

**CEQA FINDINGS:****Certification of the EIR, Rejection of Alternatives and  
Statement of Overriding Considerations for the Downtown Oakland Specific Plan****I. INTRODUCTION**

1. These findings are made pursuant to the California Environmental Quality Act (Pub. Res. Code section 21000 et seq; "CEQA") and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.) by the City of Oakland City Council in connection with the Environmental Impact Report (EIR) prepared for the Downtown Oakland Specific Plan ("Plan", or "DOSP"), SCH #2019012008.
2. These CEQA findings are attached and incorporated by reference into each and every staff report, resolution and ordinance associated with approval of the DOSP.
3. These findings are based on substantial evidence in the entire administrative record, and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings.

**II. PROJECT DESCRIPTION**

4. The DOSP encompasses approximately 930 acres bounded by 27th Street to the north; I-980 and Brush Street to the west; the Jack London estuary waterfront to the south; and Lake Merritt, Channel, and 5th Avenue to the east. Although considered within the fabric of downtown, Chinatown is not included in the boundaries of the DOSP Area because it previously went through its own specific planning process that led to the adoption of the Lake Merritt Station Area Plan in 2014.

Downtown Oakland plays many important roles in the City of Oakland ("City") and the entire Bay Area, including serving as a regional employment center, transit hub, civic and cultural center, and visitor destination. Downtown is the largest employment center in Oakland and the East Bay and economic activity in Downtown Oakland generates tax revenues that support municipal services throughout the City. Hotel, retail, and office uses, as well as arts, entertainment and nightlife all generate significant fiscal benefits for the city since visitors, shoppers, employers, arts patrons and nightlife revelers pay a variety of taxes and fees, as well as supporting local businesses. While downtown is a resource for all of Oakland and the broader East Bay region, it is also a series of unique neighborhoods with distinct characters, needs and opportunities. Downtown's success as an economic, social, and cultural engine for the city is also dependent on the success of its neighborhoods and commercial hubs.

**5. Historic and Cultural Resources within the Plan Area**

There are approximately 50 officially designated City Landmarks; approximately 23 APIs and 29 ASIs; approximately 40 NRHP-listed Individual Properties; and three NRHP-listed Historic Districts (Downtown Oakland Historic District; Harrison and 15th Streets Historic District; and Oakland Waterfront Warehouse Historic District); two National Historic Landmarks (the Paramount Theater and the Lake Merritt Wild Duck Refuge); and numerous properties that have been surveyed and ranked using the OCHS rankings and included in the Local Register.

***FINDINGS***

## 6. Specific Plan

The DOSP sets forth bold strategies for physical improvement projects and supporting policies that balance community priorities, attend to the City's most vulnerable residents, and carefully shape the design of downtown to accommodate necessary growth in housing, jobs, business and cultural innovation while protecting residents and businesses from displacement, preserving our most important historic resources, and activating public spaces that celebrate Oakland's community and unique heritage. The Plan identifies opportunity sites—typically parking lots and low-scale, underutilized buildings that could be redeveloped over the next 20 years to accommodate job-generating land uses and much needed housing, while capitalizing on downtown's excellent transit assets, central location, and beautiful waterfront setting.

The Plan's chapters are organized by six key goals and include policy recommendations and regulatory changes for achieving a vision for a Downtown Oakland that serves the needs of all Oaklanders. A seventh goal has been added to address ongoing implementation and engagement following Plan adoption; it contains policies for inclusive implementation, a detailed implementation matrix, and information on concurrent actions the City is undertaking. An Appendix includes detailed project lists and technical appendices that have informed the Downtown Oakland Specific Plan.

The central ideas of each Plan chapter are summarized below:

**1. Economic Opportunity (E):** *Make downtown a racially and economically diverse regional employment center by identifying employment priority sites, targeting training for living wage jobs to fill those spaces, and by investing in small businesses and businesses owned by women and people of color.*

Key investments and policies include identifying office priority sites and promoting density at downtown's regional transit hubs; activating ground floor retail/commercial spaces by developing a program to master lease vacant spaces, and sub-lease them to small, local and culturally relevant retailers, artists and artisans; and development of employment training programs to ensure that employment growth benefits the Oaklanders most need of opportunity.

