

PHASE I OAKLAND 2045 GENERAL PLAN UPDATE

Response to Comments / Final Environmental Impact Report

Prepared for
City of Oakland

July 2023



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CHAPTER 1

Introduction

This Final Environmental Impact Report (EIR) has been prepared by the City of Oakland (“City”) (Lead Agency) pursuant to the *California Environmental Quality Act* (CEQA) and the *CEQA Guidelines* to present the environmental analysis of the proposed *Phase I Oakland 2045 General Plan Update* (“Proposed Project”) to the public for review and for agency decision-makers to use in their consideration of the Proposed Project.¹ This chapter summarizes the CEQA process for the Proposed Project, explains the CEQA context for this Final EIR and updated information provided herein, and describes the organization of this document.

1.1 CEQA Process

1.1.1 Notice of Preparation

The City of Oakland published a Notice of Preparation (NOP) on March 30, 2022, pursuant to *CEQA Guidelines* Section 15082, indicating that an EIR would be prepared for the Proposed Project and inviting comments on the scope of the Draft EIR’s analysis. The City sent the NOP to the State Clearinghouse, responsible and trustee government agencies, organizations, and individuals potentially interested in the *Phase I Oakland 2045 General Plan Update*. The public comment period regarding the scope of the Draft EIR began on March 30, 2022 and ended May 5, 2022, resulting in a 36-day comment period.

During the comment period, a public scoping session was conducted by the City of Oakland on April 20, 2022, to provide a forum for public agencies and interested persons or groups to offer comments regarding the scope of the EIR, including topics to be analyzed in the EIR. Oral and written comments received during the comment period addressed a range of topics including parking, historic resources, and compatibility with Oakland International Airport’s Airport Land Use Compatibility Plan.

1.1.2 Notice and Public Review of the Draft EIR

The City issued a Notice of Availability (NOA) of the Draft EIR on March 24, 2023, announcing the availability of the Draft EIR for public review and comment. The NOA noticed a 45-day public review and comment period on the Draft EIR, starting Friday March 24, 2023, ending on Tuesday May 9, 2023. During the public review and comment period on the Draft EIR, a public

¹ The *California Environmental Quality Act* can be found in the California Public Resources Code, Section 21000 et seq. The *CEQA Guidelines*, formally known as the *Guidelines for California Environmental Quality Act*, can be found in the California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq.

meeting on the Draft EIR was held by the City of Oakland Planning Commission on Wednesday, April 19, 2023.

The City encouraged agencies and interested parties to submit written comments on the Draft EIR to the City of Oakland Bureau of Planning by email, U.S. mail or by fax. The City received written comments from a total of 11 comment letters (including commenters who commented multiple times). A list of the commenters is provided in Chapter 2, *Roster of Commenters*, of this Final EIR.

1.1.3 Response to Comments / Final EIR

The City has prepared written responses to comments received during the public review and comment period for the Draft EIR. Chapter 4 provides all written comments together with individual responses to comments. (The only written comments received were submitted by email.) Chapter 4 also includes responses to comments received verbally at the public meeting on the Draft EIR. In addition to providing the comments and responses to comments on the Draft EIR, this document includes necessary updates and other modifications and clarifications to the text and exhibits in the Draft EIR in Chapter 2, *Updated Project Information and Analysis* and Chapter 5, *Changes-Errata to the Draft EIR*. The Draft EIR, together with the comments, responses to comments, and other information included in this Response to Comments document constitutes the Final EIR, consistent with *CEQA Guidelines* Section 15132, *Contents of Final Environmental Impact Report*. Due to the large volume of text contained in the Draft EIR and its appendices, the Final EIR does not contain the full text of the Draft EIR, which remains available in a separate volume and is included here by reference.

The Draft EIR, this Response to Comments / Final EIR, and all supporting technical documents under City of Oakland Case number PUD06010-R02-ER01, are available to view at Accela Citizen Access and City of Oakland | Current Environmental Review (CEQA/EIR) Documents (oaklandca.gov).

1.2 Intended Use of the Final EIR

The City of Oakland, as Lead Agency, will make the decision whether to certify the Final EIR in accordance with Section 15090 of the *CEQA Guidelines*. Before the City may approve the Proposed Project, it must independently review and consider the information contained in the Final EIR, certifying that the Final EIR adequately discloses the environmental effects of the Proposed Project, that the Final EIR has been completed in conformance with CEQA, and that the decision-making body of the Lead Agency independently reviewed and considered the information contained in the Final EIR. Certification of the Final EIR would indicate the City's determination that the Final EIR adequately evaluated the environmental impacts that could be associated with the *Phase I Oakland 2045 General Plan Update*.

If certified, the Final EIR would be used by the City to inform its decisions to modify, approve, or deny approval of the Proposed Project based on the analysis in the document and in accordance with the findings required by *CEQA Guidelines* Section 15091 (*Findings*). Pursuant to *CEQA Guidelines* Section 15126 (*Consideration and Discussion of Environmental Impacts*), the City

would then use this Final EIR as the primary environmental document to evaluate all subsequent planning and permitting actions associated with the Proposed Project, including adoption of a Mitigation Monitoring and Reporting Program (MMRP), amending the Oakland Planning Code text and maps that are part of the Proposed Project; amending the General Plan and associated maps to be consistent with the Proposed Project; adoption of the Safety Element; and adoption of the Environmental Justice Element. These subsequent planning and permitting actions associated with the Proposed Project are generally listed in Chapter 3, *Project Description*, of the Draft EIR.

1.3 Mitigation Monitoring and Reporting Program

Public Resources Code Section 21081.6 and *CEQA Guidelines* Section 15097 (*Mitigation Monitoring or Reporting*) require public agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of specified environmental findings related to and EIR (also mitigated negative declarations). Accordingly, as Lead Agency, the City has prepared an MMRP for the Proposed Project; the MMRP is included as **Appendix A** to this this document.

The intent of the MMRP is to track and successfully implement the mitigation measures identified within the Final EIR and adopted as part of the Proposed Project to avoid or mitigate significant effects on the environment. The MMRP is designed to ensure compliance with the mitigation measures, as amended in this document and presented in Chapter 5, *Changes-Errata to the Draft EIR*, during and after the Proposed Project's adoption. If the City decides to approve the Proposed Project, it would adopt the MMRP at the time of the Proposed Project's approval and would be responsible for conducting the monitoring included in the MMRP for the life of the Proposed Project. An introduction describing the components of the MMRP and terms used therein is included as part of Appendix A.

1.4 Updated Information in the Final EIR

Following the close of the Draft EIR comment period, the City made revisions to the proposed Planning Code, Zoning Map and General Plan text and map amendments, or Housing Element Implementation (HEI). A summary of the revisions, referred to herein as the Revised Proposed Project, is included in Chapter 2, *Updated Project Information and Analysis*.

Responses to comments received on the Draft EIR focus on comments that pertain to the adequacy of the analysis in the Draft EIR or to other aspects pertinent to the potential effects of the Proposed Project 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 City staff have initiated changes to text or exhibits in the Draft EIR, these changes appear in Chapter 5, *City-Initiated Updates and Errata to the Draft EIR*.

If “significant new information” is added to an EIR after a notice of public review of the Draft EIR document has been given (in this case, March 24, 2023, for the Draft EIR), but before final certification of the EIR, the Lead Agency must issue a new notice and recirculate the Draft EIR

for further comment and consultation. *CEQA Guidelines* Section 15088.5 (*Recirculation of an EIR Prior to Certification*), specifies the following:

“Significant new information” requiring recirculation include, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- (2) 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;
- (3) 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
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.”

None of the changes to the Draft EIR identified in this document meet any of the above conditions for significant new information. Therefore, recirculation of any part of this Final EIR not required. The information presented in the Draft EIR and this document support this determination by the City.

1.5 Organization of This Final EIR

Following this **Chapter 1, Introduction**, this Response to Comments / Final EIR is organized as described below:

- **Chapter 2, Updated Project Description and Analysis** – This chapter includes a summary of the revisions to the Proposed Project made by the City subsequent to the close of the Draft EIR comment period. This chapter also contains a high-level environmental review of these Proposed Project revisions.
- **Chapter 3, Roster of Commenters** – This chapter presents a roster showing each public agency, organization, or individual that provided comments on the Draft EIR generally during the public review and comment period for the Draft EIR.
- **Chapter 4, Responses to Individual Comments** – This chapter includes copies of the written comments received during the public review and comment period on the Draft EIR. Specific responses to the individual comments in each correspondence are provided side-by-side with each letter.
- **Chapter 5, Errata to the Draft EIR** – This chapter presents all updates made to provide clarification, amplification, and corrections to the text and exhibits in the Draft EIR initiated by City staff. No changes to the Draft EIR were required to respond to specific comments.
- **Appendices** –The appendices include the MMRP for the Proposed Project (Appendix A), and a copy of the comment letters including attachments (Appendix B).

CHAPTER 2

Updated Project Description and Analysis

2.1 Introduction

In response to comments received from responsible agencies, organizations, and individuals on the Draft EIR and feedback received from City Planning Staff, the City made revisions to the Proposed Project analyzed in the Draft EIR. Specifically, the City revised specific sites included in the proposed Affordable Housing Overlay (AHO) Zone and made specific reductions to the proposed corridor height limit increases. The Proposed Project with these revisions is referred to herein as the Revised Proposed Project. None of the information in this Chapter is considered “significant new information” defined in *CEQA Guidelines* Section 15088.5, requiring recirculation of any part of this Final EIR (see Chapter 1, *Introduction*).

2.2 Revised Affordable Housing Overlay (AHO) Zone

As described in Chapter 3, *Project Description*, of the Draft EIR, the AHO Zone is intended to create and preserve affordable housing restricted for extremely low, very low, low, and/or moderate-income households. The zoning districts and buffer areas included in the AHO Zone were presented in Draft EIR Figure 3-14 and described in detail in Draft EIR Section 4.10, *Land Use and Planning*.

The majority of the Oakland Hills are within a Very High Fire Hazard Severity Zone (VHFHSZ) / wildland urban interface. Much of the land in the Oakland Hills is currently zoned for either Hillside Residential (RH) or Open Space (OS). As part of efforts to advance racial equity, proposed policies attempt to balance fire safety considerations with actions that further opportunity in exclusionary single-family areas. The Draft EIR analysis assumed the AHO Zone would include areas within 1,000 feet in either direction from Highway 13 and I-580 corridor that are outside the S-9 Fire Safety Protection Combining Zone. Many of the parcels included within this 1,000-foot buffer area were parcels located in the designated VHFHSZ.

During the Safety Element Update process, staff studied the VHFHSZ to identify areas with adequate emergency access (i.e., easy access to primary regional routes in the City) and evaluated the VHFHSZ for congestion issues in emergency wildfire scenarios (i.e., parcels with less than two access points to evacuation). Planning staff used the results of this study, as well as discussions with the City Administrator’s Office, the Housing and Community Development Department, and the Fire Department’s Emergency Services Program Unit, to identify specific areas of the VHFHSZ that would be excluded from AHO Zone. As a result, the number of parcels

in the VHFHSZ included in the AHO Zone were reduced and only the following commercial areas with direct access to the freeway would be included:

- Oak Knoll + Barcelona City-owned sites;
- CC-1 Commercial zoned area near Redwood Road;
- CN-3 Commercial zoned area near Mountain Blvd. near Woodminster Lane;
- CN-3, CN-4, and RM-3 zoned area in the Montclair district (where Moraga Avenue turns into Mountain Blvd.);
- CN-4 zoned area near intersection of Seminary Avenue and Kuhnle Avenue.

The Revised Proposed Project AHO Zone is presented in **Figure 2-1**. This change to the proposed hill-area inclusion in the AHO Zone aims to balance concerns regarding the increased natural disaster risk of building in the Oakland Hills with the City's equity goals around increasing affordable housing in high-resource areas.

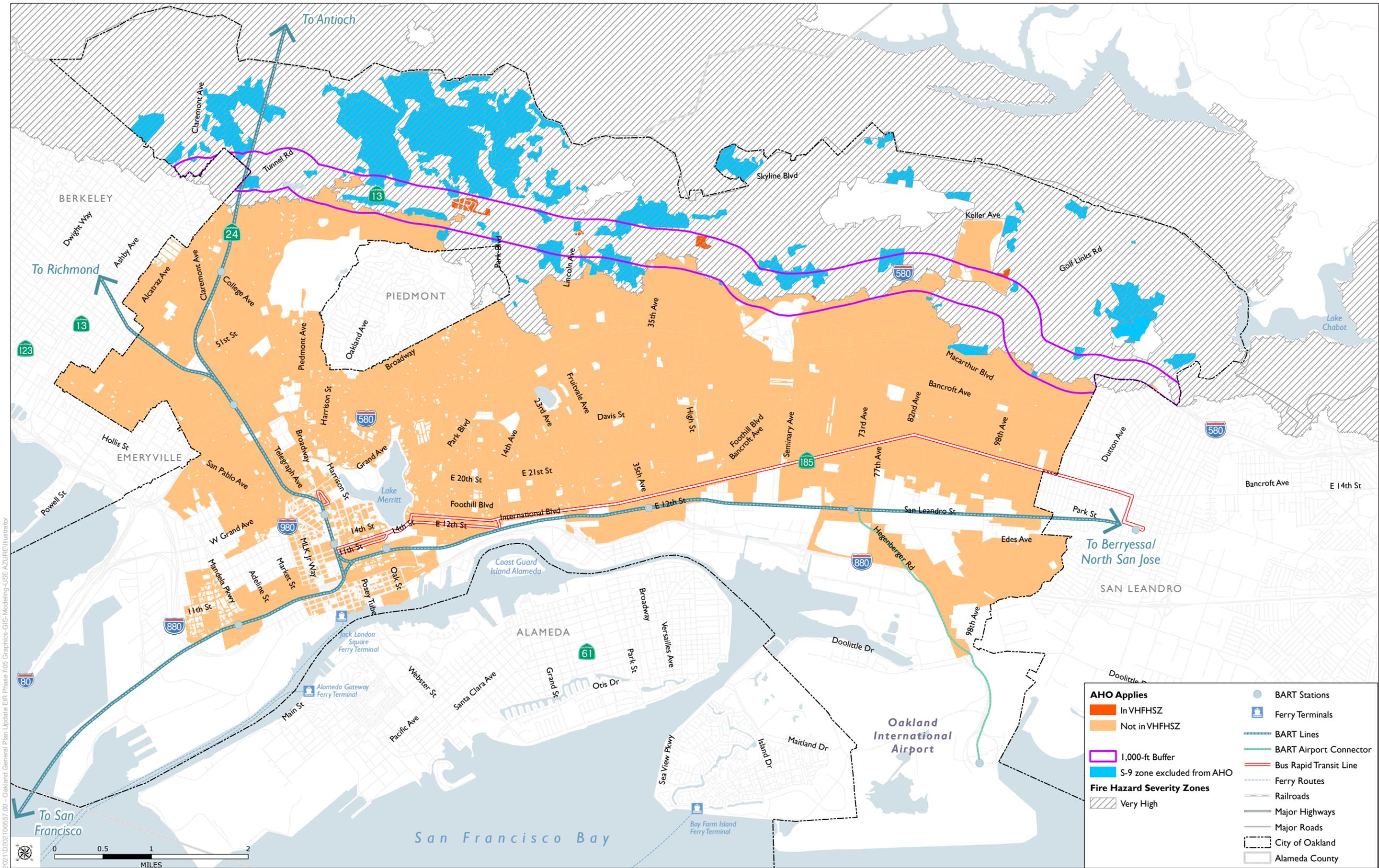
2.3 Revised Proposed Corridor Heights

As described in Chapter 3, *Project Description*, of the Draft EIR, Actions 3.2.1 and 3.4.1 of the Housing Action Plan propose allowing additional building heights and densities in specific locations of the City. The proposed height increases are shown on Draft EIR Figure 3-12.

During the public review period for the Draft EIR, the Port of Oakland (Port) submitted comments regarding the proposed increase in allowable heights along Hegenberger Road. The Port acts as manager of the Aviation/Oakland International Airport (Airport) and describes the intent of the Airport's Airport Land Use Compatibility Plan (ALUCP) to encourage compatibility between airports and the various land uses that surround them. The comments raised concerns about the proposed height increases along Hegenberger Road, south of I-880, having an adverse impact on Airport operations both during construction and once future projects are constructed. Specifically, taller buildings would decrease low-visibility capabilities on North Field runways which can negatively impact the ability of the Airport to effectively operate. operations

The City acknowledges the inconsistency between the proposed height increases and ALUCP and thus revised the proposed height increases to ensure consistency. Per the Port's request, using the Airport FAR Part 77 Surfaces map in the ALUCP, the City has proposed reduced height limits in the area near Hegenberger Road and Doolittle Drive, and along Hegenberger Road. The Revised Proposed Project Corridor Heights along with existing height limits are presented in **Figure 2-2**. **Table 2-1** provides a side-by-side comparison of the corridor height limits of the Proposed Project and the Revised Proposed Project.

These changes are proposed to avoid potential impacts to Oakland Airport operations and comply with Federal and State standards. These height reductions would result in an inconsequential reduction of projected housing units (less than 0.2 percent) in the overall Proposed Project *Buildout Program*.

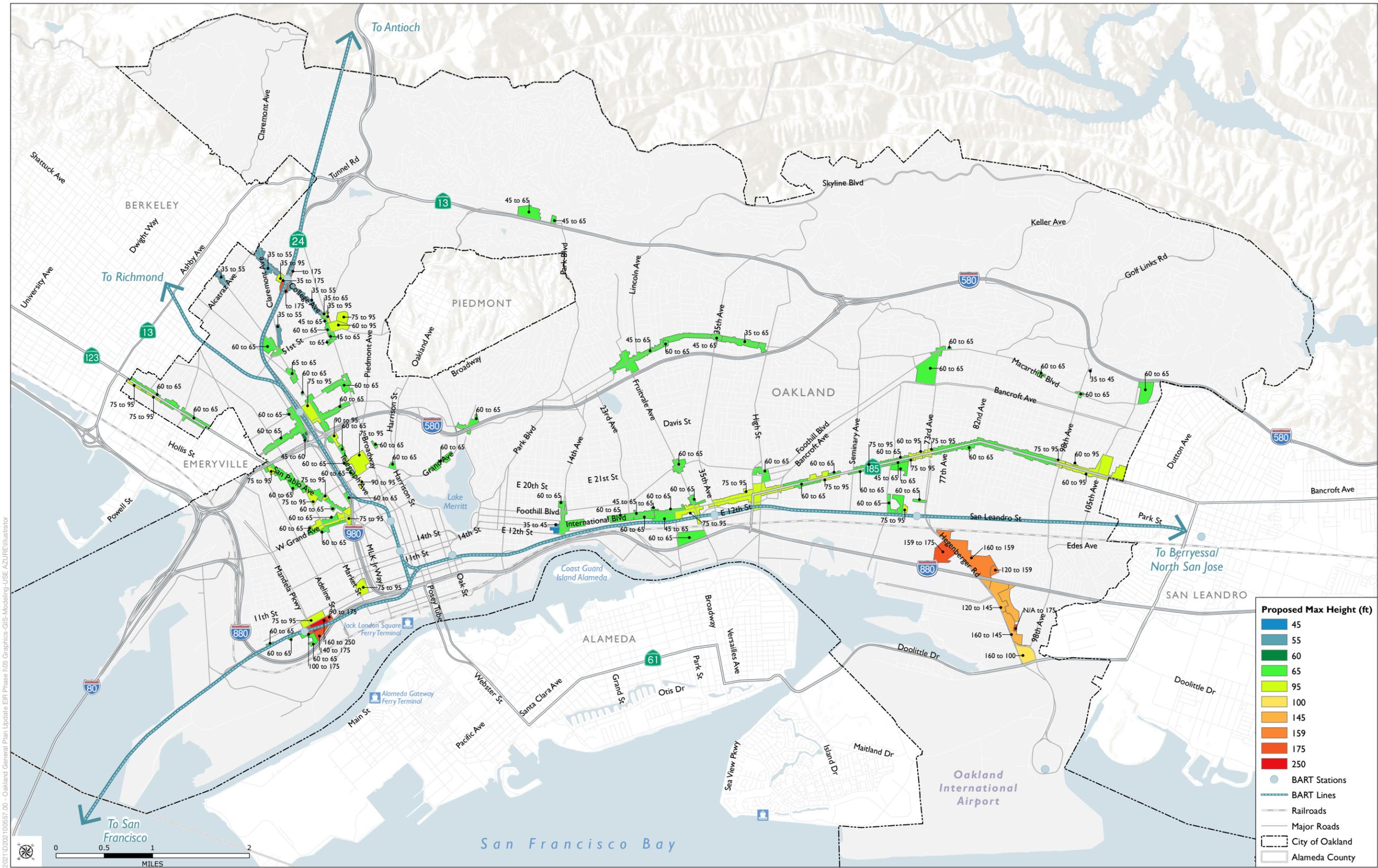


SOURCE: Dyett & Bhatia, 2022

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Figure 2-1
Revised Proposed Project AHO Zone





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SOURCE: Dyett & Bhatia, 2022

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Figure 2-2
Revised Proposed Corridor Heights



**TABLE 2-1
COMPARISON OF PROPOSED PROJECT CORRIDOR HEIGHTS AND
REVISED PROPOSED PROJECT CORRIDOR HEIGHTS**

	Existing Height Limits (ft)	Proposed Project Height Limits (ft)	Revised Proposed Project Height Limits (ft)
Hegenberger Road between the railroad and the Northbound Hegenberger Off Ramp ^a	160	175	159
Along Baldwin Street west of McClary Avenue	N/A ^b	no change	159
Parcels along Enterprise Way	N/A ^b	no change	159
Southwest corner of Enterprise Way and 85 th Avenue	N/A ^b	no change	159
Hegenberger Road between Northbound Hegenberger Off Ramp and Southbound Hegenberger On Ramp ^a	160	175	145
Northwest corner of Edes Avenue and 85 th Way	120	175	159
Hegenberger Road between Southbound Hegenberger On Ramp and Hegenberger Loop ^a	120	175	145
Hegenberger Loop between Hegenberger Court and San Leandro Creek ^a	N/A ^b	no change	145
Hegenberger Road between Hegenberger Loop and Airport Access Road ^a	160	175	145
North of Hegenberger Place	N/A ^b	no change	175
Northeast corner of Hegenberger Road and Doolittle Drive	160	175	100

NOTES:

a. Along the east side of Hegenberger Road

b. "N/A" refers to parcels with zoning designations that do not have an associated height area and were subsequently rezoned to a designation that does have a height area.

2.4 Minor Code Amendment Revisions

Since publication of the Draft EIR, Planning Staff have continued to review and refine the package of Planning Code Amendments included in the Proposed Project in response to community feedback, Planning staff review, and to address longstanding needs for clarifications to the Planning Code. These changes are not anticipated to have any significant impact on the environment and include the following:

- Chapter 17.10 Use Classifications amended to redefine enumerated Group Assembly Commercial Activities and Personal Instruction and Improvement Services Commercial Activities as those with five thousand square feet or more of area (previously three thousand square feet or more).
- Chapter 17.11 OS Open Space Zoning Regulations amended to provide as a permitted use in all OS zones park uses consistent with a recorded conservation easement adopted by the City Council and held by a qualified entity pursuant to California Civil Code section 815.3. Such permitted uses must be reserved for the exclusive purpose of conserving the culture present in Oakland prior to European colonization or culture descended from said time and place.

- Chapter 17.13 RH Hillside Residential Zones Regulations amended to revise minimum interior side setbacks on RH zoned properties with a footprint slope less than or equal to 20% such that a lot size percentage need not be considered.
- Chapter 17.15 RD Detached Unit Residential Zone Regulations amended to provide for General Retail Sales, Consumer Service, Consultative and Financial Service, and Administrative Commercial Activities be Permitted or Conditionally Permitted uses, with limitations.
- Chapter 17.17 RM Mixed Housing Type Residential Zones Regulations amended to permit subject to limitations Emergency Shelters in a consistent manner across RM zones, and to limit Administrative Civic, Health Care Civic, Medical Service Commercial, and Administrative Commercial Activities in residentially zoned areas between 53rd Street, 55th Street, Martin Luther King Jr. Way, and Highway 24.
- Chapter 17.19 RU Urban Residential Zones Regulations amended to permit subject to limitations Emergency Shelters in a consistent manner across RU zones and to revise permitted densities for rooming units and efficiency dwelling units.
- Chapter 17.33 CN Neighborhood Center Commercial Zones Regulations amended to permit subject to limitations Emergency Shelters in a consistent manner across CN zones and to remove limitations on Limited Child-Care Activities
- Chapter 17.37 CR Regional Commercial Zones Regulations amended to place additional limitations on Building Material Sales, Automobile and Other Light Vehicle Sales and Rental, and Automobile and Other Light Vehicle Repair and Cleaning Activities.
- Chapter 17.58 CBD Central Business District Zones Regulations amended to permit with limitations, rather than conditionally permit, Emergency Shelters, and to remove limitations on Limited Child-Care Activities.
- Chapter 17.65 HBX Housing and Business Mix Commercial Zones Regulations amended to permit with limitations, rather than conditionally permit, Emergency Shelters.
- Chapter 17.72 M-20, M-30, and M-40 Industrial Zones Regulations, Chapter 17.73 CIX, IG, and IO Industrial Zones Regulations, and Chapter 17.103 Special Regulations and Findings for Certain Use Classifications amended to revise proximity limitation for certain intensive uses near residential zones from three hundred feet to six hundred feet.
- Chapter 17.96 S-14 Housing Sites Combining Zone Regulations amended to provide exception to the majority residential use requirement for proposed developments that include one hundred percent of the realistic capacity designated for the site or coordinated with development of a nearby site under the same ownership that would transfer the realistic capacity of the designated site.
- Chapter 17.101A – D-WS Wood Street District Zones Regulations, Chapter 17.101C D-BV Broadway Valdez District Commercial Zones Regulations, Chapter 17.101E D-CE Central Estuary District Zones Regulations, and Chapter 17.101H D-CO Coliseum Area District Zones Regulations amended to permit with limitations Emergency Shelters.
- Chapter 17.102 Regulations Applicable to Certain Activities and Facilities amended to reduce regulations on laundromats.
- Chapter 17.103 Special Regulations and Findings for Certain Use Classifications amended to remove duplicative review requirements for Sidewalk Café Nonresidential Facilities.

- Chapter 17.108 General Height, Yard, and Court Regulations amended to allow for greater flexibility in locating air conditioners, compressors, hot tub motors, and similar devices, to revise the allowance of electrified wires where determined by the Director of City Planning that trespassing could present a public safety hazards, and to revise fencing requirements in industrial zones.
- Chapter 17.116 Off-Street Parking and Loading Requirements amended to provide that no parking spaces be required for enumerated Civic and Commercial Activities located in the S-15 and D-CO-1 zones, and revising maximum parking for Commercial Activities such that the parking requirements are the same for ground floor and above ground floor activities.
- Chapter 17.126 Usable Open Space Standards amended to provide that group open spaces may be provided anywhere on the lot, so long as it is accessible to all the living units served, rather than within twenty feet of the living units served.
- Chapter 17.128 Telecommunications Regulations amended to eliminate requirements for telecommunication facility applicants to establish a sinking fund.

2.5 Comparative Analysis of the Project Revisions

The analysis of the Revised Proposed Project considers all the components of the Proposed Project but revises the AHO Zone in the portions in the VHFHSZ and the proposed corridor heights in the ALUCP vicinity. Overall, the Revised Proposed Project is estimated to result in a reduction of approximately 0.2 percent of the Proposed Project *Buildout Program*. The Revised Proposed Project would also be subject to the mitigation measures established in the Final EIR.

Although the Revised Proposed Project's anticipated development is slightly reduced compared with the Proposed Project *Buildout Program*, eliminating approximately 0.2 percent of projected housing production from the *Buildout Program* is not anticipated to result in a notable reduction in the severity of significant impacts associated with the Proposed Project with the exception of potential impacts related to wildland fire. The Revised Proposed Project would result in slightly less construction activity within a VHFHSZ and therefore a reduced risk of wildfire associated with introducing new sources of ignition (i.e., construction vehicles and equipment) into those areas. Reduced development in the VHFHSZ would reduce risks associated with installation or maintenance of infrastructure, impairment of an emergency response plan or emergency evacuation plan, and exposure of people or structures to wildfire associated risks. However, these impacts would not be reduced to a less-than-significant level. In addition, the Revised Proposed Project would still result in increased housing density throughout the City and therefore, it would not reduce the significant and unavoidable impacts related to tsunami-, dam failure-, or flooding-related evacuation.

The Revised Proposed Project would not reduce any of the Proposed Project's significant and unavoidable impacts to a less than significant level. As with the Proposed Project, it cannot be said with certainty that future residential development in the City would avoid significant shadow impacts, not cause wind hazards, or combine with cumulative development to result in a significant and unavoidable cumulative aesthetic impact. Similarly, future development under Revised Proposed Project could result in significant and unavoidable air quality impacts including impacts related to criteria pollutant emissions, siting sensitive receptors near major sources of

toxic air contaminants, exposure of sensitive receptors to substantial pollutant concentrations, and cumulative exposure of sensitive receptors to substantial levels of fine particulate matter and toxic air contaminants.

Significant and unavoidable impacts related to historical architectural resources would be the same as those identified for the Proposed Project including the potential to result in damage to, or destruction of, historic architectural resources.

The Revised Proposed Project would meet some of the project objectives more effectively than others. It would meet the housing needs of all Oaklanders for the 6th Housing Element cycle (objective 1); create and preserve affordable housing restricted for extremely low, very low, low, and moderate-income households (objective 5); reduce pollution exposure (objective 7); promote equitable access to public facilities, healthy food, safe and sanitary homes, and physical activity (objective 8); reduce barriers to inclusive engagement and participation in the public decision making process (objective 9); and prioritize improvements and programs that address needs of EJ communities (objective 10). Like Alternative 2 in Chapter 5, *Alternatives*, of the Draft EIR; the Revised Proposed Project would be less effective in terms of reducing racial segregation, facilitating integrated living patterns, and transforming racially and ethnically concentrated areas of poverty (objectives 2 and 3); and encouraging a diversity of housing types in high resource neighborhoods (objective 4). The Revised Proposed Project would be more effective in minimizing risks posed by natural and human-caused hazards (objective 6), as affordable housing would not be incentivized in the VHFHSZ.

CHAPTER 3

Roster of Commenters

3.1 Introduction

This chapter lists each public agency, organization, and individual that provided comments on the Draft EIR generally during the public review and comment period for the Draft EIR, which began on March 24, 2023, and ended at 5:00 p.m. May 9, 2023. The comments addressed in Chapter 4, *Responses to Comments*, of this Final EIR are presented in the order of the commenters listed below. Commenters have an alphabetic designation that corresponds to the category of commenter, such as “A” for public agencies. A number follows the alphabetic designation to indicate the sequence of the comment submissions. For example, “A-1” is the first public agency comment submission identified, as shown below.

3.2 Commenters on the Draft EIR

3.2.1 Public Agencies

Table 3-1 below lists the State, regional, and local public agencies that submitted comments on the Draft EIR. As shown in the table, each public agency’s comment submission is identified with an “A” designation and followed by a number, which indicates the order in which the comments are responded to in Chapter 4, *Responses to Comments*, of this Final EIR.

**TABLE 3-1
STATE, REGIONAL, AND LOCAL AGENCIES COMMENTING ON THE DRAFT EIR**

Designator	Commenter	Date Received
Agencies		
A-1	Alameda County Transportation Commission (ACTC)	5/09/2023
A-2	Bay Area Rapid Transit (BART)	5/01/2023
A-3	East Bay Municipal Utility District (EBMUD)	5/01/2023
A-4	Port of Oakland (Port)	5/09/2023

3.2.2 Organizations

Table 3-2 below lists the organizations that submitted comments on the Draft EIR. As shown in the table, each organization’s comment submission is identified with an “O” designation and followed by a number, which indicates the order in which the comments are responded to in

Chapter 4, *Responses to Comments*, of the Final EIR. “(PC)” denotes speaker at the public meeting on the Draft EIR.

**TABLE 3-2
ORGANIZATIONS COMMENTING ON THE DRAFT EIR**

Designator	Commenter	Date Received
Organizations		
O-1	Building & Construction Trades Council of Alameda County	5/19/2023
O-2	Oakland Heritage Alliance	5/01/2023
O-3	Oakland Heritage Alliance	5/09/2023
O-4	Piedmont Avenue Neighborhood Improvement League (PANIL)	5/09/2023
O-5	Piedmont Avenue Neighborhood Improvement League (PANIL)	5/09/2023
O-6(PC)	Naomi Schiff, Oakland Heritage Alliance	4/19/2023

3.2.3 Individuals

Table 3-3 below lists the individuals that submitted comments on the Draft EIR, in writing or verbally at the public meeting on the Draft EIR. As shown in the table, each individual’s comment submission is identified with an “I” designation and followed by a number, which indicates the order in which the comments are responded to in Chapter 4, *Responses to Comments*, of this Final EIR. “(PC)” denotes speaker at the public meeting on the Draft EIR.

**TABLE 3-3
INDIVIDUALS COMMENTING ON THE DRAFT EIR**

Designator	Commenter	Date Received
Individuals		
I-1	Arlinda Befort	5/09/2023
I-2	Bernie Rossi	5/09/2023
I-3	Jim Marro	5/09/2023
I-4 (PC)	Jason Gumataotao	4/19/2023

CHAPTER 4

Responses to Comments

4.1 Introduction

This chapter includes copies of the written comments received by email during the public review and comment period on the Draft EIR. Specific responses to the individual comments in each correspondence are provided side-by-side with each letter. Verbatim comments from speakers at the public meeting on the Draft EIR are provided, followed by specific responses.

As described in Chapter 3, *Roster of Commenters*, each correspondence is identified by an alphabetic designation that corresponds to the category of commenter, such as “O” for organizations, with “(PC)” designating a comment received verbally at the public meeting on the Draft EIR, and a number follows the alphabetic designation to designate the sequence of the comment submissions (e.g., “O-3” for the third organization comment letter). 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., “O-3-3” for the third comment in Comment Letter O-3).

Responses focus on comments that pertain to the adequacy of the analysis in the Draft EIR or to other aspects pertinent to the potential effects of the Proposed Project on the environment pursuant to CEQA. Comments that address topics beyond the purview of the Draft EIR or CEQA are noted as such for the public record.

4.2 Public Agencies

A-1	Alameda County Transportation Commission (ACTC).....	page 4-3
A-2	Bay Area Rapid Transit (BART).....	page 4-5
A-3	East Bay Municipal Utility District (EBMUD).....	page 4-8
A-4	Port of Oakland (Port).....	page 4-13

A-1 Alameda County Transportation Commission (ACTC)

COMMENT



May 09, 2023

Lakshmi Rajagopalan, AICP Planner IV,
 City of Oakland Bureau of Planning
 250 Frank H. Ogawa Plaza, Suite 3315,
 Oakland, CA 94612

SUBJECT: Phase I Oakland 2045 General Plan Update Draft Environmental Impact Report (DEIR) Comments

Dear Lakshmi,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for Phase I of the Oakland 2045 General Plan Update.

The proposed project encompasses the entire City of Oakland, which is located in northern Alameda County. Oakland spans approximately 49,910 acres with 178,207 housing units, and is the third most populous city in the Bay Area with a population of approximately 430,000 in 2021.

The proposed project amends the Planning Code, Zoning Map, and General Plan as part of the City's recently adopted 2023-2031 Housing Element implementation. The plan and policy changes included in the project are expected to result in development of approximately 41,458 new housing units.

The project also includes amendments and adoption of an Environmental Justice Element to address inequitable health risks in heavily impacted communities. It will also update its Safety Element to address climate change issues focusing on wildfire, toxic and hazardous materials, seismic risk, flooding, climate change adaptation and resilience, and drought.

Since the proposed project would appear to generate at least 100 pm-peak trips and is therefore subject to review under the Land Use Analysis Program (LUAP) of the Congestion Management Program (CMP), the Alameda County Transportation Commission (Alameda CTC) respectfully submits the following comments:

Alameda CTC Scoping Comments on the NOP of this DEIR

- On page 4.15-1, the DEIR references comments received from Alameda CTC on the NOP for this DEIR, including that the DEIR should address the potential impacts of the proposed project on walking, biking and transit use, especially potential impacts on the Countywide High Injury Network (HIN). Alameda CTC appreciates that the requested analysis is included as informational material in Appendix D.

Congestion Management Program (CMP) Review

- Alameda CTC appreciates this DEIR evaluating the potential impacts of proposed land use changes included in the project on the CMP network of roadways as referenced on page 4.15.25 of the DEIR.
- Likewise, Alameda CTC appreciates that this DEIR uses the regional plans developed by our agency as the regional framework for this DEIR. These plans include the Alameda Countywide

RESPONSE

A-1-1 This commenter summarizes and concurs with the methodology, analysis, and conclusions presented in the Draft EIR that is relevant to the ACTC's Land Use Analysis Program (LUAP) of the Congestion Management Program (CMP).

A-1-1

A-1 Alameda County Transportation Commission (ACTC)

COMMENT

Lakshmi Rajagopalan
 May 09, 2023
 Page 2

Transportation Plan (2020), which identifies a list of 10-year priority projects, eighteen of which are significant for the City of Oakland. The Alameda Countywide Active Transportation Plan (2019) and the Alameda Countywide Multimodal Arterial Plan (2016) both provide priorities and resources for active transportation and transit that advance local efforts.

Use of Countywide Travel Demand Model

- Alameda CTC appreciates the use of Alameda CTC Travel Demand Model for the evaluation of project impacts on the forecasted multimodal regional travel and for the estimates of regional average VMT per capita and VMT per employee as stated on page 4.15-35.

Transportation Impacts & Mitigation Measures

- On page 2.15-48, the analysis concludes that with adherence to proposed policies, Standard Conditions of Approval, and regulatory compliance the proposed project will not conflict with a plan, ordinance, or policy addressing the safety or performance of the multimodal circulation system.
- On page 4.15-48, the DEIR states that the City of Oakland has adopted screening criteria and thresholds to evaluate significant impacts for VMT. The VMT analysis showed that the proposed project would result in 12.2 average VMT per capita in 2030, which is below the impact threshold for VMT per capita. Ensuring adherence to proposed policies, Standard Conditions of Approval, and regulatory compliance, the proposed project would result in less than significant impact related to VMT.
- Alameda CTC commends the proposed project for not substantially inducing additional automobile travel by increasing physical roadway capacity on congested areas, nor would it result in significant cumulative impacts when combined with cumulative development. Again, adherence to proposed policies, Standard Conditions of Approval, and regulatory compliance would ensure that the project's cumulative impacts are less than significant.
- Alameda CTC encourages the City of Oakland to, as part of the Standard Conditions of Approval, require developments to implement planned bike or pedestrian infrastructure improvements on or adjacent to proposed development parcels and address gap closures in the bike and pedestrian networks adjacent to proposed developments if any exists. This could also include improvements to bus stop and transit station amenities for developments adjacent to these facilities.

Thank you for the opportunity to comment on this DEIR. Please contact me at (510) 208-7400 or Aleida Andrino-Chavez at (510) 208-7480 if you have any questions.

Sincerely,

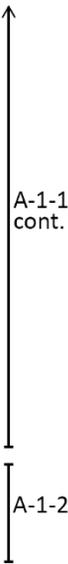


Colin Dentel-Post
 Principal Planner

cc: Aleida Andrino-Chavez, Associate Transportation Planner

RESPONSE

A-1-2 In this comment, ACTC encourages the City of Oakland, as part of its Standard Conditions of Approval, to require developments to implement planned bike or pedestrian infrastructure improvements on or adjacent to proposed development parcels and address gap closures in the bike and pedestrian networks adjacent to proposed developments if any exists. This could also include improvements to bus stop and transit station amenities for developments adjacent to these facilities.



A-1-1
 cont.

A-1-2

Existing SCAs 73, Access to Parks and Open Space; 74, Construction Activity in the Public Right-of-Way; 75, Bicycle Parking; 76, Transportation Improvements; 77, Transportation and Demand Management Program; and 79 Railroad Crossings include specific measures to support pedestrian and bicycle infrastructure improvements within the Plan Area. There is no legal nexus to incorporate mitigation to add additional requirements to these SCAs. The comment is acknowledged for the record and will be forwarded to the decision-makers for their consideration during deliberations on the Proposed Project.

A-2 Bay Area Rapid Transit (BART)

COMMENT

RESPONSE



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
 2150 Webster Street, P.O. Box 12688
 Oakland, CA 94604-2688
 (510) 464-6000

2023

May 1, 2023

Janice Li
 PRESIDENT

City of Oakland Bureau of Planning
 250 Frank H. Ogawa Plaza, Suite 3315
 Oakland, CA 94612

Mark Foley
 VICE PRESIDENT

Email: generalplan@oaklandca.gov

Robert Powers
 GENERAL MANAGER

RE: Oakland General Plan Phase 1 Draft Environmental Impact Report (EIR) and Zoning Code Amendments

DIRECTORS

Dear Ms. Rajagopalan:

Debora Allen
 1ST DISTRICT

The San Francisco Bay Area Rapid Transit District (BART) appreciates the opportunity to comment on the City of Oakland’s General Plan Phase 1 Draft Environmental Impact Report (EIR), released March 24, 2023, and accompanying Planning and Zoning Code Amendments. BART has been serving as a member of the Technical Advisory Committee (TAC), in close communication with City staff.

Mark Foley
 2ND DISTRICT

Rebecca Saltzman
 3RD DISTRICT

BART applauds the City for nearing completion of the first phase of the General Plan updates, including the Housing, Safety, and Environmental Justice elements. As part of this planning effort, the City proposes changes to the Planning Code to allow for missing middle housing development, to streamline the entitlement process for certain housing development in new overlay zones and for special housing types, and to reduce pollution impacts on sensitive receptors. In addition, the City is in the process of amending the Zoning Code to ensure conformance with Assembly Bill 2923 (AB2923). Altogether, the proposed changes will help the City implement actions in the 2023-2031 Housing Element, further fair housing, advance environmental justice, and streamline the approval process.

Robert Rabum, Ph.D.
 4TH DISTRICT

John McFarland
 5TH DISTRICT

Elizabeth Ames
 6TH DISTRICT

Lateefah Simon
 7TH DISTRICT

Janice Li
 8TH DISTRICT

Bryan Duffy
 9TH DISTRICT

Oakland is in a critical location within the BART system. All BART lines traverse Oakland, serving eight stations across the city. Given the recent change to commuting patterns post-pandemic, it is crucial for BART to sustain ridership growth and generate new revenues. Promoting active transportation and transit ridership growth, the City’s General Plan updates, proposed zoning changes, and streamlined approval processes will enable transit-friendly developments near BART stations. BART staff also have been working with City staff on advancing TOD at the Rockridge, Lake Merritt and West Oakland BART stations, and the proposed amendments will help further achieve BART’s TOD policy and goals.

While BART supports the aforementioned efforts above, we are concerned about the proposed Housing Sites Overlay zone. This overlay zone may limit potential commercial development on several BART properties. With the understanding that the current shift toward working from home may have longer term implications for the office market, BART’s interest remains to preserve our ability to develop job centers in the East Bay and pursue more balanced BART ridership with riders moving in the “reverse commute” direction. BART’s TOD Workplan identifies the Coliseum BART station as a TOD site reserved for commercial uses, and BART would like to reserve the maximum flexibility for

www.bart.gov

A-2-1

This comment describes and expresses support for the Proposed Project. Overall, opinions pertaining to Proposed Project merits or lack thereof due to considerations not addressed by CEQA do not refer to the adequacy of the analysis in the Draft EIR or concern environmental effects under CEQA. Comments regarding the merits of the Proposed Project or matters that do not raise an environmental issue or specific questions about the impact analyses, alternatives or information in the Draft EIR do not require response pursuant to *CEQA Guidelines* Section 15088.

A-2-2

The commenter posits that the Housing Sites Overlay zone could limit commercial development on BART properties, specifically around the Coliseum BART Station and Specific Plan area. The Proposed Project would include zoning changes on BART-owned properties around the Rockridge, West Oakland, and Fruitvale BART stations. The revisions include changing RM-1, RM-2, and CN-1 zones to S-15 Transit-Oriented Development Commercial Zone; RM-2 to RM-3 zones; RM-1 to RM-4 Zone; and M-30, CM-3, and RM-4 zones to CC-2 Zone. The Proposed Project would also allow increased heights on some BART-owned properties around the Rockridge, MacArthur, West Oakland, and Fruitvale stations. While these changes could advance residential development on sites currently zoned for commercial and retail uses, as described in the Draft EIR, the Proposed Project would generally allow increased heights and create opportunities for added density on areas near BART stations.

One of the stated project objectives is to meet the housing needs of all Oaklanders for the 6th Housing Element cycle by removing regulatory development constraints and providing development

A-2-1

A-2-2

A-2 Bay Area Rapid Transit (BART)

COMMENT

RESPONSE

incentives. However, the analysis in the Draft EIR recognizes that it is not possible to predict the details of development that may be proposed for construction on any individual site once the Proposed Project is adopted. Actual future development within the Plan Area, including under the Proposed Project, will depend on market conditions, property owner interest, and other factors. The Proposed Project would not directly limit the ability to develop job centers on BART-owned properties.

Moreover, some BART parcels are designated as Housing Opportunity sites. The Housing Overlay Zone would require that development on these sites be for majority residential uses. Although the comment does not concern environmental effects of the Proposed Project under CEQA, in response to the comment raised, Oakland Planning staff have revised the Housing Overlay Zone to provide for exception where development of a housing opportunity site is coordinated with residential development on another nearby site under same ownership such that the realistic capacity is transferred to the coordinated site.

A-2 Bay Area Rapid Transit (BART)

COMMENT

May 1, 2023
Page 2

potential commercial development in the Coliseum Area Specific Plan area. Furthermore, BART would like affirmation from the City that the overlay zone will not affect the delivery of commercial buildings that are already approved as part of the West Oakland and the Lake Merritt TODs.

Lastly, BART had requested in the comment letter, dated May 2, 2022, responding to the Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) that the EIR analysis should address both Project and cumulative impacts on BART service, station access, and station capacity. According to Appendix D of the DEIR, the West Oakland, Rockridge, MacArthur and 12th Street stations would have an increase of more than 200 daily BART riders (4-6 percent increase) with the implementation of the proposed Housing Element, but the development of 41,458 units would not substantially increase local or regional transit ridership nor impact BART services and facilities. Given that BART is no longer operating over capacity during peak hours unlike under pre-COVID conditions, the 4-6 percent increase in peak hour ridership due to the project may not result in a decrease in the performance or safety of BART facilities in the planning horizon. BART, however, would like to continue to work with the City to ensure safe access to our stations.

In sum, BART supports the City of Oakland’s General Plan Phase 1 project and accompanying Planning and Zoning Code Amendments, with reservations over the proposed overlay zone. We request a meeting with City staff from both the Planning and Economic & Workforce Development Departments to explore development possibilities within the Housing Sites Overlay zone and discuss solutions.
Sincerely,

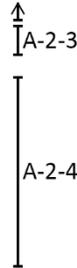


Tim Chan
Group Manager of Station Area Planning
cc:
Carli Paine, BART
Abigail Thorne-Lyman, BART
Eric Simundza, City of Oakland

RESPONSE

A-2-3 Adoption of the Proposed Project and the Housing Overlay Zone would not change existing entitlements or approvals, specifically commercial development that is already approved as part of the West Oakland and Lake Merritt Transit-Oriented Developments (TODs), which are 107 8th Street (APN 001 017100200); 51 9th Street (APN 001 016900100); 7th Street (APN 004 007700300); and 7th Street 7th St (APN 004 007100300). Also see ESA response to comment A-2-2 regarding proposed edits to Section 17.96.040 Required Majority Residential Use.

A-2-4 This commenter summarizes and concurs with the methodology, analysis, and conclusions presented in the Draft EIR Appendix D that is relevant to transit analysis.



A-3 East Bay Municipal Utility District (EBMUD)

COMMENT



May 1, 2023

Lakshmi Rajagopalan, AICP, Planner IV
City of Oakland
Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Notice of Availability of a Draft Environmental Impact Report for the Phase I
Oakland 2045 General Plan Update, Oakland

Dear Ms. Rajagopalan:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Phase I Oakland 2045 General Plan Update located in the City of Oakland (City). EBMUD commented on the Notice of Preparation of a Draft EIR for the project on April 14, 2022 and EBMUD's original comments (see enclosure) still apply.

A-3-1

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,

David J. Rehnstrom
Manager of Water Distribution Planning

DJR:EZ:kvv
wdp23_109 Oakland 2045 General Plan Update - Phase I

Enclosure: EBMUD April 14, 2022 comment letter on the Notice of Preparation of a Draft EIR for Phase I of the Oakland 2045 General Plan Update, Oakland

375 ELEVENTH STREET • OAKLAND • CA 94607-4240 • TOLL FREE 1-866-40-EBMUD

RESPONSE

A-3-1 This comment describes EBMUD's current process for providing water service to new developments within the City of Oakland.

A-3 East Bay Municipal Utility District (EBMUD)

COMMENT

RESPONSE

Enclosure



April 14, 2022

Lakshmi Rajagopalan, AICP, Planner IV
City of Oakland
Bureau of Planning
250 Frank H Ogawa Plaza
Suite 3315
Oakland, CA 94612

Re: Notice of Preparation of a Draft Environmental Impact Report for Phase I of the Oakland 2045 General Plan Update, Oakland

Dear Ms. Rajagopalan:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for Phase I of the Oakland 2045 General Plan Update, which encompasses the entire City of Oakland (City). EBMUD has the following comments.

