 of this Response to Comments document, the DEIR has been modified to clarify the development assumptions for the Historic Preservation Sub-Alternative. Additionally, in response to comments received, the DEIR has been further modified to include the analysis of a second (new) Historic Preservation Sub-Alternative such that the original Historic Preservation Sub-Alternative has been renamed “Historic Preservation Sub-Alternative A” and the new Sub-Alternative is named “Historic Preservation Sub-Alternative B”. The Broadway Valdez District Specific Plan, in combination with Historic Preservation Sub-Alternative B is now “the Project” that City staff is recommending for adoption. For ease of administrative purposes, the changes noted above have been made to the *May 2014 Final Draft Specific Plan*. Please see Master Response 5.3 in Chapter 5 of this Response to Comments document for a more detailed description of Historic Preservation Sub-Alternative A and B.

Commissioner Adhi Nagraj

Comment: The speaker feels the number of units listed in the DEIR in the Waverly ASI is incorrect. He supports a retail first strategy, but is surprised by the choice to concentrate retail along Valdez. He would like to revise the language in the DEIR on p. 4.11-12 regarding displaced

residents so that it does not suggest displacement could benefit them. He believes the data on anticipated growth in the DEIR on p. 4.11-12 is inflated, considering the lower actual growth that occurred between 2005 and 2010. He would like to see retail focused on Broadway with development tapering off towards the Lake.

Response: The number of existing units presented in Impact POP-2, on DEIR page 4.11-12, is corrected and clarified in Master Response 5.2 in Chapter 5 of this Response to Comments document.

In addition, the text on page 4.11-12 is revised as follows:

The people residing in housing units to be demolished would have to find other housing, potentially in nearby neighborhoods or in other parts of Oakland. There could be economic implications for the individuals involved. Households required to relocate would incur expenses associated with moving. However, lower-income households in rental housing displaced by private sector development would be entitled to relocation assistance under the City's Ellis Act, as described above. For some, rents/prices could be higher at a new location, or the housing might be less desirable for similar rents/prices. ~~Others, however, might find it beneficial to relocate, if they find preferable or improved housing that better meets their needs, in terms of location, unit size/quality, and/or rent/price.~~

With regard to anticipated growth and the approximate 4,600 new households added in Oakland from 2005 through 2010, this estimate is presented in Table 4.11-1 of the DEIR and on DEIR page 4.11-12. The information regarding citywide household estimates for 2005 and 2010 came from the Proposed Amendments to the Central District Renewal Plan EIR released in March of 2011 and incorporated the best information and estimates available at the time of the analysis. Since that time, the US Census for 2010 has shown that the household numbers in Oakland were lower than previously estimated, and, due to the recession, may actually have declined from the 2005 estimates previously available. Since 2010, as the economy recovers, there now continues to be household growth again.

Ultimately, it is important to note that a growth in number of households does not necessarily correlate to the growth in housing units. Rather, changes in the number of households responds more closely to changes in occupancy/vacancy rates. The US Census data show that in the decade from 2000 to 2010, there was housing growth of 12,202 units in Oakland, with household growth of 3,001 households, and that average vacancy rates increased from 4.3 percent to 9.4 percent by the end of the decade. Substantial increases in foreclosures and the development of new housing not fully occupied, occurred during the latter part of the decade as a result of the recession. As the economy recovers from the recession, population growth will occur in existing housing, and the housing market will return to a lower, long term average vacancy rate. The results of the recession highlight the ups and downs that can occur in recessionary and more prosperous times, to drive the cyclical nature of household numbers. These cycles render changes in these numbers – certainly in 5-year-increments—not only difficult to estimate but also poor indicators of longer term citywide development and growth trends.

Additional comments that pertain to the merits of the Specific Plan are noted. These comments are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Commissioner Jahaziel Bonilla

Comment: The speaker is doubtful that the City can attract the level of retail needed to justify the Specific Plan, and wonders what type of development will actually occur. He would like to see affordable housing, but is unsure of the legalities that might mitigate it. He wants to make sure this development provides jobs for the local youth. He agrees that there should be an intersection at Piedmont and Broadway Avenues. He wants the plan to balance the needs of developers, housing advocates, and retailers.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Commissioner Jim Moore

Comment: The speaker feels that the Valdez Triangle is the right location for retail because of the large amount that is planned for. He notes that property ownership in this area is complicated, and rezoning must be used to encourage retail. He would like to look closer at the Waverly ASI and does not feel there are any projects that would come in and ‘scrape’ the site. He is in favor of Harrison Street serving as buffer to Lake Merritt and restoring vibrancy of the Broadway corridor. He would like to see attention paid to the freeway underpass. He believes the Conley study is valid, and incremental development in Oakland is leading the charge. He feels the focus should be shifted to traffic impact fees and away from project-by-project conditions of approval. He would like to see affordable housing addressed through a citywide goal. He would like to see Glen Echo Park Trail restored. He feels micro-housing will contribute to affordable housing supply.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

With regard to historic recourses considered significant for the purposes of CEQA analysis, also see response to comments by Naomi Schiff, above on page 7-2.