**2. Housing and Affordability (H):** *Maintain downtown as a collection of unique, livable, and complete neighborhoods where all Oaklanders have an opportunity to live by adding 29,100 new homes by 2040 and expanding income restricted affordable housing units by between 4,365 and 7,275 units.*

Key investments and policies include encouraging growth of housing; prioritizing services and housing for residents experiencing homelessness or at risk of homelessness; implementing tools to prevent displacement as well as funding mechanisms to provide below market housing; and designing units for seniors and people with disabilities.

**3. Mobility (M):** *Connect people across Oakland to downtown and unify downtown by expanding high quality transit, bicycle routes, pedestrian access, and amenities for active street life.*

Key investments and policies are centered on streetscape investments to increase connectivity and safe access to employment, recreational, and civic resources; including landscape, pedestrian and public space improvements, dedicated transit lanes and expansion of downtown's bicycle network.

**4. Culture Keeping:** *Leverage and protect Oakland's diverse cultures as an engine for artistic innovation and economic growth by establishing and implementing cultural districts downtown with support for cultural institutions and businesses.*

Key investments and policies include implementation zoning and land use regulations to preserve and enhance existing arts, culture, assembly, and custom production/maker uses throughout downtown, including protections for live/work and Arts and Production space for small-scale uses, as well as increased funding and support for arts and culture programs and organizations, including the establishment of a Citywide Cultural Districts Program.

**5. Community Health (CH):** *Enhance quality of life and health for all Oaklanders by improving and expanding public spaces, strengthening community resilience, implementing urban greening projects, reducing private vehicle trips, and shifting to renewable energy sources.*

Key investments and policies include creating a safe and healthy public realm through improvements to streets, parks, and open space, with a focus on enhancing connections between the Lake Merritt, Channel, and Estuary waterfronts and the rest of downtown, and reducing greenhouse gas ("GHG") emissions by investing in improvements to the walking, biking and transit network and eliminating fossil fuels from building systems.

**6. Land Use and Urban Form (LU):** *Foster new development that serves all Oaklanders and addresses housing and employment demand by preserving historic and cultural assets; creating a lively, interactive, vibrant and culturally relevant public realm; and providing increased building intensity in exchange for pre-defined community benefits.*

Key investments and policies include development and invest in coordinated streetscape improvements to link commercial and residential activity centers with waterfront areas via the proposed "Green Loop"; revising land use and zoning regulations to reflect Plan goals to target new density near transit; designation of "Office Priority Sites" and arts/culture districts; as well as creation of a streamlined development incentive program to provide increased building intensity in exchange for pre-defined community benefits.

**7. Implementation and Engagement (IE):** *Residents and stakeholders are included in the ongoing decision making and implementation of the Downtown Oakland Specific Plan, and, with the City, are accountable for current initiatives and for the successful adaptation of the Specific Plan over time as conditions change.*

Based on the goals and objectives, the Plan directs an ambitious set of policies, across a variety of topic areas, to achieve equitable and sustainable development that will take time, additional resources and coordination across a variety of departments, agencies and stakeholders to implement. This chapter includes several mechanisms for Plan implementation such as policy revisions, studies, programs, coordination, and oversight of mitigation measures. Organized into a matrices that are based on each of the DOSP goals; each mechanism identifies action steps, a timeframe, a lead agency and potential partners, estimated costs and potential funding sources, as well as related policies and equity indicators.

#### **7. Planning Code, Zoning Map and General Plan ("Zoning Amendments")**

The Planning Code informs the location of buildings, their form, how they relate to each other and the surrounding context, and how well they are adapted to social and environmental conditions.