WATER SERVICE

Effective January 1, 2018, water service for new multi-unit structures shall be individually metered or sub-metered in compliance with California State Senate Bill 7 (SB-7). SB-7 encourages conservation of water in multi-family residential, mixed-use multi-family and commercial buildings through metering infrastructure for each dwelling unit, including appropriate water billing safeguards for both tenants and landlords. EBMUD water services shall be conditioned for all development projects within the General Plan Update that are subject to SB-7 requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with SB-7.

Main extensions that may be required to serve any specific developments within the General Plan Update 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 for individual projects within the General Plan Update, project sponsors for individual projects 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 pipelines and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

A-3-1
cont.

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A-3 East Bay Municipal Utility District (EBMUD)

COMMENT

Lakshmi Rajagopalan, AICP, Planner IV
 April 14, 2022
 Page 2

Enclosure

Project sponsors for individual projects within the General Plan Update should be aware that EBMUD will not install piping or services 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 be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete, and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work 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 project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

GEOLOGY

On Page 3 of the NOP, under Existing Conditions, it states that the greater Oakland area is vulnerable to seismic hazards including earthquake-inducing landslides, liquefaction, and ground shaking. When the project sponsor applies for water service for individual projects within the General Plan, they will need to provide EBMUD with any proposed landslide mitigation measures for the developments so that no landslide impact hazard is posed to proposed water main extensions that will serve the projects.

WASTEWATER SERVICE

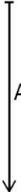
EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to

RESPONSE

A-3-2 The commenter states that while EBMUD's Main Wastewater Treatment Plant (WWTP) is anticipated to have adequate dry weather capacity to serve the Proposed Project *Buildout Program*, wet weather flows are a concern. The Proposed Project *Buildout Program's* demand on the existing wastewater conveyance and treatment system was analyzed in Impact UTL-1 in Section 4.17, *Utilities and Service Systems*, of the Draft EIR. The analysis concluded that with compliance with existing regulations including building codes, SCAs, and EBMUD's Regional Private Sewer Lateral Ordinance, future development under the Proposed Project would have a less-than-significant impact related to wastewater capacity.



A-3-1
cont.



A-3-2

A-3 East Bay Municipal Utility District (EBMUD)

COMMENT

Lakshmi Rajagopalan, AICP, Planner IV
 April 14, 2022
 Page 3

Enclosure

reinterpretation of applicable law, EBMUD’s National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD’s WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system (“Satellite Agencies”) hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance (www.eastbaypsl.com), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region’s wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

To ensure that future projects following adoption of the City’s General Plan Update contribute to these legally required I/I reductions, the lead agency should require all future housing project applicants to comply with EBMUD’s Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for future proposed projects: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

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.

RESPONSE

A-3-3 This comment describes opportunities to expand the use of recycled water and encourages the City to maintain consultation and communication with EBMUD regarding feasibility of such opportunities. This comment is noted and will be included in the record and considered by decision makers.

A-3-2 cont.

A-3-3

A-3 East Bay Municipal Utility District (EBMUD)

COMMENT

Lakshmi Rajagopalan, AICP, Planner IV
 April 14, 2022
 Page 4

Enclosure

Some portions of the City's boundaries fall within and around the service area of the East Bayshore Recycled Water Project transmission and distribution pipeline infrastructure. Although the housing element is residential in nature, many housing projects and any related non-residential developments present opportunities for recycled water uses. Appropriate recycled water uses range from landscape irrigation, toilet flushing, cooling, and other non-potable commercial and industrial applications. These could be served by existing or expanded recycled water pipelines in the future. Therefore, EBMUD recommends that the City and project sponsors maintain coordination and consultation with EBMUD during the planning and implementation of the various projects within the General Plan Update, regarding the feasibility of providing recycled water for appropriate non-potable uses.

WATER CONSERVATION

Individual projects within the General Plan Update presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The 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.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom
 Manager of Water Distribution Planning

DJR:KTL:grd
 sb22_077 Oakland 2045 General Plan Update NOP Response

RESPONSE

A-3-4 The commenter requests the City include Assembly Bill 325, "Model Water Efficient Landscape Ordinance," into its SCAs. The City's existing SCA 90, *Water Efficient Landscape Ordinance (WELO)*, is required for all new projects with an aggregate landscape area of 500 square feet or greater; all re-landscaping projects with an aggregate landscape area of 2,500 square feet or greater; existing landscapes, and cemeteries.

A-3-3
 cont.

A-3-4

A-4 Port of Oakland (Port)

COMMENT



May 9, 2023

Mr. Edward Manasse, Deputy Director Planning Bureau
City of Oakland Planning & Building
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612
Transmitted via email: generalplan@oaklandca.gov

Subject: Phase I Oakland 2045 General Plan Update Draft Environmental Impact Report (Draft EIR) Comments

Dear Mr. Manasse,

The Port of Oakland (Port) appreciates this opportunity to comment on the Proposed Phase I Oakland 2045 General Plan Update Draft Environmental Impact Report (Draft EIR). The Port of Oakland is an independent Department of the City of Oakland (City), acting by and through its Board of Port Commissioners. The Port manages four lines of business: Maritime/Seaport, Aviation/Oakland International Airport (Airport), Commercial Real Estate, and Utilities. Please see the following comments from the Port.

Airport Land Use Compatibility Plan

The Airport Land Use Compatibility Plan (ALUCP) is the primary document used by the Alameda County Airport Land Use Committee (ALUC) to promote compatibility between Oakland International Airport (OAK) and its environs. The intent of the ALUCP is to encourage compatibility between airports and the various land uses that surround them. There are four primary criteria for evaluating the compatibility of proposed land use in the Airport Influence Area (AIA): Airspace Protection Zones, Overflight Zones, Noise, and Safety.

The Port recommends working with the Alameda County Community Development Agency (in its role as the County's Airport Land Use Commission) and with the Port of Oakland to ensure consistency with the ALUCP and the City's various planning documents, zoning ordinance, and land-use development proposals near the Airport. Other cities within the County meet regularly and coordinate closely with the Port on upcoming development proposals and planning efforts. The Port requests the City to coordinate closely on upcoming development proposals and planning efforts.

530 Water Street - Jack London Square - P.O. Box 2064 - Oakland, California 94604-2064
Telephone: (510) 627-1100 • Facsimile: (510) 627-1826 • Web Page: www.portfoakland.com

RESPONSE

A-4-1 This comment describes the Port of Oakland as manager of the Aviation/Oakland International Airport (Airport) and describes the intent of the Airport's Airport Land Use Compatibility Plan (ALUCP) to encourage compatibility between airports and the various land uses that surround them.

A-4-1

A-4 Port of Oakland (Port)

COMMENT

Airspace Protection Zones

The Port conducted a preliminary airspace impact analysis of the increase in allowable heights from 160 feet to 175 feet as proposed in the Draft EIR. The Port’s analysis indicates that the height increases proposed along Hegenberger Rd., south of I-880 have an adverse impact on Airport operations. Specifically, these impacts include a decrease in low-visibility capabilities on North Field runways which can negatively impact the ability of OAK to effectively operate. These impacts will not only exist during construction of potential new development when cranes will be operating but will also persist once buildings are completed.

It should be noted that the existing height of 160 feet on the southernmost end of Hegenberger Rd. is problematic for the Airport’s operation. A sampling of height restriction points in the area near Hegenberger Rd. and Doolittle Dr. indicates that the building height limitations should be a maximum 103 feet. The Port is requesting that the City decrease the maximum building height to avoid impacting the Airport operations. The Port will continue to analyze the impacts of development on airport operations and continue to discuss the issue with the City.

The Hegenberger corridor is located within the Avigation Easement Zone as depicted in the ALUCP. An avigation easement dedicated to the Port as a condition for any discretionary local approval of any residential or non-residential development within the Avigation Easement Zone should be recorded with the Alameda County Clerk-Recorder.

Land uses that may cause visual, electronic, navigational, or bird strike hazards to aircraft in flight shall be allowed within the AIA only if the uses are consistent with FAA rules and regulations.

Overflight Zones

Noise from the overhead flight of aircraft can be annoying and intrusive in locations beyond the limits of the noise contours. While sensitivity to aircraft overflights will vary from person to person, the basic intent of overflight policies is to warn people near an airport of the presence of aircraft so that they have the ability to make informed decisions regarding the acquisition or lease of property within the influence area of an airport.

The ALUCP requires that Overflight Notifications be included as a condition for local agency approval of new residential development within the Overflight Notification Zone. Further, California state statutes (Business and Professional Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353) mandate that sellers or lessors of real property must disclose information regarding whether their property is situated within an AIA.

RESPONSE

A-4-2 The commenter describes potential future impacts associated with future development under the Proposed Project. Specifically, the commenter notes that proposed height increases along Hegenberger Road would be problematic for Airport operations both during construction and once future projects are constructed. The City acknowledges the inconsistency between the HEI and ALUCP and thus revised the proposed height increases to ensure consistency (see Chapter 2, *Updated Project Description and Analysis*). Per the Port’s request, using the Airport FAR Part 77 Surfaces map in the ALUCP, the City has proposed reduced height limits in the area near Hegenberger Road and Doolittle Drive, and along Hegenberger Road. These changes are proposed to avoid impacts to Oakland Airport and comply with Federal and State standards. These height reductions would result in an inconsequential reduction of projected housing units (less than one percent) in the overall Proposed Project *Buildout Program* in this area (see Section 2.3, *Revised Proposed Corridor Heights*).

A-4-3 According to the ALUCP, the Overflight Notification Zone for the Airport does not cover any portion of the City of Oakland. Comment noted.



A-4 Port of Oakland (Port)

COMMENT

However, Overflight Notifications and real estate disclosures are not required for properties for which an aviation easement is required. The aviation easements required for the projects located within the AIA serve the purpose of the Overflight Notifications and real estate disclosures. We recommend that a buyer notification plan be implemented so buyers are well informed of the overflights and associated noise prior to purchase.

A deed notice on any parcel map, tentative map, or final map should be recorded with the Alameda County Clerk-Recorder stating that areas with the AIA are subject to overflights by aircraft using the Airport.

Noise

The Port does not advise building homes near the airport as aircraft noise can become a real issue for the City of Oakland residents. Zoning regulations near the airport allow for commercial, industrial, and retail activities while restricting residential buildings, schools, childcare centers, and the like. When a residential neighborhood does fall within an airport's flight path, noise can certainly be a problem. The residential buyer notification program would ensure that buyers understand that the area is subject to frequent overflights from the airport and that single event noise will be audible and a possible concern, particularly with windows open. The Port requests the building design to contain upgraded windows and doors with sound proofing and sound dampening to reduce outdoor aircraft noise levels.

Safety

Land use safety compatibility criteria are developed to minimize the risks to people and property on the ground, as well as those people in an aircraft in the event of an accident or emergency landing occurring outside the airport boundary. The seven safety zones identified in the ALUCP are based on those depicted in the California Airport Land Use Compatibility Handbook (Handbook). The ALUCP lists compatible land uses within each safety zone. The safety zone criteria developed for a particular zone is largely a function of risk acceptability. Land uses (e.g., schools and hospitals) which, for a given proximity to the airport, are judged to represent unacceptable risks must be prohibited. Where the risks of a particular land use are considered significant but tolerable, establishment of restrictions may reduce the risk to an acceptable level. In certain situations, such as venues accommodating the assemblage of large numbers of people with restricted mobility (i.e., sports stadiums, amphitheaters, etc.), the perceived risk of an aircraft accident occurring maybe an intolerable risk no matter where it is located within the AIA.

FAA Advisory Circular 1550/5200/33B, Hazardous Wildlife Attractants on or Near Airports provides a comprehensive discussion of the land use practices that potential attract hazardous wildlife and wildlife hazard management procedures. This Advisory Circular recommends that

RESPONSE

A-4-4 This comment describes a possible noise-related concern with residential development surrounding an airport. Impact NOI-9 in Section 11, *Noise*, of the Draft EIR analyzes the potential conflict should future development under the Proposed Project occur within the Airport influence area. As shown in Figure 11-3 of the Draft EIR, none of the Airport influence area within the Plan Area shows noise levels incompatible with residential use. Therefore, future residential development under the Proposed Project would be located outside of the 60 CNEL noise contour for Airport operations and the potential impact of exposure of people residing in the Plan Area to excessive noise levels from airport operations would be less than significant.

A-4-5 This comment describes several safety considerations for the Airport including land uses such as venues accommodating the assemblage of large numbers of people or hazardous wildlife attractants. Neither land use type would be associated with development under the Proposed Project.

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A-4-4

A-4-5

A-4 Port of Oakland (Port)

COMMENT

RESPONSE

the FAA be notified as early as possible in the planning process of any land use changes that may attract wildlife within 5 statute miles of an airport. This will allow the FAA to perform a brief examination to determine if further investigation is warranted.

Regulate land uses within designated airport safety zones, height referral areas, and noise compatibility zones to minimize the possibility of future noise conflicts and accident hazards.

Outside the seaport and airport, land should be developed with a variety of uses that benefit from the close proximity to the seaport and airport and that enhance the unique characteristics of the seaport and airport. These lands should be developed with uses which can buffer adjacent neighborhoods from impacts related to such activities.

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Closing

Development of sites proximate to airport flight paths should be in conformance with Federal and State standards, as articulated in Federal Aviation Regulation, Part 77 and Part 150, ALUC planning guidelines, and any other applicable regulations and amendments. Again, the Port appreciates the opportunity to comment on the Draft EIR and looks forward to working with the City of Oakland to address the Port’s comments. Please contact Sharon Grewal, AICP, Aviation Project Manager at sgrewal@portoakland.com or Anjana Mepani, AICP, Acting Port Environmental Supervisor at amepani@portoakland.com with any follow-up questions and responses.

Sincerely,

Colleen Liang

Colleen Liang
Acting Director of Environmental Programs and Planning

CC:
Danny Wan, Executive Director
Kristi McKenney, Chief Operating Officer
Mary Richardson, Port Attorney
Craig Simon, Acting Aviation Director
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Matt Davis, Airport Operations Manager, Airside
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Anjana Mepani, Acting Port Environmental Supervisor
Lakshmi Rajagopalan, Planner IV, City of Oakland Bureau of Planning

4.3 Organizations

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O-1 Building & Construction Trades Council of Alameda County

COMMENT



American Federation of Labor & Congress of Industrial Organizations
Building & Construction Trades Council of Alameda County
 7750 Pardee Lane, Suite 100, Oakland, California 94621

May 19, 2023
Via Email Submission

Lakshmi Rajagopalan, AICP, Planner IV
 City of Oakland Bureau of Planning
 250 Frank H. Ogawa Plaza, Suite 3315
 Oakland, CA 94612

Re: Comments on Phase I Oakland 2045 General Plan Update Draft EIR (SCH Number 2022030800)

Dear Ms. Rajagopalan:

These comments are submitted on behalf of the Building & Construction Trades Council of Alameda County regarding the Draft Environmental Impact Report ("DEIR") prepared by the City of Oakland ("City") for the Phase I Oakland 2045 General Plan Update ("GP Update" or "Project").¹

The Alameda Building and Construction Trades Council consists of over twenty affiliated Building Trades Unions that represent over three thousand Oakland households.

The current City of Oakland General Plan elements were last updated and adopted at different times between 1996 and 2023.² State law requires the City to have and maintain a comprehensive, long-term general plan for the physical development of the City with specific contents to inform local decisions about land use and development.³ State law requires specific topics or "elements," including land use, circulation, housing, conservation, open space, noise, safety, and environmental justice.⁴ The GP Update includes proposed updates to the City's General Plan Safety Element, adoption of a new Environmental Justice element, and amendments to the Planning Code, Zoning Map, and General Plan text and map to implement actions contained in the City's recently adopted 2023-2031 Housing Element.⁵

The Housing Element Implementation ("HEI") component of the GP Update proposes the adoption of Planning Code, Zoning Map, and General Plan text and map amendments to implement goals, policies, and actions related to housing contained in the new Housing Element.⁶ The HEI proposes to modify City zoning designations and development standards in several ways, including adopting affordable housing overlay zones that would provide ministerial approval and other incentives to qualifying affordable housing developments.⁷ The stated purpose of the HEI is "*to ensure a path for construction* of Oakland's Regional Housing Needs Assessment (RHNA) assigned

¹ The GP Update DEIR is available at <https://www.oaklandca.gov/documents/oakland-2045-general-plan-draft-environmental-impact-report-eir> (last visited 5/8/23).

² DEIR, p. 1-1.

³ Gov. Code § 65300.

⁴ Gov. Code § 65302.

⁵ DEIR, p. 1-1.

⁶ DEIR, p. 1-1.

⁷ DEIR, p. 1-2.

RESPONSE

O-1-1 This comment letter was received after the close of the comment period. Further, this comment addresses topics that pertain to subjects outside the purview of the Draft EIR or Proposed Project. This comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to *CEQA Guidelines* Section 15088. The comments states that the City should revise and recirculate the Draft EIR, however, concerns raised by the comment do not support any conditions under which recirculation is warranted pursuant to *CEQA Guidelines* Section 15088.5, such as the potential for a new or substantial increase in the severity of an impact identified in the Draft EIR to occur, nor that the Draft EIR is fundamentally and basically inadequate and conclusory that meaningful review and comment were precluded.

O-1-1

The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project. In addition, this comment will be addressed in the Staff Report for the Proposed Project.

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production target by 2031.⁸ The HEI Planning Code amendments include proposals to reduce and eliminate constraints on housing production and to “incentivize the construction of affordable housing.”⁹

Housing construction is a fundamental component of the GP Update. The General Plan Buildout Program anticipates approximately 41,458 new housing units would be developed under the GP Update during the projection period ending in 2030.¹⁰ This substantial amount of new construction will require a large, skilled and healthy construction workforce to meet General Plan buildout targets. As the DEIR explains, “while the GP Update does not propose specific private developments, *construction would be a reasonably foreseeable future outcome of the update.*”¹¹ However, the DEIR fails to address the impacts of the Housing Element buildout on residential construction workers, and the draft GP Update and affordable overlay zones lack construction workforce standards.

The City should adopt construction workforce standards for all buildout projects in the GP Update Overlay Zones as part of the City’s GP Update drafting and approval process. Absent conditions regulating construction worker standards for General Plan buildout projects, housing developers may utilize low wage, poorly trained construction workers in order to maximize profits. Projects which do not utilize a local skilled construction workforce, and do not provide health benefits for their workers, can result in poorly built projects which threaten the safety of future residents, and perpetuate income inequality in the construction industry.

There is substantial evidence demonstrating that the creation and utilization of construction apprenticeships, along with the commitments to paid healthcare for construction workers, act to both recruit and retain an adequate base of construction workers and to be a pipeline for future supervisors and licensed independent contractors.¹² The construction workforce standards proposed herein would establish apprenticeship and healthcare requirements for the construction workforce used to build new housing in the General Plan overlay zones to address these needs.

The City is at the heart of the East Bay’s construction industry. As the DEIR explains, the City is the county seat of Alameda County and the “geographic center of the Bay Area.”¹³ Its General Plan Area encompasses 78 square miles.¹⁴ Requiring contractors on Housing Element buildout projects in the City’s affordable housing overlay zones to employ apprentices would result in a higher volume of apprentice training, and thus, an increase in the construction labor force available to carry out the construction anticipated by the General Plan, and especially that targeted by the Housing Element. Providing healthcare to those workers will help ensure the viability of the workers needed to build those projects.

Additionally, because the GP Update will have significant environmental and public health impacts which the DEIR considers “unavoidable,” the City must adopt a statement of overriding considerations which considers whether the GP Update provides “employment opportunities for highly trained workers.”¹⁵ The construction workforce conditions discussed below would meet these standards.

I. THE HEI AFFORDABLE HOUSING OVERLAY SHOULD INCLUDE CONSTRUCTION WORKFORCE STANDARDS TO ENSURE SAFE, WELL-BUILT AFFORDABLE HOUSING AND A SUSTAINABLE CONSTRUCTION WORKFORCE

A. Proposed Affordable Housing Overlay Zones

The DEIR explains that the proposed HEI code and zoning amendments are designed to expedite the approval process for housing projects with 20%-100% affordable units by providing streamlined design review procedures,



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⁸ DEIR, p. 1-2 (emphasis added).

⁹ DEIR, p. 2-3.

¹⁰ DEIR, p. 1-2.

¹¹ DEIR, p. 1-2 (emphasis added).

¹² See e.g. City of Berkeley, 9/20/22 Staff Report re Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards Referral, p. 4, citing U.S. Census Bureau LEHD Origin-Destination Employment Statistics, Version 7, Residence Area Characteristics, and Analysis of U.S. Census, ACS 2015-2019 Microdata, available at <https://berkeleyca.gov/sites/default/files/documents/2022-05-20%20Item%2014%20Helping%20Achieve%20Responsible.pdf>.

¹³ DEIR, p. 2-2.

¹⁴ DEIR, p. 2-2.

¹⁵ Pub. Res. Code § 21081(a).

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relaxed development standards, and allowing ministerial approval for more types of projects.¹⁶ The HEI’s Planning Code, Zoning Map, and General Plan text and map amendments are anticipated to result in an increase in housing development and associated increase in residential population in the City.¹⁷

Action 3.3.5 proposes an Affordable Housing Overlay (“AHO”) Zone to create and preserve affordable housing restricted for extremely low, very low, low, and/or moderate-income households.¹⁸ The AHO Zone would provide numerous concessions to affordable housing developers, including allowing additional height for eligible affordable housing projects (AHO projects), elimination of maximum residential density standards, and relaxation of other listed development standards.¹⁹ The AHO’s maximum proposed height and geographic area would apply the AHO Zone on top of fourteen (14) existing base zones in the City, allowing “bonus heights” for eligible AHO projects of two-three additional stories above base zoning limits, or a height of at least 65 feet.²⁰ The proposed AHO Zone would also authorize “unlimited density” that fits within the allowed building envelope of new or existing structures, reduced open space requirements, and eliminate minimum parking requirements.²¹ In 6 of the 14 base zones, AHO Zoning would allow a 70% increase in lot coverage, and reduced setbacks.²² And by-right approvals would be allowed for 100 percent affordable housing projects that fall within the AHO Zone.²³

Action 3.4.10 proposes a Housing Sites Overlay Zone to authorize by-right affordable housing development for all sites included in the Housing Element’s Housing Sites Inventory²⁴ where the housing development includes at least 20 percent affordable housing units.²⁵ This means that qualifying housing projects in the Overlay Zones would undergo a ministerial approval process that would not be subject to environmental or public health review under the California Environmental Quality Act (“CEQA”)²⁶ and would not be appealable by any members of the public.²⁷

In summary, under the GP Update’s AHO and Housing Sites Overlay Zone proposals, **new projects that include up to 80% market-rate housing units will be eligible for “bonus heights”, unlimited density, relaxed development standards, and will fully exempted from CEQA and the City’s land use public hearing process.** This is a windfall for private developers.

B. Affordable Housing Overlay Zones Should Include Conditions Supporting Its Construction Workforce

As proposed, the AHO and Housing Sites Overlay Zone would substantially increase the rate and intensity of housing construction in the City, while providing a streamlined approval process and extensive benefits to private housing developers. However, the draft plan amendments and DEIR are silent on whether any construction workforce standards would apply to the new housing construction. Use of a skilled and trained construction workforce to build the thousands of new housing units identified in the Housing Element is essential to the safety, quality, and long-term sustainability of those projects, as well as to the vitality and welfare of current and future Oakland residents.

Construction workforce standards, including construction worker apprenticeship training standards and healthcare requirements, should be added to the Overlay Zones as standard conditions of approval to ensure that construction workers are protected by the Housing Element, not exploited by it, and to set basic labor standards for the City’s housing construction industry.

The City is currently considering several AHO and Overlay Zone variants.²⁸ As with the rest of the GP Update, the Overlay Zones are in the draft stage, affording the City great flexibility in determining the conditions that

O-1-1 cont.

¹⁶ DEIR, p. 3-31.
¹⁷ DEIR, p. 3-29.
¹⁸ DEIR, p. 3-31.
¹⁹ DEIR, p. 3-31.
²⁰ DEIR, p. 3-31.
²¹ DEIR, p. 3-32.
²² DEIR, p. 3-32.
²³ DEIR, pp. 3-31 to 3-32.
²⁴ Sites included in the Housing Sites Inventory are identified in Table C-26 in the Housing Element Update, Appendix C.
²⁵ DEIR, pp. 3-30, 3-38.
²⁶ Pub. Res Code §§ 21000 et seq.; 14 Cal. Code Regs. §§ 15000 et seq.
²⁷ DEIR, p. 3-38.
²⁸ DEIR, p. 3-31.

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should be applied to affordable housing permitting as part of the GP Update process. The City must build construction workforce protections into this process.

1. Workforce Standards Should Be Added to the GP Update's Standard Conditions of Approval

Unlike the City's concurrently proposed Downtown Oakland Specific Plan ("DOSP"),²⁹ the draft GP Update's Affordable Overlay Zones do not include any community benefit requirements in exchange for the major development concessions and permit streamlining offered to housing developments in the Overlay Zones. The only community benefit requirement referenced in the DEIR is the Housing Element's existing requirement to negotiate community benefits during development agreement approvals for major entitlements and the use of City land.³⁰ This community benefit requirement is unlikely to apply to new housing developments in the Overlay Zones due to their proposed ministerial by-right permitting and development standard exceptions. Under this permitting scheme, it is unlikely that many (if any) qualifying housing projects in the Overlay Zones would include a development agreement that would enable the City to negotiate community benefits at the permitting stage. It is therefore critical that community benefits, including construction workforce benefits, be built into the Overlay Zones themselves as standard conditions of approval.

The GP Update includes existing and proposed Standard Conditions of Approval ("SCAs") pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (and now Section 15183.3).³¹ The SCAs address three aspects of buildout projects: (1) general administrative aspects of the project approval; (2) environmental protection measures that are incorporated into a project and are designed to, and will, substantially mitigate environmental effects; and (3) other SCAs containing requirements to reduce non-environmental effects of the buildout projects.³² SCAs are mandatory City requirements for GP Update buildout projects.³³

Construction workforce conditions for Overlay Zone housing projects can and should be integrated into the SCAs as part of the third category: requirements to reduce non-environmental effects of the buildout projects. As discussed below, there is substantial evidence demonstrating that housing projects that are constructed with low-wage or uninsured construction workers are detrimental to the safety and sustainability of the housing industry and to the health, safety and general welfare of the communities in which the projects are built. Shortages of skilled construction workers, particularly residential trade workers, can also threaten to delay or derail development plans.

These impacts can be reduced or avoided by incorporating standard conditions of approval into the GP Update which require construction worker benefits and apprenticeship requirements to ensure the Housing Element will be built with a skilled and healthy construction workforce.

2. Affordable Overlay Zone Conditions of Approval Should Establish Construction Worker Healthcare and Apprenticeship Standards for Buildout Projects

The City should incorporate construction workforce standards as standard conditions of approval for the GP Update's Overlay Zones. These standards should include:

Apprenticeship Requirements

- a. During the duration of construction of each Overlay Zone housing project ("Covered Project"), each Contractor shall do at least one of the following:

²⁹ Oakland Downtown Specific Plan available at <https://www.oaklandca.gov/topics/downtown-oakland-specific-plan>. City of Oakland, *Downtown Oakland Specific Plan (DOSP): Zoning Amendments FAQ 2* (October 12, 2022), https://ca.gov/government/documents/2022-10-12-DOSP-Zoning-Amendments-FAQ_Final-Legal_P_3 (community benefits to include on-site affordable housing units, below market-rate ground floor commercial space, streetscape, open space, and other culturally-relevant neighborhood improvements, public Restrooms in building lobby, and in lieu fees or other mechanism for job training and/or job placement support programs).

³⁰ DEIR, 4.12-14 (Housing Element Policy 1.1 (Tenant Protections and Anti-Displacement), includes this community benefit requirement as Action 1.1.13).

³¹ DEIR, pp. 3-39; Table 2-1 (pp. 2-10 to 2-89); 4

³² *Id.*

³³ DEIR, p. 4.0-4.

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- i. participate in a Joint Labor-Management Apprenticeship Program;
- ii. participate in an apprenticeship program approved by the State of California Division of Apprenticeship Standards that has a graduation rate of 50% or higher and has graduated an average of at least thirty (30) apprentices annually for the five (5) years immediately preceding the start of construction date on the Covered Project. The Contractor will also maintain at least the ratio of apprentices required by California Labor Code section 1777.5 for the duration of the Covered Project. Any change in program participation must be immediately provided to the City; or
- iii. make hourly contributions on a monthly basis to the California Apprenticeship Council for every hour worked by any Covered Construction Worker in any Apprenticable Craft or Trade on the Covered Project of at least the apprenticeship contribution rate for the classification of "plumber, pipefitter, steamfitter" in Alameda County.

b. A Contractor without covered construction worker employees shall comply with this Section by showing a contractual obligation that its subcontractors comply with this Section.

c. Applicants shall ensure that the Apprenticeship requirement in this Section is included in all construction contracts for the performance of the Covered Project.

Health Care Expenditures

a. Prequalification: In order to be prequalified, each Contractor will sign and submit to the City a statement stipulating to and providing documented proof that the Contractor and its subcontractors, must have provided health care expenditures to or on behalf of each covered construction worker for the 180 consecutive day period prior to the submission of prequalification documents ("Contractor Prequalification Questionnaire"). This requirement is in addition to the regular hourly wages paid to its employees. In the case of a Contractor that has employed no covered construction workers for the 180 consecutive day period prior to the submission of the prequalification documents, said Contractor shall show a contractual obligation that its subcontractors provide health care expenditures to or on behalf of each Covered Construction Worker employee for the 180 consecutive day period.

b. Covered Project Duration: For purposes of the Covered Project, each Contractor shall make health care expenditures to or on behalf of each covered construction worker, in addition to their regular hourly wages, during periods of employment on the Covered Project (and sign a statement certifying that it will do so as part of the Contractor Prequalification Questionnaire).

In the case of a Contractor that will employ no covered construction workers on the Covered Project, said Contractor shall show a contractual obligation that its subcontractors will provide health care expenditures on behalf of each covered construction worker for the duration of the Covered Project. A Contractor shall make health care expenditures on behalf of the covered construction workers employed by its subcontractors in the event said subcontractors fail to make required health care expenditures.

c. Health care expenditures may be made to: (1) a health plan in which the covered construction worker is enrolled at the health care expenditure rate; (2) a covered construction worker's health savings account at the health care expenditure rate, and/or (3) a covered construction worker in the form of cash at one and a half (1.5) times the rate of the health care expenditure rate.

d. The Applicant shall ensure that the health care expenditures requirements in this Section are included in all construction contracts for the performance of the Covered Project.

Required Applicant and Contractor Statements

A declaration must be signed by the Applicant at the time of permit issuance for the Covered Project, attesting to compliance with this Chapter under penalty of perjury ("Applicant Declaration"). By signing the Applicant Declaration, the Applicant commits to ensuring that all Contractors on the Covered Project have and will comply with the apprenticeship and health care expenditures requirements of this condition, including by ensuring that all contracts for the performance of the Covered Project so require, requiring all Contractors



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complete the statements established by this Section, and submitting all Contractor statements to the City within seven (7) days of receipt.

Prior to executing their contract for the Covered Project, but no later than seven (7) calendar days before their first day of work on the Covered Project, each Contractor will sign and submit to the Applicant a statement stipulating that on the Covered Project it will comply with the Apprenticeship and Health Care Expenditures as set forth in this Chapter during the duration of the Covered Project, and that it has met the health care expenditures prequalification requirements identified in the Contractor Prequalification Questionnaire.

Within 30 calendar days of completing their work on the Project, each Contractor must sign and submit to the Applicant a statement certifying that it complied with the apprenticeship and health care expenditures requirements of this condition ("Contractor Satisfaction Statement").

Prior to issuance of a certificate of occupancy for the Covered Project, the Applicant shall sign and submit to the City a certification that all Contractors on the Covered Project satisfied the apprenticeship and health care expenditures requirements of this condition ("Applicant Certification of Compliance").

Implementation and Enforcement

a. Issuance and Revocation of Permits

The City shall issue permits for the Covered Project only where an Applicant meets the requirements of this condition and submits the Applicant Declaration. The City shall include conditions of approval requiring compliance with this Chapter for all permits issued for Covered Projects. The City may revoke or modify the applicable permits for the Covered Project where an Applicant or any Contractor is out of compliance with this condition.

b. Community Benefits Agreement Exception

If an otherwise Covered Project is covered by a Project Labor Agreement (or community workforce agreement or similar labor agreement) with the local Building and Construction Trades Council that already requires health care expenditures and apprenticeship fund contributions, Contractors will be deemed in compliance with this Chapter.

c. Collective Bargaining Agreement Exception

A Contractor that is signatory to a valid collective bargaining agreement with a labor union that requires participation in a joint labor-management state-approved apprenticeship program and the provision of health care expenditures to all construction craft employees shall be deemed in compliance with this Chapter.

d. City Enforcement.

The City may take appropriate enforcement action to ensure compliance with this condition. The City may issue a citation to any Contractor or Applicant or entity that has not complied with the requirements of this condition, including but not limited to, the following violations:

- (1) failing to post a required notice;
- (2) refusing to or not providing timely access to records or work sites;
- (3) failing to submit or submitting a false or misleading Applicant Declarations, Contractor Prequalification Questionnaires, Contractor Satisfaction Statements, and/or Applicant Certificates of Compliance; and/or
- (4) failing to comply with the Apprenticeship and/or health care expenditures requirements of this condition.

The fine shall vary based on the provisions of this condition violated, but may be up to a maximum of \$5,000/month per Covered Construction Worker during the period of the violation.³⁴

3. Failure to Use Skilled Construction Labor and Provide Health Benefits to Workers Results in Detrimental Impacts



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³⁴ *Id.* at Attachment 1.

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- Low wage employment is a problem in both the residential +and commercial construction markets. Fifty-five percent of Alameda County construction workers' households are Extremely Low Income, Very Low Income, or Low Income.³⁵
- Jobsite Health, Healthcare and Safety:
 - Construction trade workers experience exceptionally high rates of serious injury on the job, especially on sites with inadequately trained workers.
 - One of every five serious workers' compensation insurance claims which involve death, permanent total disability or major permanent partial disability - is related to a construction employee, despite the fact that construction jobs account for less than one out of every 25 California jobs.
 - Construction workers who live in Alameda County are uninsured at rates 3-4 times higher than the rate of non-construction workers. The under-performance of California contractors in providing health care security to employees constrains the supply of skilled construction labor.³⁶
- California residential building was strongest when apprenticeship training was strongest:
 - During the 1970s, when California was producing housing at the average annual rate of 200,000 units, the state reported an average of 9,000 apprentices. California residential builders utilized apprentices every bit as much as commercial builders, according to a 1976 U.S. Bureau of Labor Statistics report.
 - De-unionization and the recession of the early 1990s, however, led to sharply reduced utilization of apprentices by residential contractors. Carpenter apprenticeship completions fell by 50 percent between 1996-2005 compared to 1973-1982.³⁷

O-1-1 cont.

This evidence demonstrates that projects which do not utilize a local skilled construction workforce and do not provide health benefits may be detrimental to the general welfare of the City, its residents, and its workers, and may ultimately slow down housing development projects.

There is no evidence in the City's record demonstrating that the Project would avoid these negative impacts. These impacts are likely to occur at an accelerated rate given the magnitude and fast pace of housing construction proposed for the City under the GP Update, unless conditions are added to the GP Update to prevent their occurrence. The City must take all feasible actions to ensure that Housing Element buildout projects in the Overlay Zones do not result in these negative impacts by adopting binding construction workforce conditions for future development in the GP Update Overlay Zones.

4. CEQA Requires the City to Consider Employment Opportunities for Highly Trained Workers

The DEIR identifies several significant environmental and public health impacts which it considers to be unavoidable, even with mitigation. These include the Project's Aesthetics, Air Quality, Cultural Resources, Hazardous Materials, and Wildfire impacts.³⁸ Therefore, in order to approve the GP Update, CEQA requires the City to adopt a statement of overriding considerations, providing that the Project's overriding benefits outweigh its environmental harm.³⁹ An agency's determination that a project's benefits outweigh its significant, unavoidable impacts "lies at the core of the lead agency's discretionary responsibility under CEQA."⁴⁰

³⁵ *Id.*, citing Analysis of U.S. Census, ACS 2015-2019 Microdata.
³⁶ (2019), Rebuilding California: The Golden State's Housing Workforce Reckoning. Smart Cities Prevail. pp. 23-25. Downloaded 3/26/2021 via https://www.smartcitiesprevail.org/wp-content/uploads/2019/01/SCP_HousingReport.0118_2.pdf
³⁷ *Id.*, citing U.S. Department of Labor, Bureau of Labor Statistics, Bulletin 1911, "Industry Wage Survey: Contract Construction September 1973." Washington, D.C.: 1976. See Tables 28 & 46. Downloaded via <http://fraser.stlouisfed.org/>; Littlehale, Scott. (2019). Rebuilding California: The Golden State's Housing Workforce Reckoning. Smart Cities Prevail. pp. 23-25. Downloaded 3/26/2021 via https://www.smartcitiesprevail.org/wp-content/uploads/2019/01/SCP_HousingReport.0118_2.pdf
³⁸ DEIR, pp. 2-6 to 2-7 (DEIR identifies the Project's Aesthetics, Air Quality, Cultural Resources, Hazardous Materials, and Wildfire impacts to be significant and unavoidable).
³⁹ CEQA Guidelines, § 15043.
⁴⁰ *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392.

O-1 Building & Construction Trades Council of Alameda County

COMMENT

RESPONSE

To approve the GP Update and certify the EIR, the City must set forth the reasons for its action, pointing to supporting substantial evidence in the administrative record.⁴¹ This requirement reflects the policy that public agencies must weigh a project’s benefits against its unavoidable environmental impacts, and may find the adverse impacts acceptable only if the benefits outweigh the impacts.⁴² Importantly, a statement of overriding considerations is legally inadequate if it fails to accurately characterize the relative harms and benefits of a project.⁴³

Here, the City must find that the GP Update’s significant, unavoidable impacts are outweighed by its benefits to the community. Among the factors the City must consider is whether the GP Update presents specific overriding economic, legal, social, technological, or other benefits which outweigh the significant effects on the environment, including whether the project provides “employment opportunities for highly trained workers.”⁴⁴ Currently, there is no substantial evidence in the record showing that the GP Update’s significant, unavoidable impacts are outweighed by benefits to the community because the draft GP Update does not include any community benefits. With regard to its construction workforce, the draft GP Update does not include any apprenticeship program requirements and healthcare security for construction workers on General Plan buildout projects or other steps to ensure employment of highly trained and skilled craft workers. The City would not fulfill its obligations under CEQA if it adopted a statement of overriding considerations and approved the GP Update absent such benefits.

We urge the City to comply with CEQA by including standard conditions of approval for the affordable housing Overlay Zones which include healthcare and apprenticeship standards for the construction workforce as a means of furthering “employment opportunities for highly trained workers” under the General Plan.⁴⁵

II. CONCLUSION

For the reasons discussed herein, [NAME] respectfully requests that the City revise and recirculate the DEIR to add construction workforce standards as standard conditions of approval for all projects in the GP Update’s Overlay Zones.

We look forward to working with the City to ensure that implementation of the GP Update and the City’s Housing Element buildout plan meet the City’s dual goals of complying with State housing requirements and implementing the City’s vision of providing viable futures for all Oakland residents through the land use permitting process. Please include these comments in the City’s record of proceedings for the GP Update.

Sincerely,

↑
O-1-1
cont.

⁴¹ Pub. Resources Code, § 21081, subd. (b); CEQA Guidelines, § 15093, subds. (a) and (b); *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 357.

⁴² Pub. Resources Code, § 21081(b); CEQA Guidelines, § 15093, subds. (a) and (b).

⁴³ *Woodward Park Homeowners Association v. City of Fresno* (2007) 150 Cal.App.4th 683, 717.

⁴⁴ Pub. Res. Code § 21081(a)(3) and (b) (emphasis added).

⁴⁵ Pub. Res. Code § 21081(a)(3) and (b) (emphasis added).

AC:kem
opeiu:29/aff-cio

O-2 Oakland Heritage Alliance

COMMENT



May 1, 2023

(By electronic transmission)
Ben Fu and members of the Landmarks Preservation Advisory Board
Lakshmi Rajagopalan
City of Oakland
Bureau of Planning/Zoning Division
250 Frank H. Ogawa Plaza, 2nd Floor
Oakland, California 94612

Subject: Draft Environmental Impact Report for Phase 1 of the Oakland
2045 General Plan Update

Dear Chairperson Fu and members of the LPAB:

The following comments are preliminary, and subject to modification and expansion by the DEIR 5-9-23 comment deadline.

We urge that the Landmarks Board recommend that the DEIR provide a closer focus on and a more effective response to the impacts of the updated General Plan and related zoning amendments upon Designated Historic Properties (DHPs), Areas of Primary and Secondary Importance (APIs and ASIs), and Potential Designated Historic Properties (PDHPs) in Oakland.

In particular, the DEIR needs to analyze the high probability that the state density bonus law will result in buildings that are taller and have reduced front setbacks in APIs, ASIs, the S-7 and S-20 Zones and/or in close proximity to individual DHPs and PDHPs. Because of the new buildings' potentially incompatible and intrusive scale, a substantial adverse impact on these buildings could result, as defined by CEQA. See the attached report by architectural historian Kara Brunzell (especially pages 27-32), which analyzes similar impacts of Housing Element upzonings in Alameda, intensified by state density bonus projects.

The DEIR appropriately recognizes the potential substantial adverse effects of new construction within historic areas, based on the possibility that the upcoming objective design review standards may be insufficient to prevent incompatible designs. However, the DEIR omits discussion of the potentially greater impacts of over-scaled buildings resulting from upzonings in tandem with state density bonuses. This omission must be remedied.

With the above in mind, the DEIR should provide the additional project alternative:

1. **Limit increased RD and RM density increases** within the S-7 and S-20 Zones, APIs and ASIs and individual DHPs and PDHPs to four residential units within existing building envelopes, plus ADUs within the building envelopes, to avoid triggering state density bonus law projects.

Add the following mitigation measure:

446 17th Street, Suite 301, Oakland, California 94612 • (510) 763-9218 • info@oaklandheritage.org
Web Site: www.oaklandheritage.org

RESPONSE

O-2-1 Please see responses to Letter O-3, which restates and expands on comments included in this letter.

O-2-1

O-2 Oakland Heritage Alliance

COMMENT

RESPONSE

2. **Update the Oakland Cultural Heritage Survey evaluation** of ASIs to determine if any now appear eligible for the National Register of Historic Places and therefore should be re-classified as APIs, given that it has been over 30 years and in most cases over 40 years since the ASIs were identified and that they may have gained additional significance over this 30–40 year time period.

Thank you for the opportunity to comment. Please contact Christopher Buckley at (510) 523–0411 or cbuckleya@att.net or Naomi Schiff at (510) 835–1819 or Naomi@17th.com if you would like to discuss these comments.

Sincerely,



Mary Harper
President

Attachment: Kara Brunzell—Memorandum Assessing Impacts to Historical Resources in City of Alameda Due to Proposed Housing Element and Related Zoning Amendments (November 2022)

By electronic transmission:

cc: William Gilchrist, Ed Manasse, Robert Merkamp, Catherine Payne, Laura Kaminski, Lakshmi Rajagopalan, Betty Marvin, Bureau of Planning/Zoning
City Planning Commission
City Council

↑ O-2-1
| cont.

O-3 Oakland Heritage Alliance

COMMENT



May 9, 2023

(By electronic transmission)
 Oakland General Plan Update Team
 Bureau of Planning/Zoning Division
 250 Frank H. Ogawa Plaza, 2nd Floor
 Oakland, California 94612

Subject: Draft Environmental Impact Report for Phase 1 of the Oakland 2045 General Plan Update

Dear General Plan Update Team:

The following comments restate and expand our 5-1-23 comments to the LPAB.

The DEIR must provide a closer focus on and a more effective response to the impacts of the updated General Plan and related zoning amendments upon: Designated Historic Properties (DHPs), Areas of Primary and Secondary Importance (APIs and ASIs), and Potential Designated Historic Properties (PDHPs) in Oakland.

In particular, the DEIR must analyze the high probability that the state density bonus law will result in buildings that are taller and have reduced front setbacks in APIs, ASIs, the S-7 and S-20 Zones and/or in close proximity to individual DHPs and PDHPs. Because of the new buildings' potentially incompatible and intrusive scale, a substantial adverse impact on these buildings could result, as defined by CEQA. See the attached report by architectural historian Kara Brunzell (especially pages 27-32), which analyzes similar impacts of Housing Element upzonings in Alameda, intensified by state density bonus projects. Related to this:

- a. Although the City's Historic Preservation Element as amended in 1998 declares in its definition of Oakland's Local Register of Historical Resources that ASIs are not historical resources for CEQA purposes, historic areas that were considered ASI as of 1998 may have gained enough significance since 1998, and in the 30-40 years since they were identified, to be reclassified as APIs. Moreover, CEQA's definition of historic resources that are districts is not constrained by whether the district is only an ASI. **Including an analysis of the impacts of the updated general plan and zoning amendments on ASIs is therefore needed.**
- b. Although the S 13 Affordable Housing Overlay Zone requires that 100% affordable housing developments still meet the height, setback and maximum lot coverage requirements in the underlying zoning district, the effectiveness of these restrictions are

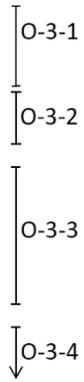
446 17th Street, Suite 301, Oakland, California 94612 • (510) 763-9218 • info@oaklandheritage.org
 Web Site: www.oaklandheritage.org

RESPONSE

O-3-1 The commenter describes the potential for the State density bonus law to impact historic resources. Although the State density bonus law is separate from the Proposed Project, the Draft EIR acknowledges that adoption of the Proposed Project could result in incompatible development within historic districts and includes an appropriate analysis of impacts. As stated on Draft EIR page 4.4 – 28, “construction of a new building on a vacant parcel located within an existing historic district would be considered utilizing the objective design review process. This could potentially result in a design that is incompatible with the district and in some cases could adversely impact the eligibility of the district as a resource.”

Therefore, the Draft EIR concludes that the Proposed Project could result in a significant impact to architectural historic resources. Mitigation Measure CUL-1: Identify Architectural Historic Resources, outlines a screening process to identify historic resources that could be affected by future development under the Proposed Project. However even with implementation of this mitigation measure, the impact would be significant and unavoidable. No further analysis is required.

O-3-2 The commenter requests a review of a November 2022 comment letter addressing the City of Alameda Draft Housing Element. This attachment does not address the merits of the Proposed Project, does not refer to the adequacy of the analysis in the Draft EIR, and does not concern environmental effects of the Proposed Project under CEQA. Comments that do not raise an environmental issue or specific questions about the impact analyses, alternatives or information in the Draft EIR do not require response pursuant to *CEQA Guidelines* Section 15088. This response is provided here for informational purposes.



O-3 Oakland Heritage Alliance

COMMENT

dependent on whether (as stated in Section 17.95.010 paragraph 2) projects that use the S 13 bonuses are, in fact, ineligible for the state density bonus. **The ineligibility of S-13 projects for the state density bonus needs to be confirmed by the City Attorney before this ineligibility is relied on in the EIR.** See also the discussion of this in our May 9 letter addressed to the general plan update team concerning the proposed planning code and general plan amendments to implement the Housing Element.

The DEIR appropriately recognizes the potential substantial adverse effects of new construction within historic areas based on the possibility that the upcoming objective design review standards may be insufficient to prevent incompatible designs. However, **the DEIR omits discussion of the potentially greater impacts of overscaled buildings resulting from upzonings in tandem with state density bonuses. This omission needs to be remedied.**

With the above in mind, the DEIR should provide the additional project alternatives:

1. **Limit increased RD and RM density increases within the S-7 and S-20 Zones, APIs and ASIs and individual DHPs and PDHPs to four residential units within existing building envelopes, plus ADUs within the envelopes to avoid triggering state density bonus law projects.**
2. **Retain the existing two-tiered height limit system of wall height plus greater roof height in all zones.** Retaining the two-tiered system in residential zones is important in order to minimize the visual bulk of larger buildings, especially if there is no discretionary design review.
3. **Do not reduce front setbacks if the reduced setbacks are less than the prevailing front setback of the block face.** Otherwise, new development will literally “stick out” and disrupt the streetscape architecturally. Existing provisions that allow reduced setbacks for new construction or front additions where adjacent buildings already have reduced setbacks should continue to be relied on.
4. **Retain existing height limits in nonresidential APIs and ASIs.** In most cases, the existing limits were structured to avoid out-of-scale new buildings.

Add the following mitigation measure:

- Update the Oakland Cultural Heritage Survey evaluation of ASIs to determine if any now appear eligible for the National Register of Historic Places and therefore should be re-classified as APIs, given that it has been over 30 years and in most cases over 40 years since the ASIs were identified and that they may have gained additional significance over this 30–40 year time period.

Thank you for the opportunity to comment. Please contact Christopher Buckley at (510) 523-0411 or cbuckleyaicp@att.net or Naomi Schiff at (510) 835-1819 or Naomi@17th.com if you would like to discuss these comments.