Since City of Oakland does not currently have a transportation impact fee program in place, the DEIR cannot include payment of fees as mitigation for the identified significant transportation impacts. However, the transportation mitigation measures include the option to pay the applicable fee if the City adopts a transportation impact fee program. The City is considering adopting a transportation impact fee program for the entire city and/or the Broadway Valdez District Plan Area.

Commissioner Emily Weinstein

Comment: The speaker feels the plan allows for incremental and organic growth. She references the impetus of the 10K Plan as old studies that claimed retailers did not want to locate in upper Broadway due to a lack of housing, and is concerned that the progress made in housing development as a result of this plan may be reversed if this plan does not balance the two. She notes that the Valdez Triangle connects downtown to other areas in the CBD with their own retail strategy so it is a good location for retail. She is concerned about up-zoning increasing land values and driving out affordable housing developers. She would like to see alternatives in the DEIR that analyze the possibilities of historic preservation that incorporates new development on the same lot. She is in favor of area-wide traffic impact fees but unsure how they would be implemented. She is concerned about the lack of open space. In reference to the “Whole Foods Effect” described previously, she is unclear if retailers like to locate next to a Whole Foods, or that Whole Foods locates in up and coming areas and serves as an indicator to developers.

Response: With respect to the area-wide traffic impact fees, see response to comment from Commissioner Moore above.

With respect to the alternatives analysis, as required for CEQA, alternatives shall be developed to avoid or lessen one or more significant effects of the project (CEQA Guidelines Section 15126.6) (see response 11B-13 in Chapter 6 of this Response to Comments document). The assessment of the Partially Mitigated Alternative along with the Historic Preservation Sub-Alternative satisfied these requirements. Also see previous response starting on page 16 of this Chapter, for a description of the Historic Preservation Sub-Alternative considered in combination with the Specific Plan rather than the Partially Mitigated Alternative.

With respect to concerns regarding open space, please see response to comments by Joyce Roy on page 7-7, above.

All other comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Commissioner Michael Coleman

Comment: The speaker agrees that the intersection of Piedmont and Broadway needs an improvement. He would be opposed to development that ‘scrapes the site’ and does not think that would be occur under this plan. He agrees that I-580 created a wall across the City and that improvements need to make the underpass area safer and more enjoyable. He is curious how this plan will affect future water demand issues locally and at the State level. He thinks a transit system is important for moving people along the length of Broadway from Jack London Square to the new Kaiser Center.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Regarding water demand, as described in Impact UTIL-1, on DEIR page 4.14-14, the East Bay Municipal Utility District provided a Water Supply Assessment to confirm that adequate water supply is available to meet proposed demand anticipated with adoption and development under the Specific Plan and that Specific Plan related demand is accounted for in its water demand projections as published in the district's UWMP (also see DEIR Appendix H).

Commissioner Chris Patillo

Comment: The speaker generally likes the plan, but would like to eliminate Specific Plan page 150 which undermines historic preservation goals elsewhere in the plan. The commenter agrees that retail needs to be the priority and a balance needs to be struck with housing. The commenter is concerned the map that defines the priority areas is unintentionally causing people to envision 'scrape-and-build' development and should be refined to look like the map sent by the Oakland Heritage Alliance. The commenter would like to see the further development of incentives that would encourage the car dealerships to relocate and/or downsize. The commenter feels the City's tree policies are not strong enough to support the goals in the plan, and that the City should resolve their maintenance issues before implementing improvements in the Plan. The commenter would like to see a building at the terminus street between Biff's and Whole Foods.

Response: These comments are noted. These comments pertain to the merits of the Specific Plan and are beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document. See also responses to comment letters 24A and 24B in Chapter 6 of this Response to Comments document.

Commissioner Adhi Nagraj

Comment: The speaker is less concerned about up-zoning, but is concerned about the needs of different developers created a checkered development pattern where some lots have retail and housing mixed and others are single-uses.

Response: This comment is noted. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.

Commissioner Michael Coleman

Comment: The speaker states that if housing is a driving force behind property values, then the City is in a good position to require affordable housing.

Response: This comment is noted. This comment pertains to the merits of the Specific Plan and is beyond the purview of the EIR and CEQA. Please see Master Response 5.1 in Chapter 5 of this Response to Comments document.