Zoning changes are vital to achieving the objectives of the DOSP. The Draft Zoning Amendments (Attachment #. D-DT Downtown District Zones Regulations) are only one implementation mechanism out of many that the DOSP's Implementation Matrix identifies, but the proposed code amendments respond to a significant number of the DOSP's objectives. These amendments are intended to be adopted in parallel with adoption of the Final Downtown Oakland Specific Plan to ensure that all new development approved upon adoption is consistent with the intent of the DOSP. The proposed Zoning Amendments, which apply to corresponding zones on the Zoning Map, include a full rezoning of the entire DOSP area, with updated activity tables, changes to height and intensity, new development standards, as well as several new special districts and programs. These new standards and regulations apply to corresponding zones on the Zoning Map. Many aspects of the Zoning Amendments are designed to support historic preservation of or mitigate impacts to Downtown Oakland's historic resources, particularly the Transfer of Development Rights program. The following describes the highlights of the proposed Zoning Amendments and identifies staff response to key issues and concerns expressed by the Oakland Heritage Alliance (OHA), Coalition of Advocates for Lake Merritt (CALM) and other community members at the LPAB hearing and via correspondence:

*Zoning Map Amendments*

- Height and Intensity Area Maps (updated)
- Downtown Zoning Districts (updated)

*Planning Code Amendments*

- Land Use Activities (updated)
- Special Districts (new)
- Transfer of Development Rights (TDR) program (new)
- Development Standards (updated)
- Zoning Incentive Program (new)

8. **Zoning Map Amendments**

**Height and Intensity (HIA) Maps** update an existing map to focus height and intensity in the Lake Merritt Office District, City Center and the new Victory Court mixed-use area between Oak Street and Lake Merritt Channel south of I-880 to accommodate necessary growth, while maintaining lower height and intensity in Old Oakland, the Produce Market and the Art + Garage District to preserve valuable historic and cultural resources. To implement the Zoning Incentive Program ("ZIP"), these have been separated into two maps.

- The "**Base HIA Map**" identifies maximum height and intensity for projects not participating in the ZIP.
- The "**ZIP HIA Map**" identifies maximum height and intensity in the ZIP areas for projects that choose to participate in the ZIP.

The "**Downtown Zoning Districts Map**" revises existing zoning CBD designations that were updated in 2009 to the north of Interstate 880 and older zoning within the Estuary Policy Plan area to the south of Interstate 880, to create a unified system of Downtown District zoning designations. Downtown Core Districts: There are three Downtown Core Districts as previously proposed in the Draft DOSP (2019); Downtown Core I: Mixed-Use District (D-DT-X), Downtown Core II: Commercial District (D-DT-C), and Downtown III: Pedestrian District (D-DT-P). Changes were made to the D-DT-P and D-DT-C zone boundaries and limitations to relax restrictions on

ground floor spaces in all but key pedestrian areas with the intention of helping fill vacant ground floor commercial spaces.

**Fire Alarm Building (FAB):** The original proposal to increase the FAB height limit from 55' to 90' has been revised to 65'. 65' would allow redevelopment of the site, potentially as a Jazz Museum or as an expansion of the Main Library, as desired by the City and community members. This height is consistent with the neighboring Oakland Museum of California, Oakland Public Library, County Courthouse, and the adjacent Black Arts Movement and Business District ("BAMBD") along 14th Street. Additionally, the City owns the land and will have control over design review of this site. This site is not intended to be sold for market-rate housing, as some commentors have feared; it is intended to be used for public purposes.

### Lakeside/Gold Coast Area

Staff has revised its original proposal to increase the height limit from the existing 55' limit to 65' rather than 90' due to concerns about an appearance of a solid wall of buildings along Lake Merritt blocking views of downtown. Although many of the existing lakefront buildings are taller than 65', this height change allows for desired redevelopment that is consistent with existing area heights, including many existing beautiful 4- to 6-story multifamily residential buildings.

**Targeted Height Reductions to Protect Historic Character** have been proposed where there is a consistent height context. Staff does not recommend lowering heights for entire neighborhoods of the CBD based on existing low-height historic buildings in locations where dense housing and workplace development is desired, i.e., in transit- and service-rich areas. City staff have proposed strategies to protect and restore historic properties through a carefully designed TDR program. In addition, citywide Objective Design Standards (currently under development) will help to preserve visual character by including design transitions between differing height contexts. Where there is a consistent height context for historic buildings, targeted reductions have been proposed. These include.