RESPONSE

The November 2022 comment letter concludes that “significant adverse impacts to these [City of Alameda] historical resources has not been taken into account by the City [of Alameda].” By contrast, the City of Oakland analyzed potential adverse impacts of the Proposed Project on historical resources in Section 4.4, *Cultural Resources*, of the Draft EIR. The Draft EIR concludes that the Proposed Project could result in a significant impact to architectural historic resources. Mitigation Measure CUL-1: Identify Architectural Historic Resources, outlines a screening process to identify historic resources that could be affected by future development under the Proposed Project. However even with implementation of this mitigation measure, the impact would be significant and unavoidable. No further analysis is required.

The commenter states the Draft EIR must analyze potential impacts on Areas of Secondary Importance (ASIs). The City of Oakland Historic Preservation Element, Policy 3.8 defines historic resources for the purposes of CEQA and this definition is presented on page 4.4–16 of the Draft EIR. As noted in the comment, the City of Oakland does not consider ASIs to be historic resources for the purposes of CEQA. However, the Draft EIR analyzes the potential for unknown historic resources, such as contributors to ASIs, to be significantly impacted because of the Proposed Project.

A new citywide survey to reassess all current ASIs is neither financially feasible nor practically feasible with current staffing restrictions. Additionally, there is no legal nexus to incorporate such a survey as mitigation for compliance with CEQA regulations. The Draft EIR provides additional means to identify individual historic resources through Mitigation Measure CUL-1, through creation of a screening process that will be required for development applications that qualify for ministerial review under the Proposed Project.

O-3-4
cont.

O-3-5
O-3-3

O-3-6

O-3 Oakland Heritage Alliance

COMMENT

Sincerely,

Mary Harper
President

Attachment: Kara Brunzell Memorandum Assessing Impacts to Historical Resources in City of Alameda Due to Proposed Housing Element and Related Zoning Amendments (November 2022)

By electronic transmission:

cc: William Gilchrist, Ed Manasse, Robert Merkamp, Catherine Payne, Laura Kaminski,
Lakshmi Rajagopalan, Betty Marvin, Bureau of Planning/Zoning
City Planning Commission
City Council

RESPONSE

However, even with this review there remains the potential for impacts to historic architectural resources. Identification of additional historic resources through a resurvey of ASIs would not eliminate this potential impact nor would it reduce the impact to a less than significant level. Therefore, the current assessment of an unavoidable and significant impact would remain unchanged. No further mitigation or analysis is warranted.

O-3-4

The commenter asks for confirmation that participation in the proposed AHO Zone would require project applicants to forego participation in the State Density Bonus Law. The City notes that participation in the proposed AHO Zone (Affordable Housing Combining Zone Regulations or S-13 Zone) would be voluntary. Further, the proposed language states, “The provisions in this Chapter [17.95 S-13] are distinguished from, and are mutually exclusive of, other development bonuses available pursuant to Chapter 17.107 - Density Bonus and Incentive Procedure and State Density Bonus Law under Title 7, Division 1, Chapter 4.3 of the California Government Code. Developers may apply to utilize either the provisions under Chapter 17.107 and Government Code Chapter 4.3, or this chapter, but not both.” As such, the AHO Zone stipulates that project applicants may not participate in both the AHO Zone and the State Density Bonus Law.

O-3-5

The commenter suggests the Draft EIR should analyze specific alternatives. The Draft EIR analyzes three alternatives: Alternative 1 - the No Project Alternative; Alternative 2 - the No Affordable Housing Overlay Buffer Zone on parcels in the Very High Fire Hazard Severity Zone; and Alternative 3 - the No Missing Middle Alternative. Alternative 3 would eliminate the proposed HEI Planning Code amendments in existing lower density residential zoning districts (RD, RM, RU, and RH-4). As noted on Draft EIR

O-3 Oakland Heritage Alliance

COMMENT

RESPONSE

page 5-13, these zones have historically served as single-family neighborhoods. Under Alternative 3, development densities in these zones would remain unchanged from current zoning regulations. Alternative 3 would satisfy the intent suggested alternatives 1-3 above.

Under Alternatives 2 and 3, non-residential zones would continue to be subject Mitigation Measure CUL-1 that requires the City to establish a screening process to identify historic resources that may be present for any individual application. Projects would also still be required to satisfy existing policies in the LUTE and Historic Preservation Element that are designed to identify and protect architectural historic resources. This includes consideration of neighborhood character as described on page 4.4-28 of the Draft EIR.

Consideration of height limits is one aspect of determining impacts on historic resources. Projects could be compatible with existing heights but still be incompatible overall with the surrounding neighborhoods. The Draft EIR states that the Proposed Project could potentially result in a design that is incompatible with a historic district even with implementation of existing policies and proposed mitigation. This impact would remain even if existing height limit in nonresidential APIs and ASIs were retained. *CEQA Guidelines* Section 15126.6 requires that an EIR include an analysis of “a range of reasonable alternatives to the project, or to the location of the project,” and indicates that alternatives should be crafted to accomplish most of the basic objectives of the project while avoiding or substantially lessening significant impacts of the project. An alternative that retains existing heights would not lessen the severity of the potential impact and would not satisfy this requirement. Therefore, no additional alternatives are considered.

O-3 Oakland Heritage Alliance

COMMENT

RESPONSE

O-3-6 Please see response to comment O 3-2 above.

O-4 Piedmont Avenue Neighborhood Improvement League (PANIL)

COMMENT

Comments to 2045 General Plan draft EIR and Housing Element update from PANIL

William Manley <bmanleynow@yahoo.com>
Tue 5/9/2023 11:38 AM

To: General Plan <generalplan@oaklandca.gov>

Cc: Valerie Winemiller <vwinemiller@hotmail.com>; Chris Wilder-Abrams <cwilderabrams@gmail.com>; Gail Jara <gailjara@gmail.com>; Margitta Gardner <migbrynas@gmail.com>; Jeff Angerman <jeffangermann@gmail.com>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

The Piedmont Avenue Neighborhood Improvement League (PANIL) has reviewed the draft General Plan draft EIR and Housing Element and would like to submit the following comments

1. With the push for densification of housing. The General Plan should require public open space (parks, playgrounds, gardens), based on density and within a walkable proximity of all new residences. We propose for housing,
 - a. The maximum proximity to public open space should be 1/4 mile.
 - b. There should be a ratio between housing sq. footage and open space square footage of approximately 20/1. For example, 1000 sq. ft. of housing would require 50 sq. ft of public open space; 20 such units would require 1000 square feet of public open space. This ratio could be adjusted for circumstances, but generally it should be the norm.
2. The minimum width of a sidewalk should be 10 feet between a curb and a building when in urban and rural main street place types. For all other locations the minimum width of sidewalk should be 6 feet when contiguous to a curb or 5 feet when separated by a planting strip. Sidewalk width does not include curbs. With increases in sidewalk activities (e.g. dining), and the need to provide better more un-encumbered walking spaces for seniors (aging population) and youngsters, these should be the standards.
3. The City should significantly increase affordable housing in-lieu fees on new development by 50-75% to
 - a. generate more revenue for affordable housing and open space
 - b. promote more inclusion of low-cost units within new construction
4. There are no current design guidelines that apply to non-commercial corridor districts like Piedmont Avenue even though these districts possess many of the same qualities as commercial corridor districts. The Housing Plan should be modified to state "The Oakland Commercial Corridor Design Guidelines be applied to all commercial districts in the city of Oakland."

William Manley
Steering Committee, PANIL

RESPONSE

O-4-1 The commenter requests additional requirements for future development projects including a specific ratio of required open space per residential square feet, minimum sidewalk widths, increased affordable housing in-lieu fees, and an expansion of Commercial Corridor Design Guidelines.

Proposed Project impacts related to visual character, land use character, and recreation were analyzed in Sections 4.1, *Aesthetics*; 4.10, *Land Use and Planning*; and 4.14. *Recreation* respectively and impacts were found to be less than significant. Therefore, there is no legal nexus to incorporate mitigation to add the suggested requirements.

This comment raises neither significant environmental issue or specific questions about the impact analyses, alternatives or information in the Draft EIR that would require response pursuant to *CEQA Guidelines* Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

O-4-1

O-5 Piedmont Avenue Neighborhood Improvement League (PANIL)

COMMENT

Re: Comments to 2045 General Plan draft EIR and Housing Element update from PANIL

Jeffrey Angermann <jefangermann@gmail.com>
 Tue 5/9/2023 12:15 PM
 To: Valerie Winemiller <vwinemiller@hotmail.com>
 Cc: General Plan <generalplan@oaklandca.gov>; William Manley <bmanleynow@yahoo.com>; Chris Wilder-Abrams <cwilderabrams@gmail.com>; Gail Jara <gajjara@gmail.com>; Margitta Gardner <migbrynas@gmail.com>
 This is from a Chris Buckley email dated 23 April. Valerie you were copied on it.

Attached are the documents referred to in my email below. In the Commercial Corridor Design Guidelines, the most relevant provisions are probably Sections 5.2.1 and 5.5.1. According to the Guidelines, these sections are especially applicable to APFs and ASIs, which the Piedmont Avenue business district does not fall into, but I think a case can be made that the architectural characteristics of the district are similar to APFs/ASIs and that those sections are therefore relevant, especially addressing the height context as discussed in 5.5.1.

I have added James Vann to this thread, so that he is in the loop, especially since he started this discussion with his initial email below. I am also adding key OHA members Daniel Levy, Mary Harper and Amelia Marshall.

Chris
 510-697-0411 cell

On May 9, 2023, at 12:06, Valerie Winemiller <vwinemiller@hotmail.com> wrote:

I had to go to get a blood test and they were running spectacularly behind. I am just now getting home and seeing this.

Thanks for stepping forward on this, Bill.

I haven't had a chance to read the design guidelines referred to and would be surprised to think that the Ave doesn't have any. I'm not sure we should have advocated for these other guidelines, as Piedmont Ave guidelines have always been stronger than other commercial streets in the city that are more vehicle-centric.

~Valerie

From: General Plan <generalplan@oaklandca.gov>
 Sent: Tuesday, May 9, 2023 11:39 AM
 To: William Manley <bmanleynow@yahoo.com>
 Cc: Valerie Winemiller <vwinemiller@hotmail.com>; Chris Wilder-Abrams <cwilderabrams@gmail.com>; Gail Jara <gajjara@gmail.com>; Margitta Gardner <migbrynas@gmail.com>; Jeff Angermann <jefangermann@gmail.com>
 Subject: Re: Comments to 2045 General Plan draft EIR and Housing Element update from PANIL

Good morning,

Confirming receipt of your comment.

General Plan Update Team | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612
 | Email: generalplan@oaklandca.gov | Website: www.oaklandca.gov/office/general-plan-update | [Sign up to receive General Plan Update e-mails](http://open.us-to-receive-General-Plan-Update-e-mails)

The City buildings of Frank H. Ogawa Plaza are closed to the public until further notice. For the current status of all Planning and Building Department services, please go to the following: <https://www.oaklandca.gov/news/2020/planning-building-department-response-to-shelter-in-place>

From: William Manley <bmanleynow@yahoo.com>
 Sent: Tuesday, May 9, 2023 11:38 AM
 To: General Plan <generalplan@oaklandca.gov>
 Cc: Valerie Winemiller <vwinemiller@hotmail.com>; Chris Wilder-Abrams <cwilderabrams@gmail.com>; Gail Jara <gajjara@gmail.com>; Margitta Gardner <migbrynas@gmail.com>; Jeff Angermann <jefangermann@gmail.com>
 Subject: Comments to 2045 General Plan draft EIR and Housing Element update from PANIL

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

The Piedmont Avenue Neighborhood Improvement League (PANIL) has reviewed the draft General Plan draft EIR and Housing Element and would like to submit the following comments

1. With the push for densification of housing, the General Plan should require public open space (parks, playgrounds, gardens), based on density and within a walkable proximity of all new residences. We propose for housing,
 - a. The maximum proximity to public open space should be 1/4 mile.
 - b. There should be a ratio between housing sq. footage and open space square footage of approximately 20/1. For example, 1000 sq. ft. of housing would require 50 sq. ft. of public open space; 20 such units would require 1000 square feet of public open space. This ratio could be adjusted for circumstances, but generally it should be the norm.
2. The minimum width of a sidewalk should be 10 feet between a curb and a building when in urban and rural main street place types. For all other locations the minimum width of sidewalk should be 6 feet when contiguous to a curb or 5 feet when separated by a planting strip. Sidewalk width does not include curbs. With increases in sidewalk activities (e.g. dining), and the need to provide better more un-encumbered walking spaces for seniors (aging population) and youngsters, these should be the standards.
3. The City should significantly increase affordable housing in-lieu fees on new development by 50-75% to
 - a. generate more revenue for affordable housing and open space
 - b. promote more inclusion of low-cost units within new construction
4. There are no current design guidelines that apply to non-commercial corridor districts like Piedmont Avenue even though these districts possess many of the same qualities as commercial corridor districts. The Housing Plan should be modified to state "The Oakland Commercial Corridor Design Guidelines be applied to all commercial districts in the city of Oakland."

William Manley
 Steering Committee, PANIL

RESPONSE

O-5-1 This comment restates its request to expand Commercial Corridor Design Guidelines to the Piedmont Avenue business district since the district has characteristics similar to the City’s APIs and ASIs, to which the design guidelines especially apply. As with comment O-4-1, this comment raises neither significant environmental issue or specific questions about the impact analyses, alternatives or information in the Draft EIR that would require response pursuant to *CEQA Guidelines* Section 15088. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

☐ O-5-1

O-6(PC) Oakland Heritable Alliance

COMMENT

O(PC)-6-1: Naomi Schiff for Oakland Heritage Alliance I request that you explicitly request comment from the Landmarks Board pertaining at their May 1 meeting, pertaining to the DEIR. The reason I'm asking you to do it, and not staff, is because they didn't have a quorum at their last meeting, which was April 3rd, and the agenda that is in their subsequent meeting says continued from April 3; however, that does not reference this DEIR at all... I looked it up and right now the agenda item says an "environmental impact report is being prepared," and there's no deadline, no invitation to comment on that item. So I request that the Planning Commission, please, ask the Landmarks Board to weigh in, will you? I would really appreciate that.

I will add that the mitigations, I don't fully understand the relationship of this programmatic EIR, which is much smaller than the Head Royce documents in aggregate...and look at the audience.... If I understand the relationship, I would say that because the historic preservation element is not now being updated, this thing is going to take some kind of precedence. I'm a little worried about the phrasing of the mitigations; we will give you specific comments, of course, but please ask the Landmarks Board to weigh in.

RESPONSE

O(PC)-6-1: CEQA recommends but does not require that a lead agency hold a public hearing on the Draft EIR. The City of Oakland elected to hold, and appropriately noticed, a public meeting to provide the public an opportunity to comment on the Draft EIR.

On **May 1**, 2023, the Landmarks Preservation Advisory Board discussed the proposed Planning Code amendments of the Proposed Project, not on the Draft EIR. The comment will be included as a part of the record and made available to the decision makers prior to a final decision on the Proposed Project.

See comments O-2 and O-3 for specific comments submitted by the Oakland Heritage Alliance.

At the May 1, 2023 Landmarks Preservation Advisory Board meeting, Naomi Schiff and Christopher Buckley for Oakland Heritage provided additional comment as follows:

I'm Naomi Schiff from Oakland Heritage Alliance. Oh, and I just forgot my pile of papers – we've been pretty carefully looking at these materials but we still may have further comments as things move along. I want to really thank the city staff for their hard work on this kind of crunch project. We have really two things that we're commenting on today. One is the Planning Code amendments and the other one is the Draft Environmental Impact Report for Phase I of the General Plan Update.

And so first I'm going to address the proposed Planning Code amendments and Chris will give you greater detail,

O-6(PC) Oakland Heritable Alliance

COMMENT

RESPONSE

but I want to say that in general we totally understand and support the idea of densifying housing in Oakland. Our goal here tonight is to address the historic neighborhoods and resources of Oakland and particularly to look at the impacts of these changes on APIs, ASIs, landmarks and PDHPs etc. We really think that we can probably find ways to do everything that everybody wants and still protect historic properties from adverse impacts. The idea is to preserve the historic character of the city at the same time as we densify.

To that end, I'll just run down the main points here. We think that we should retain the existing two-tiered height limit system as it is now which makes a difference between wall height and roof height. This is mostly a visual impact to reduce the visual bulk of larger buildings.

Secondly, we think that there should be some consideration about this front setback reduction where front setbacks are of a prevailing pattern in an API, an ASI, etc. We really think that it would be good to keep with the prevailing setbacks so that you don't have the newer buildings more prominent than the surrounding neighborhood.

We think that we should avoid upzoning to allow projects to stay within the local density increase but not trigger the state density bonus law in those ASIs and APIs, perhaps using ADUs and building within the existing envelope. There are many large houses in Oakland which can provide multiple units. We've already seen a lot of that kind of development. It's a really good answer when you have a five-bedroom house. And we think that we can have our

O-6(PC) Oakland Heritable Alliance

COMMENT

RESPONSE

cake and eat it too by incentivizing development within existing structures.

In the affordable housing overlay zones, we are very curious about how it interacts with the state density bonuses and what will protect our historic areas and how we can best structure the densification so that we don't have suddenly much taller buildings in a historic neighborhood.

Lastly, when you increase height limits by upzoning and adding residential density and reducing setbacks, you're very likely to increase property values and therefore the land costs for affordable housing development may rise. So, there is an interplay between upzoning and whether you are actually causing gentrification instead of combatting it. So, we are a little bit concerned that we not upzone so much that we actually force people out of our city, not being able to afford their units.

Lastly, on the subject of the EIR, again, the EIR doesn't really address the relationship of the density bonus law to the historic preservation resources of the city and we have appended a report from Alameda that describes this in greater detail. So, Chris will go into greater specifics about this, but we are a little bit concerned that the EIR is rather minimal and doesn't really address the impacts nor does it suggest a strong mitigation. So, we are suggesting that as a mitigation, the Cultural Heritage Survey should be updated. It is very old. Buildings that were 50 are now 90. Buildings that were 60 are 100 years old. It is time to take a second look particularly at ASIs which may be eligible to become APIs. Thank you.

O-6(PC) Oakland Heritable Alliance

COMMENT

RESPONSE

Christopher Buckley with Oakland Heritage Alliance. First, I would like to thank you for increasing our time limits. And so I'm assuming I'll have eight minutes unless someone tells me otherwise. Okay. Alright. Hopefully I won't take that much.

So as Naomi mentioned I was going to review in more detail the material in the letters we sent which were also passed out to you. Particularly the March 14 letter we sent to the Zoning Update Committee, which lays out all the substance that we've developed so far. And we're still working on this we expect to have additional comments by the May 9th deadline.

I'd like to focus specifically on, to start out with, Item 3 and Item 6 in our letter, which concerns the relationship of the state density bonus law to these upzonings. And as Naomi referenced, with a state density bonus project, you are often entitled to, well you are entitled to increases in height limits, reduced setbacks, and waivers of other zoning standards. So, if you have a height limit that is say forty feet, with a density bonus project you can go much higher.

We provided as an attachment to the letters some illustrations of how this could happen. So particularly this image, which at the bottom, shows a building that's been approved for 23rd and Telegraph where the height limit is 45 feet but they were able to get a 78 foot-tall building. That's within an ASI. And that type of increased scale could totally disrupt this low-rise ASIs, and APIs. So there needs to be some analysis, particularly in the EIR but we were really hoping for it as part of the zoning amendments themselves of how these waivers to existing zoning standards in the state density bonus law could interact with the upzonings and what impacts that would have on existing neighborhoods and

O-6(PC) Oakland Heritable Alliance

COMMENT

RESPONSE

particularly APIs and ASIs. The trigger to make a project eligible for a density bonus project is if a project is five or more units. So if the number of units, and these are regular units not ADUs, that are allowed on a lot is kept to four or below the property will not be eligible for a density bonus project but these upzonings will in many cases will allow four or more units.

This is particularly relevant to the affordable housing overlay zone, which we discuss in Item 6, where unlimited density is proposed even though there's projects involving demolition of a city, state or federal landmark and would not apply to them you could still have these height additions or within APIs and ASIs very large buildings which would essentially be done with any frequency would destroy the sense of time and place within the APIs and ASIs. So it's really important to keep the number of regular units permitted on the lot to four or less.

We have various alternatives presented that are intended to maintain the existing character in terms of height and bulk in these buildings. And one strategy which we think has promise is to allow more units within the existing building envelopes. Maybe unlimited units, but this would be regular units. If you want more units, it could be in the form of ADUs. This would also promote more affordability since adding units within existing buildings is more cost effective than new construction.

You could also take advantage of the California historical building code for APIs and ASIs since everything that's contributing to APIs and ASIs and for that matter PDHPs are eligible for the California historical building code. That provides more flexible

O-6(PC) Oakland Heritable Alliance

COMMENT

RESPONSE

code standards for changes to existing buildings. You don't have to rearrange things like stairways to conform with current code. You don't need-- the fire exiting requirements are more flexible. Structural requirements are more flexible. So-called archaic materials like lathe and plaster can be counted toward structural resistance and thereby reduce the probability of having to totally redo the building.

I'm going to touch on some of the other comments in our letter. Naomi already reviewed a lot of these so I will try not to be too repetitive. With regard to item one the two-tiered height system, the point there is to reduce visual bulk. If you have a, for example, a six-story building that is just all wall height, six-story wall height, you end up with a big box. If you require that the top floor, or in the case of a building that tall the top two floors be within the roof envelope that reduces visual bulk. There's literally less building mass in there. And so, we recommend that two-tier height limit be retained keeping the existing wall heights.

The second comment concerns front setbacks there's relaxations of front setbacks. We're still analyzing which APIs and ASIs would be especially subject to that relaxation. But the concern is that if the relaxed setback is significantly less than the current setback then new construction or front additions would literally stick out and disrupt the existing streetscape. And we'll get back with more detail by May 9th on that question.

I've already covered item 3.

O-6(PC) Oakland Heritable Alliance

COMMENT

RESPONSE

The -- regarding Item 4, commercial zone height limits, there too increases are being proposed and we're concerned that those increases particularly in conjunction with state density bonus law will Architecturally disrupt commercial APIs, ASIs, and promote demolition of existing buildings if they're small scale.

And finally, elaborating further on addition of existing new units in buildings. Underutilized spaces like attics and basements lend themselves very much to that in attics you can put in dormers and skylights to create usable space. So, we would encourage the city to try to take a creative approach to allowing more units within existing buildings as an alternative to promoting new construction within existing neighborhoods that have historic value, which would be the APIs and ASIs. Thank you.

These comments reiterate those concerns addressed in letters provided by OHA to the City. See comments O-2 and O-3 for specific Draft EIR comments submitted by the Oakland Heritage Alliance.

4.4 Individuals

I-1	Arlinda Befort.....	Page 4-43
I-2	Bernie Rossi	Page 4-44
I-3	Jim Marro	Page 4-45
I-4(PC)	Jason Gumataotao.....	Page 4-46

I-1 Arlinda Befort

COMMENT

Phase I Oakland 2045 General Plan Update Draft EIR Comments

ARLINDA BEFORT <ajbefort@sbcglobal.net>

Tue 5/9/2023 2:36 PM

To: Rajagopalan, Lakshmi <LRajagopalan@oaklandca.gov>; General Plan <generalplan@oaklandca.gov>

1 attachments (18 KB)

Phase I Oakland 2045 General Plan Update Draft EIR Comments.docx;

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

The 4185 Piedmont Avenue project has caused me to get involved in the zoning update discussion. Not only is this monstrosity a poor fit for the neighborhood, but this type of zoning has the potential to wreak long term havoc on a neighborhood that already lacks sufficient parking. The fact that it is an ugly piece of architecture that is two stories too high for the neighborhood (allowed because of the density bonus) should have been enough to stop the project, BUT the long-term issues that arise from eliminating on-site parking in an already congested neighborhood is truly serious.

Eliminating the on-site parking requirement for a new apartment complex on a commercial corridor next to neighborhood that is already congested because of insufficient parking due to employees of retail establishments, USPS branch, four schools, as well as shoppers and residents needing parking creates an untenable situation for those of us who work, shop, and live in the neighborhood. Neighborhood circumstances, in this case shortage of parking spaces, need to be taken into consideration when new complexes are planned.

As a long-term tenant and a registered nurse who worked the swing shift, I can tell you that on-site parking is a necessary safety issue for many tenants. Do not think that the city or the state are going to get these tenants to give up their cars. While some people may well not need cars if they live near transit lines, options need to be available for those who find car ownership essential.

- to get to or from their jobs in a safe manner late in the evening, e.g., shift workers, like RNs, who work evenings or nights. Lack of housing with on-site parking could result in a shortage of those willing to work these hours.

- to get between jobs in a timely manner: e.g., low income who work more than one job daily and those tight schedules make it unfeasible to use public transit.

- to get to destinations not easily accessible via public transit.

- for trips that include multiple errands and/or grocery shopping (cabs are loathe to pick someone up with groceries or laundry). Working people often have much to get done on their days off.

- for those, like the elderly or disabled, whose car ownership helps them stay independent.

If the city and state are intent on reducing parking within new multi-unit residential developments at least ease into it so that the necessary public transit infrastructure (currently inadequate) has time to ramp up to meet the needs. Ease in so that government can study whether doing this is effective in getting people out of their cars OR if it makes living in the affected neighborhoods untenable. I understand from Assembly Member Buffy Wicks office that NO study was done before this code was set into law. To go full throttle without a study is a recipe for disaster.

If the city/state insists on reducing on-site parking in new residential, please consider:

- Easing in with 75% on-site parking requirement to meet residents with the most pressing parking needs and provide time for public transit to provide for possible increased ridership. In other words, EASE into removing on-site parking and see how it goes. Particularly important in neighborhoods where parking is already at a premium and for large developments. Revisit this on-site parking reduction at five-year intervals to see if it is effective both for city/state goals and tenant needs. Right now, there is NO provision to revisit the zoning code decision as written.

- On-site parking prioritized on a "needs" basis: targeting workers who require vehicles to get to their jobs in a safe and/or timely manner. For those require the use of a vehicle intermittently, like the elderly or disabled, there could be a number of short-term hourly rental cars on-site or daily rentals nearby, moped/motorcycle parking, and bicycle storage/parking for those who are willing to take transit if augmented by bicycling to ultimate destination. Parking should NOT be automatically excluded in a rental package just because someone lives within 1/2 mile of a transit stop.

This document also attached below for your convenience. Thank you for your consideration.

Sincerely,

Arlinda Befort
4220 Montgomery St, #106
Oakland, CA 94611

RESPONSE

I-1-1 The commenter raises concerns over limited available parking and provides suggestions for the City to revise their parking requirements.

In 2002, the courts determined that parking supply and unmet parking demand created by a project need not be considered a significant environmental effect in urban areas under CEQA. Specifically, a Court of Appeal decision (regarding a challenge to San Francisco’s treatment of parking as a social, not physical, effect) held that parking is not part of the permanent physical environment, and that parking conditions change over time as people change their travel patterns (*San Franciscans Upholding the Downtown Plan v. the City and County of San Francisco* (2002) 102 Cal.App.4th 656). This decision is consistent with the significance criterion in the *City of Oakland Transportation Impact Review Guidelines*, as stated in Section 4.15, *Transportation and Circulation*, of the Draft EIR, which does not identify parking as a CEQA consideration; and is also consistent with Appendix G of the State’s *CEQA Guidelines*, which also does not identify parking as an environmental effect under CEQA. The comment raises neither significant environmental issues nor specific questions about the analyses or information in the Draft EIR that would require response pursuant to *CEQA Guidelines* Section 15088. Therefore, these comments are acknowledged for the record and will be forwarded to the decision makers for their consideration during deliberations on the Proposed Project.

I-1-1

I-2 Bernie Rossi

COMMENT

RESPONSE

I-2-1 See response to comment I-1-1.

Phase I Oakland 2045 General Plan Update Draft EIR Comments

Bernie Rossi <rossi@berkeley.edu>
Tue 5/8/2023 4:30 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

My comments on the Oakland General Plan and associated zoning and building codes pertain to the need for sufficient parking, especially in light of housing laws recently enacted by the State of California.

State law that exempts builders from providing on-site parking will force many more drivers to park on-street. Finding parking spaces in those neighborhoods where parking is in short supply is a quality-of-life issue, as well as an environmental issue. Endlessly circling neighborhoods searching for a space simply spews more carbon into the air.

While intended to increase affordable housing and perhaps encourage people to give up their cars, the law's result leaves many in an impossible situation. A parking shortage weighs most heavily on the elderly, the disabled, and workers with long commutes or late shifts. For these, the use of mass transit is not feasible, and often dangerous.

Clearly, decades-long access to transit lines has not driven residents to give up their cars.

Furthermore, mass transit ridership has significantly dropped recently and is not expected to recover. A huge investment in transportation would be needed for transit use to grow enough to motivate people to abandon their cars. That is not likely.

Solutions must be found to provide both housing and parking, while not degrading the quality of neighborhood life. That requires City and State jurisdictions to recognize that codes must account for local conditions and not impose a one-size-fits-all standard that predictably will make life worse. Please, require parking in new construction in those areas with parking space shortage.

Sincerely,

Bernardette Rossi
327 62nd Street
Oakland CA 94618

I-2-1



I-3 Jim Marro

COMMENT

Phase I Oakland 2045 General Plan Update Draft EIR Comments

Jim Marro <jcmrutland@sbcglobal.net>

Tue 5/9/2023 1:40 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

The revision of the Oakland General Plan and the associated zoning and building codes provides both an opportunity and a challenge, especially in light of housing laws recently enacted by the State of California.

Occasionally, well-intentioned legislation results in unintended negative consequences. Such is the case with AB2097. That law's provision exempting residential builders from providing on-site parking will force drivers to park on-street. Finding parking spaces in those neighborhoods where parking is in short supply relative to demand is problematic at best and nightmarish at worst.

While the law is intended to foster affordable housing and perhaps encourage people to give up their cars, the result leaves many in an untenable situation. The parking burden falls most heavily on the disabled, the elderly, and those workers whose long, complicated commutes or late-hour shifts make use of mass transit unworkable, or even dangerous.

For example, the area around Piedmont Avenue in Oakland, has a particularly acute and chronic shortage of off-street parking, largely because of the robust commercial life of the Avenue. Unfortunately, decades-long proximity to existing transit service has not motivated residents to give up their cars.

For myriad reasons, including COVID, mass transit ridership has drastically declined. A massive investment in infrastructure would be required for transit use to rise enough to motivate people to abandon their cars. That seems highly unlikely.

In response to the COVID-19 pandemic, AC Transit has temporarily suspended service on lines throughout the service area. Several lines do not operate even during commute hours.

BART carried 118 million riders in 2019, and fewer than 35 million in 2022.

Clearly, Bay Area mass transit will not be the solution to affordable housing, or getting people to abandon their cars anytime soon. But there are ways to provide housing *and* parking, as well as preserve neighborhood quality of life. That requires City and State jurisdictions to recognize that codes must account for local neighborhood conditions and not impose a draconian one-size-fits-all standard that predictably will make life worse. Please, require parking in new construction in those neighborhoods with chronic and acute parking space shortage.

Sincerely,
Jim Marro
4149 Howe Street
Oakland CA 94611

RESPONSE

I-3-1 See response to comment I-1-1.

I-3-1

I-4(PC) Jason Gumataotoa

COMMENT

I(PC)-4-1: My name is Jason Gumataotao with IBEW Local 595; I'm also a District 6 resident. One of the objectives that was listed, I believe, under the Economics of the projects, and what I urge you to consider is including some kind of, or set of, labor standards to protect the construction workers with regard to their financial stability in Oakland, so hopefully by doing that you can help ensure that people that are coming into Oakland or those that are raising their kids in Oakland can help build out some of this work over the next 30 years. Thank you.

RESPONSE

I(PC)-4-1: See response to comment O-1-1.

CHAPTER 5

Errata to the Draft EIR

5.1 Introduction

This chapter describes changes made to the Draft EIR initiated by City staff. The changes shown in this chapter update, refine, clarify, and amplify the Proposed Project information and analyses presented in the Draft EIR.

5.2 Text Changes to the Draft EIR

This chapter summarizes text changes made to the Draft EIR initiated by City staff. New text is indicated in underline and text to be deleted is reflected by a ~~strike through~~. Text changes (including changes to tables and figures in the Draft EIR) are presented in the page order in which they appear in the Draft EIR.

As indicated in Chapter 1, *Introduction*, the entirety of the *Phase I Oakland 2045 General Plan Update Final EIR* consists of the Draft EIR, together with this Response to Comments document, including all appendices. Therefore, the Draft EIR changes presented in this chapter are incorporated in and supersede corresponding original text in the Draft EIR.

5.3 Implication of Changes to the Draft EIR

Under CEQA, recirculation of all or part of an EIR is required if significant new information is added after public review and prior to certification. According to *CEQA Guidelines* Section 15088.5(a), new information is not considered significant “unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” (Chapter 1, *Introduction*, of this document, includes additional discussion on when recirculation is required pursuant to CEQA.)

None of the changes to the Draft EIR identified in this document or the additional information provided in this section constitute a change to the Proposed Project or the Draft EIR that could result in changes to the sufficiency of the environmental analysis in the Draft EIR under CEQA. The City decided to include additional information in this Response to Comments document for informational purposes for the public and decision-makers for the Proposed Project. None of the changes to the Draft EIR or additional information provided in this document meet any of the

conditions described in CEQA Guidelines Section 15088.5(a). Therefore, recirculation of any part of the Draft EIR is not required.

5.4 Changes to Section 4.2 Air Quality

BAAQMD publishes guidelines to assist lead agencies in evaluating air quality and climate impacts from proposed land-use projects and plans. BAAQMDs' most recent guidelines are the 2022 CEQA Air Quality Guidelines (2022 Guidelines) that supersede BAAQMD's previous CEQA guidance from 2017. As with the 2017 Guidelines, the 2022 Guidelines include non-binding recommendations intended to assist lead agencies navigating the CEQA process.

The 2017 Guidelines considered impacts of fugitive dust emissions from construction activities to be mitigated to less than significant levels with the implementation of recommended basic and enhanced dust control measures. Therefore, as part of the impact evaluation, fugitive dust emissions were not quantified to be considered along with exhaust emissions for comparison with BAAQMD's average daily emissions thresholds for construction. Similarly, fugitive dust emissions were not included in the evaluation of health risk and hazard impacts of Proposed Project construction activities.

The Draft EIR for the Proposed Project was published in March 2023, and in April 2023 BAAQMD published updates to its 2022 Guidelines (BAAQMD, 2023) that recommend the same air quality and health risk significance thresholds for projects and plans as the 2017 Guidelines but include updated references, analytical methodologies, and technical information. The 2023 update to the 2022 Guidelines provides a methodology for the quantification of construction-related fugitive dust. Specifically, the 2023 update states that the analysis methodology can use CalEEMod to estimate fugitive dust emissions from construction activities following the guidance provided in Appendix D of the [2017] Guidelines. Also, in accordance with the 2023 update, sensitive receptors have been expanded to include off-site workers and students, consistent with the BAAQMD's permitting requirements. The revised modeling methodology has been updated to be consistent with Air District's permitting requirements and specific Bay Area air quality modeling practices. The risk assessment components are based on the procedures developed by OEHHA [California Office of Environmental Health Hazard Assessment] and is consistent with the Air District's Regulation 2-5: New Sources Review of Toxics Air Contaminants and Regulation 11-18: Reduction of Risk from Air Toxic Emissions at Existing Facilities. (BAAQMD, 2023)

However, the 2023 update to the 2022 Guidelines leave to the discretion of lead agencies to include fugitive dust emissions in the evaluation of a project's local risks and hazards impacts (BAAQMD, 2023).

In addition, quantification of construction-related fugitive dust in addition to exhaust emissions to evaluate the project's local risks and hazards impact is at the discretion of the lead agency. The

Air District will be developing further guidance and recommendations to support lead agencies in this decision. (BAAQMD, 2023)

City staff have initiated the following changes to Draft EIR Section 4.2, *Air Quality*, and specifically to SCA-22 in response to the 2023 update to the 2022 BAAQMD Guidelines to include impacts of fugitive dust emissions from construction in health risk assessments.

In response to the 2022 BAAQMD CEQA Guidelines Update, Table 4.2-9 on page 4.2-57 of the Draft EIR has been revised to include updated operational and construction criteria air pollutant screening criteria for development projects:

**TABLE 4.2-9
OPERATIONAL AND CONSTRUCTION CRITERIA POLLUTANT SCREENING
FOR POTENTIAL SUBSEQUENT DEVELOPMENT**

Land Use Type	Screening Size for Operational Criteria Pollutants (Pollutant of Concern in Parentheses)	Screening Size for Construction Criteria Pollutants (Pollutant of Concern in Parentheses)
Single-family	421325 du (NO _x)	254114 du (ROG)
Apartments, low-rise	638454 du (ROG)	416240 du (ROG)
Apartments, mid-rise	494 du (ROG)	240 du (ROG)
Apartments, high-rise	520 du (ROG)	240 du (ROG)
Condo/townhouse, general	637454 du (ROG)	416240 du (ROG)
Congregate Care/Retirement Community Condo/townhouse, high-rise	1,008544 du (ROG)	416252 du (ROG)
Mobile Home Park	721 du (ROG)	377 du (ROG)

SOURCE: BAAQMD, 2023~~17b~~.

In response to the 2022 BAAQMD CEQA Guidelines Update, the text under the heading *Fugitive Dust* on page 4.2-58 of the Draft EIR has been revised as follows:

Fugitive Dust

Dust can be an irritant causing watering eyes or irritation to the lungs, nose, and throat. Demolition, excavation, grading, equipment movement across unpaved construction sites, and other construction activities can cause wind-blown or fugitive dust that adds PM₁₀ and PM_{2.5} to the local atmosphere. BAAQMD ~~has~~ does not include fugitive dust emissions in its mass emissions thresholds and has instead taken a qualitative approach to addressing fugitive dust emissions during construction, such that any project that implements BAAQMD Basic Construction Mitigation Measures Recommended for All Projects (Best Management Practices) is considered to result in a less-than-significant impact with respect to fugitive dust.

Construction activities associated with future development under the Proposed Project would be required to implement the SCA 20, Dust Controls – Construction Related, requiring projects to implement various dust control measures including, but not limited

to, watering of exposed surfaces, covering haul truck loads, cleaning of track-out, limiting vehicle speeds, and more. In addition, future projects involving extensive site preparation or extensive soil transport would be required to implement supplementary dust control measures including but not limited to applying ground cover or soil stabilizers to disturbed areas, installing wind breaks, and maintaining a soil moisture of 12 percent. Implementation of SCA 20 would reduce construction dust emissions from future development under the Proposed Project and the impacts from fugitive dust emissions would be less than significant. While not required to address a CEQA impact, and at the discretion of City of Oakland staff, Recommended Measure AIR-1, below, would incorporate text changes to SCA 20 to make it consistent with the fugitive dust control measures in the 2022 BAAQMD CEQA Guidelines.

In response to the 2022 BAAQMD CEQA Guidelines Update, the following recommended measure has been added on page 4.2-65. The entirety of this indented text below is added. However, it is not shown in underlined text below here because it includes modifications to SCA 20 in underlined and ~~strikethrough~~.

Recommended Measure AIR-1: Text Changes to SCA 20, Dust Controls – Construction Related.

Requirement: The project applicant shall implement all of the following applicable dust control measures during construction of the project:

- a) Water all exposed surfaces of active construction areas at least twice daily. 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 feasible.
- 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) Limit vehicle speeds on unpaved roads to 15 miles per hour.
- e) All excavation, grading and/or demolition activities (if any) shall be suspended when average wind speeds exceed 20 miles per hour.
- f) All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- g) Unpaved roads providing access to sites located ~~Site accesses to a distance of 100 feet or further from a the-paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.~~

- h) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

[Enhanced Controls: All "Basic" controls listed above plus the following controls if the project involves: Extensive site preparation (i.e., the construction site is four acres or more in size); or Extensive soil transport (i.e., 10,000 or more cubic yards of soil import/export).]

- i) Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.
- j) Apply and maintain vegetative ground cover (e.g., hydroseed) or non-toxic soil stabilizers to disturbed areas of soil that will be inactive for more than 10 days ~~one month~~. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- k) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress.
- l) When working at a site, install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of the site, to minimize wind-blown dust. Windbreaks must have a maximum 50 percent air porosity.
- m) Post a publicly visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.
- n) 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.
- o) Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- p) Plant vegetation in areas designated for landscaping as soon as possible and water appropriately until vegetation is established.

In response to the 2022 BAAQMD CEQA Guidelines Update, Mitigation Measure AIR-3 on page 4.2-73 is modified. As presented in the Draft EIR, Mitigation Measure AIR-3 includes modifications to SCA 22 shown in underlined and strikethrough text. To capture these revisions made since publication of the Draft EIR, added text is shown in double underline and new deletions shown in ~~double strikethrough~~:

Mitigation Measure AIR-3: Text Changes to SCA 22, ~~Diesel Particulate Matter~~ Toxic Air Contaminant Controls-Construction Related.

Requirement: The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) and particulate matter less than 2.5 microns in diameter

(PM_{2.5}) in exhaust and fugitive emissions from construction emissions activities. The project applicant shall choose to implement i or both ii and iii ~~one of the following methods:~~

- i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB), ~~the~~ and Office of Environmental Health and Hazard Assessment, and Bay Area Air Quality Management District (BAAQMD) to determine the health risk to sensitive receptors exposed to DPM and PM_{2.5} ~~from exhaust and fugitive emissions from project construction emissions.~~ The HRA shall be based on project-specific construction schedule, equipment, and activity data. Estimated project-level health risks shall be compared to the City's health risk significance thresholds for projects. The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below ~~acceptable levels~~ the City's health risk significance thresholds for projects, then DPM and PM_{2.5} reduction measures are not required. If the HRA concludes that the health risk exceeds ~~acceptable levels~~ the City's health risk significance thresholds for projects, DPM and PM_{2.5} reduction measures shall be identified to reduce the health risk to ~~acceptable levels~~ below the City's health risk significance thresholds as set forth under subsection b below. Identified DPM and PM_{2.5} reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM and PM_{2.5} reduction measures shall be implemented during construction.

~~-or-~~

- ii. The project applicant shall incorporate the following health risk reduction measures into the project to reduce TAC emissions from construction equipment. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:
 - All off-road diesel equipment shall be equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through an equipment inventory submittal and Certification Statement that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract.
 - Where access to grid-powered electricity is reasonably available, portable diesel engines shall be prohibited and electric engines shall be used for concrete/ industrial saws, sweepers/scrubbers, aerial lifts, welders, air compressors, fixed cranes, forklifts, cement and mortar mixers, pressure washers, and pumps.
 - Any other best available technology that reduces emissions offered at the time that future projects are reviewed may be included in the construction emissions minimization plan (e.g., alternative fuel sources, etc.).

~~-and-~~

- iii. The project applicant shall implement all enhanced control measures included in SCA 20.

In response to the 2022 BAAQMD CEQA Guidelines Update, the following is added to page 4.2-77. To capture these revisions made since publication of the Draft EIR, added text is shown in double underline:

Bay Area Air Quality Management District (BAAQMD), 2023. Update to the 2022 California Environmental Quality Act Air Quality Guidelines, Chapter 5 (Project-level Air Quality Impacts) and Appendix E. Available at: <https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines>. Accessed July 17, 2023.

The following additional clarifications to Section 4.2, *Air Quality*, are made as listed below:

On page 4.2-61, the following clarifications is shown in double underlining to distinguish from text changes made in the Draft EIR:

Mitigation Measure AIR-1: Text Changes to SCA 21, Criteria Air Pollutant Controls – Construction Related.

SCA 21. Criteria Air Pollutant Controls - Construction and Operational Related

[Enhanced Controls: All "Basic" controls listed above plus the following controls if the project involves: ~~Construction activities with average daily emissions exceeding the CEQA thresholds for construction activity, currently 54 pounds per day of ROG, NOx, or PM2.5 or 82 pounds per day of PM10. In most cases, criteria pollutants from construction will not require SCA measures, but analysis must be performed to determine applicability for projects that exceed 100,000 square feet of non-residential development or 200 residential dwelling unit.]~~

On page 4.2-68, the following clarification is shown in double underlining to distinguish from text changes made in the Draft EIR:

Mitigation Measure AIR-2: Text Changes to SCA 23, Reduce Exposure to Air Pollution – Toxic Air Contaminants. (As also modified by Mitigation Measure AIR-4 in double underline.)

Also on page 4.2-68, the last sentence of Mitigation Measure AIR-2 is clarified with removal of underlining inadvertently shown in the Draft EIR:

- Installation of mechanical ventilation systems ~~air filtration~~ to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-16 ~~1613~~ [insert MERV-16 for projects located in the West Oakland Specific Plan area] or higher. Mechanical ventilation systems shall be capable of achieving the protection from particulate matter (PM_{2.5}) equivalent to that associated with a MERV-16 filtration (as defined by American Society of Heating, Refrigerating and Air-Conditioning Engineers [ASHRAE] standard 52.2). As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.

On page 4.2-72, the following clarification is shown in double underlining to distinguish from text changes made in the Draft EIR:

Mitigation Measure AIR-4: Text Changes to SCA 23, Reduce Exposure to Air Pollution – Toxic Air Contaminants. (As also modified by Mitigation Measure AIR-2 in double underline/strikeout.)

On page 4.2-73, the following clarification is shown in double underlining to distinguish from text changes made in the Draft EIR; the last sentence of Mitigation Measure AIR-5 is clarified with the addition of double underlining inadvertently omitted in the Draft EIR:

Mitigation Measure AIR-5: Text Changes to SCA 24, Stationary Sources of Air Pollution (Toxic Air Contaminants).

- a. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements and in accordance with Bay Area Air Quality Management District (BAAQMD) CEQA guidance for HRAs to determine the health risk associated with proposed stationary sources of pollution in the project. The HRA shall be based on project-specific activity data. Estimated project-level health risks shall be compared to the City’s health risk significance thresholds for projects. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below ~~acceptable levels~~ the City’s health risk significance thresholds for projects, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds ~~acceptable levels~~ the City’s health risk significance thresholds for projects, health risk reduction measures shall be identified to reduce the health risk to ~~acceptable levels~~ the City’s health risk significance thresholds for projects. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. The approved risk reduction measures shall be implemented during construction and/or operations as applicable.

On page 4.2-74, the following clarification is shown in double underlining to distinguish from text changes made in the Draft EIR:

Mitigation Measure AIR-6: Text Changes to SCA 25, Truck-Related Risk Reduction Measures (Toxic Air Contaminants).

~~#c.~~ ***Diesel Truck Emission Reduction Measures***

Requirement: The Project sponsor shall incorporate the following health risk reduction measures into the Project design and construction contracts (as applicable) in order to reduce the potential health risk due to exposure to toxic air contaminants. These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City. Emissions from Project-related diesel trucks shall be reduced through implementing the following measures, if feasible:

- i. Prohibit TRUs from operating at loading docks for more than 30 minutes by posting signs at each loading dock presenting this TRU limit.

5.5 Changes to Section 4.3: Biological Resources

City staff initiated the following clarification to Mitigation Measure BIO-3, Avoid and Minimize Impacts on Special-Status Roosting Bats in Buildings, starting on page 4.3-27 of the Draft EIR:

Mitigation Measure BIO-3: Avoid and Minimize Impacts on Special-Status Roosting Bats in Buildings.

To avoid and minimize impacts on special-status roosting bat species, the City shall adopt a new SCA that shall apply to residential development involving full demolition or relocation of structures that are vacant and/or abandoned and have been continuously vacant and/or abandoned including for 14 contiguous days or more during the preceding maternity season (April 15 – August 15). The SCA shall require the following measures:

City staff initiated the following clarification to Mitigation Measure BIO-4, Avoid and Minimize Impacts on Special-Status Roosting Bats in Trees, on page 4.3-29 of the Draft EIR:

Mitigation Measure BIO-4: Avoid and Minimize Impacts on Special-Status Roosting Bats in Trees.

To avoid and minimize impacts on special-status roosting bat species, the City shall adopt a new SCA that shall apply to residential development requiring a tree permit per the City's Tree Protection Ordinance (OMC Chap. 12.36), where trees proposed for removal are a specific species and type that are suitable for bat habitat. The SCA shall require the following measures:

5.6 Changes to Section 4.4: Historic Architectural Resources

City staff initiated the following clarification to Mitigation Measure CUL-1, Identify Historic Resources, on page 4.4-29 of the Draft EIR:

Mitigation Measure CUL-1: Identify Architectural Historic Resources.

To facilitate the protection of architectural historic resources, the City shall create a ministerial process involving a screening assessment incorporated into the City of Oakland basic application for development review to determine when a building or structure is an eligible historic resource. The screening assessment shall be reviewed and approved by a City of Oakland Preservation Planner or other qualified planner. Once the process is established, the City shall require discretionary review for the issuance of demolition permits of eligible historic resources unless, consistent with City regulations: rehabilitation is not feasible; demolition is necessary to protect health, safety, and/or welfare; or the benefit of demolition outweighs the loss of the structure.

City staff initiated the following clarification to the title of Mitigation Measure CUL-2, on pages 4.4-30 and 4.4-32, of the Draft EIR:

Mitigation Measure CUL-2: Text changes to SCA 33: Archaeologically Sensitive Area – Pre-Construction Measures ~~Archaeological and Paleontological Resources – Discovery During Construction.~~

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Appendix A

Mitigation Monitoring and Reporting Program



APPENDIX A

Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) is based on the EIR prepared for the Phase I Oakland 2045 General Plan Update.

This MMRP is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The MMRP lists mitigation measures that apply to the Proposed Project. This MMRP also identifies the mitigation monitoring requirements for each mitigation measure. Several mitigation measures involve adopted changes to the City’s Standard Conditions of Approval (SCA), and new text is indicated in underline and text to be deleted is reflected by a ~~strike through~~.

To the extent that there is any inconsistency between any mitigation measures, the more restrictive conditions shall govern; to the extent any mitigation measure identified in the CEQA Checklist were inadvertently omitted, they are automatically incorporated herein by reference.

- The first column of the MMRP table identifies the feasible mitigation measure adopted by the City and applicable to the specified environmental topic in the CEQA Checklist. While a mitigation measure can apply to more than one topic, it is listed in its entirety only under its primary topic (as indicated in the mitigation).
- The second column identifies the monitoring schedule or timing applicable to the Proposed Project.
- The third column names the party responsible for monitoring the required action for the Proposed Project.

The City is responsible for compliance with all mitigation measures adopted. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Building Department.

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
Air Quality		
<p>Recommended Measure AIR-1: Text Changes to SCA 20, Dust Controls – Construction Related.</p> <p>Requirement: The project applicant shall implement all of the following applicable dust control measures during construction of the project:</p> <ul style="list-style-type: none"> a) Water all exposed surfaces of active construction areas at least twice daily. 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 feasible. 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) Limit vehicle speeds on unpaved roads to 15 miles per hour. e) All <u>excavation, grading and/or</u> demolition activities (if any) shall be suspended when average wind speeds exceed 20 miles per hour. f) All trucks and equipment, including tires, shall be washed off prior to leaving the site. g) <u>Unpaved roads providing access to sites located Site accesses to a distance of 100 feet or further from a the</u> paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel. h) <u>All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</u> <p><i>[Enhanced Controls: All "Basic" controls listed above plus the following controls if the project involves: Extensive site preparation (i.e., the construction site is four acres or more in size); or Extensive soil transport (i.e., 10,000 or more cubic yards of soil import/export).]</i></p> <ul style="list-style-type: none"> i) <u>Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.</u> j) Apply and maintain vegetative ground cover (e.g., hydroseed) or non-toxic soil stabilizers to disturbed areas of soil that will be inactive for more than <u>10 days one month</u>. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). k) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. l) When working at a site, install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of the site, to minimize wind-blown dust. Windbreaks must have a maximum 50 percent air porosity. m) Post a publicly visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours. 	<p>Upon effective date of the Resolution certifying the EIR</p>	<p>Planning and Building Department</p>

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
Air Quality (cont.)		
<p>n) All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content <u>can be verified by lab samples or moisture probe.</u></p> <p>o) <u>Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.</u></p> <p>p) <u>Plant vegetation in areas designated for landscaping as soon as possible and water appropriately until vegetation is established.</u></p>		
<p>Mitigation Measure AIR-1: Text Changes to SCA 21, Criteria Air Pollutant Controls – Construction Related.</p> <p>SCA 21. Criteria Air Pollutant Controls - Construction <u>and Operational</u> Related</p> <p><i>Enhanced Controls: All "Basic" controls listed above plus the following controls.</i> a) <i>Criteria Air Pollutant Reduction Measures</i></p> <p>Requirement: <u>Project applicants proposing projects that exceed BAAQMD screening levels (as amended to specify projects that include extensive demolition i.e., demolition greater than 100,000 square feet of building space). The project applicant shall retain a qualified air quality consultant to prepare a project-level criteria air pollutant assessment of construction and operational emissions at the time the project is proposed. The project-level assessment shall either include a comparison of the project with other similar projects where a quantitative analysis has been conducted or shall provide a project-specific criteria air pollutant analysis to determine whether the project exceeds the City's criteria air pollutant thresholds.</u></p> <p><u>In the event that a project-specific analysis finds that the project could result in criteria air pollutant emissions that exceed City significance thresholds (54 pounds per day of ROG, NO_x, or PM_{2.5} or 82 pounds per day of PM₁₀), the project applicant shall identify criteria air pollutant reduction measures to reduce the project's average daily emissions below these thresholds 54 pounds per day of ROG, NO_x, or PM_{2.5} or 82 pounds per day of PM₁₀. The following emission reduction measures shall be implemented to the degree necessary to reduce emissions to levels below the significance thresholds. Additional measures shall be implemented if necessary. Quantified emissions and identified reduction measures shall be submitted to the City (and the Air District if specifically requested) for review and approval prior to the issuance of building permits and the approved criteria air pollutant reduction measures shall be implemented during construction.</u></p> <p><i>i. Clean Construction Equipment</i></p> <p>a) <u>Where access to grid-powered electricity is reasonably available, portable diesel engines shall be prohibited and electric engines shall be used for concrete/industrial saws, sweepers/scrubbers, aerial lifts, welders, air compressors, fixed cranes, forklifts, cement and mortar mixers, pressure washers, and pumps.</u></p> <p>b) <u>Diesel off-road equipment shall have engines that meet the Tier 4 Final off-road emission standards, as certified by CARB, as required to reduce the emissions to less than the thresholds of significance shown in Table 2-1 of BAAQMD CEQA Guidelines (BAAQMD 2017b). This requirement shall be verified through submittal of an equipment inventory that includes the following information: (1) Type of Equipment, (2) Engine Year and Age, (3) Number of Years Since Rebuild of Engine (if applicable), (4) Type of Fuel Used, (5) Engine HP, (6) Engine Certification (tier rating), (7) Verified Diesel Emission Control Strategy (VDECS) information if applicable, and other related equipment data. A Certification Statement is also required to be made by the Contractor as documentation of compliance and for future review by the air district as necessary. The Certification Statement must state that the Contractor agrees to comply and acknowledges that a violation of this requirement shall constitute a material breach of contract.</u></p>	<p>Upon effective date of the Resolution certifying the EIR</p>	<p>Planning and Building Department</p>

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
Air Quality (cont.)		
<p>c) <u>Any other best available technology that reduces emissions offered at the time that future projects are reviewed may be included in the construction emissions minimization plan (e.g., alternative fuel sources, etc.).</u></p> <p>d) <u>Exceptions to requirements a), b), and c) above may be granted if the project sponsor has submitted information providing evidence that meeting the requirement (1) is technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, or (3) there is a compelling emergency need to use equipment that to not meet the engine standards and the sponsor has submitted documentation that the requirements of this exception provision apply. In seeking an exception, the project sponsor shall demonstrate that the project will use the cleanest piece of construction equipment available and feasible and strive to meet a performance standard of average construction emissions of ROG, NO_x, PM_{2.5} below 54 lbs/day, and PM₁₀ emissions below 82 lbs/day.</u></p> <p>ii. <u>Super-Compliant VOC Architectural Coatings during Construction.</u> <u>The Project sponsor shall use super-compliant VOC architectural coatings during construction for all interior and exterior spaces and shall include this requirement on plans submitted for review by the City's building official. "Super-Compliant" refers to paints that meet the more stringent regulatory limits in South Coast Air Quality Management District rule 1113 which requires a limit of 10 grams VOC per liter.¹</u></p> <p>iii. <u>Use Low and Super-compliant VOC Architectural Coatings in Maintaining Buildings.</u> <u>Subsequent projects shall use super-compliant VOC architectural coatings in maintaining buildings. "Super-Compliant" refers to paints that meet the more stringent regulatory limits in South Coast Air Quality Management District rule 1113, which requires a limit of 10 grams VOC per liter.²</u></p> <p>iv. <u>Promote Use of Green Consumer Products.</u> <u>To reduce ROG emissions associated with the Project, the Project Sponsor and/or future developer(s) shall provide education for residential tenants concerning green consumer products. The Project sponsor and/or future developer(s) shall develop electronic correspondence to be distributed by email annually and upon any new lease signing to residential tenants of each building on the Project site that encourages the purchase of consumer products that generate lower than typical VOC emissions. The correspondence shall encourage environmentally preferable purchasing.</u></p> <p>v. <u>Best Available Control Technology for Projects with Diesel Backup Generators and Fire Pumps.</u> <u>The Project sponsor shall implement the following measures. These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City:</u></p> <p>a) <u>Pursuant to SCA 24, non-diesel fueled generators shall be installed to replace diesel-fueled generators if feasible. Alternative fuels used in generators, such as biodiesel, renewable diesel, natural gas, or other biofuels or other non-diesel emergency power systems, must be demonstrated to reduce criteria pollutant emissions compared to diesel fuel.</u></p>		

¹ <http://www.aqmd.gov/home/regulations/compliance/architectural-coatings/super-compliant-coatings>

² <http://www.aqmd.gov/home/regulations/compliance/architectural-coatings/super-compliant-coatings>

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
Air Quality (cont.)		
<p>b) Pursuant to SCA 24, all new diesel backup generators shall have engines that meet or exceed CARB Tier 4 off-road Compression Ignition Engine Standards (title 13, CCR, section 2423). If CARB adopts future emissions standards that exceed the Tier 4 requirement, the emissions standards resulting in the lowest criteria pollutant emissions shall apply.</p> <p>c) All new diesel backup generators shall have an annual maintenance testing limit of 20 hours, subject to any further restrictions as may be imposed by BAAQMD in its permitting process.</p> <p>d) For each new diesel backup generator permit submitted to BAAQMD for the Project, the Project sponsor shall submit the anticipated location and engine specifications to the City for review and approval prior to issuance of a permit for the generator from the City of Oakland Department of Building Inspection. Once operational, all diesel backup generators shall be maintained in good working order for the life of the equipment and any future replacement of the diesel backup generators shall be required to be consistent with these emissions specifications. The operator of the facility at which the generator is located shall be required to maintain records of the testing schedule for each diesel backup generator for the life of that diesel backup generator and to provide this information for review to the planning department within three months of requesting such information.</p> <p>vi. <u>Electric Vehicle Charging</u></p> <p><u>Prior to the issuance of the building's final certificate of occupancy, the project applicant shall demonstrate that the project is designed to comply with EV requirements in the most recently adopted version of CALGreen Tier 2 at the time of project-specific CEQA review. The installation of all EV charging equipment shall be included on the project drawings submitted for the construction-related permit(s) or on other documentation submitted to the City.</u></p> <p>vii. <u>Additional Operational Emission Reduction Measures</u></p> <p><u>Subsequent projects that do not meet the screening criteria and exceed the applicable criteria air pollutant thresholds of significance shall implement the following additional measures to reduce operational criteria air pollutant emissions:</u></p> <p>a) <u>Prohibit TRUs from operating at loading docks for more than 30 minutes by posting signs at each loading dock presenting this TRU limit.</u></p> <p>b) <u>All newly constructed loading docks that can accommodate trucks with TRUs shall be equipped with electric vehicle (EV) charging equipment for heavy-duty trucks. This measure does not apply to temporary street parking for loading or unloading.</u></p> <p>c) <u>Require that all future tenants have a plan to convert their vehicle fleet(s) to zero emission vehicles (ZEVs) no later than 2040. This would be a condition of all leases at the project site.</u></p> <p>d) <u>Other measures that become available and are shown to effectively reduce criteria air pollutant emissions on site or off site if emission reductions are realized within the air basin. Measures to reduce emissions on site are preferable to off-site emissions reductions.</u></p> <p>b) <i>Construction Emissions Minimization Plan</i></p>		

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
Air Quality (cont.)		
<p>i. Requirement: For projects that involve construction activities with average daily emissions exceeding the CEQA thresholds for construction activity, currently 54 pounds per day of ROG, NOx, or PM_{2.5} or 82 pounds per day of PM₁₀. The project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified criteria air pollutant reduction measures. The Emissions Plan shall be submitted to the City (and the Air District if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following: ...</p>		
<p>Mitigation Measure AIR-2: Text Changes to SCA 23, <u>Reduce Exposure to Air Pollution – Toxic Air Contaminants.</u> (As also modified by Mitigation Measure AIR-4 in double underline.)</p> <p>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements <u>and in accordance with Bay Area Air Quality Management District (BAAQMD) CEQA guidance for HRAs to determine the health risk of exposure of project residents/occupants/users to air pollutants and the exposure of existing off-site sensitive receptors to project-generated TAC emissions. The HRA shall be based on project-specific activity data. Estimated project-level health risks shall be compared to the City's health risk significance thresholds for projects.</u> The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels <u>the City's health risk significance thresholds for projects</u>, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels <u>the City's health risk significance thresholds for projects</u>, health risk reduction measures shall be identified to reduce the health risk to acceptable levels below the City's health risk significance thresholds. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. The approved risk reduction measures shall be implemented during construction and/or operations as applicable.</p> <p>ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <ul style="list-style-type: none"> Installation of mechanical ventilation systems <u>air filtration</u> to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV 16-13 [insert MERV 16 for projects located in the West Oakland Specific Plan area] or higher <u>Mechanical ventilation systems shall be capable of achieving the protection from particulate matter (PM_{2.5}) equivalent to that associated with a MERV-16 filtration (as defined by American Society of Heating, Refrigerating and Air-Conditioning Engineers [ASHRAE] standard 52.2).</u> As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required. 	<p>Upon effective date of the Resolution certifying the EIR</p>	<p>Planning and Building Department</p>
<p>Mitigation Measure AIR-3: Text Changes to SCA 22, Diesel Particulate Matter <u>Toxic Air Contaminant Controls-Construction Related.</u></p> <p>Requirement: The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) <u>and particulate matter less than 2.5 microns in diameter (PM_{2.5}) in exhaust and fugitive emissions</u> from construction emissions activities. The project applicant shall choose <u>to implement i or both ii and iii</u> one of the following methods:</p>	<p>Upon effective date of the Resolution certifying the EIR</p>	<p>Planning and Building Department</p>

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
Air Quality (cont.)		
<p>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB), the and Office of Environmental Health and Hazard Assessment, <u>and Bay Area Air Quality Management District (BAAQMD)</u> to determine the health risk to sensitive receptors exposed to DPM and PM_{2.5} from exhaust and fugitive emissions from project construction emissions. <u>The HRA shall be based on project-specific construction schedule, equipment, and activity data. Estimated project-level health risks shall be compared to the City's health risk significance thresholds for projects.</u> The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below acceptable levels <u>the City's health risk significance thresholds for projects</u>, then DPM and PM_{2.5} reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels <u>the City's health risk significance thresholds for projects</u>, DPM and PM_{2.5} reduction measures shall be identified to reduce the health risk to acceptable levels <u>below the City's health risk significance thresholds</u> as set forth under subsection b below. Identified DPM and PM_{2.5} reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM and PM_{2.5} reduction measures shall be implemented during construction.</p> <p>-OR both-</p> <p>ii. <u>The project applicant shall incorporate the following health risk reduction measures into the project to reduce TAC emissions from construction equipment. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:</u></p> <ul style="list-style-type: none"> • All off-road diesel equipment shall be equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through an equipment inventory submittal and Certification Statement that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract. • <u>Where access to grid-powered electricity is reasonably available, portable diesel engines shall be prohibited and electric engines shall be used for concrete/industrial saws, sweepers/scrubbers, aerial lifts, welders, air compressors, fixed cranes, forklifts, cement and mortar mixers, pressure washers, and pumps.</u> • <u>Any other best available technology that reduces emissions offered at the time that future projects are reviewed may be included in the construction emissions minimization plan (e.g., alternative fuel sources, etc.).</u> <p>-and-</p> <p>iii. <u>The project applicant shall implement all enhanced control measures included in SCA 20.</u></p>		

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
Air Quality (cont.)		
<p>Mitigation Measure AIR-4: Text Changes to SCA 23, <u>Reduce Exposure to Air Pollution – Toxic Air Contaminants.</u> (As also modified by Mitigation Measure AIR-2 in double underline/strikeout.)</p> <p>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements <u>and in accordance with Bay Area Air Quality Management District (BAAQMD) CEQA guidance for HRAs</u> to determine the health risk of exposure of project residents/occupants/users to air pollutants <u>and the exposure of existing off-site sensitive receptors to project-generated TAC emissions. The HRA shall be based on project-specific activity data. Estimated project-level health risks shall be compared to the City's health risk significance thresholds for projects.</u> The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels <u>the City's health risk significance thresholds for projects</u>, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels <u>the City's health risk significance thresholds for projects</u>, health risk reduction measures shall be identified to reduce the health risk to acceptable levels <u>below the City's health risk significance thresholds</u>. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. The approved risk reduction measures shall be implemented during construction and/or operations as applicable.</p>	Upon effective date of the Resolution certifying the EIR	Planning and Building Department
<p>Mitigation Measure AIR-5: Text Changes to SCA 24, Stationary Sources of Air Pollution (Toxic Air Contaminants).</p> <p>a. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements <u>and in accordance with Bay Area Air Quality Management District (BAAQMD) CEQA guidance for HRAs</u> to determine the health risk associated with proposed stationary sources of pollution in the project. <u>The HRA shall be based on project-specific activity data. Estimated project-level health risks shall be compared to the City's health risk significance thresholds for projects.</u> The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels <u>the City's health risk significance thresholds for projects</u>, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds acceptable levels <u>the City's health risk significance thresholds for projects</u>, health risk reduction measures shall be identified to reduce the health risk to acceptable levels <u>the City's health risk significance thresholds for projects</u>. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. <u>The approved risk reduction measures shall be implemented during construction and/or operations as applicable.</u></p> <p>The City shall revise the items under section b. of SCA 24, Stationary Sources of Air Pollution (Toxic Air Contaminants), as follows:</p> <p>b. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <ul style="list-style-type: none"> i. Installation of non-diesel fueled generators, if feasible, or; ii. Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy, if feasible. <u>If CARB adopts future emissions standards that exceed the Tier 4 requirement, the emissions standards resulting in the lowest DPM emissions shall apply.</u> 	Upon effective date of the Resolution certifying the EIR	Planning and Building Department

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
Air Quality (cont.)		
<p>iii. <u>All new diesel backup generators shall have an annual maintenance testing limit of 20 hours, subject to any further restrictions as may be imposed by BAAQMD in its permitting process.</u></p> <p>iv. <u>All diesel backup generator exhaust shall be vented on the rooftops of each building where the generators are located. This could be achieved by either placing the diesel backup generators themselves on the rooftops, or by constructing exhaust stacks from the diesel backup generator locations to the rooftops. Alternatively, the generators or exhaust stacks could be located in areas where the Project sponsor can quantitatively demonstrate that these locations would not result in health risks that exceed those associated with rooftop placement for both existing offsite and future onsite sensitive receptors.</u></p> <p>v. <u>For each new diesel backup generator permit submitted to BAAQMD for the Project, the Project sponsor shall submit the anticipated location and engine specifications to the City for review and approval prior to issuance of a permit for the generator from the City of Oakland Department of Building Inspection. Once operational, all diesel backup generators shall be maintained in good working order for the life of the equipment and any future replacement of the diesel backup generators shall be required to be consistent with these emissions specifications. The operator of the facility at which the generator is located shall be required to maintain records of the testing schedule for each diesel backup generator for the life of that diesel backup generator and to provide this information for review to the planning department within three months of requesting such information.</u></p>		
<p>Mitigation Measure AIR-6: Text Changes to SCA 25, Truck-Related Risk Reduction Measures (Toxic Air Contaminants).</p> <p><u>c. Diesel Truck Emission Reduction Measures</u></p> <p><u>Requirement: The Project sponsor shall incorporate the following health risk reduction measures into the Project design and construction contracts (as applicable) in order to reduce the potential health risk due to exposure to toxic air contaminants. These features shall be submitted to the City for review and approval and be included on the Project drawings submitted for the construction-related permit or on other documentation submitted to the City. Emissions from Project-related diesel trucks shall be reduced through implementing the following measures, if feasible:</u></p> <p>i. <u>Prohibit TRUs from operating at loading docks for more than 30 minutes by posting signs at each loading dock presenting this TRU limit.</u></p> <p>ii. <u>All newly constructed loading docks that can accommodate trucks with TRUs shall be equipped with electric vehicle (EV) charging equipment for heavy-duty trucks. This measure does not apply to temporary street parking for loading or unloading.</u></p> <p>iii. <u>Require that all future tenants have a plan to convert their vehicle fleet(s) to zero emission vehicles (ZEVs) no later than 2040. This would be a condition of all leases at the project site.</u></p> <p>iv. <u>Requiring truck-intensive tenants to use advanced exhaust technology (e.g., hybrid) or alternative fuels.</u></p> <p>v. <u>Other measures that become available and are shown to effectively reduce criteria air pollutant emissions on site or off site if emission reductions are realized within the air basin. Measures to reduce emissions on site are preferable to off-site emissions reductions.</u></p> <p>vi. <u>The project sponsor shall develop a Truck Route Plan that establishes operational truck routes to avoid sensitive receptors as identified in the environmental review analysis completed for the project. The purpose of the Truck Route Plan is to route trucks on streets that are located as far from offsite sensitive receptors as possible, while still maintaining the operational goals of the project. The Truck Route Plan must include route restrictions, truck calming, truck parking, and</u></p>	<p>Prior to approval of construction-related permit</p>	<p>Planning and Building</p>

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
Air Quality (cont.)		
<u>truck delivery restrictions to minimize exposure of nearby sensitive receptors to truck exhaust and fugitive particulate emissions. Prior to the commencement of operational activities, the project sponsor shall certify (1) compliance with the Truck Route Plan, and (2) all applicable requirements of the Truck Route Plan have been incorporated into tenant contract specifications.</u>		
Biological Resources		
<p>Mitigation Measure BIO-1: Avoid and Minimize Impacts on Special-Status Plant Species.</p> <p>To avoid and minimize impacts on special-status plant species, the City shall revise its development application form and adopt a new SCA that shall apply to residential development proposed on or adjacent to an undeveloped parcel(s) containing a contiguous vegetated area of one acre or more in size, located northeast of Highway 13 and Interstate 580, southeast of its intersection with State Highway 13 within the City of Oakland.</p> <p>The review process created through the revised application and SCA shall require the following measures:</p> <ul style="list-style-type: none"> • Prior to and within 12 months of the start of construction, including clearing and grubbing, and grading, a qualified biologist shall conduct a properly timed special-status plant survey during the blooming period for pallid manzanita, western leatherwood, Presidio clarkia, Tiburon buckwheat, and most beautiful jewel flower within the species' suitable habitat within the project work limits. The survey will follow the CDFW <i>Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities</i> (CDFW, 2018a) and will determine the potential presence and distribution of sensitive natural communities. • If the survey concludes that special-status plant species are present within the project work limits, the biologist shall establish an adequate buffer area for each plant population to exclude activities that directly remove or alter the habitat of, or result in indirect adverse impacts on, the special-status plant species. • As necessary, all necessary approvals from USFWS/CDFW will be obtained for any impacts to special-status plant species protected under FESA or CESA. 	Prior to any construction-related activity	Planning and Building
<p>Mitigation Measure BIO-2: Avoid and Minimize Impacts on Nesting Birds</p> <p>To avoid and minimize impacts on nesting birds, the City shall adopt a new SCA that shall apply to residential development proposed on parcels located northeast of Highway 13 and Interstate 580 southeast of its intersection with State Highway 13 within the City of Oakland AND at least one of the following:</p> <ol style="list-style-type: none"> Parcels containing structures that have been unoccupied / vacant for 12 months or more; or Parcels within 200 feet of a substantial vegetated area (generally contiguous one acre in size or larger) <p>The SCA shall require the following measures:</p> <ol style="list-style-type: none"> If construction begins during the nesting season (February 1 to August 15), a pre-construction survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 7 days prior to the onset of construction, to identify any active nests. The surveys shall be submitted to the City for review and approval. <ol style="list-style-type: none"> For qualifying projects containing structures that have been unoccupied / vacant for 12 months or more, surveys shall be performed for the project site to locate any active passerine (e.g., songbird) or raptor (bird of prey) nests. 	Prior to any construction-related activity	Planning and Building

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
Biological Resources (cont.)		
<p>ii. For qualifying projects within 200 feet of a substantial vegetated area, surveys shall be performed within 50 feet to locate any active passerine (e.g., songbird) nests and within 200 feet to locate any active raptor (bird of prey) nests.</p> <p>b) If no active nests are identified during the survey period, or if development is initiated during the non-breeding season (August 16 to January 31), construction may proceed with no restrictions.</p> <p>c) If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.</p> <p>d) Any birds that begin nesting amid construction activities shall be assumed to be habituated to construction-related or similar noise and disturbance levels and no work exclusion zones shall be established around active nests in these cases.</p> <p>e) Any work that must occur within established no-disturbance buffers around active nests shall be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest's success, work within the no-disturbance buffer shall halt until the nest occupants have fledged.</p>		
<p>Mitigation Measure BIO-3: Avoid and Minimize Impacts on Special-Status Roosting Bats in Buildings.</p> <p>To avoid and minimize impacts on special-status roosting bat species, the City shall adopt a new SCA that shall apply to <u>residential</u> development involving full demolition or relocation of structures that are vacant and/or abandoned and have been <u>continuously</u> vacant and/or abandoned <u>including</u> for 14 <u>contiguous</u> days or more during the preceding maternity season (April 15 – August 15). The SCA shall require the following measures:</p> <p>Requirement: The project applicant shall retain a qualified biologist (as defined by CDFW³) who is experienced with bat surveying techniques, behavior, and roosting habitat. The retained biologist shall conduct a pre-construction habitat assessment of the project area (focusing on buildings to be demolished or relocated) to identify potential bat habitat and/or signs of potentially active roost sites. Should the pre-construction habitat assessment not identify potential bat habitat and or signs of potentially active roost sites, no further action is required.</p> <p>Should the pre-construction habitat assessment identify potential bat habitat and/or signs of potentially active roost sites within the project area (e.g., guano, urine staining, dead bats, etc.), the project applicant shall be required to implement the following measures:</p> <p>a. For projects starting demolition during the non-sensitive periods (August 16 – October 14, and March 2 – April 14), work shall be done under the supervision of a qualified biologist with restrictions such as:</p> <p>i. Potential bat roosting habitat or active roosts shall be disturbed only under clear weather conditions when precipitation is not forecast for three days, average wind speeds are less than 15 miles per hour, and when nighttime temperatures are at least 45 degrees Fahrenheit.</p>	Prior to demolition-related activity	Planning and Building

³ CDFW defines credentials of a qualified biologist within permits or authorizations issued for a project. Typical qualifications include a minimum of four years of academic training leading to a degree and a minimum of 2 years of experience conducting surveys for each species that may be present within the project area.

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
Biological Resources (cont.)		
<p>ii. When appropriate, buildings shall be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost, likely in the evening. Under no circumstances shall active maternity roosts be disturbed until the roost disbands at the completion of the maternity roosting season or otherwise becomes inactive, as determined by the qualified biologist.</p> <p>– or –</p> <p>b. For projects starting demolition during one of the sensitive periods (maternity season/April 15 – August 15 or period of winter torpor/October 15 – March 1), the project applicant shall be required to implement the following measures:</p> <p>i. To the extent feasible, construction activities in areas identified as potential roosting habitat during the habitat assessment shall not occur during bat maternity roosting season and period of winter torpor (April 15 to August 15, and October 15 to March 1, respectively).</p> <p>ii. If avoidance of the bat maternity roosting season and period of winter torpor, defined above, is infeasible, the qualified biologist shall conduct pre-construction surveys of potential bat roost sites identified during the initial habitat assessment. The survey shall be submitted to the City for review and approval.</p> <p>iii. If no signs of potentially active roost sites are identified, no further action is required.</p> <p>iv. If active bat roosts or evidence of roosting is identified during pre-construction surveys, the qualified biologist shall determine, if possible, the type of roost and species. A no-disturbance buffer shall be established around roost sites either through the seasonal avoidance windows of April 15 to August 15 and October 15 to March 1, or until the qualified biologist determines the roosts are no longer active. The size of the no-disturbance buffer would be determined by the qualified biologist and would depend on the species present, roost type, existing screening around the roost site (such as dense vegetation or a building), as well as the type of construction activity that would occur around the roost site.</p> <p>v. Any work that must occur within established no-disturbance buffers shall be done under the supervision by a qualified biologist with restrictions such as:</p> <p>a) Potential bat roosting habitat or active roosts shall be disturbed only under clear weather conditions when precipitation is not forecast for three days and when daytime temperatures are at least 50 degrees Fahrenheit.</p> <p>b) When appropriate, buildings shall be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost, likely in the evening and after bats have emerged from the roost to forage. Under no circumstances shall active maternity roosts be disturbed until the roost disbands at the completion of the maternity roosting season or otherwise becomes inactive, as determined by the qualified biologist.</p> <p>c) If adverse effects in response to project work within the no-disturbance buffers are observed, work within the no-disturbance buffer shall halt until the roost disbands.</p>		

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
Biological Resources (cont.)		
<p>Mitigation Measure BIO-4: Avoid and Minimize Impacts on Special-Status Roosting Bats in Trees.</p> <p>To avoid and minimize impacts on special-status roosting bat species, the City shall adopt a new SCA that shall apply to residential development requiring a tree permit per the City’s Tree Protection Ordinance (OMC Chap. 12.36), <u>where trees proposed for removal are a specific species and type that are suitable for bat habitat</u>. The SCA shall require the following measures:</p> <ul style="list-style-type: none"> a. A qualified biologist (as defined by CDFW⁴) who is experienced with bat surveying techniques (including auditory sampling methods), behavior, and roosting habitat shall conduct a pre-construction habitat assessment of the subject tree to characterize potential bat habitat and identify potentially active roost sites. b. Trees with potential bat roosting habitat or active bat roost sites shall follow a two-step removal process which shall occur outside of the bat maternity roosting season and period of winter torpor (April 15 to August 15, and October 15 to March 1). c. On the first day and under supervision of the qualified biologist, tree branches and limbs not containing cavities or fissures in which bats could roost shall be cut using chainsaws or other handheld equipment. d. On the following day and under the supervision of the qualified biologist, the remainder of the tree may be trimmed or removed, either using chainsaws or other equipment (e.g., excavator or backhoe). e. All felled trees shall remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats to escape, or be inspected once felled by the qualified biologist to ensure no bats remain within the tree and/or branches. The tree will be removed on or after the third day. 	Prior to removal of trees	Planning and Building Department
<p>Mitigation Measure BIO-5: Text changes to SCA 31, Alameda Whipsnake Protection Measures.</p> <p>Add the following.</p> <ul style="list-style-type: none"> e. <u>Mitigation for Impacts to Alameda Whipsnake Habitat</u> <p><u>Requirement: To restore Alameda whipsnake critical habitat impacted by the project, the applicant shall have a qualified biologist experienced in identifying Alameda Whipsnake critical habitat conduct a preconstruction baseline survey of the project site, from which they shall then prepare and submit a Revegetation Plan (Plan) for review and approval by USFWS and if necessary CDFW, pursuant to regulatory agency permitting requirements. The Plan shall include detailed specifications for minimizing the introduction of invasive weeds and restoring all temporarily disturbed areas. The Plan shall include mitigation in accordance with USFWS and if necessary CDFW requirements to address permanent impacts to Alameda whipsnake critical habitat. The applicant or its designee shall ensure successful implementation of the Plan. As part of the preparation of the Vegetation Management Plan (VMP), as required by SCA 47, the VMP shall quantify the area of Alameda Whipsnake critical habitat that will be disturbed by implementing the VMP. The VMP shall be submitted to USFWS and if necessary CDFW.</u></p> <p><u>When Required: Prior to construction-related activity</u></p> <p><u>Initial Approval: Bureau of Planning</u></p> <p><u>Monitoring/Inspection: Bureau of Building</u></p>	Prior to construction-related activity	Planning and Building Department

⁴ CDFW defines credentials of a qualified biologist within permits or authorizations issued for a project. Typical qualifications include a minimum of four years of academic training leading to a degree and a minimum of 2 years of experience conducting surveys for each species that may be present within the project area.

Mitigation Measures	Mitigation Implementation/Monitoring	
	Schedule	Responsibility
Cultural Resources		
<p>Mitigation Measure CUL-1: Identify Architectural Historic Resources</p> <p>To facilitate the protection of architectural historic resources, the City shall create a ministerial process involving a screening assessment incorporated into the City of Oakland basic application for development review to determine when a building or structure is an eligible historic resource. The screening assessment shall be reviewed and approved by a City of Oakland Preservation Planner <u>or other qualified planner</u>. Once the process is established, the City shall require discretionary review for the issuance of demolition permits of eligible historic resources unless, consistent with City regulations: rehabilitation is not feasible; demolition is necessary to protect health, safety, and/or welfare; or the benefit of demolition outweighs the loss of the structure.</p>	Concurrent with application submittal	Planning and Building Department
<p>Mitigation Measure CUL-2: Text changes to SCA 33: Archaeologically Sensitive Areas – Pre-Construction Measures</p> <p><u>Requirement:</u> The project applicant shall implement either Provision A (Intensive Pre- Construction Study) or <u>and</u> Provision B (Construction ALERT Sheet) concerning archaeological resources. <u>If Native American archaeological resources are identified or suspected in a project site, the City shall consult with a Native American representative(s) registered with the Native American Heritage Commission that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.</u></p>	Prior to approval of construction related permit; during construction	Planning and Building Department
Hydrology and Water Quality		
<p>Mitigation Measure HYD-1: Sea Level Rise Vulnerability Assessment.</p> <p>To avoid and minimize impacts related to Sea Level Rise, the City shall adopt a new SCA that applies to all projects located in the 100-year coastal flood zone with 5.5 feet of SLR, or the most current SLR projection to be determined by the City.</p> <p>The SCA shall require the following measures:</p> <p>Conduct a Sea Level Rise vulnerability assessment for the project, prepare a Sea Level Rise Adaptation Plan for implementation as part of the project designs, and submit the assessment, adaptation plan, and preliminary design to the City for review and approval.</p>	Concurrent with application submittal	Planning and Building Department

Appendix B

Comment Letters





May 09, 2023

Lakshmi Rajagopalan, AICP Planner IV,
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 3315,
Oakland, CA 94612

SUBJECT: Phase I Oakland 2045 General Plan Update Draft Environmental Impact Report (DEIR) Comments

Dear Lakshmi,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for Phase I of the Oakland 2045 General Plan Update.

The proposed project encompasses the entire City of Oakland, which is located in northern Alameda County. Oakland spans approximately 49,910 acres with 178,207 housing units, and is the third most populous city in the Bay Area with a population of approximately 430,000 in 2021.

The proposed project amends the Planning Code, Zoning Map, and General Plan as part of the City's recently adopted 2023-2031 Housing Element implementation. The plan and policy changes included in the project are expected to result in development of approximately 41,458 new housing units.

The project also includes amendments and adoption of an Environmental Justice Element to address inequitable health risks in heavily impacted communities. It will also update its Safety Element to address climate change issues focusing on wildfire, toxic and hazardous materials, seismic risk, flooding, climate change adaptation and resilience, and drought.

Since the proposed project would appear to generate at least 100 pm-peak trips and is therefore subject to review under the Land Use Analysis Program (LUAP) of the Congestion Management Program (CMP), the Alameda County Transportation Commission (Alameda CTC) respectfully submits the following comments:

Alameda CTC Scoping Comments on the NOP of this DEIR

- On page 4.15-1, the DEIR references comments received from Alameda CTC on the NOP for this DEIR, including that the DEIR should address the potential impacts of the proposed project on walking, biking and transit use, especially potential impacts on the Countywide High Injury Network (HIN). Alameda CTC appreciates that the requested analysis is included as informational material in Appendix D.

Congestion Management Program (CMP) Review

- Alameda CTC appreciates this DEIR evaluating the potential impacts of proposed land use changes included in the project on the CMP network of roadways as referenced on page 4.15.25 of the DEIR.
- Likewise, Alameda CTC appreciates that this DEIR uses the regional plans developed by our agency as the regional framework for this DEIR. These plans include the Alameda Countywide

A-1-1



Lakshmi Rajagopalan
May 09, 2023
Page 2

Transportation Plan (2020), which identifies a list of 10-year priority projects, eighteen of which are significant for the City of Oakland. The Alameda Countywide Active Transportation Plan (2019) and the Alameda Countywide Multimodal Arterial Plan (2016) both provide priorities and resources for active transportation and transit that advance local efforts.

Use of Countywide Travel Demand Model

- Alameda CTC appreciates the use of Alameda CTC Travel Demand Model for the evaluation of project impacts on the forecasted multimodal regional travel and for the estimates of regional average VMT per capita and VMT per employee as stated on page 4.15-35.

Transportation Impacts & Mitigation Measures

- On page 2.15-48, the analysis concludes that with adherence to proposed policies, Standard Conditions of Approval, and regulatory compliance the proposed project will not conflict with a plan, ordinance, or policy addressing the safety or performance of the multimodal circulation system.
- On page 4.15-48, the DEIR states that the City of Oakland has adopted screening criteria and thresholds to evaluate significant impacts for VMT. The VMT analysis showed that the proposed project would result in 12.2 average VMT per capita in 2030, which is below the impact threshold for VMT per capita. Ensuring adherence to proposed policies, Standard Conditions of Approval, and regulatory compliance, the proposed project would result in less than significant impact related to VMT.
- Alameda CTC commends the proposed project for not substantially inducing additional automobile travel by increasing physical roadway capacity on congested areas, nor would it result in significant cumulative impacts when combined with cumulative development. Again, adherence to proposed policies, Standard Conditions of Approval, and regulatory compliance would ensure that the project’s cumulative impacts are less than significant.
- Alameda CTC encourages the City of Oakland to, as part of the Standard Conditions of Approval, require developments to implement planned bike or pedestrian infrastructure improvements on or adjacent to proposed development parcels and address gap closures in the bike and pedestrian networks adjacent to proposed developments if any exists. This could also include improvements to bus stop and transit station amenities for developments adjacent to these facilities.



A-1-1
cont.

A-1-2

Thank you for the opportunity to comment on this DEIR. Please contact me at (510) 208-7400 or Aleida Andrino-Chavez at (510) 208-7480 if you have any questions.

Sincerely,

Colin Dentel-Post
Principal Planner

cc: Aleida Andrino-Chavez, Associate Transportation Planner



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
2150 Webster Street, P.O. Box 12688
Oakland, CA 94604-2688
(510) 464-6000

2023

May 1, 2023

Janice Li
PRESIDENT

City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Mark Foley
VICE PRESIDENT

Email: generalplan@oaklandca.gov

Robert Powers
GENERAL MANAGER

RE: Oakland General Plan Phase 1 Draft Environmental Impact Report (EIR) and Zoning Code Amendments

DIRECTORS

Dear Ms. Rajagopalan:

Debora Allen
1ST DISTRICT

The San Francisco Bay Area Rapid Transit District (BART) appreciates the opportunity to comment on the City of Oakland’s General Plan Phase 1 Draft Environmental Impact Report (EIR), released March 24, 2023, and accompanying Planning and Zoning Code Amendments. BART has been serving as a member of the Technical Advisory Committee (TAC), in close communication with City staff.

Mark Foley
2ND DISTRICT

Rebecca Saltzman
3RD DISTRICT

Robert Raburn, Ph.D.
4TH DISTRICT

BART applauds the City for nearing completion of the first phase of the General Plan updates, including the Housing, Safety, and Environmental Justice elements. As part of this planning effort, the City proposes changes to the Planning Code to allow for missing middle housing development, to streamline the entitlement process for certain housing development in new overlay zones and for special housing types, and to reduce pollution impacts on sensitive receptors. In addition, the City is in the process of amending the Zoning Code to ensure conformance with Assembly Bill 2923 (AB2923). Altogether, the proposed changes will help the City implement actions in the 2023-2031 Housing Element, further fair housing, advance environmental justice, and streamline the approval process.

John McPartland
5TH DISTRICT

Elizabeth Ames
6TH DISTRICT

Lateefah Simon
7TH DISTRICT

Janice Li
8TH DISTRICT

Bevan Dufty
9TH DISTRICT

Oakland is in a critical location within the BART system. All BART lines traverse Oakland, serving eight stations across the city. Given the recent change to commuting patterns post-pandemic, it is crucial for BART to sustain ridership growth and generate new revenues. Promoting active transportation and transit ridership growth, the City’s General Plan updates, proposed zoning changes, and streamlined approval processes will enable transit-friendly developments near BART stations. BART staff also have been working with City staff on advancing TOD at the Rockridge, Lake Merritt and West Oakland BART stations, and the proposed amendments will help further achieve BART’s TOD policy and goals.

While BART supports the aforementioned efforts above, we are concerned about the proposed Housing Sites Overlay zone. This overlay zone may limit potential commercial development on several BART properties. With the understanding that the current shift toward working from home may have longer term implications for the office market, BART’s interest remains to preserve our ability to develop job centers in the East Bay and pursue more balanced BART ridership with riders moving in the “reverse commute” direction. BART’s TOD Workplan identifies the Coliseum BART station as a TOD site reserved for commercial uses, and BART would like to reserve the maximum flexibility for

A-2-1

A-2-2

May 1, 2023
Page 2

potential commercial development in the Coliseum Area Specific Plan area. Furthermore, BART would like affirmation from the City that the overlay zone will not affect the delivery of commercial buildings that are already approved as part of the West Oakland and the Lake Merritt TODs.

↑
A-2-3

Lastly, BART had requested in the comment letter, dated May 2, 2022, responding to the Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) that the EIR analysis should address both Project and cumulative impacts on BART service, station access, and station capacity. According to Appendix D of the DEIR, the West Oakland, Rockridge, MacArthur and 12th Street stations would have an increase of more than 200 daily BART riders (4-6 percent increase) with the implementation of the proposed Housing Element, but the development of 41,458 units would not substantially increase local or regional transit ridership nor impact BART services and facilities. Given that BART is no longer operating over capacity during peak hours unlike under pre-COVID conditions, the 4-6 percent increase in peak hour ridership due to the project may not result in a decrease in the performance or safety of BART facilities in the planning horizon. BART, however, would like to continue to work with the City to ensure safe access to our stations.

A-2-4

In sum, BART supports the City of Oakland's General Plan Phase 1 project and accompanying Planning and Zoning Code Amendments, with reservations over the proposed overlay zone. We request a meeting with City staff from both the Planning and Economic & Workforce Development Departments to explore development possibilities within the Housing Sites Overlay zone and discuss solutions.

Sincerely,



Tim Chan
Group Manager of Station Area Planning

cc:

Carli Paine, BART
Abigail Thorne-Lyman, BART
Eric Simundza, City of Oakland



May 1, 2023

Lakshmi Rajagopalan, AICP, Planner IV
City of Oakland
Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Notice of Availability of a Draft Environmental Impact Report for the Phase I
Oakland 2045 General Plan Update, Oakland

Dear Ms. Rajagopalan:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Phase I Oakland 2045 General Plan Update located in the City of Oakland (City). EBMUD commented on the Notice of Preparation of a Draft EIR for the project on April 14, 2022 and EBMUD's original comments (see enclosure) still apply.

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A-3-1

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,

A handwritten signature in blue ink that reads 'David J. Rehnstrom'.

David J. Rehnstrom
Manager of Water Distribution Planning

DJR:EZ:kvv
wdpd23_109 Oakland 2045 General Plan Update - Phase I

Enclosure: EBMUD April 14, 2022 comment letter on the Notice of Preparation of a
Draft EIR for Phase I of the Oakland 2045 General Plan Update, Oakland



April 14, 2022

Lakshmi Rajagopalan, AICP, Planner IV
City of Oakland
Bureau of Planning
250 Frank H Ogawa Plaza
Suite 3315
Oakland, CA 94612

Re: Notice of Preparation of a Draft Environmental Impact Report for Phase I of the
Oakland 2045 General Plan Update, Oakland

Dear Ms. Rajagopalan:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for Phase I of the Oakland 2045 General Plan Update, which encompasses the entire City of Oakland (City). EBMUD has the following comments.

WATER SERVICE

Effective January 1, 2018, water service for new multi-unit structures shall be individually metered or sub-metered in compliance with California State Senate Bill 7 (SB-7). SB-7 encourages conservation of water in multi-family residential, mixed-use multi-family and commercial buildings through metering infrastructure for each dwelling unit, including appropriate water billing safeguards for both tenants and landlords. EBMUD water services shall be conditioned for all development projects within the General Plan Update that are subject to SB-7 requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with SB-7.

Main extensions that may be required to serve any specific developments within the General Plan Update 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 for individual projects within the General Plan Update, project sponsors for individual projects 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 pipelines and services require substantial lead time, which should be provided for in the project sponsor's development schedule.



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Lakshmi Rajagopalan, AICP, Planner IV
April 14, 2022
Page 2

Project sponsors for individual projects within the General Plan Update should be aware that EBMUD will not install piping or services 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 be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. The project sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete, and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work 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 project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

GEOLOGY

On Page 3 of the NOP, under Existing Conditions, it states that the greater Oakland area is vulnerable to seismic hazards including earthquake-inducing landslides, liquefaction, and ground shaking. When the project sponsor applies for water service for individual projects within the General Plan, they will need to provide EBMUD with any proposed landslide mitigation measures for the developments so that no landslide impact hazard is posed to proposed water main extensions that will serve the projects.

WASTEWATER SERVICE

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to



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Lakshmi Rajagopalan, AICP, Planner IV

April 14, 2022

Page 3

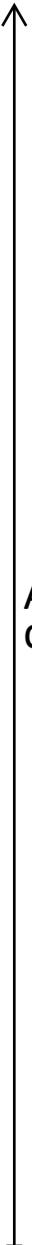
reinterpretation of applicable law, EBMUD’s National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD’s WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system (“Satellite Agencies”) hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance (www.eastbaypsl.com), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region’s wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

To ensure that future projects following adoption of the City’s General Plan Update contribute to these legally required I/I reductions, the lead agency should require all future housing project applicants to comply with EBMUD’s Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for future proposed projects: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

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.



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Lakshmi Rajagopalan, AICP, Planner IV
April 14, 2022
Page 4

Some portions of the City’s boundaries fall within and around the service area of the East Bayshore Recycled Water Project transmission and distribution pipeline infrastructure. Although the housing element is residential in nature, many housing projects and any related non-residential developments present opportunities for recycled water uses. Appropriate recycled water uses range from landscape irrigation, toilet flushing, cooling, and other non-potable commercial and industrial applications. These could be served by existing or expanded recycled water pipelines in the future. Therefore, EBMUD recommends that the City and project sponsors maintain coordination and consultation with EBMUD during the planning and implementation of the various projects within the General Plan Update, regarding the feasibility of providing recycled water for appropriate non-potable uses.

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WATER CONSERVATION

Individual projects within the General Plan Update presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The 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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If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,

David J. Rehnstrom
Manager of Water Distribution Planning

DJR:KTL:grd
sb22_077 Oakland 2045 General Plan Update NOP Response



May 9, 2023

Mr. Edward Manasse, Deputy Director Planning Bureau
City of Oakland Planning & Building
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612
Transmitted via email: generalplan@oaklandca.gov

Subject: Phase I Oakland 2045 General Plan Update Draft Environmental Impact Report (Draft EIR) Comments

Dear Mr. Manasse,

The Port of Oakland (Port) appreciates this opportunity to comment on the Proposed Phase I Oakland 2045 General Plan Update Draft Environmental Impact Report (Draft EIR). The Port of Oakland is an independent Department of the City of Oakland (City), acting by and through its Board of Port Commissioners. The Port manages four lines of business: Maritime/Seaport, Aviation/Oakland International Airport (Airport), Commercial Real Estate, and Utilities. Please see the following comments from the Port.

Airport Land Use Compatibility Plan

The Airport Land Use Compatibility Plan (ALUCP) is the primary document used by the Alameda County Airport Land Use Committee (ALUC) to promote compatibility between Oakland International Airport (OAK) and its environs. The intent of the ALUCP is to encourage compatibility between airports and the various land uses that surround them. There are four primary criteria for evaluating the compatibility of proposed land use in the Airport Influence Area (AIA): Airspace Protection Zones, Overflight Zones, Noise, and Safety.

The Port recommends working with the Alameda County Community Development Agency (in its role as the County's Airport Land Use Commission) and with the Port of Oakland to ensure consistency with the ALUCP and the City's various planning documents, zoning ordinance, and land-use development proposals near the Airport. Other cities within the County meet regularly and coordinate closely with the Port on upcoming development proposals and planning efforts. The Port requests the City to coordinate closely on upcoming development proposals and planning efforts.

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Airspace Protection Zones

The Port conducted a preliminary airspace impact analysis of the increase in allowable heights from 160 feet to 175 feet as proposed in the Draft EIR. The Port’s analysis indicates that the height increases proposed along Hegenberger Rd., south of I-880 have an adverse impact on Airport operations. Specifically, these impacts include a decrease in low-visibility capabilities on North Field runways which can negatively impact the ability of OAK to effectively operate. These impacts will not only exist during construction of potential new development when cranes will be operating but will also persist once buildings are completed.

It should be noted that the existing height of 160 feet on the southernmost end of Hegenberger Rd. is problematic for the Airport’s operation. A sampling of height restriction points in the area near Hegenberger Rd. and Doolittle Dr. indicates that the building height limitations should be a maximum 103 feet. The Port is requesting that the City decrease the maximum building height to avoid impacting the Airport operations. The Port will continue to analyze the impacts of development on airport operations and continue to discuss the issue with the City.

The Hegenberger corridor is located within the Avigation Easement Zone as depicted in the ALUCP. An avigation easement dedicated to the Port as a condition for any discretionary local approval of any residential or non-residential development within the Avigation Easement Zone should be recorded with the Alameda County Clerk-Recorder.

Land uses that may cause visual, electronic, navigational, or bird strike hazards to aircraft in flight shall be allowed within the AIA only if the uses are consistent with FAA rules and regulations.

Overflight Zones

Noise from the overhead flight of aircraft can be annoying and intrusive in locations beyond the limits of the noise contours. While sensitivity to aircraft overflights will vary from person to person, the basic intent of overflight policies is to warn people near an airport of the presence of aircraft so that they have the ability to make informed decisions regarding the acquisition or lease of property within the influence area of an airport.