- 17th Street between Franklin and Harrison: Reducing the northeast half of the block between Broadway and Franklin (office building at 426 17th Street and church at 1701 Franklin) from HIA 18 (No Limit) to HIA 6 (65').
- 15th Street between Broadway and Harrison: Heights are already proposed to be reduced from the existing "No Limit" to HIA 10 (90') to be consistent with the other buildings along 15th Street.
- Victorian residential neighborhood on 22nd Street (Telegraph-MLK): Changing HIA 6 (65') to HIA 5 (55') where there is a consistent height context in the API on the south side of 22nd Street and the north side near MLK. Staff does not recommend reducing the remainder of the block. The HIA 10 (90') area is auto garage and postal facility that should be redeveloped; it is not part of an API.
- Victorian residential neighborhood on 18th Street (Jefferson-MLK): Changing the south side with Victorians from HIA 5 (55') to HIA 4 (45').
- Produce Market: Removing two already-developed parcels from the boundary and then changing this area from HIA 5 (55', FAR 3.5) to HIA 3 (45', FAR 2.5), which includes modest change from the existing FAR 1.0 to allow building owners to add second story additions that

might help improve the economic viability of maintaining the market. Adding design standards for the Produce Market to include a step-back for upper floor additions.

Planning Code and Map Changes Land Use Activities and Facilities Tables have been updated to reflect the proposed Zoning Map. They include additional land use activities such as Artisan Production Commercial and Boat and Marine-Related activities. The limitations have been revised to reflect DOSP zoning goals such as activation of ground floor uses, reserving work/live units for active commercial uses, and reducing restrictions for Group Assembly Commercial activities (such as entertainment venues).

**New Special Districts** have been developed and mapped, including:

- **Sea Level Rise Combining Zone:** Requires Adaptation Plans for new construction and planned unit development (“PUD”) and infrastructure upgrades in Victory Court.
- **Black Arts Movement and Business District (“BAMBD”) Arts and Culture Combining Zone:** Includes three initial nodes along 14th Street as a pilot; requires new projects dedicate 50% of ground floor to cultural uses, with broad definition to include business; and requires CUP for non-arts and cultural uses on the ground floor. Supported by Zoning Incentive Program’s below market-rate commercial space benefit.
- **Employment Priority Sites:** Requires key large sites near transit be developed with 60% of the maximum FAR non-residential uses.
- **Green Loop and Lake Merritt Channel:** Requires frontage and landscaping elements along the Green Loop and a 60’ landscaped setback from the Lake Merritt Channel.
- **I-880 Freeway Zoning:** Creates three separate zones under the freeway to allow broad uses adjacent to industrial areas while providing a more pedestrian-friendly environment in key pedestrian under-crossings. Prohibits storage uses; requires curb, gutter and landscaping requirements for parking facilities; and encourages Caltrans to allow pop-up stores and recreational uses to activate under freeways.

9. **A Transfer of Development Rights (TDR) Program** has been designed to incentivize the protection of historic buildings in the DOSP area by allowing their owners to sell unused development rights, including some or all of the difference between the existing building’s height, density, and/or floor area and the maximum allowed by zoning, to owners of sites in less historic areas of downtown.

The transfer of development rights from a single sending site may be transferred as a group to a single receiving site or in separate increments to several receiving sites. This transfer results in an increase in the number of dwelling units and/or amount of floor area than would otherwise be permitted at the receiving site. A receiving site being granted additional density over the base must be in a location that permits Residential Facilities, and a receiving site being granted additional nonresidential floor area over the base must be at a location that permits Enclosed Nonresidential Facilities.

Both the receiving and sending sites must be within a D-DT Zone. Receiving sites must be within the Zoning Incentive Program (“ZIP”) area. Only half the development capacity allowed under the ZIP may be achieved through the TDR program (to encourage participation in ZIP). The project at the receiving site must meet the finding that the height and bulk of the proposal for the receiving site is consistent with the desired character of the block and area.