The ALUCP requires that Overflight Notifications be included as a condition for local agency approval of new residential development within the Overflight Notification Zone. Further, California state statutes (Business and Professional Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353) mandate that sellers or lessors of real property must disclose information regarding whether their property is situated within an AIA.

A-4-2

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However, Overflight Notifications and real estate disclosures are not required for properties for which an avigation easement is required. The avigation easements required for the projects located within the AIA serve the purpose of the Overflight Notifications and real estate disclosures. We recommend that a buyer notification plan be implemented so buyers are well informed of the overflights and associated noise prior to purchase.

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A deed notice on any parcel map, tentative map, or final map should be recorded with the Alameda County Clerk-Recorder stating that areas with the AIA are subject to overflights by aircraft using the Airport.

Noise

The Port does not advise building homes near the airport as aircraft noise can become a real issue for the City of Oakland residents. Zoning regulations near the airport allow for commercial, industrial, and retail activities while restricting residential buildings, schools, childcare centers, and the like. When a residential neighborhood does fall within an airport’s flight path, noise can certainly be a problem. The residential buyer notification program would ensure that buyers understand that the area is subject to frequent overflights from the airport and that single event noise will be audible and a possible concern, particularly with windows open. The Port requests the building design to contain upgraded windows and doors with sound proofing and sound dampening to reduce outdoor aircraft noise levels.

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Safety

Land use safety compatibility criteria are developed to minimize the risks to people and property on the ground, as well as those people in an aircraft in the event of an accident or emergency landing occurring outside the airport boundary. The seven safety zones identified in the ALUCP are based on those depicted in the California Airport Land Use Compatibility Handbook (Handbook). The ALUCP lists compatible land uses within each safety zone. The safety zone criteria developed for a particular zone is largely a function of risk acceptability. Land uses (e.g., schools and hospitals) which, for a given proximity to the airport, are judged to represent unacceptable risks must be prohibited. Where the risks of a particular land use are considered significant but tolerable, establishment of restrictions may reduce the risk to an acceptable level. In certain situations, such as venues accommodating the assemblage of large numbers of people with restricted mobility (i.e., sports stadiums, amphitheatres, etc.), the perceived risk of an aircraft accident occurring may be an intolerable risk no matter where it is located within the AIA.

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FAA Advisory Circular 1550/5200/33B, Hazardous Wildlife Attractants on or Near Airports provides a comprehensive discussion of the land use practices that potential attract hazardous wildlife and wildlife hazard management procedures. This Advisory Circular recommends that

the FAA be notified as early as possible in the planning process of any land use changes that may attract wildlife within 5 statute miles of an airport. This will allow the FAA to perform a brief examination to determine if further investigation is warranted.

Regulate land uses within designated airport safety zones, height referral areas, and noise compatibility zones to minimize the possibility of future noise conflicts and accident hazards.

Outside the seaport and airport, land should be developed with a variety of uses that benefit from the close proximity to the seaport and airport and that enhance the unique characteristics of the seaport and airport. These lands should be developed with uses which can buffer adjacent neighborhoods from impacts related to such activities.

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Closing

Development of sites proximate to airport flight paths should be in conformance with Federal and State standards, as articulated in Federal Aviation Regulation, Part 77 and Part 150, ALUC planning guidelines, and any other applicable regulations and amendments. Again, the Port appreciates the opportunity to comment on the Draft EIR and looks forward to working with the City of Oakland to address the Port’s comments. Please contact Sharon Grewal, AICP, Aviation Project Manager at sgrewal@portoakland.com or Anjana Mepani, AICP, Acting Port Environmental Supervisor at amepani@portoakland.com with any follow-up questions and responses.

Sincerely,

Colleen Liang

Colleen Liang
Acting Director of Environmental Programs and Planning

CC:

- Danny Wan, Executive Director
- Kristi McKenney, Chief Operating Officer
- Mary Richardson, Port Attorney
- Craig Simon, Acting Aviation Director
- Matthew Davis, Director of Governmental Affairs
- Joan Zatopek, Aviation Planning and Development Manager
- Matt Davis, Airport Operations Manager, Airside
- Sharon Grewal, Aviation Project Manager
- Anjana Mepani, Acting Port Environmental Supervisor
- Lakshmi Rajagopalan, Planner IV, City of Oakland Bureau of Planning



American Federation of Labor & Congress of Industrial Organizations
Building & Construction Trades Council of Alameda County
7750 Pardee Lane, Suite 100, Oakland, California 94621

May 19, 2023
Via Email Submission

Lakshmi Rajagopalan, AICP, Planner IV
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Comments on Phase I Oakland 2045 General Plan Update Draft EIR (SCH Number 2022030800)

Dear Ms. Rajagopalan:

These comments are submitted on behalf of the Building & Construction Trades Council of Alameda County regarding the Draft Environmental Impact Report (“DEIR”) prepared by the City of Oakland (“City”) for the Phase I Oakland 2045 General Plan Update (“GP Update” or “Project”).¹

The Alameda Building and Construction Trades Council consists of over twenty affiliated Building Trades Unions that represent over three thousand Oakland households.

The current City of Oakland General Plan elements were last updated and adopted at different times between 1996 and 2023.² State law requires the City to have and maintain a comprehensive, long-term general plan for the physical development of the City with specific contents to inform local decisions about land use and development.³ State law requires specific topics or "elements," including land use, circulation, housing, conservation, open space, noise, safety, and environmental justice.⁴ The GP Update includes proposed updates to the City’s General Plan Safety Element, adoption of a new Environmental Justice element, and amendments to the Planning Code, Zoning Map, and General Plan text and map to implement actions contained in the City's recently adopted 2023-2031 Housing Element.⁵

The Housing Element Implementation (“HEI”) component of the GP Update proposes the adoption of Planning Code, Zoning Map, and General Plan text and map amendments to implement goals, policies, and actions related to housing contained in the new Housing Element.⁶ The HEI proposes to modify City zoning designations and development standards in several ways, including adopting affordable housing overlay zones that would provide ministerial approval and other incentives to qualifying affordable housing developments.⁷ The stated purpose of the HEI is “[t]o ensure a path for construction of Oakland’s Regional Housing Needs Assessment (RHNA) assigned

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¹ The GP Update DEIR is available at <https://www.oaklandca.gov/documents/oakland-2045-general-plan-draft-environmental-impact-report-eir> (last visited 5/8/23).

² DEIR, p. 1-1.

³ Gov. Code § 65300.

⁴ Gov. Code § 65302.

⁵ DEIR, p. 1-1.

⁶ DEIR, p. 1-1.

⁷ DEIR, p. 1-2.

production target by 2031.”⁸ The HEI Planning Code amendments include proposals to reduce and eliminate constraints on housing production and to “incentivize the construction of affordable housing.”⁹

Housing construction is a fundamental component of the GP Update. The General Plan Buildout Program anticipates approximately 41,458 new housing units would be developed under the GP Update during the projection period ending in 2030.¹⁰ This substantial amount of new construction will require a large, skilled and healthy construction workforce to meet General Plan buildout targets. As the DEIR explains, “while the GP Update does not propose specific private developments, *construction would be a reasonably foreseeable future outcome of the update.*”¹¹ However, the DEIR fails to address the impacts of the Housing Element buildout on residential construction workers, and the draft GP Update and affordable overlay zones lack construction workforce standards.

The City should adopt construction workforce standards for all buildout projects in the GP Update Overlay Zones as part of the City’s GP Update drafting and approval process. Absent conditions regulating construction worker standards for General Plan buildout projects, housing developers may utilize low wage, poorly trained construction workers in order to maximize profits. Projects which do not utilize a local skilled construction workforce, and do not provide health benefits for their workers, can result in poorly built projects which threaten the safety of future residents, and perpetuate income inequality in the construction industry.

There is substantial evidence demonstrating that the creation and utilization of construction apprenticeships, along with the commitments to paid healthcare for construction workers, act to both recruit and retain an adequate base of construction workers and to be a pipeline for future supervisors and licensed independent contractors.¹² The construction workforce standards proposed herein would establish apprenticeship and healthcare requirements for the construction workforce used to build new housing in the General Plan overlay zones to address these needs.

The City is at the heart of the East Bay’s construction industry. As the DEIR explains, the City is the county seat of Alameda County and the “geographic center of the Bay Area.”¹³ It General Plan Area encompasses 78 square miles.¹⁴ Requiring contractors on Housing Element buildout projects in the City’s affordable housing overlay zones to employ apprentices would result in a higher volume of apprentice training, and thus, an increase in the construction labor force available to carry out the construction anticipated by the General Plan, and especially that targeted by the Housing Element. Providing healthcare to those workers will help ensure the viability of the workers needed to build those projects.

Additionally, because the GP Update will have significant environmental and public health impacts which the DEIR considers “unavoidable,” the City must adopt a statement of overriding considerations which considers whether the GP Update provides “employment opportunities for highly trained workers.”¹⁵ The construction workforce conditions discussed below would meet these standards.

I. THE HEI AFFORDABLE HOUSING OVERLAY SHOULD INCLUDE CONSTRUCTION WORKFORCE STANDARDS TO ENSURE SAFE, WELL-BUILT AFFORDABLE HOUSING AND A SUSTAINABLE CONSTRUCTION WORKFORCE

A. Proposed Affordable Housing Overlay Zones

The DEIR explains that the proposed HEI code and zoning amendments are designed to expedite the approval process for housing projects with 20%-100% affordable units by providing streamlined design review procedures,



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⁸ DEIR, p. 1-2 (emphasis added).

⁹ DEIR, p. 2-3.

¹⁰ DEIR, p. 1-2.

¹¹ DEIR, p. 1-2 (emphasis added).

¹² See e.g. City of Berkeley, 9/20/22 Staff Report re Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards Referral, p. 4, citing U.S. Census Bureau LEHD Origin-Destination Employment Statistics, Version 7, Residence Area Characteristics, and Analysis of U.S. Census, ACS 2015-2019 Microdata, available at <https://berkeleyca.gov/sites/default/files/documents/2022-09-20%20Item%2014%20Helping%20Achieve%20Responsible.pdf>.

¹³ DEIR, p. 2-2.

¹⁴ DEIR, p. 2-2.

¹⁵ Pub. Res. Code § 21081(a).

relaxed development standards, and allowing ministerial approval for more types of projects.¹⁶ The HEI’s Planning Code, Zoning Map, and General Plan text and map amendments are anticipated to result in an increase in housing development and associated increase in residential population in the City.¹⁷

Action 3.3.5 proposes an Affordable Housing Overlay (“AHO”) Zone to create and preserve affordable housing restricted for extremely low, very low, low, and/or moderate-income households.¹⁸ The AHO Zone would provide numerous concessions to affordable housing developers, including allowing additional height for eligible affordable housing projects (AHO projects), elimination of maximum residential density standards, and relaxation of other listed development standards.¹⁹ The AHO’s maximum proposed height and geographic area would apply the AHO Zone on top of fourteen (14) existing base zones in the City, allowing “bonus heights” for eligible AHO projects of two-three additional stories above base zoning limits, or a height of at least 65 feet.²⁰ The proposed AHO Zone would also authorize “unlimited density” that fits within the allowed building envelope of new or existing structures, reduced open space requirements, and eliminate minimum parking requirements.²¹ In 6 of the 14 base zones, AHO Zoning would allow a 70% increase in lot coverage, and reduced setbacks.²² And by-right approvals would be allowed for 100 percent affordable housing projects that fall within the AHO Zone.²³

Action 3.4.10 proposes a Housing Sites Overlay Zone to authorize by-right affordable housing development for all sites included in the Housing Element’s Housing Sites Inventory²⁴ where the housing development includes at least 20 percent affordable housing units.²⁵ This means that qualifying housing projects in the Overlay Zones would undergo a ministerial approval process that would not be subject to environmental or public health review under the California Environmental Quality Act (“CEQA”)²⁶ and would not be appealable by any members of the public.²⁷

In summary, under the GP Update’s AHO and Housing Sites Overlay Zone proposals, **new projects that include up to 80% market-rate housing units will be eligible for “bonus heights”, unlimited density, relaxed development standards, and will fully exempted from CEQA and the City’s land use public hearing process.** This is a windfall for private developers.

B. Affordable Housing Overlay Zones Should Include Conditions Supporting Its Construction Workforce

As proposed, the AHO and Housing Sites Overlay Zone would substantially increase the rate and intensity of housing construction in the City, while providing a streamlined approval process and extensive benefits to private housing developers. However, the draft plan amendments and DEIR are silent on whether any construction workforce standards would apply to the new housing construction. Use of a skilled and trained construction workforce to build the thousands of new housing units identified in the Housing Element is essential to the safety, quality, and long-term sustainability of those projects, as well as to the vitality and welfare of current and future Oakland residents.

Construction workforce standards, including construction worker apprenticeship training standards and healthcare requirements, should be added to the Overlay Zones as standard conditions of approval to ensure that construction workers are protected by the Housing Element, not exploited by it, and to set basic labor standards for the City’s housing construction industry.

The City is currently considering several AHO and Overlay Zone variants.²⁸ As with the rest of the GP Update, the Overlay Zones are in the draft stage, affording the City great flexibility in determining the conditions that



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¹⁶ DEIR, p. 3-31.

¹⁷ DEIR, p. 3-29.

¹⁸ DEIR, p. 3-31.

¹⁹ DEIR, p. 3-31.

²⁰ DEIR, p. 3-31.

²¹ DEIR, p. 3-32.

²² DEIR, p. 3-32.

²³ DEIR, pp. 3-31 to 3-32.

²⁴ Sites included in the Housing Sites Inventory are identified in Table C-26 in the Housing Element Update, Appendix C

²⁵ DEIR, pp. 3-30, 3-38.

²⁶ Pub. Res Code §§ 21000 et seq.; 14 Cal. Code Regs. §§ 15000 et seq.

²⁷ DEIR, p. 3-38.

²⁸ DEIR, p. 3-31.

should be applied to affordable housing permitting as part of the GP Update process. The City must build construction workforce protections into this process.

1. Workforce Standards Should Be Added to the GP Update’s Standard Conditions of Approval

Unlike the City’s concurrently proposed Downtown Oakland Specific Plan (“DOSP”),²⁹ the draft GP Update’s Affordable Overlay Zones do not include any community benefit requirements in exchange for the major development concessions and permit streamlining offered to housing developments in the Overlay Zones. The only community benefit requirement referenced in the DEIR is the Housing Element’s existing requirement to negotiate community benefits during development agreement approvals for major entitlements and the use of City land.³⁰ This community benefit requirement is unlikely to apply to new housing developments in the Overlay Zones due to their proposed ministerial by-right permitting and development standard exceptions. Under this permitting scheme, it is unlikely that many (if any) qualifying housing projects in the Overlay Zones would include a development agreement that would enable the City to negotiate community benefits at the permitting stage. It is therefore critical that community benefits, including construction workforce benefits, be built into the Overlay Zones themselves as standard conditions of approval.

The GP Update includes existing and proposed Standard Conditions of Approval (“SCAs”) pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (and now Section 15183.3).³¹ The SCAs address three aspects of buildout projects: (1) general administrative aspects of the project approval; (2) environmental protection measures that are incorporated into a project and are designed to, and will, substantially mitigate environmental effects; and (3) other SCAs containing requirements to reduce non-environmental effects of the buildout projects.³² SCAs are mandatory City requirements for GP Update buildout projects.³³

Construction workforce conditions for Overlay Zone housing projects can and should be integrated into the SCAs as part of the third category: requirements to reduce non-environmental effects of the buildout projects. As discussed below, there is substantial evidence demonstrating that housing projects that are constructed with low-wage or uninsured construction workers are detrimental to the safety and sustainability of the housing industry and to the health, safety and general welfare of the communities in which the projects are built. Shortages of skilled construction workers, particularly residential trade workers, can also threaten to delay or derail development plans.

These impacts can be reduced or avoided by incorporating standard conditions of approval into the GP Update which require construction worker benefits and apprenticeship requirements to ensure the Housing Element will be built with a skilled and healthy construction workforce.

2. Affordable Overlay Zone Conditions of Approval Should Establish Construction Worker Healthcare and Apprenticeship Standards for Buildout Projects

The City should incorporate construction workforce standards as standard conditions of approval for the GP Update’s Overlay Zones. These standards should include:

Apprenticeship Requirements

- a. During the duration of construction of each Overlay Zone housing project (“Covered Project”), each Contractor shall do at least one of the following:

²⁹ Oakland Downtown Specific Plan available at <https://www.oaklandca.gov/topics/downtown-oakland-specific-plan>. City of Oakland, *Downtown Oakland Specific Plan (DOSP): Zoning Amendments FAQ 2* (October 12, 2022), https://cao-94612.s3.amazonaws.com/documents/2022-10-12-DOSP-Zoning-Amendments-FAQ_Final-1.pdf, p. 3 (community benefits to include on-site affordable housing units; below market-rate ground floor commercial space; streetscape, open space, and other culturally-relevant neighborhood improvements; public Restrooms in building lobby; and in lieu fees or other mechanism for job training and/or job placement support programs).

³⁰ DEIR, 4.12-14 (Housing Element Policy 1.1 (Tenant Protections and Anti-Displacement), includes this community benefit requirement as Action 1.1.13).

³¹ DEIR, pp. 3-39; Table 2-1 (pp. 2-10 to 2-89); 4 0-4.

³² *Id.*

³³ DEIR, p. 4.0-4.



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- i. participate in a Joint Labor-Management Apprenticeship Program;
- ii. participate in an apprenticeship program approved by the State of California Division of Apprenticeship Standards that has a graduation rate of 50% or higher and has graduated an average of at least thirty (30) apprentices annually for the five (5) years immediately preceding the start of construction date on the Covered Project. The Contractor will also maintain at least the ratio of apprentices required by California Labor Code section 1777.5 for the duration of the Covered Project. Any change in program participation must be immediately provided to the City; or
- iii. make hourly contributions on a monthly basis to the California Apprenticeship Council for every hour worked by any Covered Construction Worker in any Apprenticeable Craft or Trade on the Covered Project of at least the apprenticeship contribution rate for the classification of “plumber, pipefitter, steamfitter” in Alameda County.

b. A Contractor without covered construction worker employees shall comply with this Section by showing a contractual obligation that its subcontractors comply with this Section.

c. Applicants shall ensure that the Apprenticeship requirement in this Section is included in all construction contracts for the performance of the Covered Project.

Health Care Expenditures

a. Prequalification: In order to be prequalified, each Contractor will sign and submit to the City a statement stipulating to and providing documented proof that the Contractor and its subcontractors, must have provided health care expenditures to or on behalf of each covered construction worker for the 180 consecutive day period prior to the submission of prequalification documents (“Contractor Prequalification Questionnaire”). This requirement is in addition to the regular hourly wages paid to its employees. In the case of a Contractor that has employed no covered construction workers for the 180 consecutive day period prior to the submission of the prequalification documents, said Contractor shall show a contractual obligation that its subcontractors provide health care expenditures to or on behalf of each Covered Construction Worker employee for the 180 consecutive day period.

b. Covered Project Duration: For purposes of the Covered Project, each Contractor shall make health care expenditures to or on behalf of each covered construction worker, in addition to their regular hourly wages, during periods of employment on the Covered Project (and sign a statement certifying that it will do so as part of the Contractor Prequalification Questionnaire).

In the case of a Contractor that will employ no covered construction workers on the Covered Project, said Contractor shall show a contractual obligation that its subcontractors will provide health care expenditures on behalf of each covered construction worker for the duration of the Covered Project. A Contractor shall make health care expenditures on behalf of the covered construction workers employed by its subcontractors in the event said subcontractors fail to make required health care expenditures.

c. Health care expenditures may be made to: (1) a health plan in which the covered construction worker is enrolled at the health care expenditure rate; (2) a covered construction worker’s health savings account at the health care expenditure rate; and/or (3) a covered construction worker in the form of cash at one and a half (1.5) times the rate of the health care expenditure rate.

d. The Applicant shall ensure that the health care expenditures requirements in this Section are included in all construction contracts for the performance of the Covered Project.

Required Applicant and Contractor Statements

A declaration must be signed by the Applicant at the time of permit issuance for the Covered Project, attesting to compliance with this Chapter under penalty of perjury (“Applicant Declaration”). By signing the Applicant Declaration, the Applicant commits to ensuring that all Contractors on the Covered Project have and will comply with the apprenticeship and health care expenditures requirements of this condition, including by ensuring that all contracts for the performance of the Covered Project so require, requiring all Contractors



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complete the statements established by this Section, and submitting all Contractor statements to the City within seven (7) days of receipt.

Prior to executing their contract for the Covered Project, but no later than seven (7) calendar days before their first day of work on the Covered Project, each Contractor will sign and submit to the Applicant a statement stipulating that on the Covered Project it will comply with the Apprenticeship and Health Care Expenditures as set forth in this Chapter during the duration of the Covered Project, and that it has met the health care expenditures prequalification requirements identified in the Contractor Prequalification Questionnaire.

Within 30 calendar days of completing their work on the Project, each Contractor must sign and submit to the Applicant a statement certifying that it complied with the apprenticeship and health care expenditures requirements of this condition (“Contractor Satisfaction Statement”).

Prior to issuance of a certificate of occupancy for the Covered Project, the Applicant shall sign and submit to the City a certification that all Contractors on the Covered Project satisfied the apprenticeship and health care expenditures requirements of this condition (“Applicant Certification of Compliance”).

Implementation and Enforcement

a. Issuance and Revocation of Permits

The City shall issue permits for the Covered Project only where an Applicant meets the requirements of this condition and submits the Applicant Declaration. The City shall include conditions of approval requiring compliance with this Chapter for all permits issued for Covered Projects. The City may revoke or modify the applicable permits for the Covered Project where an Applicant or any Contractor is out of compliance with this condition.

b. Community Benefits Agreement Exception

If an otherwise Covered Project is covered by a Project Labor Agreement (or community workforce agreement or similar labor agreement) with the local Building and Construction Trades Council that already requires health care expenditures and apprenticeship fund contributions, Contractors will be deemed in compliance with this Chapter.

c. Collective Bargaining Agreement Exception

A Contractor that is signatory to a valid collective bargaining agreement with a labor union that requires participation in a joint labor-management state-approved apprenticeship program and the provision of health care expenditures to all construction craft employees shall be deemed in compliance with this Chapter.

d. City Enforcement.

The City may take appropriate enforcement action to ensure compliance with this condition. The City may issue a citation to any Contractor or, Applicant or entity that has not complied with the requirements of this condition, including but not limited to, the following violations:

- (1) failing to post a required notice;
- (2) refusing to or not providing timely access to records or work sites;
- (3) failing to submit or submitting a false or misleading Applicant Declarations, Contractor Prequalification Questionnaires, Contractor Satisfaction Statements, and/or Applicant Certificates of Compliance; and/or
- (4) failing to comply with the Apprenticeship and/or health care expenditures requirements of this condition.

The fine shall vary based on the provisions of this condition violated, but may be up to a maximum of \$5,000/month per Covered Construction Worker during the period of the violation.³⁴

3. **Failure to Use Skilled Construction Labor and Provide Health Benefits to Workers Results in Detrimental Impacts**



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³⁴ *Id.* at Attachment 1.

- Low wage employment is a problem in both the residential +and commercial construction markets. Fifty-five percent of Alameda County construction workers’ households are Extremely Low Income, Very Low Income, or Low Income.³⁵
- Jobsite Health, Healthcare and Safety:
 - Construction trade workers experience exceptionally high rates of serious injury on the job, especially on sites with inadequately trained workers.
 - One of every five serious workers’ compensation insurance claims which involve death, permanent total disability or major permanent partial disability - is related to a construction employee, despite the fact that construction jobs account for less than one out of every 25 California jobs.
 - Construction workers who live in Alameda County are uninsured at rates 3-4 times higher than the rate of non-construction workers. The under-performance of California contractors in providing health care security to employees constrains the supply of skilled construction labor.³⁶
- California residential building was strongest when apprenticeship training was strongest:
 - During the 1970s, when California was producing housing at the average annual rate of 200,000 units, the state reported an average of 9,000 apprentices. California residential builders utilized apprentices every bit as much as commercial builders, according to a 1976 U.S. Bureau of Labor Statistics report.
 - De-unionization and the recession of the early 1990s, however, led to sharply reduced utilization of apprentices by residential contractors. Carpenter apprenticeship completions fell by 50 percent between 1996-2005 compared to 1973-1982.³⁷



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This evidence demonstrates that projects which do not utilize a local skilled construction workforce and do not provide health benefits may be detrimental to the general welfare of the City, its residents, and its workers, and may ultimately slow down housing development projects.

There is no evidence in the City’s record demonstrating that the Project would avoid these negative impacts. These impacts are likely to occur at an accelerated rate given the magnitude and fast pace of housing construction proposed for the City under the GP Update, unless conditions are added to the GP Update to prevent their occurrence. The City must take all feasible actions to ensure that Housing Element buildout projects in the Overlay Zones do not result in these negative impacts by adopting binding construction workforce conditions for future development in the GP Update Overlay Zones.

4. CEQA Requires the City to Consider Employment Opportunities for Highly Trained Workers

The DEIR identifies several significant environmental and public health impacts which it considers to be unavoidable, even with mitigation. These include the Project’s Aesthetics, Air Quality, Cultural Resources, Hazardous Materials, and Wildfire impacts.³⁸ Therefore, in order to approve the GP Update, CEQA requires the City to adopt a statement of overriding considerations, providing that the Project’s overriding benefits outweigh its environmental harm.³⁹ An agency’s determination that a project’s benefits outweigh its significant, unavoidable impacts “lies at the core of the lead agency’s discretionary responsibility under CEQA.”⁴⁰

³⁵ *Id.*, citing Analysis of U.S. Census, ACS 2015-2019 Microdata.

³⁶ (2019). Rebuilding California: The Golden State’s Housing Workforce Reckoning. Smart Cities Prevail. pp. 23-25. Downloaded 3/26/2021 via https://www.smartcitiesprevail.org/wpcontent/uploads/2019/01/SCP_HousingReport.0118_2.pdf

³⁷ *Id.*, citing U.S. Department of Labor, Bureau of Labor Statistics, Bulletin 1911, “Industry Wage Survey: Contract Construction September 1973,” Washington, D.C.: 1976. See Tables 28 & 46. Downloaded via <http://fraser.stlouisfed.org>.; Littlehale, Scott. (2019). Rebuilding California: The Golden State’s Housing Workforce Reckoning. Smart Cities Prevail. pp. 23-25. Downloaded 3/26/2021 via https://www.smartcitiesprevail.org/wpcontent/uploads/2019/01/SCP_HousingReport.0118_2.pdf

³⁸ DEIR, pp. 2-6 to 2-7 (DEIR identifies the Project’s Aesthetics, Air Quality, Cultural Resources, Hazardous Materials, and Wildfire impacts to be significant and unavoidable).

³⁹ CEQA Guidelines, § 15043.

⁴⁰ *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392.

To approve the GP Update and certify the EIR, the City must set forth the reasons for its action, pointing to supporting substantial evidence in the administrative record.⁴¹ This requirement reflects the policy that public agencies must weigh a project’s benefits against its unavoidable environmental impacts, and may find the adverse impacts acceptable only if the benefits outweigh the impacts.⁴² Importantly, a statement of overriding considerations is legally inadequate if it fails to accurately characterize the relative harms and benefits of a project.⁴³

Here, the City must find that the GP Update’s significant, unavoidable impacts are outweighed by its benefits to the community. Among the factors the City must consider is whether the GP Update presents specific overriding economic, legal, social, technological, or other benefits which outweigh the significant effects on the environment, including whether the project provides “*employment opportunities for highly trained workers*.”⁴⁴ Currently, there is no substantial evidence in the record showing that the GP Update’s significant, unavoidable impacts are outweighed by benefits to the community because the draft GP Update does not include any community benefits. With regard to its construction workforce, the draft GP Update does not include any apprenticeship program requirements and healthcare security for construction workers on General Plan buildout projects or other steps to ensure employment of highly trained and skilled craft workers. The City would not fulfill its obligations under CEQA if it adopted a statement of overriding considerations and approved the GP Update absent such benefits.

We urge the City to comply with CEQA by including standard conditions of approval for the affordable housing Overlay Zones which include healthcare and apprenticeship standards for the construction workforce as a means of furthering “*employment opportunities for highly trained workers*” under the General Plan.⁴⁵

II. CONCLUSION

For the reasons discussed herein, [NAME] respectfully requests that the City revise and recirculate the DEIR to add construction workforce standards as standard conditions of approval for all projects in the GP Update’s Overlay Zones.

We look forward to working with the City to ensure that implementation of the GP Update and the City’s Housing Element buildout plan meet the City’s dual goals of complying with State housing requirements and implementing the City’s vision of providing viable futures for all Oakland residents through the land use permitting process. Please include these comments in the City’s record of proceedings for the GP Update.

Sincerely,



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cont.

⁴¹ Pub. Resources Code, § 21081, subd. (b); CEQA Guidelines, § 15093, subds. (a) and (b); *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 357.

⁴² Pub. Resources Code, § 21081(b); CEQA Guidelines, § 15093, subds. (a) and (b)

⁴³ *Woodward Park Homeowners Association v. City of Fresno* (2007) 150 Cal.App.4th 683, 717.

⁴⁴ Pub. Res. Code § 21081(a)(3) and (b) (emphasis added).

⁴⁵ Pub. Res. Code § 21081(a)(3) and (b) (emphasis added).



May 1, 2023

(By electronic transmission)
Ben Fu and members of the Landmarks Preservation Advisory Board
Lakshmi Rajagopalan
City of Oakland
Bureau of Planning/Zoning Division
250 Frank H. Ogawa Plaza, 2nd Floor
Oakland, California 94612

Subject: Draft Environmental Impact Report for Phase 1 of the Oakland
2045 General Plan Update

Dear Chairperson Fu and members of the LPAB:

The following comments are preliminary, and subject to modification and expansion by the DEIR 5-9-23 comment deadline.

We urge that the Landmarks Board recommend that the DEIR provide a closer focus on and a more effective response to the impacts of the updated General Plan and related zoning amendments upon Designated Historic Properties (DHPs), Areas of Primary and Secondary Importance (APIs and ASIs), and Potential Designated Historic Properties (PDHPs) in Oakland.

In particular, the DEIR needs to analyze the high probability that the state density bonus law will result in buildings that are taller and have reduced front setbacks in APIs, ASIs, the S-7 and S-20 Zones and/or in close proximity to individual DHPs and PDHPs. Because of the new buildings' potentially incompatible and intrusive scale, a substantial adverse impact on these buildings could result, as defined by CEQA. See the attached report by architectural historian Kara Brunzell (especially pages 27–32), which analyzes similar impacts of Housing Element upzonings in Alameda, intensified by state density bonus projects.

The DEIR appropriately recognizes the potential substantial adverse effects of new construction within historic areas, based on the possibility that the upcoming objective design review standards may be insufficient to prevent incompatible designs. However, the DEIR omits discussion of the potentially greater impacts of over-scaled buildings resulting from upzonings in tandem with state density bonuses. This omission must be remedied.

With the above in mind, the DEIR should provide the additional project alternative:

1. **Limit increased RD and RM density increases** within the S-7 and S-20 Zones, APIs and ASIs and individual DHPs and PDHPs to four residential units within existing building envelopes, plus ADUs within the building envelopes, to avoid triggering state density bonus law projects.

Add the following mitigation measure:

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2. **Update the Oakland Cultural Heritage Survey evaluation** of ASIs to determine if any now appear eligible for the National Register of Historic Places and therefore should be re-classified as APIs, given that it has been over 30 years and in most cases over 40 years since the ASIs were identified and that they may have gained additional significance over this 30–40 year time period.

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| cont.

Thank you for the opportunity to comment. Please contact Christopher Buckley at (510) 523–0411 or cbuckleyaicp@att.net or Naomi Schiff at (510) 835–1819 or Naomi@17th.com if you would like to discuss these comments.

Sincerely,



Mary Harper
President

Attachment: Kara Brunzell—Memorandum Assessing Impacts to Historical Resources in City of Alameda Due to Proposed Housing Element and Related Zoning Amendments (November 2022)

By electronic transmission:

cc: William Gilchrist, Ed Manasse, Robert Merkamp, Catherine Payne, Laura Kaminski, Lakshmi Rajagopalan, Betty Marvin, Bureau of Planning/Zoning
City Planning Commission
City Council

Memorandum Assessing Impacts to Historical Resources
in City of Alameda Due to
Proposed Housing Element and Related Zoning
Amendments

Prepared by

Kara Brunzell, MA, Architectural Historian

Brunzell Historical



BRUNZELL
HISTORICAL

November 2022

1 Management Summary

The City of Alameda has completed a draft update to the Housing Element of its General Plan and a comprehensive set of zoning amendments. The purposes of the amended Housing Element include compliance with California state law, promotion of fair housing goals, ending and preventing homelessness, and compliance with the 5,353-unit Regional Housing Needs Allocation (RHNA) for the 2023-2031 Housing Element cycle. The City proposes to achieve these goals by, in part, adopting unlimited residential density in commercial districts, substantially upzoning throughout the City, and providing transit-oriented waivers to allow additional height on bus lines.

The provisions of the Housing Element, if adopted, will result in the degradation and potential outright destruction of Alameda's historic fabric. These provisions are specifically designed to bring multistory residential construction into established neighborhoods including historic districts and will change existing design review procedures to allow ministerial rather than discretionary review. These changes will result in tall residential projects being inserted into the Park Street Commercial Historic District as well as other sensitive historic districts and neighborhoods within the short to medium term. Intrusion of such large new buildings and additions into historic districts and adjacent to historic buildings will result in a significant loss of integrity of setting, feeling, and association, and thus significant adverse impact to these historical resources. These negative impacts have not been taken into account by the City. This loss of integrity violates the City's obligations under CEQA to avoid negative impacts to historical resources.

2 CEQA and Historical Resources

The California Environmental Quality Act (CEQA) was passed in 1970 to establish a statewide environmental protection policy. Its primary functions are to provide decision-makers with information about potential environmental impacts of proposed projects prior to granting approval, to allow the public to comment on the impacts of such projects, and to identify alternatives/mitigations to avoid significant impacts to the environment. Historical resources are defined as one element of the environment under CEQA, and CEQA Guidelines CCR 15064.5(b) notes that “a project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.” A proposed project must comply with CEQA (Public Resources Code [PRC] 21000 et seq. and the CEQA Guidelines (CCR, Title 14, Chapter 3), which determine (in part) whether a project has a significant negative impact on a historical resource (per PRC 21084.1).

Historical resources may be buildings, sites, structures, objects, or districts. A building is anything principally designed to shelter human activity such as a house, church, or post office. A structure is a functional construction distinguished from a building in that it is not designed for human shelter; examples include bridges, highways, and tunnels. Historic districts are among the most common types of historic property, but their nature is frequently not well understood.

A district is an area with a significant concentration, linkage, or continuity of buildings or structures united historically, culturally, or aesthetically by plan, history, or physical development. Historic districts therefore derive their importance from the relationship between individual components. The concentration or continuity of individual contributors within a historic district is almost always of greater significance than many of its separate component buildings and structures; i.e. a historic district is typically greater than the sum of its parts. Individual components may contribute to the significance of a district even if undistinguished when considered separately. A historic district comprises contributing resources (which add to the significance of the district as a whole) and non-contributing resources. Non-contributors to a historic district are buildings that do not add to the district’s sense of time and place or historical development or buildings that lack sufficient integrity to convey their relationship to the district’s history.

Lead agencies are required to identify potentially feasible measures or alternatives to avoid or mitigate significant adverse changes in the significance of a historical resource before such projects are approved. According to the CEQA guidelines, historical resources are:

- Listed in, or determined to be eligible for listing in, the California Register of Historical Resources (per PRC 5024.1(e));
- Included in a local register of historical resources (per PRC 5020.1(k)) or identified as significant in a historical resource survey meeting the requirements of PRC 5024.1(g); or
- Determined by a lead agency to be historically significant;
- Properties not previously listed or determined eligible for historic listing may also qualify as historical resources under CEQA; the fact that a historical resource has not been studied or listed does not mean it is ineligible according to the CEQA guidelines (CCR 15064.5(a)(4).

California Register of Historical Resources

PRC Section 5024.1 establishes the California Register of Historical Resources (CRHR). The CRHR includes:

- 1) All California properties listed, or determined to be eligible for listing, in the National Register of Historic Places (NRHP);
- 2) State Historical Landmark No. 770 and above;
- 3) Points of historical interest which have been reviewed by the Office of Historic Preservation and recommended for CRHR listing by the State Historical Resources Commission.

The criteria for listing in the CRHR are based on those of the NRHP. A resource eligible for listing in the CRHR will be significant at the local, state, or national level under one or more of the following criteria:

- 1) Are associated with the events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- 2) Are associated with the lives of persons important in our past;
- 3) Embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or
- 4) Have yielded, or may be likely to yield, information important in prehistory or history.

Ordinarily, properties are not assessed for historic eligibility until they have reached 50 years of age. In addition to meeting the age-eligibility requirement and one or more of the significance criteria listed above, an eligible historical resource will retain integrity. Integrity is the authenticity of a historical resource's identity evidenced by the survival of characteristics that existed during its period of significance. An eligible property will retain enough historic character to be recognizable as a historical resource and convey its historic significance. A building, structure, or district that is age-eligible (50 years or older) and significant under one or more of the above criteria will not be eligible for historic listing if its historic integrity is lost.

There are seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. Location is the place where a historical resource was constructed. Integrity of design depends upon the combination of elements which create the form, plan, space, structure, and style of a historical resource. Integrity of setting is defined as the physical environment of a historic property and is especially crucial for historic districts. Integrity of materials is presence of the physical elements that were combined during a particular period and in a particular pattern or configuration to form a historical resource. Integrity of workmanship is physical evidence of the craftsmanship that created a historical resource. Integrity of feeling is defined as a historical resource's expression of the aesthetic sense of a particular time period resulting from the presence of physical features which together convey the historic character of the property. Integrity of association is the direct link between a historic context and a historical resource and is retained when the historic place is sufficiently intact to convey that relationship. Like feeling, association rests on the continuity of the original physical features that convey historic character. Aspects of integrity are interrelated, and loss of one aspect of integrity can degrade others (for example loss of integrity setting would have a negative impact on integrity of feeling and association).

An eligible historical resource will typically retain most of these seven aspects of integrity. Integrity is distinct from condition; a historical resource may be in poor condition but retain historic integrity

if it continues to convey its historic identity. All historic properties change over time, and a historic building or a historic district rarely retains perfect historic integrity. For a historic property to retain sufficient integrity to be eligible for historic listing, it will retain all or most of the seven aspects of integrity.

A historical resource may not retain sufficient integrity for NRHP listing but may still be eligible for the CRHR and thus qualify as a historical resource pursuant to CEQA (CCR, Title 14, Section 4852(c)).

Impacts to Historical Resources

As discussed above, CEQA stipulates that a project that causes a substantial adverse change in the significance of a historical resource may result in a significant effect on the environment. Substantial adverse change to the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or of its immediate surroundings such that its significance is impaired (CCR 15064.5 (b)(1)). (CCR 15064.5 (b)(1) further states that a project materially impairs the significance of a historical resource when it:

- A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
- B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

Historic Preservation in the City of Alameda

The City of Alameda has the responsibility to act as a lead agency under CEQA. Incorporated in 1872, Alameda has about 10,000 buildings constructed before 1930. Much of this historic-era built environment is architecturally and/or historically significant. In 1975, the City established the Historical Advisory Commission to assist with the City's preservation program and a Historical Preservation Ordinance established procedures for identification and designation of historical resources. The City of Alameda Historic Resources Inventory (HRI) consists of its Historic Monument List, Historic Buildings Study List and its Historic Signs. Of the thirty properties on the City of Alameda Historic Monument List, eleven are listed on the NRHP and the CRHR, twelve appear eligible for the NRHP through survey evaluation, two have been determined eligible for the NRHP and listed on the CRHR, one is a historic district contributor, and one is a California State Historical Landmark. Roughly 4,000 properties are entered on the City of Alameda's Historical Building Study List; properties listed on a local historic register are considered historical resources pursuant to CEQA (unless the

preponderance of evidence indicates that they fail to meet eligibility criteria). Until 2021, the City considered all properties on the Historical Building Study List to be listed on its historic register for CEQA purposes. However, in 2021 the City Council passed a resolution declaring that the Historical Building Study List was not part of its local historic register. The City does not appear to have undertaken a process to have these properties evaluated by a professionally qualified Architectural Historian, so despite this declaration, these properties still qualify as historical resources pursuant to CEQA. Many of the roughly 6000 properties that were constructed before 1942 but have not been added to the Historical Building Study List may also qualify as historical resources pursuant to CEQA. However, under CEQA the end of the historic period shifts each year rather than being permanently fixed at a specific date in the past; in 2022, the historic period extends to 1972 because any property over 50 years old is eligible for consideration as a historical resource. It is indisputable that some properties built between 1942 and 1972 also meet the eligibility requirements to qualify as historical resources under CEQA, although without a comprehensive historic survey their numbers cannot be estimated.

Historic Preservation Ordinance

Local historic preservation regulations are codified in Article VII of the Alameda Municipal Code. Its stated purpose is:

to promote the educational, cultural, and economic welfare of the City by preserving and protecting historical structures, sites, parks, landscaping, streets, and neighborhoods which serve as visible reminders of the history and cultural heritage of the City, State or Nation.

Further goals include strengthening the local economy by stabilizing and improving property values in historic areas and encouraging harmonious new development.

The Ordinance empowers the Historical Advisory Board (HAB) to implement its regulations and to designate (and undesignate) properties as Historical Monuments. Demolition, removal, or alteration of the 30 properties on the Historical Monuments list requires a certificate of approval from the HAB (except in cases of imminent health/safety threats). Alterations and repairs to Historical Monuments must meet standards established by the HAB as well as the Secretary of the Interior's Standards for Rehabilitation (guidelines promulgated by the National Park Service to allow alteration of historic buildings while preserving character-defining features). The Ordinance also requires that all properties included in the Alameda HRI be maintained in good repair.

The Ordinance further stipulates that any building Historical Building Study List also requires a certificate of approval from the HAB prior to demolition. This protection also applies to any building constructed prior to 1942 (including buildings not listed on the Study List/HRI). However, the Ordinance provides no protection for qualified historical resources constructed between 1942 and 1972 unless they have been previously listed on the HRI. It should be further noted that alterations to historical resources not included on the Historical Monuments list are not reviewed by the HAB; nor is new construction adjacent to Historical Monuments, Historical Building Study List, or pre-1942 buildings reviewed by the HAB. HAB findings can and have been overruled by a simple majority of the City Council, and the HAB itself has sometimes approved demolition of historic buildings, so the ordinance protections are contingent rather than absolute.

3 City of Alameda Historic Context

City of Alameda

The original occupants in the Alameda area were the Miwok and Ohlone peoples. Alameda was part of Rancho de San Antonio, granted to Don Luis Maria Peralta by the Spanish government in 1820. Tracts of the ranch were sold to European immigrants in the mid-nineteenth century as agriculture began to take hold in Alameda County. In its early years, Alameda was a busy railroad town, with a passenger railroad and ferry connecting the growing community to San Francisco. In 1869, the City of Alameda became a terminus of the transcontinental railroad. Aided by the railroad, it soon became a destination for recreation and resorts. The City of Alameda was incorporated in 1872; between 1877 and 1880, dozens of commercial buildings were constructed in the downtown area. At the time, Alameda had a population of around thirteen-hundred people.¹

In 1902, Alameda was transformed from a peninsula to an island by the creation of a canal on its south end. The project had begun in 1873, when Alameda and Oakland agreed that they needed a bigger estuary to accommodate shipping and a new sewage system. The Alameda Tidal Canal allowed the northern estuary to be free for shipping while offering a solution for the stagnant waste from sewage and factories. In 1893, the Alaska Packers Association, the largest salmon packing company in the world at the time, also used the estuary for their whaling ships. By 1925, the company, which was renamed the California Packing Corporation, had established Alameda's first shipping terminal. This terminal, the Encinal Terminals, was used by the Navy for shipping supplies during World War I and II. From the 1950s to the early 2000s, Encinal Terminals was used for container shipping.²

During World War I, Alameda's shipbuilding industry was established. In 1928, Alameda's passenger airport was constructed. The construction of the San Francisco Oakland Bay Bridge in 1936 led to the end of passenger ferry and railroad service but made western Alameda County much more accessible to cars and created conditions for growth. In 1935, the United States government purchased land in Alameda for Benton Field Army Base. The Alameda Naval Air Station was opened soon after, in 1940. Alameda became known as a Navy town, and the airfield operated for fifty-six years. During World War II, the population of Alameda almost doubled due to the Naval base. The Naval Air Station became one of the largest in the world, occupying one-third of the island of Alameda and providing jobs for thousands. The Naval Air Station closed in 1997. By 2020, the City of Alameda had a diverse population of almost eighty-thousand residents. It is still an area associated with recreation and hospitality.³

¹ Grant Ute and Bruce Singer, *Alameda by Rail*, United States: Arcadia, 2007; Joseph Eugene Baker, *Past and Present of Alameda County, California*, United States: S.J. Clarke, 1914, 300-330.

² Greta Dutcher and Stephen Rowland, *Alameda*, United States: Arcadia Publishing Incorporated, 2009; Nilda Rego, "Days Gone By: In 1902, 'Island City' Alameda Celebrates Its New Tidal Canal," *Mercury News*, Dec. 18, 2013; "History Timeline," Star Harbor Alameda, Accessed Oct. 24, 2022, <http://starharboralameda.com/history/>.

³ "Alameda History," Alameda Museum, Accessed Oct. 19, 2022, <https://alamedamuseum.org/news-and-resources/history/>; William T. Larkins, *Alameda Naval Air Station*, United States: Arcadia Pub., 2010; "History of Alameda Naval Air Station," Alameda Naval Air Museum, Accessed Oct. 19, 2022, <http://alamedanavalairmuseum.org/history/>.

4 Historical Resources

Alameda's historical resources include residential, institutional, and commercial buildings and districts; individual landmarks and contributors to historic districts were constructed between the 1850s and the middle decades of the twentieth century. These local historical resources include buildings listed for their historical significance under various historic contexts and architecturally significant buildings representing changing architectural fashions over a century. Alameda's historic fabric represents every important American architectural movement beginning in the mid-nineteenth century, including Italianate, the various Victorian-era styles, the Period Revival movements of the early twentieth century, Art Deco along with related early modern styles, and Craftsman.

Alameda's built environment is dominated by districts. As defined in Section 2, A historic district is a geographic area with significant concentration, linkage, or continuity of buildings or structures united historically, culturally, or aesthetically by plan, history, or physical development. The City of Alameda's most prominent historic district is the NRHP-listed Park Street Historic Commercial District. The City also has four local "heritage areas," Bay Station, Burbank-Portola, Leonardville, and Park Avenue. Additional neighborhoods have been identified as potential historic districts and appear to qualify as historical resources under CEQA though they have not been formally adopted by the City. At least two of these eligible local historic districts, the Park Avenue Heritage Area and the North Park Street Potential Historic District are located in close proximity to the Park Street district. Furthermore, individual landmarks such as the NRHP-listed Alameda City Hall are also located adjacent to the NRHP district. Therefore, the roughly five-block NRHP district is functionally part of a much larger area that exhibits the characteristics of a historic district (i.e. a significant concentration of contributing historic buildings). A district is important as a unified entity, although a typical district is comprised of a variety of contributing resources. Concentration, linkage, and continuity of contributing resources are essential to any historic district; a district is by its very nature greater than the sum of its parts. It is the interrelationship of individual buildings and structures within and adjacent to Alameda's historic districts that convey the visual sense of the overall historic environment.

The historic buildings and districts described in this section are a representative sample intended to provide a general understanding of the quality and diversity of local historical resources. Historic images (where available) are provided alongside contemporary photographs in order to illustrate historic integrity and continuity over time. As discussed in Section 2 above, the City of Alameda has at least 4,000 documented historical resources and a large number of historic-period buildings and structures that have never been evaluated for NRHP or CRHR significance. Many of the latter group would qualify for historic listing and would therefore qualify as historical resources under CEQA.

Alameda City Hall

Location: 2263 Santa Clara Avenue (at the corner of Oak Street adjacent to Park Street Historic Commercial District)

Year Built: 1895-96

Historical Resource Status Code: 1S (individually listed on the NRHP/CRHR)

Architectural Style: Richardsonian Romanesque

Architect: George Percy

Alameda City Hall is a three-story masonry building with a hipped roof and arched windows. A flight of granite steps leads to the main entrance, which is recessed and accessed by walking through three monumental brick archways. It was designed by architect George Percy, with the firm of Percy and Hamilton, using the Alleghany County Courthouse as inspiration. It is architecturally significant and locally historically significant in the areas of politics and government, since it has served as Alameda's city hall for 127 years. The building originally had a three-story clock tower above the main façade; it was partially removed after damage in the 1906 earthquake and totally removed in 1937. City Hall was evaluated and listed on the NRHP in 1980. In 2014, the Alameda Architectural Preservation Society (AAPS) installed a City Monument Plaque, listing City Hall as Monument #1.



Figure 1: Alameda City Hall, c2022.



Figure 2: Alameda City Hall pre-1937 postcard showing tower, partially removed after 1906.

Croll Building (Britt Hotel)

Location: 1400 Webster Street

Year Built: 1879

Historical Resource Status Code: 1CL (California State Historical Landmark and listed on the CRHR)

Architectural Style: Second Empire

The Croll Building is a three-story wood-frame Second Empire building with elaborate window casings, ornamental cornice with decorative brackets and frieze, and a wood-shingle mansard roof with rounded windows with heavy decorative hoods. The building also features historic storefronts on the ground floor with decorative pilasters and frieze with dentil molding. The Croll Building was built as Britt's Hotel in 1879 by Patrick Britt and purchased by John Croll in 1891. In 1908, a two-story building was moved from Croll's Gardens to Britt's Hotel and blended with the existing building. The Croll Building was one of the earliest taverns opened in the Bay Area and California. It is also historically significant because it was part of a prominent resort and amusement park in the late nineteenth century, and a place for boxers to stay and train in the early twentieth century.

The Croll Building was evaluated and listed on the NRHP in 1982. It is also a California State Historical Landmark and an Alameda Historical Monument.



Figure 3: Croll Building, west and south elevations, camera facing northeast, 2022.

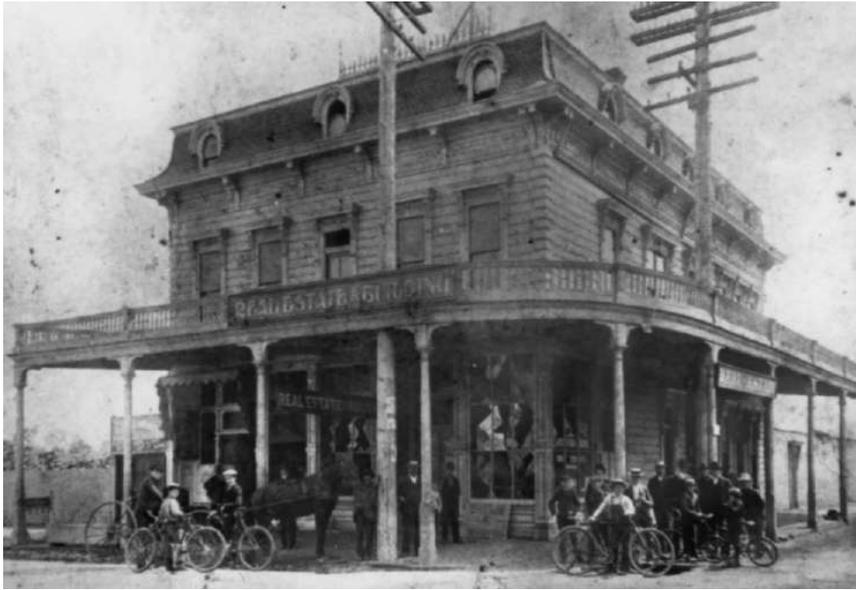


Figure 4: Croll Building c1890.

Greenleaf House

Location: 1724 Santa Clara Avenue

Year Built: 1891

Historical Resource Status Code 3S (appears eligible for NRHP/CRHR)

Architectural Style: Shingle, First Bay Tradition

Architect: Ernest Albert Coxhead

The Greenleaf House (Dr. Edith Meyers Center) is a two-story Shingle style building with wood shingle cladding and a complex roof form. The building is an architecturally significant work by famed English-born architect Ernest Albert Coxhead, who was known for his churches and also designed residences. Coxhead was an influential originator of American Shingle style architecture on the West Coast, known for his whimsical yet masterful approach and unique incorporation of medieval English architectural elements into the emerging style. The Greenleaf House features shingles flowing over and around surfaces to emphasize geometric forms and an oversized tower which, paired with diminutive windows, adds drama. Its plan and form are nearly identical to the Coxhead-designed Churchill House in Napa, which is a contributor to an NRHP historic district. The Alameda Girls' Club has used the house for the past forty years. The building is an Alameda Historical Monument.



Figure 5: Greenleaf House, 2022.

Park Street Historic Commercial District

Location: Portions of six blocks roughly bounded by and Encinal Avenue, Oak St., Tilden Way, and Park Avenue

Period of Significance: 1880 – 1946

Historical Resource Status Code 1D (listed as a district on the NRHP/CRHR)

Architectural Styles: Art Deco, Classical Revival, Mediterranean, Romanesque Revival, Spanish Revival, Stick, Streamline Moderne, Queen Anne, and others

Architects: Bakewell & Brown, Andrew Hass, William Knowles, Joseph Leonard, Charles Mau, Henry H. Meyers, Percy & Hamilton, Timothy Pflueger, Bert Remmel, Edwin Symmes, and others

Evaluated in 1982, the Park Street Historic Commercial District is listed on the NRHP. The district spans three blocks of downtown Alameda. Of the seventy-two buildings in the district, most are one- or two-story buildings with ground floor storefronts. The buildings' diverse styles range from Victorian-era commercial architecture to Spanish Revival and Art Deco. The Old Masonic Temple and adjacent New Masonic Lodge are district contributors and also individually listed on the NRHP for their significant architecture; several other buildings in the district appear to have sufficient architectural significance to qualify individually for NRHP listing. In addition to the architecturally and historically significant buildings, character-defining features of the district include the traditional streetscapes with one-to two-story commercial buildings adjacent to sidewalks and sharing side walls, blocks in which a single design theme carries through a series of adjacent buildings, and the groupings of pre-1909 buildings around along Park Street intersections where historic development was stimulated by the trained minds. Park Street also has most of the local historic masonry buildings, a material that was not frequently used in Alameda. The district is historically significant as the heart of local retail commerce for 160 years and is significantly associated with successive eras of commercial development Alameda history. According to Alameda-based architectural historian Woodruff Minor, "Park Street presents the image of a traditional American "Main Street," with a wide variety of historic commercial buildings on densely built-up blocks."



Figure 6: Old Masonic Temple at 1327-33 Park Street, east and north elevations, camera facing west, Oct. 6, 2022.



Figure 7: 1327-33 Park Street, c1981, Photographed by Xandra Malandra.



Figure 8: 1335-37 Park Street, south and east elevations, camera facing northwest, Oct. 6, 2022.



Figure 9: 1336-46 Park Street, northwest elevation, camera facing southeast, Oct. 6, 2022.



Figure 10: 1349 Park Street, east elevation, camera facing west, Oct. 6, 2022.



Figure 11: 1349 Park Street, c1981, Photographed by Xandra Malandra.



Figure 12: 1500-1504 Park Street, northwest and southwest elevations, camera facing east, Oct. 6, 2022.



Figure 13: 2316-20 Santa Clara Ave, northeast and southeast elevations, camera facing west, Oct. 6, 2022.

North Park Street Potential Historic District

North of Park Street is a potential historic residential district. This area consists mostly of the crossroads that intersect with Park Street, namely Eagle Avenue, Buena Vista Avenue, and Pacific Avenue. Many of the historic residences north of Park Street are not listed on the Built Environment Resource Directory but are being evaluated for the Historic Buildings Study List. The properties in North Park Street on the Historic Buildings Study List are 2421 Buena Vista Ave, 2437 Buena Vista Ave, 1810 Oak Street, and 2305 Buena Vista Ave.



Figure 14: 1891 Queen Anne at 2421 Buena Vista Avenue, southwest elevation, Oct. 6, 2022 (Historic Buildings Study List).



Figure 15: 1906 Shingle style house at 2437 Buena Vista Avenue, southwest elevation, Oct. 6, 2022 (Historic Buildings Study List).



Figure 16: 1620 Foley Street, northwest elevation, camera facing southeast, Oct. 6, 2022.



Figure 17: 1712 Everett Street, northwest elevation, camera facing southeast, Oct. 6, 2022.



Figure 18: 1912 Broadway, northwest elevation, camera facing southeast, Oct. 6, 2022.



Figure 19: 1885 Stick Style residence at 2323 Buena Vista Avenue, southwest elevation, camera facing northeast, Oct. 6, 2022.



Figure 20: 1891 George F. Taylor building at 2301-05 Buena Vista Avenue, northwest and southwest elevations, camera facing northeast, Oct. 6, 2022.



Figure 21: 1810-12 Oak Street, foreground (Historic Buildings Study List), 1814 Oak Street and 1818 Oak Street left frame (BERD 3S, i.e. individually eligible for the NRHP), northwest and southwest elevations, Oct. 6, 2022.



Figure 22: 1880 Alameda Buddhist Temple 2325 Pacific Avenue, northwest and southwest elevations, camera facing northeast, Oct. 6, 2022.

5 Proposed Housing Element Zoning Changes

The City of Alameda has completed a draft update to the Housing Element of its General Plan (its most recent draft is labeled September 2022) and a comprehensive set of zoning amendments. The stated purposes of the amended Housing Element are:

- compliance with California state law,
- promotion of fair housing goals including equity and inclusion,
- removing barriers that make housing access difficult for low-income residents
- ending and preventing homelessness, and
- compliance with the 5,353-unit Regional Housing Needs Allocation (RHNA) for the 2023-2031 Housing Element cycle.

Although most of the proposed City of Alameda zoning changes are likely to be neutral with respect to historical resources or to result in minor to moderate effects to the integrity of local historical resources (and thus are not discussed in this report), several proposed changes will result in significant negative impacts. The following components of the Draft Housing Element are especially problematic with respect to their likelihood to cause significant negative impacts to City of Alameda historical resources such that historic integrity may be impaired:

1. Unlimited residential density (current residential density is 21.78 units/acre) and increased height limits in the Webster Street Business District from 40 feet to 60 feet, in the roughly 80% of the Park Street Business District that is not already 60 feet and from 30 feet to 45 feet in the historic small commercial districts (the “Stations”) along Lincoln, Encinal and Central Avenues.(see Program 3: Commercial Transit Corridor Zoning Amendments);
2. Proposed residential density increases in the R-3 through R-6 residential districts and the North Park Street District (see Program 4: Residential District Zoning Amendments, *Housing Density* and Program 3: Commercial Transit Corridor Zoning Amendment)
 - a. from 21.78 to 30 units per acre in R-3,
 - b. from 21.78 to 40 units per acre in R-4,
 - c. from 21.78 to 50 units per acre in R-5,
 - d. from 21.78 to 60 units per acre in R-6, and
 - e. unlimited density in the North Park Street District with height limit increases of 30 feet and 40 feet to 35 feet and 50 feet in the historic Residential and Mixed Use Subdistricts;
3. Proposed transit-oriented housing waivers in the R-1 through R-6 residential districts with unlimited density for buildings with all units 1000 square feet or less and a 40-foot height limit (increased from 30 feet and 35 feet in R-1, R-2, R-3 and R-4) within 1/4 mile of the 51 bus line and other “high-quality” bus routes (see Program 4: Transit Oriented Housing Incentives and Waivers).

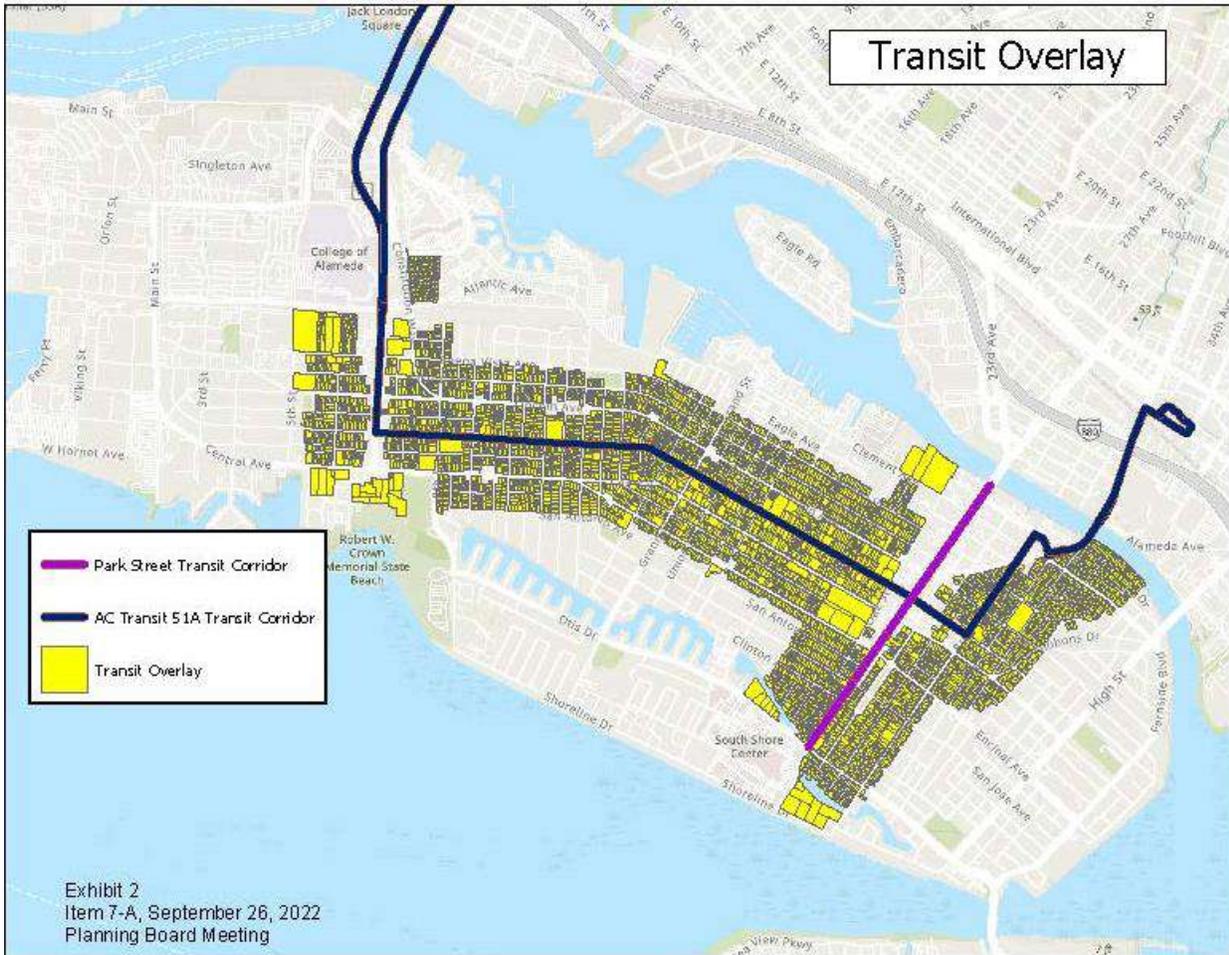


Figure 23: Transit Overlay Map, *Exhibit 2 to 9-26-22 Alameda Planning Board Housing Element staff report.*

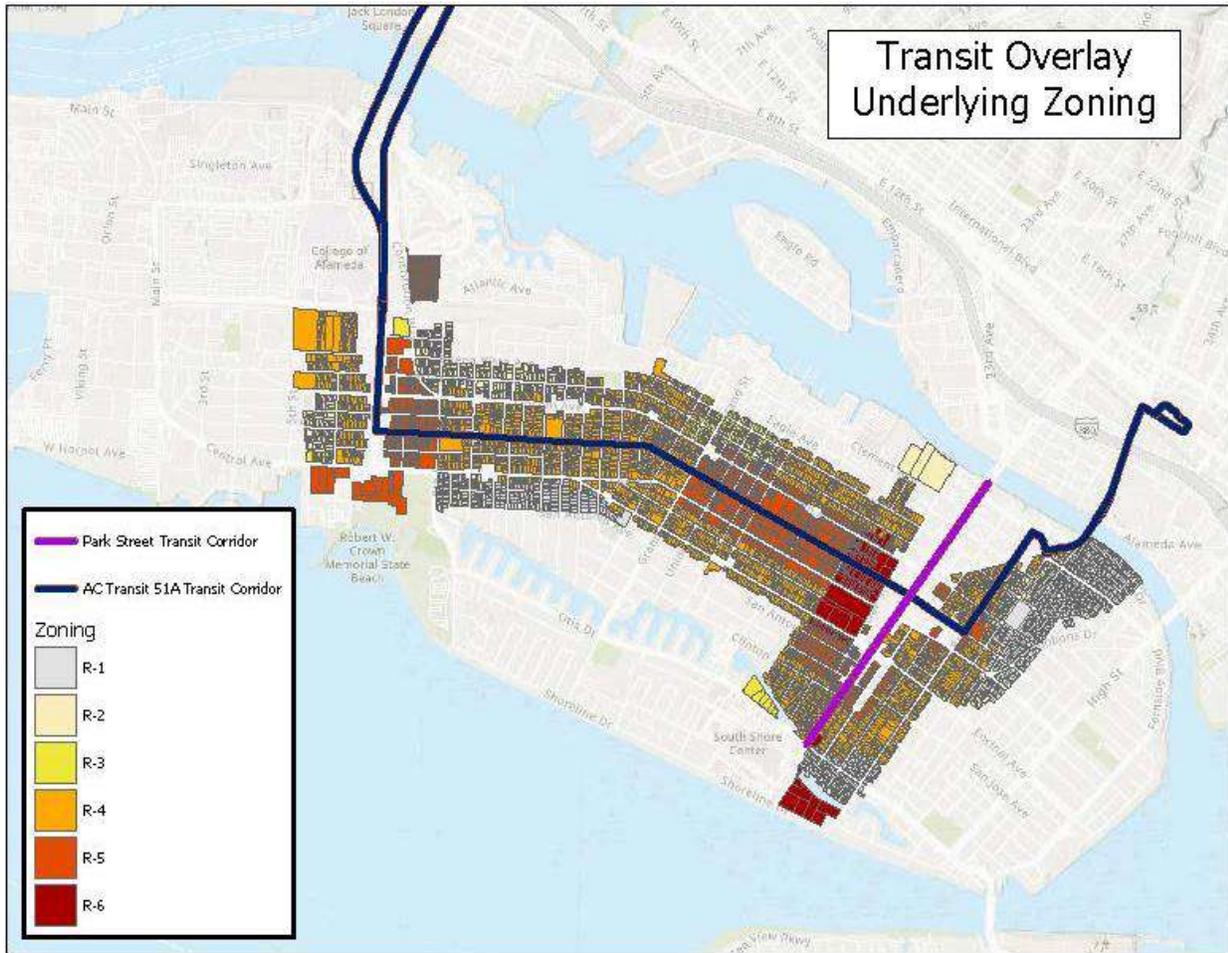


Figure 24: Transit Overlay Map with Underlying Zoning, Exhibit 2 to 9-26-22 Alameda Planning Board Housing Element staff report.

6 Negative Impacts of Proposed Changes

The proposed changes to the Housing Element are specifically intended to encourage multifamily housing in a community that has traditionally been a mixture of single- and multi-unit residences and has a lower population density than Oakland and some other cities in the region. Modest upzoning of residential neighborhoods is likely to incrementally increase the housing stock through small projects that, for example, convert a house into a triplex. Such projects, because of their more compatible scale, can typically be designed to avoid negative impacts to historical resources. These small projects would presumably be guided by the existing Historic Preservation Ordinance and the HAB to avoid demolition or incompatible alterations to Historical Monuments. And because height and massing are usually limited for such projects, they would be unlikely to create negative indirect impacts if undertaken adjacent to historic properties. This memorandum therefore does not take issue with such changes to the Housing Element.

A foreseeable outcome of the three provisions outlined in the previous section, however, will be the construction of tall multi-unit buildings. While there are locations within the City of Alameda where careful design would undoubtedly allow development of multistory buildings without causing significant impacts to the environment, the draft Housing Element has not been well designed with respect to the protection of historical resources. Instead, height limits of 60 feet are intended to encourage the construction of large (five-to six-story) multi-unit residential or mixed-use buildings. When combined with unlimited density in commercial and some residential zones, residential density increases in the R-3 through R-6 residential zones, and state legislation such as the Density Bonus Law and SB 35⁴, the likely development of 80-foot buildings (up to eight stories) can be clearly forecast.

Historical resources on and in the immediate vicinity of Park Street and Webster Street, because of their proximity to transit lines, are extremely vulnerable to adverse effects from this type of development. Negative impacts to historical resources include any project activity that “materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for” listing on the CRHR or a local historic register. A project that causes a negative impact to a historical resource is a project that destroys or substantially diminishes historic integrity. As discussed in Section 2 above, to qualify as historical resource under CEQA, three elements must be present:

⁴ The State Density Bonus Law, among other things, requires granting developer-requested waivers to height limits and other zoning standards, resulting in larger and taller buildings than the proposed upzonings would allow by themselves, exacerbating the adverse effects of the proposed upzonings on historic areas. The State Density Bonus Law also requires allowance of a three story/33' height increase for certain affordable housing projects within a ½ mile of a “major transit stop.” SB 35 projects must be processed ministerially and are therefore not subject to CEQA and may be combined with State Density Bonus Law projects. Although projects are not eligible for SB 35 if they are located on a site where the development “would require the demolition of a historic structure that was placed on a national, state or local historic register”, projects that involve other adverse effects on historic properties (such as intrusive new construction or incompatible additions or alterations) are still eligible for SB 35.

1. A property must be 50 (or more) years old,
2. A property must be Significant under one or more of the CRHR criteria,
3. A property must retain historic integrity.

A project, even one that completely demolishes a historical resource, does not have the potential to alter the age or significance of a historical resource, so its impact on integrity is what must be assessed. To cite a hypothetical example, if the US White House were demolished in order to construct a new presidential residence, its original construction date would remain unchanged, as would its architectural significance and its deep and long-standing historical associations with the US presidency. It would no longer qualify as a historic property, however, because its historic integrity (expressed through its location, design, setting, materials, workmanship, feeling, and association) would be irrevocably lost to demolition. In such a clear-cut case, it is obvious that the iconic features of the building's architecture would be lost, nothing would be left to convey the historic identity of the building. In this scenario, all seven aspects of integrity would be completely destroyed.

Assessment of impacts to historic properties from projects that do not demolish a historical resource (such as additions to historic buildings and infill construction within historic districts) require a more nuanced and detailed approach to assessing adverse effects on historic integrity. The local Croll Building (listed on the NRHP and as a California Historical Landmark (CHL)) provides a valuable example of how integrity is assessed for individual buildings. The property is architecturally significant for its Second Empire design as well as historically significant as one of the earliest taverns in the region and state and for its association with early twentieth century boxing. Review of its NRHP nomination and close inspection of historic and contemporary photographs reveals that it has changed substantially over time (see Figures 3 and 4); its original projecting veranda was removed at some point, a large two-story volume was connected to its north elevation in 1908, and the rear of the building was remodeled in 1980. However, an assessment of its integrity reveals that the property retains its ability to convey its historic identity as a nineteenth century tavern. It has not been moved so retains its integrity of location. Important original elements of its form, plan, and design have been retained, allowing it to convey its integrity of design, workmanship, and materials. These character-defining features include elaborate window casings, ornamental cornice with decorative brackets, friezes at the first and second story, wood-shingle mansard roof exhibiting rounded windows with heavy decorative hoods, and historic storefronts separated by decorative pilasters. The 1908 addition was constructed within the period of significance and its design details were carefully unified with the original volume of the building, thus the addition qualifies as a historic element of the building. Later changes were limited to the rear of the building which is less visible and lacks the original decorative features of street-facing elevations. The neighborhood retains some of its Victorian-period built environment along with some small scale one-story contemporary intrusions (and thus do not loom over or overwhelm the Croll Building with out of scale height and massing). Therefore, its integrity of setting has been somewhat compromised but has not been lost. With its profusion of decorative features evoking the Second Empire architectural style, it easily expresses the aesthetic sense of the 1870s. Its integrity of association is its direct link to its historic context as an early tavern since its historic features are sufficiently intact to convey that relationship. For these reasons, despite a partially compromised setting, all other aspects of integrity are present; the building thus retains historic integrity and is listed on the NRHP and as a CHL. Although a technical assessment of integrity must be performed by a historic preservation professional, this

property exemplifies the fact that most historical resources are able to convey their historic integrity to the general public. This building would be read as “historic” by any casual observer.

Assessing the historic integrity of a district is someone more difficult and complex but follows the same rules. The integrity of a historic district rests on the integrity of a majority of its components as well as the relationship between those components, which must be substantially unchanged. A historic building is an entity composed of its character-defining features (e.g. elaborate window casings, ornamental cornice with decorative brackets, wood-shingle mansard roof, etc.) which, taken together, express the historic character of the building. The unusual roof form with its decorative windows is perhaps the most dramatic character-defining feature of the Croll Building, but if its mansard roof were removed from the building, the roof on its own would not qualify as a historical resource. Nor would the Croll Building qualify as a historical resource if the mansard roof were its only remaining historic feature. Likewise, a historic district is a unified entity, and its significance is derived from the relationship between its components, rather than any single component (although many historic district contributors do qualify as individual historical resources). Because the historical resource is the entire district as a single entity with each component contributing to its importance, historic setting (the physical environment of a historic property) is especially crucial to the integrity of a historic district. A historic district will lose historic eligibility if alterations and new intrusions are so numerous that the district as an entity no longer conveys the sense of a historic environment. Physical features of the environment include nearby buildings, the layout of the street grid, features such as sidewalks and street furniture, landscape such as street trees, and the relationships between contributing buildings. Elements of the setting and the relationships between contributors must be examined not only within the boundaries of a historic district but between a district and its surroundings.

The NRHP Park Street Historic Commercial District is the historical resource most obviously at risk from the City’s proposed Housing Element. Most of the contributors to the district are historic buildings that are modest in size and scale; typically limited to one or two stories. Nearby residential historical resources, of course, have even smaller footprints with a maximum height of about 30 – 40 feet for Victorian-era houses with steeply pitched roofs, many one-story historic houses in Alameda have much lower heights. Features of the setting and the relationships between individual buildings must be examined not only within the NRHP Park Street Historic Commercial District but between the district and its surroundings. Thus, historic buildings including NRHP-listed local landmarks Alameda City Hall and Alameda Carnegie Library on the western border of the district contribute to its integrity of setting and nearby contemporary properties (such as the current CVS pharmacy building) do not contribute. For these reasons, the agency’s assessment of the negative impacts of potential projects on the district must evaluate alterations immediately adjacent to and in the vicinity of the district.

Contemplation of likely redevelopment scenarios for the CVS Pharmacy property southeast of the intersection of Oak Street and Santa Clara Avenue can serve as a valuable example to demonstrate the probability of negative impacts to historic districts and properties in Alameda. For example, a developer could propose a five-or six-story mixed-use building with 75 – 100 units on the one-acre parcel; if Government Code Section 65915(d)(2)(D) (part of the State Density Bonus Law) were applied, the City would be required to allow three additional stories, resulting in an eight-story (or perhaps even taller) building. Unit density would be unlimited, and this project would be by-right, with no discretionary permitting process. A building of this height and bulk would dwarf the historic buildings in the vicinity including NRHP-listed local landmarks Alameda City Hall and Alameda

Carnegie Library on the western corners of the intersection. The Richardsonian Romanesque City Hall and the Classical Revival library face one another across Santa Clara Avenue, creating an imposing institutional gateway to the commercial district. They are comparable in massing and plan; both are rare local examples of masonry construction and extraordinarily fine examples of their respective architectural styles. Contrasting in style and color and complementary in solemn formality, the formality of the pair proclaims Alameda's significance as a community and its collective commitment to its public life. The CVS Pharmacy parcel also touches three properties that contribute to the NRHP Park Street Historic Commercial District, the Alameda Theatre on Central Ave, the diminutive Art Deco commercial building at 1419 Park Street, and the turn-of-the-century storefront/apartment building at 2316-20 Santa Clara Avenue (Figure 13). There are ten additional contributors to the NRHP district either immediately across Santa Clara Avenue or on the same block as the parcel in question. These district contributors are all one or two stories in height and have small or modest-sized footprints.

In this case, the type of project encouraged and allowed by the draft Housing Element would not result in actual demolition of historical resources and therefore would not trigger HAB review or a certificate of approval process. However, as discussed in Section 2 above, CEQA explicitly requires assessment of impacts to the immediate surroundings of historical resources. Such an assessment would be likely to find negative impacts to the historic setting from the type of tall buildings allowed by the draft Housing Element and zoning changes, in such close proximity to so many historical resources including an NRHP-district and individual NRHP landmarks. A severe disruption to the historic setting (like the one described above) will have a significant negative impact on several aspects of integrity, including feeling and association as well as setting (discussed above). Integrity of feeling is defined as a district's expression of the aesthetic sense of a particular time period resulting from the presence of physical features which together convey the historic character of the property. Integrity of association is the direct link between a historic context and a historical resource and is retained when the historic place is sufficiently intact to convey that relationship. Like feeling, association rests on the continuity of the original physical features that convey historic character. Loss or degradation of these three aspects of integrity would create significant negative impacts to historical resources (including the historic district, the library, and city hall). However, the Housing Element institutes no process for assessing such impacts, nor is assessment of indirect impacts to historical resources currently provided for by the City's procedures or local historical resource ordinance. Current zoning regulations have, in concert with the limited protections afforded by the Historical Preservation Ordinance, in the past been sufficient to protect the integrity of Alameda's historic districts. But the massive upzonings proposed by the draft Housing Element will remove the main constraint to replacing smaller, often historic, buildings with larger buildings, thereby resulting in an increase in these district intrusions and negative impacts to integrity of setting, feeling, and association. Removing the constraints provided by the existing zoning would constitute a significant effect on historical resources in the City based on the CEQA criteria discussed above. Since no discretionary approvals would be required for the project, there would be no project level environmental review. A Housing Element environmental review would therefore be the only environmental review opportunity pursuant to the Alameda General Plan EIR's tiering protocol.

Not only do the proposed zoning changes fail to address the impacts of a single tall building in a sensitive area near a historic district, but the City has also not implemented a process to assess potential cumulative effects. Multiple simultaneous projects of similar scope and scale are likely to be undertaken within a short time after adoption of proposed zoning changes. CEQA requires that these cumulative impacts be assessed and mitigated. A twelve-block area including the example site discussed above includes at least a dozen surface parking lots as well as properties like small convenience stores on large lots that will become attractive sites for redevelopment if the draft

Housing Element is adopted. Furthermore, a project already identified in the draft Housing Element as contributing 50 residential units to Alameda's RHNA obligation proposed for the former Bank of America building at 1500-04 Park Street (Figure 12) would be enabled by the new Housing Element. It would consist of 50 residential units above ground floor commercial and apparently demolish everything except the two street facades, with a four- to five-story building behind/above the preserved façades. Despite the nominal façade preservation, details of this plan are not consistent with best practices in the Secretary of the Interior's Standards and related documents for additions to historical resources and would result in a negative impact to the integrity of the building itself and the historic setting of the district. Multiple large infill projects paired with overscaled additions to historic buildings will result in the significant degradation of the historic environment and loss of integrity for the entire NRHP district. And similar impacts will occur in other areas of Alameda outside the NRHP district, most notably to the historic section of Webster Street and the potential North Park Street Residential Historic District.

There is a near certainty that multiple projects similar in scale and scope to those described above will be developed within a small area of historic Alameda if the current Housing Element is adopted. Although a detailed and specific outcome of future development of any particular parcel cannot be foretold, planning and preparing for probable outcomes is the specific purpose of the Housing Element. A cursory review of recent in nearby communities can provide a realistic framework for what is likely to occur in Alameda. In May 2020, San Francisco Chronicle columnist John King described at least ten apartment buildings between five and fourteen stories underway in downtown Berkeley with another ten in the planning stages (mostly within a block of Shattuck Avenue). Along with completion of a sixteen-story hotel, King argued that the Berkeley building boom underway is resulting in a thorough transformation of a built environment once renowned for its low-slung buildings. By October 2022, a 250-foot, 26-story housing tower had also been proposed for downtown Berkeley. Nor is the development boom in Berkeley unique in the region. Nearby Oakland is larger and denser than Alameda, and its downtown can likely absorb the transformation of office towers to housing towers without a serious rupture to its historic fabric. But tall residential buildings planned in lower-density neighborhoods outside the urban center will be more disruptive even in a large city such as Oakland. (See Appendix A for articles discussing some of these projects and demonstrating how the State Density Bonus Law has allowed height increases of two and even three stories, such as the Oakland example at 2301 Telegraph Avenue which has a 78-foot height despite the parcel's 45-foot height limit.)

Alameda is an extremely sought-after residential enclave and there is high demand for all types of housing within the City. Even regional communities that are lower density than Alameda (Hayward, San Leandro) are seeing intensive multistory multifamily development. Although Berkeley's larger size and its University are differences between the communities that suggest Alameda will not experience a building frenzy of equal size and scale, adoption of this Housing Element will set off a transformative wave of development. Adjusting Berkeley's example to account for Alameda's somewhat smaller size and slightly lower population suggests that the zoning changes would stimulate a wave of development resulting in between five and ten multistory residential projects constructed in and adjacent to the Park Street Commercial Historic District within the short to medium-term.

The provisions of the Housing Element, if adopted, will result in the degradation and potential outright destruction of Alameda's historic fabric. These provisions are specifically designed to bring multistory residential construction into established neighborhoods and will change existing design review procedures to allow ministerial rather than the current discretionary review procedures.

These changes, as can be demonstrated by recent events in nearby communities, are virtually guaranteed to result in tall residential projects being inserted into the Park Street neighborhood (and into other sensitive historic districts and neighborhoods) within a brief period. Intrusion of such large new buildings and additions into historic districts and adjacent to historic buildings in the City will result in a significant loss of integrity of setting, feeling, and association, and thus significant adverse impact to these historical resources that has not been taken into account by the City.

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Appendix A:



ABOUT

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2301 TELEGRAPH AVENUE

Approval For Community Anchor At 2301 Telegraph Avenue, Northgate, Oakland

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FEATURE STORIES



2301 Telegraph Avenue view from 23rd Street and Telegraph, design by Mithun and Parcel Projects

BY: ANDREW NELSON 5:30 AM ON OCTOBER 21, 2022

The City of Oakland has approved plans for the seven-story proposal at [2301 Telegraph Avenue](#) in [Northgate, Oakland](#). The unique mixed-use project aims to create a



New Renderings For Town Tower, Potential Tallest Residential Tower in Oakland

10/26/22, 9:45 AM

Approval for Community Anchor at 2301 Telegraph Avenue, Northgate, Oakland - San Francisco YIMBY

new community anchor for the neighborhood with affordable housing, retail, offices, and a performance center. **Parcel Projects** and **McCormack Baron Salazar** are jointly responsible for the development.

The expedited approval process was in part achieved using Senate Bill 35, introduced in 2017 by State Senator Scott Weiner and approved by Governor Jerry Brown. The bill sets a standard list of requirements the project must meet to be eligible.



2301 Telegraph Avenue vertical cross-section, design by Mithun and Parcel Projects

The timeline for 2301 Telegraph started in 2015 when Parcel Projects and McCormack started engaging with neighborhoods and public meetings. The meeting with hundreds of people and 60 organizations in the city. The city first received the proposal seven months ago, in March of this year. The development permits were filed with the city just two months ago.

The 78-foot tall structure will yield 43,700 square feet, of which 4,970 square feet will be for retail. Of the 58 units, half will be dedicated to Transitional Age Youth, and one will be dedicated to an on-site manager. Apartment sizes will range from studios to one and two bedrooms. **Mithun**



Best Renderings Yet for 50 Main Street, San Francisco's Next Supertall



Renderings Revealed, Increased Height, and "The Cube" at 620 Folsom Street in SoMa, San Francisco



YIMBY Tours Newly-Opened Bristol on Yerba Buena Island



Facade Installation Tops Out for Three Towers at Mission Rock, San Francisco

and Parcel Projects will be collaborating for the architectural design.

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2301 Telegraph Avenue semi public terrace, design by Mithun and Parcel Projects



2301 Telegraph Avenue view from the second-floor terrace, design by Mithun and Parcel Projects

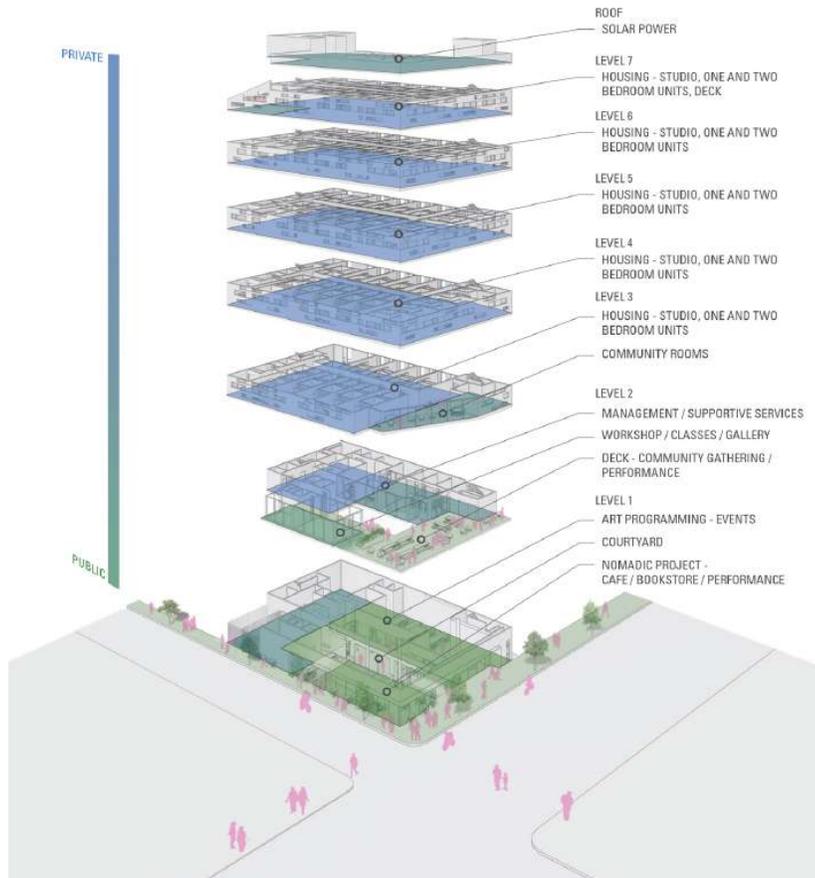
The first floor will include a cafe, bookstore, and performance center at the corner of Telegraph Avenue and 23rd Street, managed by the Nomadic Project. An art programming room will offer event space on the second half of the first floor.

The second floor will include a semi-public deck offering visitors seating with fresh air and city views. The rest of the floor will offer workshops, classes, a gallery space for arts, and offices for property management and supportive

services. The art spaces will be run by community-based arts organizations based on-site or elsewhere in Oakland.



2301 Telegraph Avenue interior view, design by Mithun and Parcel Projects



2301 Telegraph Avenue floor programming illustration, design by Mithun and Parcel Projects

10/26/22, 9:45 AM

Approval for Community Anchor at 2301 Telegraph Avenue, Northgate, Oakland - San Francisco YIMBY



2301 Telegraph Avenue evening aerial view, design by Mithun and Parcel Projects



2301 Telegraph Avenue, image via Google Street View

McCormack Baron Management, the same firm behind the 755-unit [1300 Buchanan Street](#) proposal in [San Francisco](#), will be responsible for building management. Urban Strategies Inc. and First Place for Youth will provide supportive services for residents. Apartments will populate the rest of the building from the third level and up.

Reached for comment, Parcel Projects partner Erik Bloom shared “We are thrilled to be moving forward with the project and look forward to providing much needed affordable housing and space for community-based arts organizations in Oakland.” Bloom confirmed they are aiming to start construction in 2024, and the team is working on predevelopment and construction financing now.

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Berkeley has a downtown housing boom right now. It's going to transform the city's character



JOHN KING

Updated: May 31, 2022 12:42 p.m.





1 of 6



The six-story Aquatic Shattuck, which opened last summer at Carlton Street, is one of a dozen apartment buildings that have been added to downtown Berkeley or are under construction.

Photos by Santiago Mejia / The Chronicle

Visit central Berkeley and there are sights you expect to see: the Campanile rising serenely from the heart of campus. Students on the sidewalks, even after commencement. Aging men and women dressed as if it's still 1974.

And then there's the unexpected — like a downtown housing boom that shows no sign of dying down.

At least 10 apartment buildings ranging in height from five to 14 stories are under construction in downtown Berkeley, most of them within a block of the district's spine, Shattuck Avenue. An equal number are approved or under review, including a proposed 25-story housing tower that would be only 60 feet shorter than the Campanile — the city's tallest building.

Architecturally, let's be honest: None of them will make people forget [Julia Morgan](#) or Bernard Maybeck, whose atmospheric buildings of shingled wood and thick masonry enriched the local landscape a century ago. But as downtown's character is transformed, its two newest apartment buildings are worth checking out for another all-important reason — to gauge whether the newcomers connect with their surroundings in meaningful ways, particularly where the structure meets the ground.

“The interface between a building and the sidewalk,” in the words of Berkeley architect and urban designer [Dan Parolek](#). Or, as he also puts it, “the building from the knees down.”

The latest addition is Identity Logan Park, which fills eight stories with 135 student apartments at the corner of Shattuck and Durant avenues, replacing half of a now-demolished strip mall (the rest of the site will hold the second phase). The other, Aquatic Shattuck, opened last summer several blocks to the south at Carleton Street.

The latter is a much better fit, and not because it's two stories smaller.

Identity Logan Park will line a block of Shattuck Avenue in downtown Berkeley with eight stories of new housing. The first phase (back) opened recently, and the second phase is under construction.
Santiago Mejia/The Chronicle

The difference starts on the ground, where the first floor notches back beneath each broad bay, a saw-tooth response to Shattuck's angled path that allows space for small patches of landscaping between the sidewalk and the building. Pulling back the ground floor from the property line also means the upper floors can extend over the sidewalk by as much as 3 feet.

All this sounds subtle, and it is, but the moves create an almost domestic tone for pedestrians along Shattuck. The building has a neighborly feel, no easy task at this scale, helped by trees that buffer the sidewalk from the street.

The floors above offer a contemporary take on Berkeley's traditional stucco apartment buildings: The Aquatic lines up along Shattuck in four orderly bays above the strong recessed base, a vertical rhythm emphasized by black metal that frames the stacks of windows and extends out several inches from the muted tan facade.

The design by Trachtenberg Architects for developer Read Investments is subdued, no question. It also resembles five similar apartment buildings the team erected near the popular Fourth Street retail strip. En masse, things can get monotonous; here, next to a fire station built of concrete blocks, it's a sophisticated upgrade to the larger roadside scene.

How you make a squat five-story building seem more vertical? At Aquatic Shattuck in Berkeley, Trachtenberg Architects used windows framed in black metal that pop out from bays covered in tan stucco.
Santiago Mejia/The Chronicle

Identity Logan Park, by contrast, feels arbitrary and detached.

More for you

Berkeley, once hostile to development, is now inviting it. But has the city actually built much housing?

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Why the state's housing crisis could bust open the S.F. skyline

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This one's flashier, with orange and white metal panels against a black stucco backdrop. It includes benches in a small corner plaza, a nice touch lacking at Aquatic Shattuck.

Wonder of wonder, there even are retail tenants — a sweets shop and a bank that were retained from the strip mall.

Mostly, though, the building designed by Johnson Lyman Architects for developer Austin Group sits there like a crate of housing adorned with just enough surface “architecture” to get an OK from the city.

Retail spaces line the sidewalk with ample glass, but their flat design does nothing to pull you in. Around the corner on Bancroft, the final stretch of street frontage after the parking entrance is unadorned gray concrete, as if no one was paying attention.

The white and orange panels above were probably intended by the architects to break up the mass of the complex and add a little pizzazz. But the colored layers are so thin they look like applique; the depth hinted at in renderings is in short supply.

Quibbles aside, a colorful building at this scale fits downtown well, especially because Shattuck is a wide boulevard. With the campus two blocks to the east, and downtown's BART station a few blocks north, it's a natural place to add density and height.

There hasn't been much fuss about the downtown boom, perhaps because the Bay Area's housing crisis makes even die-hard Berkeleyites accept the need for change. There's opposition to UC's plan to build [dorms on People's Park](#), and the idea of adding dense affordable housing at the Ashby and North Berkeley BART stations, but downtown is moving forward.

If the pace of construction continues, such newcomers, in a decade, could look downright petite.

The Aquatic Shattuck on the south end of downtown Berkeley uses projecting bays and other design touches to add depth to a six-story building that is similar in scale to many being added to Bay Area cities.

Santiago Mejia/The Chronicle

Already, a 16-story hotel opened this spring at Shattuck and Center Street, downtown's first tower in 50 years. Grosvenor, an international developer with offices in San Francisco, has cleared a corner at Shattuck and Berkeley Way to start work on 12 stories of apartments.

Those two structures are tall for a city of 124,000 people that has only two office buildings above 150 feet. But with the leeway given developers by the state's housing density bonus, which allows up to 50% extra space and height when affordable units are added to a project, the old limits could be shattered. Trachtenberg Architects has designed what, if approved, would be a 25-story slab on Shattuck next to BART. Several other sites might also be able to push this high.

That's why it's important to take stock of what's coming up now. The two buildings on the south end of downtown offer pointers on how density can make an existing district more urbane — and what not to do.

Put another way: The more new buildings that come our way in the Bay Area, the more important that space below the kneecaps will be.

John King is The San Francisco Chronicle's urban design critic. Email: jking@sfchronicle.com Twitter: [@johnkingsfchron](https://twitter.com/johnkingsfchron)

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Written By
John King

Reach John on

John King is The San Francisco Chronicle's urban design critic, taking stock of everything from Salesforce Tower to sea level rise and how the pandemic is redefining public space. A two-time Pulitzer Prize finalist and author of two books on San Francisco architecture, King joined The Chronicle in 1992 and covered City Hall before creating his current post. He is an honorary member of the American Society of Landscape Architects.

VIEW COMMENTS

Appendix B: Preparer's Qualifications

Kara Brunzell, Architectural Historian, M.A. in Public History. Ms. Brunzell has thirteen years of experience conducting architectural surveys, preparing NHPA and CEQA compliance documents, and practicing cultural resource management. Ms. Brunzell meets the Secretary of Interior's Professional Qualifications for both History and Architectural History. She holds a Master's degree in Public History and has worked in multiple facets of historic preservation and cultural resource evaluation. Her experience includes municipal preservation planning and working as the lead staff member of a non-profit preservation organization. Since 2012, she has worked full-time as a historical consultant, completing dozens of evaluations for CEQA and Section 106 compliance. Additionally, she has completed local and national register nominations, historic context statements, and Historic American Engineering Record recordation. She frequently works in the Bay Area and the greater Sacramento area and has also completed projects in Southern California, Nevada, Oregon, New York, and Puerto Rico. In addition to work with historic-period domestic, agricultural, and commercial properties for private clients, Ms. Brunzell has prepared reports on post offices, military bases, university campuses, hospitals, church properties, national parks, and a NASA site. She is listed as a Historian and Architectural Historian on the California Office of Historic Preservation's roster of qualified consultants for every county in California.



BRUNZELL
HISTORICAL

KARA BRUNZELL

Owner/Principal Historian (2009 – Present)

Brunzell Historical

1613 B Street Napa, California, 94559 ♦ 707.290.2918 ♦ kara.brunzell@yahoo.com

EXPERTISE

Kara Brunzell has practiced in the fields of history/architectural history, cultural resource management, and historic preservation since 2007. She has served as a consulting historian on historical research investigations for federal, state, and local governments. She is proficient in the recordation, inventory, and evaluation of historic resources using the National Register of Historic Places (NRHP) and the California Register of Historic Resources (CRHR) guidelines. Her expertise includes preparing reports and making recommendations regarding Section 106 review and compliance. Kara is experienced in applying the California Environmental Quality Act (CEQA) to both large-scale survey projects and individual historic-period resources. She has also worked in municipal preservation planning and non-profit historic preservation. Her non-profit work has included coordination of technical services, content creation and implementation for preservation education, and management of a preservation advocacy program. Kara qualifies as a historian and architectural historian under the United States Secretary of the Interior's Professional Qualification Standards (as defined in 36 CFR, Part 61).

EDUCATION

California State University, Sacramento, MA, Public History
UCLA, BA, History

CONTINUING EDUCATION

HUD's Office of Environment and Energy: Historic Preservation and HUD, May 2014
California Preservation Foundation Workshops:
 The Environmental Benefits of Reuse, August 2011
 Preservation Ordinances, April 2011
 The Use and Application of the California Historical Building Code, July 2009

SELECT PROJECT EXPERIENCE

Architectural History Effects Investigations for Telecommunications Projects, Ace Environmental LLC, (2019-current). Kara manages and authors determinations of effects studies for proposed cellular antenna installation and expansion projects located on historic-period buildings or within historic districts throughout California. Project impacts on historic properties are assessed in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, the Nationwide Programmatic Agreement for Colocation of Wireless Antennas, effective March 2001 and the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission (March 2005) as well as subsequent relevant Report and Orders. The reports assess whether the proposed undertakings would result in direct or visual effects to historic properties. Since 2019, Kara has assessed more than one hundred telecommunications sites throughout California in Alameda, El Dorado, Los Angeles, Orange, Placer, San Bernardino, Sacramento, San Francisco, Santa Clara, Santa Cruz, San Mateo, Sonoma, Stanislaus, and Ventura counties as well as in Reno, Nevada.

United States Postal Service, Determinations of Eligibility, Various Locations. Historian/Architectural Historian, 2012-present. Kara has evaluated post office buildings for NRHP listing using the appropriate National Parks Service documentation forms. Kara has also re-evaluated historic post office buildings already listed in the NRHP and prepared addendums that detail exterior and interior historic character defining features when existing documentation does not include this detail. Kara has contributed to determinations of eligibility or addendums to the NRHP nominations for the following post offices:

- Berkeley Main Post Office, California
- Broadway-Manchester Post Office, Los Angeles California
- Burbank-Glen Oaks Post Office, California
- Burlingame Post Office, California
- Commonwealth Station Post Office, Fullerton, California
- Glendale Main Post Office, California
- Huntington Beach Post Office, California
- Mission Rafael Post Office, San Rafael, California
- Napa Franklin Station Post Office, California
- Red Bluff Main Post Office, California
- Redlands Post Office, California
- Richmond Post Office, California
- San Rafael Post Office, California
- Santa Barbara Main Post Office, California
- Santa Clara Post Office, California
- Santa Monica Post Office, California
- Worldway Postal Center, LAX, California
- East Hartford Post Office, Connecticut
- Lihue Main Post Office, Hawaii
- College Station Post Office, New York
- Morgan North Post Office, New York
- James A. Farley Post Office, New York
- Luis A. Ferré US Courthouse & Post Office, Ponce, Puerto Rico
- Provo Main Post Office, Utah

NRHP District Nomination of Asilomar Conference Center, Pacific Grove, Monterey County (2020-2022).

Kara nominated of buildings designed by noted Modernist John Carl Warnecke and constructed at Asilomar Conference Center between 1959 and 1968 to the NRHP. Asilomar was originally designed by Julia Morgan and developed between 1913 and 1928, and the Morgan buildings are listed on the NRHP as a district.

Historic Context Statement, Richmond Grove Neighborhood, Sacramento, Sacramento County, California (2021 – 2022).

Kara managed an intensive neighborhood historic context survey and historic district evaluation for a neighborhood within the original Sacramento street grid. About 500 residential, commercial, and institutional properties were surveyed, with over half recommended eligible as individual landmarks or contributors to a potential historic district. The neighborhood was documented on DPR 523 series forms and a detailed report nominating it as a local historic district was produced.

Impacts Analysis, Judicial Council of California Learning Center, San Francisco Judicial Courts (2021-2022)

The Judicial Council of California and the Supreme Court of California are planning to construct the Judicial Learning Center in the historic Earl Warren California Supreme Court Building (1926). The Earl Warren Building is a contributor to the NRHP-listed San Francisco Civic Center Historic District as well as the San Francisco Civic Center National Historic Landmark, which features some of the most important Beaux Arts architecture in the US and is widely considered one of the most completely realized examples of City

Beautiful planning. Kara provided a historic property impacts analysis pursuant to California Public Resources Code 5024.5 (which applies to state-owned buildings), photographing the project area and exterior of the historic building, meeting with stakeholders including project architects to discuss design of the project to avoid negative impacts to the historical resource, and preparing a technical impacts analysis memo.

Historic Standards Review, Proposed Alterations to Castanada Adobe, Sonoma, California (2015 and 2021). Kara assisted with the conversion of the NRHP-listed Castanada Adobe from residential to commercial use in 2015, reviewing architectural plans for conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. She worked with the property owners and their architects to ensure the alteration in use would not have a negative impact on the historic integrity of the 1830s-era adobe. When alterations were planned in 2021, Kara again reviewed the project for conformance with the standards.

Historical Evaluation of the Clark Ranch near Table Bluff, Humboldt County, California (2021). Kara evaluated the historic-era rural-residential complex for architectural and historical significance pursuant to Section 106. The property lacked significance under the criteria and was recommended ineligible for the NRHP and CRHR.

Historic Architectural Survey Report, Lenwood and Colton, California High-Speed Rail Authority (2019 – 2021). Kara managed Section 106 and CEQA compliance for a stretch of the High-Speed Rail project area in San Bernardino County. Kara oversaw preparation of appropriate local and architectural historic contexts and evaluation of built-environment resources. Five properties were evaluated on DPR 523 series forms and streamlined documentation was prepared for an additional 22 properties.

Historical Evaluation and Historic Standards Review, England Estate, Redlands, San Bernardino County, California (2019 – 2020). Kara evaluated a historic citrus estate consisting of multiple components associated with the grove and its residential complex, most significant among them being two residential buildings, a carriage house, detached garage, and a grove barn. The property was recommended eligible for the NRHP as an excellent example of a historic citrus estate, and important local historic property type. A proposed project was assessed for impacts; the study recommended that preservation of the buildings and a small portion of the orange grove along with development of housing on the bulk of the property's acreage would not result in a negative impact to the historical resource.

I-80/Ashby Avenue Interchange Improvement Project, Alameda County (2019). Kara prepared an assessment of the built environment resources (a radio station and tunnel) in the project study area for inclusion in a Preliminary Environmental Assessment Report for California Department of Transportation review. She conducted a field review, recorded buildings in the project area of potential effects on California Department of Parks and Recreation 523 forms, and evaluated the recorded resources for NRHP and CRHR eligibility.

Mitigation Documentation of the Intercoast Life Insurance Company Building, Davis, Yolo County (2019). Kara prepared detailed documentation of an architecturally significant building in Davis as an approval condition for demolition. The Intercoast Life Insurance Company Building was a singular example of an architect-designed corporate headquarters completed in 1966, which incorporates New Formalist and Googie influences. It was an ambitious example of regionally important architect Silvio Barovetto's body of work, and represents the late period of his career, characterized by bold and audacious Modernist designs.

California Federal Emergency Management Agency Environmental and Historic Preservation Technical Assistance, northern and southern California, 2017-2019. Kara served as a Historian providing historic preservation compliance support for 22 projects in northern and southern California, submitted to the FEMA Region IX Hazard Mitigation Branch. Duties include recordation and evaluation of buildings and structures 45 years and older on Department of Parks and Recreation (DPR) 523 forms and State Historic

Preservation Office (SHPO) Section 106 of the National Historic Preservation Act consultation including preparation of SHPO packages. Project areas include San Bernardino, Riverside, Napa, Humboldt, Amador, and Lake Counties.

Environmental Reviews for the Restore Louisiana Disaster Recovery Program, Louisiana, 2017 – 2018.

Serving as a Historian/Architectural Historian for Louisiana's disaster recovery programs funded by CDBG-DR grants awarded for the unnamed storms of 2016. These reviews are being conducted for the Louisiana Office of Community Development, Disaster Recovery Unit pursuant to the HUD NEPA Regulations (24 CFR Parts 50 and 58). This process includes identification of historic properties for inclusion in the NRHP, consultation with the Louisiana State Historic Preservation Office, and application of the Programmatic Agreement.

NRHP Nomination of Sperry Flour Company, Vallejo, Solano County, California, 2017. Kara prepared the NRHP nomination packet including historic context, the 10-900 form, historic figures, and photo-documentation of the historic flour mill. Located on the eastern shore of Mare Island Strait, flour was milled on the site with few interruptions from 1869 through 2004. The district's most important resources are its World War I-era mill buildings, which were designed by engineer Maurice Couchot represent an important early use of reinforced concrete in large industrial buildings. It was added to the NRHP in late 2017.

Historic Assessment, Muir Woods, Golden Gate National Recreation Area, Marin County, California, 2016-2017. Kara acted as Lead Historian for a condition assessment and documentation of contributing elements to the NRHP-listed Muir Woods Historic District at Muir Woods National Monument in preparation for a planned habitat enhancement project. She also assisted with preparation of the cultural resources section of the Draft Subsequent EIR for this project.

Historic Resources Survey, NASA/Jet Propulsion Laboratory, Pasadena, California, 2015. Kara acted as Historian/Architectural Historian for a historic resource survey conducted for the National Aeronautics and Space Administration's (NASA's) Jet Propulsion Laboratory (JPL) Pasadena facility. Kara assisted with analysis of whether the seven previously determined eligible buildings and structures at the JPL facility (and the 20 buildings and structures that are the subject of this survey) possessed a linkage historically or aesthetically and retained their historic significance and integrity to merit listing in the NRHP as a historic district.

Lawrence Berkeley National Laboratory (LBNL) Second Campus Project Environmental Assessment and Environmental Impact Report, 2012 – 2013. Kara contributed to the preparation of a draft historic resources evaluation report as part of an Environmental Assessment and Environmental Impact Report prepared for LBNL's proposed second campus in Richmond, California. The project included the recordation and evaluation of twenty historic-period buildings within the project area according to National Register of Historic Places and California Register of Historic Resources criteria.

Architectural Historian for Historic Buildings and Structures Inventory for Fort Hunter-Liggett, Jolon, California, 2012 – 2013. Kara participated in the preparation of an update to the existing Fort Hunter Liggett inventory of historic buildings. The project included the recordation and evaluation of twenty historic-period buildings located within the boundaries of Fort Hunter Liggett. None of the buildings were found eligible for the National Register of Historic Places of the California Register of Historic Resources.



May 9, 2023

(By electronic transmission)
Oakland General Plan Update Team
Bureau of Planning/Zoning Division
250 Frank H. Ogawa Plaza, 2nd Floor
Oakland, California 94612

Subject: Draft Environmental Impact Report for Phase 1 of the Oakland
2045 General Plan Update

Dear General Plan Update Team:

The following comments restate and expand our 5-1-23 comments to the LPAB.

The DEIR must provide a closer focus on and a more effective response to the impacts of the updated General Plan and related zoning amendments upon: Designated Historic Properties (DHPs), Areas of Primary and Secondary Importance (APIs and ASIs), and Potential Designated Historic Properties (PDHPs) in Oakland.

In particular, the DEIR must analyze the high probability that the state density bonus law will result in buildings that are taller and have reduced front setbacks in APIs, ASIs, the S-7 and S-20 Zones and/or in close proximity to individual DHPs and PDHPs. Because of the new buildings’ potentially incompatible and intrusive scale, a substantial adverse impact on these buildings could result, as defined by CEQA. See the attached report by architectural historian Kara Brunzell (especially pages 27-32), which analyzes similar impacts of Housing Element upzonings in Alameda, intensified by state density bonus projects. Related to this:

O-3-1
O-3-2
O-3-3
O-3-4

- a. Although the City’s Historic Preservation Element as amended in 1998 declares in its definition of Oakland’s Local Register of Historical Resources that ASIs are not historical resources for CEQA purposes, historic areas that were considered ASI as of 1998 may have gained enough significance since 1998, and in the 30–40 years since they were identified, to be reclassified as APIs. Moreover, CEQA’s definition of historic resources that are districts is not constrained by whether the district is only an ASI. **Including an analysis of the impacts of the updated general plan and zoning amendments on ASIs is therefore needed.**
- b. Although the S 13 Affordable Housing Overlay Zone requires that 100% affordable housing developments still meet the height, setback and maximum lot coverage requirements in the underlying zoning district, the effectiveness of these restrictions are

dependent on whether (as stated in Section 17.95.010 paragraph 2) projects that use the S 13 bonuses are, in fact, ineligible for the state density bonus. **The ineligibility of S-13 projects for the state density bonus needs to be confirmed by the City Attorney before this ineligibility is relied on in the EIR.** See also the discussion of this in our May 9 letter addressed to the general plan update team concerning the proposed planning code and general plan amendments to implement the Housing Element.

↑
O-3-4
cont.

The DEIR appropriately recognizes the potential substantial adverse effects of new construction within historic areas based on the possibility that the upcoming objective design review standards may be insufficient to prevent incompatible designs. However, **the DEIR omits discussion of the potentially greater impacts of overscaled buildings resulting from uponings in tandem with state density bonuses. This omission needs to be remedied.**

With the above in mind, the DEIR should provide the additional project alternatives:

1. **Limit increased RD and RM density increases within the S-7 and S-20 Zones, APIs and ASIs and individual DHPs and PDHPs to four residential units within existing building envelopes, plus ADUs within the envelopes to avoid triggering state density bonus law projects.**
2. **Retain the existing two-tiered height limit system of wall height plus greater roof height in all zones.** Retaining the two-tiered system in residential zones is important in order to minimize the visual bulk of larger buildings, especially if there is no discretionary design review.
3. **Do not reduce front setbacks if the reduced setbacks are less than the prevailing front setback of the block face.** Otherwise, new development will literally “stick out” and disrupt the streetscape architecturally. Existing provisions that allow reduced setbacks for new construction or front additions where adjacent buildings already have reduced setbacks should continue to be relied on.
4. **Retain existing height limits in nonresidential APIs and ASIs.** In most cases, the existing limits were structured to avoid out-of-scale new buildings.

↑
O-3-5

Add the following mitigation measure:

- Update the Oakland Cultural Heritage Survey evaluation of ASIs to determine if any now appear eligible for the National Register of Historic Places and therefore should be re-classified as APIs, given that it has been over 30 years and in most cases over 40 years since the ASIs were identified and that they may have gained additional significance over this 30–40 year time period.

↑
O-3-6

Thank you for the opportunity to comment. Please contact Christopher Buckley at (510) 523–0411 or cbuckleyaicp@att.net or Naomi Schiff at (510) 835–1819 or Naomi@17th.com if you would like to discuss these comments.

Sincerely,



Mary Harper
President

Attachment: Kara Brunzell Memorandum Assessing Impacts to Historical Resources in City of Alameda Due to Proposed Housing Element and Related Zoning Amendments (November 2022)

By electronic transmission:

cc: William Gilchrist, Ed Manasse, Robert Merkamp, Catherine Payne, Laura Kaminski,
Lakshmi Rajagopalan, Betty Marvin, Bureau of Planning/Zoning
City Planning Commission
City Council

Memorandum Assessing Impacts to Historical Resources
in City of Alameda Due to
Proposed Housing Element and Related Zoning
Amendments

Prepared by

Kara Brunzell, MA, Architectural Historian

Brunzell Historical



BRUNZELL
HISTORICAL

November 2022

1 Management Summary

The City of Alameda has completed a draft update to the Housing Element of its General Plan and a comprehensive set of zoning amendments. The purposes of the amended Housing Element include compliance with California state law, promotion of fair housing goals, ending and preventing homelessness, and compliance with the 5,353-unit Regional Housing Needs Allocation (RHNA) for the 2023-2031 Housing Element cycle. The City proposes to achieve these goals by, in part, adopting unlimited residential density in commercial districts, substantially upzoning throughout the City, and providing transit-oriented waivers to allow additional height on bus lines.

The provisions of the Housing Element, if adopted, will result in the degradation and potential outright destruction of Alameda's historic fabric. These provisions are specifically designed to bring multistory residential construction into established neighborhoods including historic districts and will change existing design review procedures to allow ministerial rather than discretionary review. These changes will result in tall residential projects being inserted into the Park Street Commercial Historic District as well as other sensitive historic districts and neighborhoods within the short to medium term. Intrusion of such large new buildings and additions into historic districts and adjacent to historic buildings will result in a significant loss of integrity of setting, feeling, and association, and thus significant adverse impact to these historical resources. These negative impacts have not been taken into account by the City. This loss of integrity violates the City's obligations under CEQA to avoid negative impacts to historical resources.

2 CEQA and Historical Resources

The California Environmental Quality Act (CEQA) was passed in 1970 to establish a statewide environmental protection policy. Its primary functions are to provide decision-makers with information about potential environmental impacts of proposed projects prior to granting approval, to allow the public to comment on the impacts of such projects, and to identify alternatives/mitigations to avoid significant impacts to the environment. Historical resources are defined as one element of the environment under CEQA, and CEQA Guidelines CCR 15064.5(b) notes that “a project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.” A proposed project must comply with CEQA (Public Resources Code [PRC] 21000 et seq. and the CEQA Guidelines (CCR, Title 14, Chapter 3), which determine (in part) whether a project has a significant negative impact on a historical resource (per PRC 21084.1).

Historical resources may be buildings, sites, structures, objects, or districts. A building is anything principally designed to shelter human activity such as a house, church, or post office. A structure is a functional construction distinguished from a building in that it is not designed for human shelter; examples include bridges, highways, and tunnels. Historic districts are among the most common types of historic property, but their nature is frequently not well understood.

A district is an area with a significant concentration, linkage, or continuity of buildings or structures united historically, culturally, or aesthetically by plan, history, or physical development. Historic districts therefore derive their importance from the relationship between individual components. The concentration or continuity of individual contributors within a historic district is almost always of greater significance than many of its separate component buildings and structures; i.e. a historic district is typically greater than the sum of its parts. Individual components may contribute to the significance of a district even if undistinguished when considered separately. A historic district comprises contributing resources (which add to the significance of the district as a whole) and non-contributing resources. Non-contributors to a historic district are buildings that do not add to the district’s sense of time and place or historical development or buildings that lack sufficient integrity to convey their relationship to the district’s history.

Lead agencies are required to identify potentially feasible measures or alternatives to avoid or mitigate significant adverse changes in the significance of a historical resource before such projects are approved. According to the CEQA guidelines, historical resources are:

- Listed in, or determined to be eligible for listing in, the California Register of Historical Resources (per PRC 5024.1(e));
- Included in a local register of historical resources (per PRC 5020.1(k)) or identified as significant in a historical resource survey meeting the requirements of PRC 5024.1(g); or
- Determined by a lead agency to be historically significant;
- Properties not previously listed or determined eligible for historic listing may also qualify as historical resources under CEQA; the fact that a historical resource has not been studied or listed does not mean it is ineligible according to the CEQA guidelines (CCR 15064.5(a)(4).

California Register of Historical Resources

PRC Section 5024.1 establishes the California Register of Historical Resources (CRHR). The CRHR includes:

- 1) All California properties listed, or determined to be eligible for listing, in the National Register of Historic Places (NRHP);
- 2) State Historical Landmark No. 770 and above;
- 3) Points of historical interest which have been reviewed by the Office of Historic Preservation and recommended for CRHR listing by the State Historical Resources Commission.

The criteria for listing in the CRHR are based on those of the NRHP. A resource eligible for listing in the CRHR will be significant at the local, state, or national level under one or more of the following criteria:

- 1) Are associated with the events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- 2) Are associated with the lives of persons important in our past;
- 3) Embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or
- 4) Have yielded, or may be likely to yield, information important in prehistory or history.

Ordinarily, properties are not assessed for historic eligibility until they have reached 50 years of age. In addition to meeting the age-eligibility requirement and one or more of the significance criteria listed above, an eligible historical resource will retain integrity. Integrity is the authenticity of a historical resource's identity evidenced by the survival of characteristics that existed during its period of significance. An eligible property will retain enough historic character to be recognizable as a historical resource and convey its historic significance. A building, structure, or district that is age-eligible (50 years or older) and significant under one or more of the above criteria will not be eligible for historic listing if its historic integrity is lost.

There are seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. Location is the place where a historical resource was constructed. Integrity of design depends upon the combination of elements which create the form, plan, space, structure, and style of a historical resource. Integrity of setting is defined as the physical environment of a historic property and is especially crucial for historic districts. Integrity of materials is presence of the physical elements that were combined during a particular period and in a particular pattern or configuration to form a historical resource. Integrity of workmanship is physical evidence of the craftsmanship that created a historical resource. Integrity of feeling is defined as a historical resource's expression of the aesthetic sense of a particular time period resulting from the presence of physical features which together convey the historic character of the property. Integrity of association is the direct link between a historic context and a historical resource and is retained when the historic place is sufficiently intact to convey that relationship. Like feeling, association rests on the continuity of the original physical features that convey historic character. Aspects of integrity are interrelated, and loss of one aspect of integrity can degrade others (for example loss of integrity setting would have a negative impact on integrity of feeling and association).

An eligible historical resource will typically retain most of these seven aspects of integrity. Integrity is distinct from condition; a historical resource may be in poor condition but retain historic integrity

if it continues to convey its historic identity. All historic properties change over time, and a historic building or a historic district rarely retains perfect historic integrity. For a historic property to retain sufficient integrity to be eligible for historic listing, it will retain all or most of the seven aspects of integrity.

A historical resource may not retain sufficient integrity for NRHP listing but may still be eligible for the CRHR and thus qualify as a historical resource pursuant to CEQA (CCR, Title 14, Section 4852(c)).

Impacts to Historical Resources

As discussed above, CEQA stipulates that a project that causes a substantial adverse change in the significance of a historical resource may result in a significant effect on the environment. Substantial adverse change to the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or of its immediate surroundings such that its significance is impaired (CCR 15064.5 (b)(1)). (CCR 15064.5 (b)(1) further states that a project materially impairs the significance of a historical resource when it:

- A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
- B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

Historic Preservation in the City of Alameda

The City of Alameda has the responsibility to act as a lead agency under CEQA. Incorporated in 1872, Alameda has about 10,000 buildings constructed before 1930. Much of this historic-era built environment is architecturally and/or historically significant. In 1975, the City established the Historical Advisory Commission to assist with the City's preservation program and a Historical Preservation Ordinance established procedures for identification and designation of historical resources. The City of Alameda Historic Resources Inventory (HRI) consists of its Historic Monument List, Historic Buildings Study List and its Historic Signs. Of the thirty properties on the City of Alameda Historic Monument List, eleven are listed on the NRHP and the CRHR, twelve appear eligible for the NRHP through survey evaluation, two have been determined eligible for the NRHP and listed on the CRHR, one is a historic district contributor, and one is a California State Historical Landmark. Roughly 4,000 properties are entered on the City of Alameda's Historical Building Study List; properties listed on a local historic register are considered historical resources pursuant to CEQA (unless the

preponderance of evidence indicates that they fail to meet eligibility criteria). Until 2021, the City considered all properties on the Historical Building Study List to be listed on its historic register for CEQA purposes. However, in 2021 the City Council passed a resolution declaring that the Historical Building Study List was not part of its local historic register. The City does not appear to have undertaken a process to have these properties evaluated by a professionally qualified Architectural Historian, so despite this declaration, these properties still qualify as historical resources pursuant to CEQA. Many of the roughly 6000 properties that were constructed before 1942 but have not been added to the Historical Building Study List may also qualify as historical resources pursuant to CEQA. However, under CEQA the end of the historic period shifts each year rather than being permanently fixed at a specific date in the past; in 2022, the historic period extends to 1972 because any property over 50 years old is eligible for consideration as a historical resource. It is indisputable that some properties built between 1942 and 1972 also meet the eligibility requirements to qualify as historical resources under CEQA, although without a comprehensive historic survey their numbers cannot be estimated.

Historic Preservation Ordinance

Local historic preservation regulations are codified in Article VII of the Alameda Municipal Code. Its stated purpose is:

to promote the educational, cultural, and economic welfare of the City by preserving and protecting historical structures, sites, parks, landscaping, streets, and neighborhoods which serve as visible reminders of the history and cultural heritage of the City, State or Nation.

Further goals include strengthening the local economy by stabilizing and improving property values in historic areas and encouraging harmonious new development.

The Ordinance empowers the Historical Advisory Board (HAB) to implement its regulations and to designate (and undesignate) properties as Historical Monuments. Demolition, removal, or alteration of the 30 properties on the Historical Monuments list requires a certificate of approval from the HAB (except in cases of imminent health/safety threats). Alterations and repairs to Historical Monuments must meet standards established by the HAB as well as the Secretary of the Interior's Standards for Rehabilitation (guidelines promulgated by the National Park Service to allow alteration of historic buildings while preserving character-defining features). The Ordinance also requires that all properties included in the Alameda HRI be maintained in good repair.

The Ordinance further stipulates that any building Historical Building Study List also requires a certificate of approval from the HAB prior to demolition. This protection also applies to any building constructed prior to 1942 (including buildings not listed on the Study List/HRI). However, the Ordinance provides no protection for qualified historical resources constructed between 1942 and 1972 unless they have been previously listed on the HRI. It should be further noted that alterations to historical resources not included on the Historical Monuments list are not reviewed by the HAB; nor is new construction adjacent to Historical Monuments, Historical Building Study List, or pre-1942 buildings reviewed by the HAB. HAB findings can and have been overruled by a simple majority of the City Council, and the HAB itself has sometimes approved demolition of historic buildings, so the ordinance protections are contingent rather than absolute.

3 City of Alameda Historic Context

City of Alameda

The original occupants in the Alameda area were the Miwok and Ohlone peoples. Alameda was part of Rancho de San Antonio, granted to Don Luis Maria Peralta by the Spanish government in 1820. Tracts of the ranch were sold to European immigrants in the mid-nineteenth century as agriculture began to take hold in Alameda County. In its early years, Alameda was a busy railroad town, with a passenger railroad and ferry connecting the growing community to San Francisco. In 1869, the City of Alameda became a terminus of the transcontinental railroad. Aided by the railroad, it soon became a destination for recreation and resorts. The City of Alameda was incorporated in 1872; between 1877 and 1880, dozens of commercial buildings were constructed in the downtown area. At the time, Alameda had a population of around thirteen-hundred people.¹

In 1902, Alameda was transformed from a peninsula to an island by the creation of a canal on its south end. The project had begun in 1873, when Alameda and Oakland agreed that they needed a bigger estuary to accommodate shipping and a new sewage system. The Alameda Tidal Canal allowed the northern estuary to be free for shipping while offering a solution for the stagnant waste from sewage and factories. In 1893, the Alaska Packers Association, the largest salmon packing company in the world at the time, also used the estuary for their whaling ships. By 1925, the company, which was renamed the California Packing Corporation, had established Alameda's first shipping terminal. This terminal, the Encinal Terminals, was used by the Navy for shipping supplies during World War I and II. From the 1950s to the early 2000s, Encinal Terminals was used for container shipping.²

During World War I, Alameda's shipbuilding industry was established. In 1928, Alameda's passenger airport was constructed. The construction of the San Francisco Oakland Bay Bridge in 1936 led to the end of passenger ferry and railroad service but made western Alameda County much more accessible to cars and created conditions for growth. In 1935, the United States government purchased land in Alameda for Benton Field Army Base. The Alameda Naval Air Station was opened soon after, in 1940. Alameda became known as a Navy town, and the airfield operated for fifty-six years. During World War II, the population of Alameda almost doubled due to the Naval base. The Naval Air Station became one of the largest in the world, occupying one-third of the island of Alameda and providing jobs for thousands. The Naval Air Station closed in 1997. By 2020, the City of Alameda had a diverse population of almost eighty-thousand residents. It is still an area associated with recreation and hospitality.³

¹ Grant Ute and Bruce Singer, *Alameda by Rail*, United States: Arcadia, 2007; Joseph Eugene Baker, *Past and Present of Alameda County, California*, United States: S.J. Clarke, 1914, 300-330.

² Greta Dutcher and Stephen Rowland, *Alameda*, United States: Arcadia Publishing Incorporated, 2009; Nilda Rego, "Days Gone By: In 1902, 'Island City' Alameda Celebrates Its New Tidal Canal," *Mercury News*, Dec. 18, 2013; "History Timeline," Star Harbor Alameda, Accessed Oct. 24, 2022, <http://starharboralameda.com/history/>.

³ "Alameda History," Alameda Museum, Accessed Oct. 19, 2022, <https://alamedamuseum.org/news-and-resources/history/>; William T. Larkins, *Alameda Naval Air Station*, United States: Arcadia Pub., 2010; "History of Alameda Naval Air Station," Alameda Naval Air Museum, Accessed Oct. 19, 2022, <http://alamedanavalairmuseum.org/history/>.

4 Historical Resources

Alameda's historical resources include residential, institutional, and commercial buildings and districts; individual landmarks and contributors to historic districts were constructed between the 1850s and the middle decades of the twentieth century. These local historical resources include buildings listed for their historical significance under various historic contexts and architecturally significant buildings representing changing architectural fashions over a century. Alameda's historic fabric represents every important American architectural movement beginning in the mid-nineteenth century, including Italianate, the various Victorian-era styles, the Period Revival movements of the early twentieth century, Art Deco along with related early modern styles, and Craftsman.

Alameda's built environment is dominated by districts. As defined in Section 2, A historic district is a geographic area with significant concentration, linkage, or continuity of buildings or structures united historically, culturally, or aesthetically by plan, history, or physical development. The City of Alameda's most prominent historic district is the NRHP-listed Park Street Historic Commercial District. The City also has four local "heritage areas," Bay Station, Burbank-Portola, Leonardville, and Park Avenue. Additional neighborhoods have been identified as potential historic districts and appear to qualify as historical resources under CEQA though they have not been formally adopted by the City. At least two of these eligible local historic districts, the Park Avenue Heritage Area and the North Park Street Potential Historic District are located in close proximity to the Park Street district. Furthermore, individual landmarks such as the NRHP-listed Alameda City Hall are also located adjacent to the NRHP district. Therefore, the roughly five-block NRHP district is functionally part of a much larger area that exhibits the characteristics of a historic district (i.e. a significant concentration of contributing historic buildings). A district is important as a unified entity, although a typical district is comprised of a variety of contributing resources. Concentration, linkage, and continuity of contributing resources are essential to any historic district; a district is by its very nature greater than the sum of its parts. It is the interrelationship of individual buildings and structures within and adjacent to Alameda's historic districts that convey the visual sense of the overall historic environment.

The historic buildings and districts described in this section are a representative sample intended to provide a general understanding of the quality and diversity of local historical resources. Historic images (where available) are provided alongside contemporary photographs in order to illustrate historic integrity and continuity over time. As discussed in Section 2 above, the City of Alameda has at least 4,000 documented historical resources and a large number of historic-period buildings and structures that have never been evaluated for NRHP or CRHR significance. Many of the latter group would qualify for historic listing and would therefore qualify as historical resources under CEQA.

Alameda City Hall

Location: 2263 Santa Clara Avenue (at the corner of Oak Street adjacent to Park Street Historic Commercial District)

Year Built: 1895-96

Historical Resource Status Code: 1S (individually listed on the NRHP/CRHR)

Architectural Style: Richardsonian Romanesque

Architect: George Percy

Alameda City Hall is a three-story masonry building with a hipped roof and arched windows. A flight of granite steps leads to the main entrance, which is recessed and accessed by walking through three monumental brick archways. It was designed by architect George Percy, with the firm of Percy and Hamilton, using the Alleghany County Courthouse as inspiration. It is architecturally significant and locally historically significant in the areas of politics and government, since it has served as Alameda's city hall for 127 years. The building originally had a three-story clock tower above the main façade; it was partially removed after damage in the 1906 earthquake and totally removed in 1937. City Hall was evaluated and listed on the NRHP in 1980. In 2014, the Alameda Architectural Preservation Society (AAPS) installed a City Monument Plaque, listing City Hall as Monument #1.



Figure 1: Alameda City Hall, c2022.



Figure 2: Alameda City Hall pre-1937 postcard showing tower, partially removed after 1906.

Croll Building (Britt Hotel)

Location: 1400 Webster Street

Year Built: 1879

Historical Resource Status Code: 1CL (California State Historical Landmark and listed on the CRHR)

Architectural Style: Second Empire

The Croll Building is a three-story wood-frame Second Empire building with elaborate window casings, ornamental cornice with decorative brackets and frieze, and a wood-shingle mansard roof with rounded windows with heavy decorative hoods. The building also features historic storefronts on the ground floor with decorative pilasters and frieze with dentil molding. The Croll Building was built as Britt's Hotel in 1879 by Patrick Britt and purchased by John Croll in 1891. In 1908, a two-story building was moved from Croll's Gardens to Britt's Hotel and blended with the existing building. The Croll Building was one of the earliest taverns opened in the Bay Area and California. It is also historically significant because it was part of a prominent resort and amusement park in the late nineteenth century, and a place for boxers to stay and train in the early twentieth century.

The Croll Building was evaluated and listed on the NRHP in 1982. It is also a California State Historical Landmark and an Alameda Historical Monument.



Figure 3: Croll Building, west and south elevations, camera facing northeast, 2022.



Figure 4: Croll Building c1890.

Greenleaf House

Location: 1724 Santa Clara Avenue

Year Built: 1891

Historical Resource Status Code 3S (appears eligible for NRHP/CRHR)

Architectural Style: Shingle, First Bay Tradition

Architect: Ernest Albert Coxhead

The Greenleaf House (Dr. Edith Meyers Center) is a two-story Shingle style building with wood shingle cladding and a complex roof form. The building is an architecturally significant work by famed English-born architect Ernest Albert Coxhead, who was known for his churches and also designed residences. Coxhead was an influential originator of American Shingle style architecture on the West Coast, known for his whimsical yet masterful approach and unique incorporation of medieval English architectural elements into the emerging style. The Greenleaf House features shingles flowing over and around surfaces to emphasize geometric forms and an oversized tower which, paired with diminutive windows, adds drama. Its plan and form are nearly identical to the Coxhead-designed Churchill House in Napa, which is a contributor to an NRHP historic district. The Alameda Girls' Club has used the house for the past forty years. The building is an Alameda Historical Monument.



Figure 5: Greenleaf House, 2022.

Park Street Historic Commercial District

Location: Portions of six blocks roughly bounded by and Encinal Avenue, Oak St., Tilden Way, and Park Avenue

Period of Significance: 1880 – 1946

Historical Resource Status Code 1D (listed as a district on the NRHP/CRHR)

Architectural Styles: Art Deco, Classical Revival, Mediterranean, Romanesque Revival, Spanish Revival, Stick, Streamline Moderne, Queen Anne, and others

Architects: Bakewell & Brown, Andrew Hass, William Knowles, Joseph Leonard, Charles Mau, Henry H. Meyers, Percy & Hamilton, Timothy Pflueger, Bert Remmel, Edwin Symmes, and others

Evaluated in 1982, the Park Street Historic Commercial District is listed on the NRHP. The district spans three blocks of downtown Alameda. Of the seventy-two buildings in the district, most are one- or two-story buildings with ground floor storefronts. The buildings' diverse styles range from Victorian-era commercial architecture to Spanish Revival and Art Deco. The Old Masonic Temple and adjacent New Masonic Lodge are district contributors and also individually listed on the NRHP for their significant architecture; several other buildings in the district appear to have sufficient architectural significance to qualify individually for NRHP listing. In addition to the architecturally and historically significant buildings, character-defining features of the district include the traditional streetscapes with one-to two-story commercial buildings adjacent to sidewalks and sharing side walls, blocks in which a single design theme carries through a series of adjacent buildings, and the groupings of pre-1909 buildings around along Park Street intersections where historic development was stimulated by the trained minds. Park Street also has most of the local historic masonry buildings, a material that was not frequently used in Alameda. The district is historically significant as the heart of local retail commerce for 160 years and is significantly associated with successive eras of commercial development Alameda history. According to Alameda-based architectural historian Woodruff Minor, "Park Street presents the image of a traditional American "Main Street," with a wide variety of historic commercial buildings on densely built-up blocks."



Figure 6: Old Masonic Temple at 1327-33 Park Street, east and north elevations, camera facing west, Oct. 6, 2022.



Figure 7: 1327-33 Park Street, c1981, Photographed by Xandra Malandra.



Figure 8: 1335-37 Park Street, south and east elevations, camera facing northwest, Oct. 6, 2022.



Figure 9: 1336-46 Park Street, northwest elevation, camera facing southeast, Oct. 6, 2022.



Figure 10: 1349 Park Street, east elevation, camera facing west, Oct. 6, 2022.



Figure 11: 1349 Park Street, c1981, Photographed by Xandra Malandra.



Figure 12: 1500-1504 Park Street, northwest and southwest elevations, camera facing east, Oct. 6, 2022.



Figure 13: 2316-20 Santa Clara Ave, northeast and southeast elevations, camera facing west, Oct. 6, 2022.

North Park Street Potential Historic District

North of Park Street is a potential historic residential district. This area consists mostly of the crossroads that intersect with Park Street, namely Eagle Avenue, Buena Vista Avenue, and Pacific Avenue. Many of the historic residences north of Park Street are not listed on the Built Environment Resource Directory but are being evaluated for the Historic Buildings Study List. The properties in North Park Street on the Historic Buildings Study List are 2421 Buena Vista Ave, 2437 Buena Vista Ave, 1810 Oak Street, and 2305 Buena Vista Ave.



Figure 14: 1891 Queen Anne at 2421 Buena Vista Avenue, southwest elevation, Oct. 6, 2022 (Historic Buildings Study List).



Figure 15: 1906 Shingle style house at 2437 Buena Vista Avenue, southwest elevation, Oct. 6, 2022 (Historic Buildings Study List).



Figure 16: 1620 Foley Street, northwest elevation, camera facing southeast, Oct. 6, 2022.



Figure 17: 1712 Everett Street, northwest elevation, camera facing southeast, Oct. 6, 2022.



Figure 18: 1912 Broadway, northwest elevation, camera facing southeast, Oct. 6, 2022.



Figure 19: 1885 Stick Style residence at 2323 Buena Vista Avenue, southwest elevation, camera facing northeast, Oct. 6, 2022.



Figure 20: 1891 George F. Taylor building at 2301-05 Buena Vista Avenue, northwest and southwest elevations, camera facing northeast, Oct. 6, 2022.



Figure 21: 1810-12 Oak Street, foreground (Historic Buildings Study List), 1814 Oak Street and 1818 Oak Street left frame (BERD 3S, i.e. individually eligible for the NRHP), northwest and southwest elevations, Oct. 6, 2022.



Figure 22: 1880 Alameda Buddhist Temple 2325 Pacific Avenue, northwest and southwest elevations, camera facing northeast, Oct. 6, 2022.

5 Proposed Housing Element Zoning Changes

The City of Alameda has completed a draft update to the Housing Element of its General Plan (its most recent draft is labeled September 2022) and a comprehensive set of zoning amendments. The stated purposes of the amended Housing Element are:

- compliance with California state law,
- promotion of fair housing goals including equity and inclusion,
- removing barriers that make housing access difficult for low-income residents
- ending and preventing homelessness, and
- compliance with the 5,353-unit Regional Housing Needs Allocation (RHNA) for the 2023-2031 Housing Element cycle.

Although most of the proposed City of Alameda zoning changes are likely to be neutral with respect to historical resources or to result in minor to moderate effects to the integrity of local historical resources (and thus are not discussed in this report), several proposed changes will result in significant negative impacts. The following components of the Draft Housing Element are especially problematic with respect to their likelihood to cause significant negative impacts to City of Alameda historical resources such that historic integrity may be impaired:

1. Unlimited residential density (current residential density is 21.78 units/acre) and increased height limits in the Webster Street Business District from 40 feet to 60 feet, in the roughly 80% of the Park Street Business District that is not already 60 feet and from 30 feet to 45 feet in the historic small commercial districts (the “Stations”) along Lincoln, Encinal and Central Avenues.(see Program 3: Commercial Transit Corridor Zoning Amendments);
2. Proposed residential density increases in the R-3 through R-6 residential districts and the North Park Street District (see Program 4: Residential District Zoning Amendments, *Housing Density* and Program 3: Commercial Transit Corridor Zoning Amendment)
 - a. from 21.78 to 30 units per acre in R-3,
 - b. from 21.78 to 40 units per acre in R-4,
 - c. from 21.78 to 50 units per acre in R-5,
 - d. from 21.78 to 60 units per acre in R-6, and
 - e. unlimited density in the North Park Street District with height limit increases of 30 feet and 40 feet to 35 feet and 50 feet in the historic Residential and Mixed Use Subdistricts;
3. Proposed transit-oriented housing waivers in the R-1 through R-6 residential districts with unlimited density for buildings with all units 1000 square feet or less and a 40-foot height limit (increased from 30 feet and 35 feet in R-1, R-2, R-3 and R-4) within 1/4 mile of the 51 bus line and other “high-quality” bus routes (see Program 4: Transit Oriented Housing Incentives and Waivers).

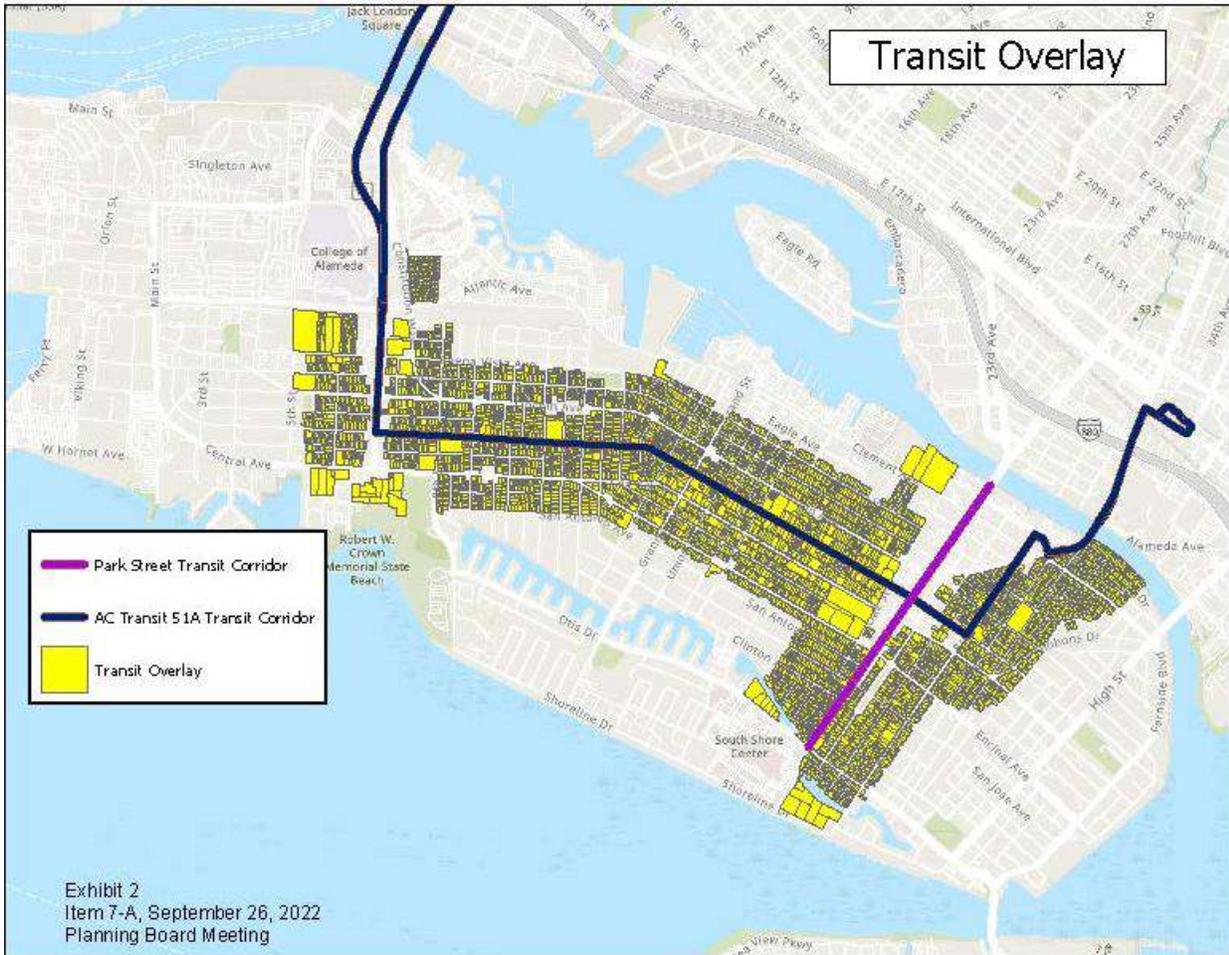


Figure 23: Transit Overlay Map, *Exhibit 2 to 9-26-22 Alameda Planning Board Housing Element staff report.*

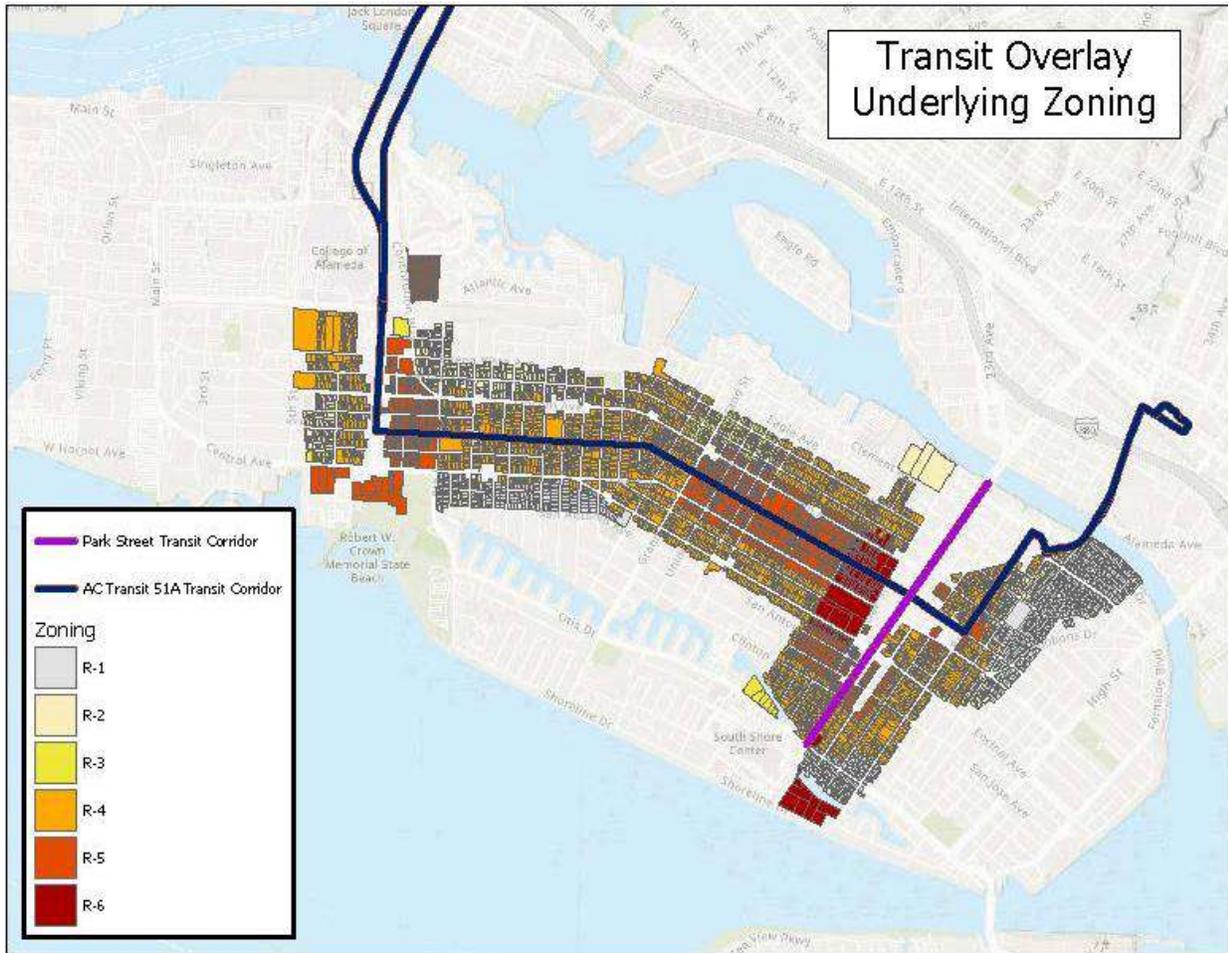


Figure 24: Transit Overlay Map with Underlying Zoning, Exhibit 2 to 9-26-22 Alameda Planning Board Housing Element staff report.

6 Negative Impacts of Proposed Changes

The proposed changes to the Housing Element are specifically intended to encourage multifamily housing in a community that has traditionally been a mixture of single- and multi-unit residences and has a lower population density than Oakland and some other cities in the region. Modest upzoning of residential neighborhoods is likely to incrementally increase the housing stock through small projects that, for example, convert a house into a triplex. Such projects, because of their more compatible scale, can typically be designed to avoid negative impacts to historical resources. These small projects would presumably be guided by the existing Historic Preservation Ordinance and the HAB to avoid demolition or incompatible alterations to Historical Monuments. And because height and massing are usually limited for such projects, they would be unlikely to create negative indirect impacts if undertaken adjacent to historic properties. This memorandum therefore does not take issue with such changes to the Housing Element.

A foreseeable outcome of the three provisions outlined in the previous section, however, will be the construction of tall multi-unit buildings. While there are locations within the City of Alameda where careful design would undoubtedly allow development of multistory buildings without causing significant impacts to the environment, the draft Housing Element has not been well designed with respect to the protection of historical resources. Instead, height limits of 60 feet are intended to encourage the construction of large (five-to six-story) multi-unit residential or mixed-use buildings. When combined with unlimited density in commercial and some residential zones, residential density increases in the R-3 through R-6 residential zones, and state legislation such as the Density Bonus Law and SB 35⁴, the likely development of 80-foot buildings (up to eight stories) can be clearly forecast.

Historical resources on and in the immediate vicinity of Park Street and Webster Street, because of their proximity to transit lines, are extremely vulnerable to adverse effects from this type of development. Negative impacts to historical resources include any project activity that “materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for” listing on the CRHR or a local historic register. A project that causes a negative impact to a historical resource is a project that destroys or substantially diminishes historic integrity. As discussed in Section 2 above, to qualify as historical resource under CEQA, three elements must be present:

⁴ The State Density Bonus Law, among other things, requires granting developer-requested waivers to height limits and other zoning standards, resulting in larger and taller buildings than the proposed upzonings would allow by themselves, exacerbating the adverse effects of the proposed upzonings on historic areas. The State Density Bonus Law also requires allowance of a three story/33' height increase for certain affordable housing projects within a ½ mile of a “major transit stop.” SB 35 projects must be processed ministerially and are therefore not subject to CEQA and may be combined with State Density Bonus Law projects. Although projects are not eligible for SB 35 if they are located on a site where the development “would require the demolition of a historic structure that was placed on a national, state or local historic register”, projects that involve other adverse effects on historic properties (such as intrusive new construction or incompatible additions or alterations) are still eligible for SB 35.

1. A property must be 50 (or more) years old,
2. A property must be Significant under one or more of the CRHR criteria,
3. A property must retain historic integrity.

A project, even one that completely demolishes a historical resource, does not have the potential to alter the age or significance of a historical resource, so its impact on integrity is what must be assessed. To cite a hypothetical example, if the US White House were demolished in order to construct a new presidential residence, its original construction date would remain unchanged, as would its architectural significance and its deep and long-standing historical associations with the US presidency. It would no longer qualify as a historic property, however, because its historic integrity (expressed through its location, design, setting, materials, workmanship, feeling, and association) would be irrevocably lost to demolition. In such a clear-cut case, it is obvious that the iconic features of the building's architecture would be lost, nothing would be left to convey the historic identity of the building. In this scenario, all seven aspects of integrity would be completely destroyed.

Assessment of impacts to historic properties from projects that do not demolish a historical resource (such as additions to historic buildings and infill construction within historic districts) require a more nuanced and detailed approach to assessing adverse effects on historic integrity. The local Croll Building (listed on the NRHP and as a California Historical Landmark (CHL)) provides a valuable example of how integrity is assessed for individual buildings. The property is architecturally significant for its Second Empire design as well as historically significant as one of the earliest taverns in the region and state and for its association with early twentieth century boxing. Review of its NRHP nomination and close inspection of historic and contemporary photographs reveals that it has changed substantially over time (see Figures 3 and 4); its original projecting veranda was removed at some point, a large two-story volume was connected to its north elevation in 1908, and the rear of the building was remodeled in 1980. However, an assessment of its integrity reveals that the property retains its ability to convey its historic identity as a nineteenth century tavern. It has not been moved so retains its integrity of location. Important original elements of its form, plan, and design have been retained, allowing it to convey its integrity of design, workmanship, and materials. These character-defining features include elaborate window casings, ornamental cornice with decorative brackets, friezes at the first and second story, wood-shingle mansard roof exhibiting rounded windows with heavy decorative hoods, and historic storefronts separated by decorative pilasters. The 1908 addition was constructed within the period of significance and its design details were carefully unified with the original volume of the building, thus the addition qualifies as a historic element of the building. Later changes were limited to the rear of the building which is less visible and lacks the original decorative features of street-facing elevations. The neighborhood retains some of its Victorian-period built environment along with some small scale one-story contemporary intrusions (and thus do not loom over or overwhelm the Croll Building with out of scale height and massing). Therefore, its integrity of setting has been somewhat compromised but has not been lost. With its profusion of decorative features evoking the Second Empire architectural style, it easily expresses the aesthetic sense of the 1870s. Its integrity of association is its direct link to its historic context as an early tavern since its historic features are sufficiently intact to convey that relationship. For these reasons, despite a partially compromised setting, all other aspects of integrity are present; the building thus retains historic integrity and is listed on the NRHP and as a CHL. Although a technical assessment of integrity must be performed by a historic preservation professional, this

property exemplifies the fact that most historical resources are able to convey their historic integrity to the general public. This building would be read as “historic” by any casual observer.

Assessing the historic integrity of a district is someone more difficult and complex but follows the same rules. The integrity of a historic district rests on the integrity of a majority of its components as well as the relationship between those components, which must be substantially unchanged. A historic building is an entity composed of its character-defining features (e.g. elaborate window casings, ornamental cornice with decorative brackets, wood-shingle mansard roof, etc.) which, taken together, express the historic character of the building. The unusual roof form with its decorative windows is perhaps the most dramatic character-defining feature of the Croll Building, but if its mansard roof were removed from the building, the roof on its own would not qualify as a historical resource. Nor would the Croll Building qualify as a historical resource if the mansard roof were its only remaining historic feature. Likewise, a historic district is a unified entity, and its significance is derived from the relationship between its components, rather than any single component (although many historic district contributors do qualify as individual historical resources). Because the historical resource is the entire district as a single entity with each component contributing to its importance, historic setting (the physical environment of a historic property) is especially crucial to the integrity of a historic district. A historic district will lose historic eligibility if alterations and new intrusions are so numerous that the district as an entity no longer conveys the sense of a historic environment. Physical features of the environment include nearby buildings, the layout of the street grid, features such as sidewalks and street furniture, landscape such as street trees, and the relationships between contributing buildings. Elements of the setting and the relationships between contributors must be examined not only within the boundaries of a historic district but between a district and its surroundings.

The NRHP Park Street Historic Commercial District is the historical resource most obviously at risk from the City’s proposed Housing Element. Most of the contributors to the district are historic buildings that are modest in size and scale; typically limited to one or two stories. Nearby residential historical resources, of course, have even smaller footprints with a maximum height of about 30 – 40 feet for Victorian-era houses with steeply pitched roofs, many one-story historic houses in Alameda have much lower heights. Features of the setting and the relationships between individual buildings must be examined not only within the NRHP Park Street Historic Commercial District but between the district and its surroundings. Thus, historic buildings including NRHP-listed local landmarks Alameda City Hall and Alameda Carnegie Library on the western border of the district contribute to its integrity of setting and nearby contemporary properties (such as the current CVS pharmacy building) do not contribute. For these reasons, the agency’s assessment of the negative impacts of potential projects on the district must evaluate alterations immediately adjacent to and in the vicinity of the district.

Contemplation of likely redevelopment scenarios for the CVS Pharmacy property southeast of the intersection of Oak Street and Santa Clara Avenue can serve as a valuable example to demonstrate the probability of negative impacts to historic districts and properties in Alameda. For example, a developer could propose a five-or six-story mixed-use building with 75 – 100 units on the one-acre parcel; if Government Code Section 65915(d)(2)(D) (part of the State Density Bonus Law) were applied, the City would be required to allow three additional stories, resulting in an eight-story (or perhaps even taller) building. Unit density would be unlimited, and this project would be by-right, with no discretionary permitting process. A building of this height and bulk would dwarf the historic buildings in the vicinity including NRHP-listed local landmarks Alameda City Hall and Alameda

Carnegie Library on the western corners of the intersection. The Richardsonian Romanesque City Hall and the Classical Revival library face one another across Santa Clara Avenue, creating an imposing institutional gateway to the commercial district. They are comparable in massing and plan; both are rare local examples of masonry construction and extraordinarily fine examples of their respective architectural styles. Contrasting in style and color and complementary in solemn formality, the formality of the pair proclaims Alameda's significance as a community and its collective commitment to its public life. The CVS Pharmacy parcel also touches three properties that contribute to the NRHP Park Street Historic Commercial District, the Alameda Theatre on Central Ave, the diminutive Art Deco commercial building at 1419 Park Street, and the turn-of-the-century storefront/apartment building at 2316-20 Santa Clara Avenue (Figure 13). There are ten additional contributors to the NRHP district either immediately across Santa Clara Avenue or on the same block as the parcel in question. These district contributors are all one or two stories in height and have small or modest-sized footprints.

In this case, the type of project encouraged and allowed by the draft Housing Element would not result in actual demolition of historical resources and therefore would not trigger HAB review or a certificate of approval process. However, as discussed in Section 2 above, CEQA explicitly requires assessment of impacts to the immediate surroundings of historical resources. Such an assessment would be likely to find negative impacts to the historic setting from the type of tall buildings allowed by the draft Housing Element and zoning changes, in such close proximity to so many historical resources including an NRHP-district and individual NRHP landmarks. A severe disruption to the historic setting (like the one described above) will have a significant negative impact on several aspects of integrity, including feeling and association as well as setting (discussed above). Integrity of feeling is defined as a district's expression of the aesthetic sense of a particular time period resulting from the presence of physical features which together convey the historic character of the property. Integrity of association is the direct link between a historic context and a historical resource and is retained when the historic place is sufficiently intact to convey that relationship. Like feeling, association rests on the continuity of the original physical features that convey historic character. Loss or degradation of these three aspects of integrity would create significant negative impacts to historical resources (including the historic district, the library, and city hall). However, the Housing Element institutes no process for assessing such impacts, nor is assessment of indirect impacts to historical resources currently provided for by the City's procedures or local historical resource ordinance. Current zoning regulations have, in concert with the limited protections afforded by the Historical Preservation Ordinance, in the past been sufficient to protect the integrity of Alameda's historic districts. But the massive upzonings proposed by the draft Housing Element will remove the main constraint to replacing smaller, often historic, buildings with larger buildings, thereby resulting in an increase in these district intrusions and negative impacts to integrity of setting, feeling, and association. Removing the constraints provided by the existing zoning would constitute a significant effect on historical resources in the City based on the CEQA criteria discussed above. Since no discretionary approvals would be required for the project, there would be no project level environmental review. A Housing Element environmental review would therefore be the only environmental review opportunity pursuant to the Alameda General Plan EIR's tiering protocol.

Not only do the proposed zoning changes fail to address the impacts of a single tall building in a sensitive area near a historic district, but the City has also not implemented a process to assess potential cumulative effects. Multiple simultaneous projects of similar scope and scale are likely to be undertaken within a short time after adoption of proposed zoning changes. CEQA requires that these cumulative impacts be assessed and mitigated. A twelve-block area including the example site discussed above includes at least a dozen surface parking lots as well as properties like small convenience stores on large lots that will become attractive sites for redevelopment if the draft

Housing Element is adopted. Furthermore, a project already identified in the draft Housing Element as contributing 50 residential units to Alameda's RHNA obligation proposed for the former Bank of America building at 1500-04 Park Street (Figure 12) would be enabled by the new Housing Element. It would consist of 50 residential units above ground floor commercial and apparently demolish everything except the two street facades, with a four- to five-story building behind/above the preserved façades. Despite the nominal façade preservation, details of this plan are not consistent with best practices in the Secretary of the Interior's Standards and related documents for additions to historical resources and would result in a negative impact to the integrity of the building itself and the historic setting of the district. Multiple large infill projects paired with overscaled additions to historic buildings will result in the significant degradation of the historic environment and loss of integrity for the entire NRHP district. And similar impacts will occur in other areas of Alameda outside the NRHP district, most notably to the historic section of Webster Street and the potential North Park Street Residential Historic District.

There is a near certainty that multiple projects similar in scale and scope to those described above will be developed within a small area of historic Alameda if the current Housing Element is adopted. Although a detailed and specific outcome of future development of any particular parcel cannot be foretold, planning and preparing for probable outcomes is the specific purpose of the Housing Element. A cursory review of recent in nearby communities can provide a realistic framework for what is likely to occur in Alameda. In May 2020, San Francisco Chronicle columnist John King described at least ten apartment buildings between five and fourteen stories underway in downtown Berkeley with another ten in the planning stages (mostly within a block of Shattuck Avenue). Along with completion of a sixteen-story hotel, King argued that the Berkeley building boom underway is resulting in a thorough transformation of a built environment once renowned for its low-slung buildings. By October 2022, a 250-foot, 26-story housing tower had also been proposed for downtown Berkeley. Nor is the development boom in Berkeley unique in the region. Nearby Oakland is larger and denser than Alameda, and its downtown can likely absorb the transformation of office towers to housing towers without a serious rupture to its historic fabric. But tall residential buildings planned in lower-density neighborhoods outside the urban center will be more disruptive even in a large city such as Oakland. (See Appendix A for articles discussing some of these projects and demonstrating how the State Density Bonus Law has allowed height increases of two and even three stories, such as the Oakland example at 2301 Telegraph Avenue which has a 78-foot height despite the parcel's 45-foot height limit.)

Alameda is an extremely sought-after residential enclave and there is high demand for all types of housing within the City. Even regional communities that are lower density than Alameda (Hayward, San Leandro) are seeing intensive multistory multifamily development. Although Berkeley's larger size and its University are differences between the communities that suggest Alameda will not experience a building frenzy of equal size and scale, adoption of this Housing Element will set off a transformative wave of development. Adjusting Berkeley's example to account for Alameda's somewhat smaller size and slightly lower population suggests that the zoning changes would stimulate a wave of development resulting in between five and ten multistory residential projects constructed in and adjacent to the Park Street Commercial Historic District within the short to medium-term.

The provisions of the Housing Element, if adopted, will result in the degradation and potential outright destruction of Alameda's historic fabric. These provisions are specifically designed to bring multistory residential construction into established neighborhoods and will change existing design review procedures to allow ministerial rather than the current discretionary review procedures.

These changes, as can be demonstrated by recent events in nearby communities, are virtually guaranteed to result in tall residential projects being inserted into the Park Street neighborhood (and into other sensitive historic districts and neighborhoods) within a brief period. Intrusion of such large new buildings and additions into historic districts and adjacent to historic buildings in the City will result in a significant loss of integrity of setting, feeling, and association, and thus significant adverse impact to these historical resources that has not been taken into account by the City.

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Appendix A:



ABOUT

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2301 TELEGRAPH AVENUE

Approval For Community Anchor At 2301 Telegraph Avenue, Northgate, Oakland

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2301 Telegraph Avenue view from 23rd Street and Telegraph, design by Mithun and Parcel Projects

BY: ANDREW NELSON 5:30 AM ON OCTOBER 21, 2022

The City of Oakland has approved plans for the seven-story proposal at [2301 Telegraph Avenue](#) in [Northgate, Oakland](#). The unique mixed-use project aims to create a

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New Renderings For Town Tower, Potential Tallest Residential Tower in Oakland

10/26/22, 9:45 AM

Approval for Community Anchor at 2301 Telegraph Avenue, Northgate, Oakland - San Francisco YIMBY

new community anchor for the neighborhood with affordable housing, retail, offices, and a performance center. **Parcel Projects** and **McCormack Baron Salazar** are jointly responsible for the development.

The expedited approval process was in part achieved using Senate Bill 35, introduced in 2017 by State Senator Scott Weiner and approved by Governor Jerry Brown. The bill sets a standard list of requirements the project must meet to be eligible.



2301 Telegraph Avenue vertical cross-section, design by Mithun and Parcel Projects

The timeline for 2301 Telegraph started in 2015 when Parcel Projects and McCormack started engaging with neighborhoods and public meetings. The meeting with hundreds of people and 60 organizations in the city. The city first received the proposal seven months ago, in March of this year. The development permits were filed with the city just two months ago.

The 78-foot tall structure will yield 43,700 square feet, of which 4,970 square feet will be for retail. Of the 58 units, half will be dedicated to Transitional Age Youth, and one will be dedicated to an on-site manager. Apartment sizes will range from studios to one and two bedrooms. **Mithun**



Best Renderings Yet for 50 Main Street, San Francisco's Next Supertall



Renderings Revealed, Increased Height, and "The Cube" at 620 Folsom Street in SoMa, San Francisco



YIMBY Tours Newly-Opened Bristol on Yerba Buena Island



Facade Installation on Tops Out for Three Towers at Mission Rock, San Francisco

and Parcel Projects will be collaborating for the architectural design.

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2301 Telegraph Avenue semi public terrace, design by Mithun and Parcel Projects



2301 Telegraph Avenue view from the second-floor terrace, design by Mithun and Parcel Projects

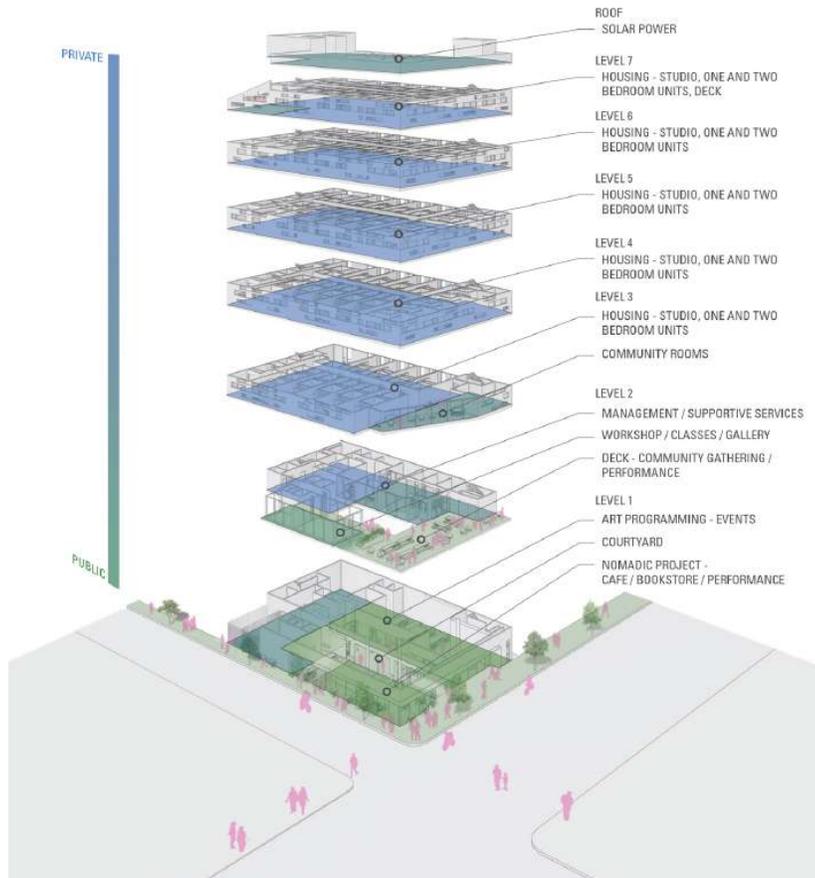
The first floor will include a cafe, bookstore, and performance center at the corner of Telegraph Avenue and 23rd Street, managed by the Nomadic Project. An art programming room will offer event space on the second half of the first floor.

The second floor will include a semi-public deck offering visitors seating with fresh air and city views. The rest of the floor will offer workshops, classes, a gallery space for arts, and offices for property management and supportive

services. The art spaces will be run by community-based arts organizations based on-site or elsewhere in Oakland.



2301 Telegraph Avenue interior view, design by Mithun and Parcel Projects



2301 Telegraph Avenue floor programming illustration, design by Mithun and Parcel Projects

10/26/22, 9:45 AM

Approval for Community Anchor at 2301 Telegraph Avenue, Northgate, Oakland - San Francisco YIMBY



2301 Telegraph Avenue evening aerial view, design by Mithun and Parcel Projects



2301 Telegraph Avenue, image via Google Street View

McCormack Baron Management, the same firm behind the 755-unit [1300 Buchanan Street](#) proposal in [San Francisco](#), will be responsible for building management. Urban Strategies Inc. and First Place for Youth will provide supportive services for residents. Apartments will populate the rest of the building from the third level and up.

Reached for comment, Parcel Projects partner Erik Bloom shared “We are thrilled to be moving forward with the project and look forward to providing much needed affordable housing and space for community-based arts organizations in Oakland.” Bloom confirmed they are aiming to start construction in 2024, and the team is working on predevelopment and construction financing now.

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[BAY AREA](#) // [EAST BAY](#)

Berkeley has a downtown housing boom right now. It's going to transform the city's character



JOHN KING

Updated: May 31, 2022 12:42 p.m.





1 of 6



The six-story Aquatic Shattuck, which opened last summer at Carlton Street, is one of a dozen apartment buildings that have been added to downtown Berkeley or are under construction.

Photos by Santiago Mejia / The Chronicle

Visit central Berkeley and there are sights you expect to see: the Campanile rising serenely from the heart of campus. Students on the sidewalks, even after commencement. Aging men and women dressed as if it's still 1974.

And then there's the unexpected — like a downtown housing boom that shows no sign of dying down.

At least 10 apartment buildings ranging in height from five to 14 stories are under construction in downtown Berkeley, most of them within a block of the district's spine, Shattuck Avenue. An equal number are approved or under review, including a proposed 25-story housing tower that would be only 60 feet shorter than the Campanile — the city's tallest building.

Architecturally, let's be honest: None of them will make people forget [Julia Morgan](#) or Bernard Maybeck, whose atmospheric buildings of shingled wood and thick masonry enriched the local landscape a century ago. But as downtown's character is transformed, its two newest apartment buildings are worth checking out for another all-important reason — to gauge whether the newcomers connect with their surroundings in meaningful ways, particularly where the structure meets the ground.

“The interface between a building and the sidewalk,” in the words of Berkeley architect and urban designer [Dan Parolek](#). Or, as he also puts it, “the building from the knees down.”

The latest addition is Identity Logan Park, which fills eight stories with 135 student apartments at the corner of Shattuck and Durant avenues, replacing half of a now-demolished strip mall (the rest of the site will hold the second phase). The other, Aquatic Shattuck, opened last summer several blocks to the south at Carleton Street.

The latter is a much better fit, and not because it's two stories smaller.

Identity Logan Park will line a block of Shattuck Avenue in downtown Berkeley with eight stories of new housing. The first phase (back) opened recently, and the second phase is under construction.
Santiago Mejia/The Chronicle

The difference starts on the ground, where the first floor notches back beneath each broad bay, a saw-tooth response to Shattuck's angled path that allows space for small patches of landscaping between the sidewalk and the building. Pulling back the ground floor from the property line also means the upper floors can extend over the sidewalk by as much as 3 feet.

All this sounds subtle, and it is, but the moves create an almost domestic tone for pedestrians along Shattuck. The building has a neighborly feel, no easy task at this scale, helped by trees that buffer the sidewalk from the street.

The floors above offer a contemporary take on Berkeley's traditional stucco apartment buildings: The Aquatic lines up along Shattuck in four orderly bays above the strong recessed base, a vertical rhythm emphasized by black metal that frames the stacks of windows and extends out several inches from the muted tan facade.

The design by Trachtenberg Architects for developer Read Investments is subdued, no question. It also resembles five similar apartment buildings the team erected near the popular Fourth Street retail strip. En masse, things can get monotonous; here, next to a fire station built of concrete blocks, it's a sophisticated upgrade to the larger roadside scene.

How you make a squat five-story building seem more vertical? At Aquatic Shattuck in Berkeley, Trachtenberg Architects used windows framed in black metal that pop out from bays covered in tan stucco.
Santiago Mejia/The Chronicle

Identity Logan Park, by contrast, feels arbitrary and detached.

More for you

Berkeley, once hostile to development, is now inviting it. But has the city actually built much housing?

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Why the state's housing crisis could bust open the S.F. skyline

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This one's flashier, with orange and white metal panels against a black stucco backdrop. It includes benches in a small corner plaza, a nice touch lacking at Aquatic Shattuck.

Wonder of wonder, there even are retail tenants — a sweets shop and a bank that were retained from the strip mall.

Mostly, though, the building designed by Johnson Lyman Architects for developer Austin Group sits there like a crate of housing adorned with just enough surface “architecture” to get an OK from the city.

Retail spaces line the sidewalk with ample glass, but their flat design does nothing to pull you in. Around the corner on Bancroft, the final stretch of street frontage after the parking entrance is unadorned gray concrete, as if no one was paying attention.

The white and orange panels above were probably intended by the architects to break up the mass of the complex and add a little pizzazz. But the colored layers are so thin they look like applique; the depth hinted at in renderings is in short supply.

Quibbles aside, a colorful building at this scale fits downtown well, especially because Shattuck is a wide boulevard. With the campus two blocks to the east, and downtown's BART station a few blocks north, it's a natural place to add density and height.

There hasn't been much fuss about the downtown boom, perhaps because the Bay Area's housing crisis makes even die-hard Berkeleyites accept the need for change. There's opposition to UC's plan to build [dorms on People's Park](#), and the idea of adding dense affordable housing at the Ashby and North Berkeley BART stations, but downtown is moving forward.

If the pace of construction continues, such newcomers, in a decade, could look downright petite.

The Aquatic Shattuck on the south end of downtown Berkeley uses projecting bays and other design touches to add depth to a six-story building that is similar in scale to many being added to Bay Area cities.

Santiago Mejia/The Chronicle

Already, a 16-story hotel opened this spring at Shattuck and Center Street, downtown's first tower in 50 years. Grosvenor, an international developer with offices in San Francisco, has cleared a corner at Shattuck and Berkeley Way to start work on 12 stories of apartments.

Those two structures are tall for a city of 124,000 people that has only two office buildings above 150 feet. But with the leeway given developers by the state's housing density bonus, which allows up to 50% extra space and height when affordable units are added to a project, the old limits could be shattered. Trachtenberg Architects has designed what, if approved, would be a 25-story slab on Shattuck next to BART. Several other sites might also be able to push this high.

That's why it's important to take stock of what's coming up now. The two buildings on the south end of downtown offer pointers on how density can make an existing district more urbane — and what not to do.

Put another way: The more new buildings that come our way in the Bay Area, the more important that space below the kneecaps will be.

John King is The San Francisco Chronicle's urban design critic. Email: jking@sfchronicle.com Twitter: [@johnkingsfchron](https://twitter.com/johnkingsfchron)

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Written By
John King

Reach John on

John King is The San Francisco Chronicle's urban design critic, taking stock of everything from Salesforce Tower to sea level rise and how the pandemic is redefining public space. A two-time Pulitzer Prize finalist and author of two books on San Francisco architecture, King joined The Chronicle in 1992 and covered City Hall before creating his current post. He is an honorary member of the American Society of Landscape Architects.

VIEW COMMENTS

Appendix B: Preparer's Qualifications

Kara Brunzell, Architectural Historian, M.A. in Public History. Ms. Brunzell has thirteen years of experience conducting architectural surveys, preparing NHPA and CEQA compliance documents, and practicing cultural resource management. Ms. Brunzell meets the Secretary of Interior's Professional Qualifications for both History and Architectural History. She holds a Master's degree in Public History and has worked in multiple facets of historic preservation and cultural resource evaluation. Her experience includes municipal preservation planning and working as the lead staff member of a non-profit preservation organization. Since 2012, she has worked full-time as a historical consultant, completing dozens of evaluations for CEQA and Section 106 compliance. Additionally, she has completed local and national register nominations, historic context statements, and Historic American Engineering Record recordation. She frequently works in the Bay Area and the greater Sacramento area and has also completed projects in Southern California, Nevada, Oregon, New York, and Puerto Rico. In addition to work with historic-period domestic, agricultural, and commercial properties for private clients, Ms. Brunzell has prepared reports on post offices, military bases, university campuses, hospitals, church properties, national parks, and a NASA site. She is listed as a Historian and Architectural Historian on the California Office of Historic Preservation's roster of qualified consultants for every county in California.



BRUNZELL
HISTORICAL

KARA BRUNZELL

Owner/Principal Historian (2009 – Present)

Brunzell Historical

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EXPERTISE

Kara Brunzell has practiced in the fields of history/architectural history, cultural resource management, and historic preservation since 2007. She has served as a consulting historian on historical research investigations for federal, state, and local governments. She is proficient in the recordation, inventory, and evaluation of historic resources using the National Register of Historic Places (NRHP) and the California Register of Historic Resources (CRHR) guidelines. Her expertise includes preparing reports and making recommendations regarding Section 106 review and compliance. Kara is experienced in applying the California Environmental Quality Act (CEQA) to both large-scale survey projects and individual historic-period resources. She has also worked in municipal preservation planning and non-profit historic preservation. Her non-profit work has included coordination of technical services, content creation and implementation for preservation education, and management of a preservation advocacy program. Kara qualifies as a historian and architectural historian under the United States Secretary of the Interior's Professional Qualification Standards (as defined in 36 CFR, Part 61).

EDUCATION

California State University, Sacramento, MA, Public History
UCLA, BA, History

CONTINUING EDUCATION

HUD's Office of Environment and Energy: Historic Preservation and HUD, May 2014
California Preservation Foundation Workshops:
 The Environmental Benefits of Reuse, August 2011
 Preservation Ordinances, April 2011
 The Use and Application of the California Historical Building Code, July 2009

SELECT PROJECT EXPERIENCE

Architectural History Effects Investigations for Telecommunications Projects, Ace Environmental LLC, (2019-current). Kara manages and authors determinations of effects studies for proposed cellular antenna installation and expansion projects located on historic-period buildings or within historic districts throughout California. Project impacts on historic properties are assessed in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, the Nationwide Programmatic Agreement for Colocation of Wireless Antennas, effective March 2001 and the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission (March 2005) as well as subsequent relevant Report and Orders. The reports assess whether the proposed undertakings would result in direct or visual effects to historic properties. Since 2019, Kara has assessed more than one hundred telecommunications sites throughout California in Alameda, El Dorado, Los Angeles, Orange, Placer, San Bernardino, Sacramento, San Francisco, Santa Clara, Santa Cruz, San Mateo, Sonoma, Stanislaus, and Ventura counties as well as in Reno, Nevada.

United States Postal Service, Determinations of Eligibility, Various Locations. Historian/Architectural Historian, 2012-present. Kara has evaluated post office buildings for NRHP listing using the appropriate National Parks Service documentation forms. Kara has also re-evaluated historic post office buildings already listed in the NRHP and prepared addendums that detail exterior and interior historic character defining features when existing documentation does not include this detail. Kara has contributed to determinations of eligibility or addendums to the NRHP nominations for the following post offices:

- Berkeley Main Post Office, California
- Broadway-Manchester Post Office, Los Angeles California
- Burbank-Glen Oaks Post Office, California
- Burlingame Post Office, California
- Commonwealth Station Post Office, Fullerton, California
- Glendale Main Post Office, California
- Huntington Beach Post Office, California
- Mission Rafael Post Office, San Rafael, California
- Napa Franklin Station Post Office, California
- Red Bluff Main Post Office, California
- Redlands Post Office, California
- Richmond Post Office, California
- San Rafael Post Office, California
- Santa Barbara Main Post Office, California
- Santa Clara Post Office, California
- Santa Monica Post Office, California
- Worldway Postal Center, LAX, California
- East Hartford Post Office, Connecticut
- Lihue Main Post Office, Hawaii
- College Station Post Office, New York
- Morgan North Post Office, New York
- James A. Farley Post Office, New York
- Luis A. Ferré US Courthouse & Post Office, Ponce, Puerto Rico
- Provo Main Post Office, Utah

NRHP District Nomination of Asilomar Conference Center, Pacific Grove, Monterey County (2020-2022).

Kara nominated of buildings designed by noted Modernist John Carl Warnecke and constructed at Asilomar Conference Center between 1959 and 1968 to the NRHP. Asilomar was originally designed by Julia Morgan and developed between 1913 and 1928, and the Morgan buildings are listed on the NRHP as a district.

Historic Context Statement, Richmond Grove Neighborhood, Sacramento, Sacramento County, California (2021 – 2022).

Kara managed an intensive neighborhood historic context survey and historic district evaluation for a neighborhood within the original Sacramento street grid. About 500 residential, commercial, and institutional properties were surveyed, with over half recommended eligible as individual landmarks or contributors to a potential historic district. The neighborhood was documented on DPR 523 series forms and a detailed report nominating it as a local historic district was produced.

Impacts Analysis, Judicial Council of California Learning Center, San Francisco Judicial Courts (2021-2022)

The Judicial Council of California and the Supreme Court of California are planning to construct the Judicial Learning Center in the historic Earl Warren California Supreme Court Building (1926). The Earl Warren Building is a contributor to the NRHP-listed San Francisco Civic Center Historic District as well as the San Francisco Civic Center National Historic Landmark, which features some of the most important Beaux Arts architecture in the US and is widely considered one of the most completely realized examples of City

Beautiful planning. Kara provided a historic property impacts analysis pursuant to California Public Resources Code 5024.5 (which applies to state-owned buildings), photographing the project area and exterior of the historic building, meeting with stakeholders including project architects to discuss design of the project to avoid negative impacts to the historical resource, and preparing a technical impacts analysis memo.

Historic Standards Review, Proposed Alterations to Castanada Adobe, Sonoma, California (2015 and 2021). Kara assisted with the conversion of the NRHP-listed Castanada Adobe from residential to commercial use in 2015, reviewing architectural plans for conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. She worked with the property owners and their architects to ensure the alteration in use would not have a negative impact on the historic integrity of the 1830s-era adobe. When alterations were planned in 2021, Kara again reviewed the project for conformance with the standards.

Historical Evaluation of the Clark Ranch near Table Bluff, Humboldt County, California (2021). Kara evaluated the historic-era rural-residential complex for architectural and historical significance pursuant to Section 106. The property lacked significance under the criteria and was recommended ineligible for the NRHP and CRHR.

Historic Architectural Survey Report, Lenwood and Colton, California High-Speed Rail Authority (2019 – 2021). Kara managed Section 106 and CEQA compliance for a stretch of the High-Speed Rail project area in San Bernardino County. Kara oversaw preparation of appropriate local and architectural historic contexts and evaluation of built-environment resources. Five properties were evaluated on DPR 523 series forms and streamlined documentation was prepared for an additional 22 properties.

Historical Evaluation and Historic Standards Review, England Estate, Redlands, San Bernardino County, California (2019 – 2020). Kara evaluated a historic citrus estate consisting of multiple components associated with the grove and its residential complex, most significant among them being two residential buildings, a carriage house, detached garage, and a grove barn. The property was recommended eligible for the NRHP as an excellent example of a historic citrus estate, and important local historic property type. A proposed project was assessed for impacts; the study recommended that preservation of the buildings and a small portion of the orange grove along with development of housing on the bulk of the property's acreage would not result in a negative impact to the historical resource.

I-80/Ashby Avenue Interchange Improvement Project, Alameda County (2019). Kara prepared an assessment of the built environment resources (a radio station and tunnel) in the project study area for inclusion in a Preliminary Environmental Assessment Report for California Department of Transportation review. She conducted a field review, recorded buildings in the project area of potential effects on California Department of Parks and Recreation 523 forms, and evaluated the recorded resources for NRHP and CRHR eligibility.

Mitigation Documentation of the Intercoast Life Insurance Company Building, Davis, Yolo County (2019). Kara prepared detailed documentation of an architecturally significant building in Davis as an approval condition for demolition. The Intercoast Life Insurance Company Building was a singular example of an architect-designed corporate headquarters completed in 1966, which incorporates New Formalist and Googie influences. It was an ambitious example of regionally important architect Silvio Barovetto's body of work, and represents the late period of his career, characterized by bold and audacious Modernist designs.

California Federal Emergency Management Agency Environmental and Historic Preservation Technical Assistance, northern and southern California, 2017-2019. Kara served as a Historian providing historic preservation compliance support for 22 projects in northern and southern California, submitted to the FEMA Region IX Hazard Mitigation Branch. Duties include recordation and evaluation of buildings and structures 45 years and older on Department of Parks and Recreation (DPR) 523 forms and State Historic

Preservation Office (SHPO) Section 106 of the National Historic Preservation Act consultation including preparation of SHPO packages. Project areas include San Bernardino, Riverside, Napa, Humboldt, Amador, and Lake Counties.

Environmental Reviews for the Restore Louisiana Disaster Recovery Program, Louisiana, 2017 – 2018.

Serving as a Historian/Architectural Historian for Louisiana's disaster recovery programs funded by CDBG-DR grants awarded for the unnamed storms of 2016. These reviews are being conducted for the Louisiana Office of Community Development, Disaster Recovery Unit pursuant to the HUD NEPA Regulations (24 CFR Parts 50 and 58). This process includes identification of historic properties for inclusion in the NRHP, consultation with the Louisiana State Historic Preservation Office, and application of the Programmatic Agreement.

NRHP Nomination of Sperry Flour Company, Vallejo, Solano County, California, 2017. Kara prepared the NRHP nomination packet including historic context, the 10-900 form, historic figures, and photo-documentation of the historic flour mill. Located on the eastern shore of Mare Island Strait, flour was milled on the site with few interruptions from 1869 through 2004. The district's most important resources are its World War I-era mill buildings, which were designed by engineer Maurice Couchot represent an important early use of reinforced concrete in large industrial buildings. It was added to the NRHP in late 2017.

Historic Assessment, Muir Woods, Golden Gate National Recreation Area, Marin County, California, 2016-2017. Kara acted as Lead Historian for a condition assessment and documentation of contributing elements to the NRHP-listed Muir Woods Historic District at Muir Woods National Monument in preparation for a planned habitat enhancement project. She also assisted with preparation of the cultural resources section of the Draft Subsequent EIR for this project.

Historic Resources Survey, NASA/Jet Propulsion Laboratory, Pasadena, California, 2015. Kara acted as Historian/Architectural Historian for a historic resource survey conducted for the National Aeronautics and Space Administration's (NASA's) Jet Propulsion Laboratory (JPL) Pasadena facility. Kara assisted with analysis of whether the seven previously determined eligible buildings and structures at the JPL facility (and the 20 buildings and structures that are the subject of this survey) possessed a linkage historically or aesthetically and retained their historic significance and integrity to merit listing in the NRHP as a historic district.

Lawrence Berkeley National Laboratory (LBNL) Second Campus Project Environmental Assessment and Environmental Impact Report, 2012 – 2013. Kara contributed to the preparation of a draft historic resources evaluation report as part of an Environmental Assessment and Environmental Impact Report prepared for LBNL's proposed second campus in Richmond, California. The project included the recordation and evaluation of twenty historic-period buildings within the project area according to National Register of Historic Places and California Register of Historic Resources criteria.

Architectural Historian for Historic Buildings and Structures Inventory for Fort Hunter-Liggett, Jolon, California, 2012 – 2013. Kara participated in the preparation of an update to the existing Fort Hunter Liggett inventory of historic buildings. The project included the recordation and evaluation of twenty historic-period buildings located within the boundaries of Fort Hunter Liggett. None of the buildings were found eligible for the National Register of Historic Places of the California Register of Historic Resources.

Comments to 2045 General Plan draft EIR and Housing Element update from PANIL

William Manley <bmanleynow@yahoo.com>

Tue 5/9/2023 11:38 AM

To: General Plan <generalplan@oaklandca.gov>

Cc: Valerie Winemiller <vwinemiller@hotmail.com>;chris Wilder-Abrams <cwilderabrams@gmail.com>;Gail Jara <gailjara@gmail.com>;margitta gardner <migbrynas@gmail.com>;Jeff Angerman <jeffangermann@gmail.com>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

The Piedmont Avenue Neighborhood Improvement League (PANIL) has reviewed the draft General Plan draft EIR and Housing Element and would like to submit the following comments

1. With the push for densification of housing. The General Plan should require. public open space (parks, playgrounds, gardens), based on density and within a walkable proximity of all new residences. We propose for housing,
 - a. The maximum proximity to public open space should be 1/4 mile.
 - b. There should be a ratio between housing sq. footage and open space square footage of approximately 20/1. For example, 1000 sq. ft. of housing would require 50 sq. ft of public open space; 20 such units would require 1000 square feet of public open space. This ratio could be adjusted for circumstances, but generally it should be the norm.

2. The minimum width of a sidewalk should be 10 feet between a curb and a building when in urban and rural main street place types. For all other locations the minimum width of sidewalk should be 6 feet when contiguous to a curb or 5 feet when separated by a planting strip. Sidewalk width does not include curbs. With increases in sidewalk activities (e.g. dining), and the need to provide better more un-encumbered walking spaces for seniors (aging population) and youngsters, these should be the standards.

3. The City should significantly increase affordable housing in-lieu fees on new development by 50-75% to
 - a. generate more revenue for affordable housing and open space
 - b. promote more inclusion of low-cost units within new construction

4. There are no current design guidelines that apply to non-commercial corridor districts like Piedmont Avenue even though these districts possess many of the same qualities as commercial corridor districts. The Housing Plan should be modified to state "The Oakland Commercial Corridor Design Guidelines be applied to all commercial districts in the city of Oakland."

O-4-1

William Manley
Steering Committee, PANIL

Comment Letter O-5

Re: Comments to 2045 General Plan draft EIR and Housing Element update from PANIL

Jeffrey Angermann <jeffangermann@gmail.com>

Tue 5/9/2023 12:15 PM

To: Valerie Winemiller <vwinemiller@hotmail.com>

Cc: General Plan <generalplan@oaklandca.gov>; William Manley <bmanleynow@yahoo.com>; Chris Wilder-Abrams <cwilderabrams@gmail.com>; Gail Jara <gailjara@gmail.com>; Margitta Gardner <migbrynas@gmail.com>

This is from a Chris Buckley email dated 23 April. Valerie you were copied on it.

Attached are the documents referred to in my email below. In the Commercial Corridor Design Guidelines, the most relevant provisions are probably Sections 5.2.1 And 5.5.1. According to the Guidelines, these sections are especially applicable to AP1s and AS1s, which the Piedmont Avenue business district does not fall into, but I think a case can be made that the architectural characteristics of the district are similar to AP1s/AS1s and that those sections are therefore relevant., especially addressing the height context as discussed in 5.5.1.

O-5-1

I have added James Vann to this thread, so that he is in the loop, especially since since he started this discussion with his initial email below. I am also adding key OHA members Daniel Levy, Mary Harper and Amelia Marshall.

Chris
510-697-0411 cell

On May 9, 2023, at 12:06, Valerie Winemiller <vwinemiller@hotmail.com> wrote:

I had to go to get a blood test and they were running spectacularly behind. I am just now getting home and seeing this.

Thanks for stepping forward on this, Bill.

I haven't had a chance to read the design guidelines referred to and would be surprised to think that the Ave doesn't have any. I'm not sure we should have advocated for these other guidelines, as Piedmont Ave guidelines have always been stronger than other commercial streets in the city that are more vehicle-centric.

~Valerie

From: General Plan <generalplan@oaklandca.gov>
Sent: Tuesday, May 9, 2023 11:39 AM
To: William Manley <bmanleynow@yahoo.com>
Cc: Valerie Winemiller <vwinemiller@hotmail.com>; Chris Wilder-Abrams <cwilderabrams@gmail.com>; Gail Jara <gailjara@gmail.com>; margitta gardner <migbrynas@gmail.com>; Jeff Angerman <jeffangermann@gmail.com>
Subject: Re: Comments to 2045 General Plan draft EIR and Housing Element update from PANIL

Good morning,

Confirming receipt of your comment.

General Plan Update Team | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612
| Email: generalplan@oaklandca.gov | Website: www.oaklandca.gov/topics/general-plan-update | [Sign up to receive General Plan Update e-mails.](#)

The City buildings at Frank H. Ogawa Plaza are closed to the public until further notice. For the current status of all Planning and Building Department services, please go to the following: <https://www.oaklandca.gov/news/2020/planning-building-department-response-to-shelter-in-place>

From: William Manley <bmanleynow@yahoo.com>
Sent: Tuesday, May 9, 2023 11:38 AM
To: General Plan <generalplan@oaklandca.gov>
Cc: Valerie Winemiller <vwinemiller@hotmail.com>; Chris Wilder-Abrams <cwilderabrams@gmail.com>; Gail Jara <gailjara@gmail.com>; margitta gardner <migbrynas@gmail.com>; Jeff Angerman <jeffangermann@gmail.com>
Subject: Comments to 2045 General Plan draft EIR and Housing Element update from PANIL

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The Piedmont Avenue Neighborhood Improvement League (PANIL) has reviewed the draft General Plan draft EIR and Housing Element and would like to submit the following comments

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a. generate more revenue for affordable housing and open space
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4. There are no current design guidelines that apply to non-commercial corridor districts like Piedmont Avenue even though these districts possess many of the same qualities as commercial corridor districts. The Housing Plan should be modified to state "The Oakland Commercial Corridor Design Guidelines be applied to all commercial districts in the city of Oakland."

William Manley
Steering Committee, PANIL

Phase I Oakland 2045 General Plan Update Draft EIR Comments

ARLINDA BEFORT <ajbefort@sbcglobal.net>

Tue 5/9/2023 2:36 PM

To: Rajagopalan, Lakshmi <LRajagopalan@oaklandca.gov>; General Plan <generalplan@oaklandca.gov>

1 attachments (18 KB)

Phase I Oakland 2045 General Plan Update Draft EIR Comments.docx;

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

The 4185 Piedmont Avenue project has caused me to get involved in the zoning update discussion. Not only is this monstrosity a poor fit for the neighborhood, but this type of zoning has the potential to wreak long term havoc on a neighborhood that already lacks sufficient parking. The fact that it is an ugly piece of architecture that is two stories too high for the neighborhood (allowed because of the density bonus) should have been enough to stop the project, BUT the long-term issues that arise from eliminating on-site parking in an already congested neighborhood is truly serious.

Eliminating the on-site parking requirement for a new apartment complex on a commercial corridor next to neighborhood that is already congested because of insufficient parking due to employees of retail establishments, USPS branch, four schools, as well as shoppers and residents needing parking creates an untenable situation for those of us who work, shop, and live in the neighborhood. Neighborhood circumstances, in this case shortage of parking spaces, need to be taken into consideration when new complexes are planned.

As a long-term tenant and a registered nurse who worked the swing shift, I can tell you that on-site parking is a necessary safety issue for many tenants. Do not think that the city or the state are going to get these tenants to give up their cars. While some people may well not need cars if they live near transit lines, options need to be available for those who find car ownership essential:

- to get to or from their jobs in a safe manner late in the evening; e.g., shift workers, like RNs, who work evenings or nights. Lack of housing with on-site parking could result in a shortage of those willing to work these hours.
- to get between jobs in a timely manner: e.g., low income who work more than one job daily and those tight schedules make it unfeasible to use public transit.
- to get to destinations not easily accessible via public transit.
- for trips that include multiple errands and/or grocery shopping (cabs are loathe to pick someone up with groceries or laundry). Working people often have much to get done on their days off.
- for those, like the elderly or disabled, whose car ownership helps them stay independent.

If the city and state are intent on reducing parking within new multi-unit residential developments at least ease into it so that the necessary public transit infrastructure (currently inadequate) has time to ramp up to meet the needs. Ease in so that government can study whether doing this is effective in getting people out of their cars OR if it makes living in the affected neighborhoods untenable. I understand from Assembly Member Buffy Wicks office that NO study was done before this code was set into law. To go full throttle without a study is a recipe for disaster.

If the city/state insists on reducing on-site parking in new residential, please consider:

- Easing in with 75% on-site parking requirement to meet residents with the most pressing parking needs and provide time for public transit to provide for possible increased ridership. In other words, EASE into removing on-site parking and see how it goes. Particularly important in neighborhoods where parking is already at a premium and for large developments. Revisit this on-site parking reduction at five-year intervals to see if it is effective both for city/state goals and tenant needs. Right now, there is NO provision to revisit the zoning code decision as written.
- On-site parking prioritized on a “needs” basis: targeting workers who require vehicles to get to their jobs in a safe and/or timely manner. For those require the use of a vehicle intermittently, like the elderly or disabled, there could be a number of short-term hourly rental cars on-site or daily rentals nearby, moped/motorcycle parking, and bicycle storage/parking for those who are willing to take transit if augmented by bicycling to ultimate destination. Parking should NOT be automatically excluded in a rental package just because someone lives within 1/2 mile of a transit stop.

This document also attached below for your convenience. Thank you for your consideration.

Sincerely,

Arlinda Befort
4220 Montgomery St, #106
Oakland, CA. 94611

I-1-1

Comment Letter I-2

Phase I Oakland 2045 General Plan Update Draft EIR Comments

Bernie Rossi <rossi@berkeley.edu>

Tue 5/9/2023 4:30 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

My comments on the Oakland General Plan and associated zoning and building codes pertain to the need for sufficient parking, especially in light of housing laws recently enacted by the State of California.

State law that exempts builders from providing on-site parking will force many more drivers to park on-street. Finding parking spaces in those neighborhoods where parking is in short supply is a quality-of-life issue, as well as an environmental issue. Endlessly circling neighborhoods searching for a space simply spews more carbon into the air.

While intended to increase affordable housing and perhaps encourage people to give up their cars, the law's result leaves many in an impossible situation. A parking shortage weighs most heavily on the elderly, the disabled, and workers with long commutes or late shifts. For these, the use of mass transit is not feasible, and often dangerous.

Clearly, decades-long access to transit lines has not driven residents to give up their cars.

Furthermore, mass transit ridership has significantly dropped recently and is not expected to recover. A huge investment in transportation would be needed for transit use to grow enough to motivate people to abandon their cars. That is not likely.

Solutions must be found to provide both housing and parking, while not degrading the quality of neighborhood life. That requires City and State jurisdictions to recognize that codes must account for local conditions and not impose a one-size-fits-all standard that predictably will make life worse. Please, require parking in new construction in those areas with parking space shortage.

Sincerely,

Bernardette Rossi
327 62nd Street
Oakland CA 94618

I-2-1



Reply

Forward

Phase I Oakland 2045 General Plan Update Draft EIR Comments

Jim Marro <jcmrutland@sbcglobal.net>

Tue 5/9/2023 1:40 PM

To: General Plan <generalplan@oaklandca.gov>

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

The revision of the Oakland General Plan and the associated zoning and building codes provides both an opportunity and a challenge, especially in light of housing laws recently enacted by the State of California.

Occasionally, well-intentioned legislation results in unintended negative consequences. Such is the case with AB2097. That law’s provision exempting residential builders from providing on-site parking will force drivers to park on-street. Finding parking spaces in those neighborhoods where parking is in short supply relative to demand is problematic at best and nightmarish at worst.

While the law is intended to foster affordable housing and perhaps encourage people to give up their cars, the result leaves many in an untenable situation. The parking burden falls most heavily on the disabled, the elderly, and those workers whose long, complicated commutes or late-hour shifts make use of mass transit unworkable, or even dangerous.

For example, the area around Piedmont Avenue in Oakland, has a particularly acute and chronic shortage of off-street parking, largely because of the robust commercial life of the Avenue. Unfortunately, decades-long proximity to existing transit service has not motivated residents to give up their cars.

For myriad reasons, including COVID, mass transit ridership has drastically declined. A massive investment in infrastructure would be required for transit use to rise enough to motivate people to abandon their cars. That seems highly unlikely.

In response to the COVID-19 pandemic, AC Transit has temporarily suspended service on lines throughout the service area. Several lines do not operate even during commute hours.

BART carried 118 million riders in 2019, and fewer than 35 million in 2022.

Clearly, Bay Area mass transit will not be the solution to affordable housing, or getting people to abandon their cars anytime soon. But there are ways to provide housing *and* parking, as well as preserve neighborhood quality of life. That requires City and State jurisdictions to recognize that codes must account for local neighborhood conditions and not impose a draconian one-size-fits-all standard that predictably will make life worse. Please, require parking in new construction in those neighborhoods with chronic and acute parking space shortage.

Sincerely,
Jim Marro
4149 Howe Street
Oakland CA 94611

I-3-1