Consistent with Oakland Heritage Alliance (“OHA”)’s recommendations, the TDR program was developed by staff along with the Draft Zoning Amendments rather than as an implementing measure after adoption of the DOSP. Changes to the TDR program since the prior LPAB hearing include:

- Where previously limited to receiving sites within the ZIP area, receiving sites are now expanded to all DOSP zones, The receiving site must be within the D-DT ZIP Area and neither be a Designated Historic Property, contribute to an ASI or API, nor be rated “A” or “B” by the Office of Cultural Heritage Survey.
- Where previously limited to historic properties within an Area of Primary Importance (“API”) or an Area of Secondary Importance (“ASI”), sending sites now include standalone Designated Historic Properties (“DHPs”), rated A or B, and any Potentially Designated Historic Properties (“PDHPs”) that contributes to an API or ASI.
- The requirement for a Conditional Use Permit to trade development rights is being replaced with a requirement for Regular Design Review approval for construction at the receiving site
- Prior to the transfer, the owner of the sending site must submit a rehabilitation and maintenance plan that conforms to the Secretary of the Interior's Standards for the Treatment of Historic Properties.

The buying and selling of development rights would be arranged privately, with agreements approved by the City Attorney and filed with the Alameda County Recorder. The regulations state that the transaction be made directly from the owners of the site or through a third-party broker.

10. **Development Standards** have been revised to update height, intensity, and open space requirements to correspond to the ZIP and HIA Maps and establish development regulations for ground floors, building base and tower design, decrease maximum parking requirements, with the anticipation of additional design standards through citywide Objective Design Standards.

- Ground floor regulations include fenestration, materials, height, active space, and parking and loading location details for buildings to ensure an engaging pedestrian experience.
- Regulations for tall buildings would require a base between 45 and 95 feet and a 10-foot tower setback from the base on two elevations. The base and height regulations will help to reduce the scale of buildings and provide visual interest; these regulations are sufficiently flexible to allow a variety of designs. Exceptions to base/tower requirements are included for office towers, small lots, transitions to historic buildings, and contextual reasons.
- The regulations require transitions to historic buildings, i.e., the building base must create a transition to adjacent lower scale Designated Historic Properties (“DHPs”) and Potentially Designated Historic Properties (“PDHPs”). The regulations state that this should be accomplished through stepping down the base, matching cornice lines and floor heights, and/or creating volumes at the façade of the base that relate to the scale of the historic building.
- Expanses of blank walls on elevations visible from the street are not permitted.

Regulations are included to discourage the heavy use of tinted windows and require breaking up of the volume of buildings and creating a building terminus.

The maximum parking allowed in residential development has been decreased from 1.25 to 1 space per unit. Additional design standards will be developed for the downtown through the process underway to create citywide Objective Design Standards. Changes to design standards since the

prior LPAB hearing include: *Changes to the Tower Regulations*: Numerical requirements in Table 17.58.04 of the Planning Code for new towers have been retained, with modifications to provide flexibility. Further modifications will be developed through Objective Design Standards.

11. **The Zoning Incentive Program (ZIP)** establishes a mechanism to capture value from development projects receiving additional development capacity, with a defined menu of community benefits that fulfill unmet community objectives. The program is based on an economic analysis that assesses the value created by participation in the ZIP program and the costs of identified benefits. Building on this analysis, maps have been created to identify benefit areas for both residential and non-residential development and Planning Code amendments establish a schedule of community benefits and in-lieu fees to be provided in return for additional development capacity, as well as an associated map of the incentive area and the maximum heights and intensities that may be achieved through participation.

To address stakeholder concerns in response to the draft Zoning Amendments, and particularly the ZIP; staff contracted with Hausrath Economics Group (“HEG”) to explain the methodology and assumptions behind the ZIP and to conduct further analysis, including a comparison of ZIP and State Density Bonus housing outcomes and an analysis of the benefits of downtown development, comparing the value of the various revenue sources generated through new development.

Changes to the ZIP since the prior LPAB hearing include:

*Removal of FAB and Main Library from ZIP*: The proposed intensities will be applied to the Base Map instead. Removal will not result in loss of community benefits; these can be required under the development agreement.

*Additional Changes Unrelated to Cultural Resources*: (1) adjustments to simplify the ZIP Benefits Table and (2) encouraging a housing in-lieu fee rather than providing affordable housing on site.

## 12. **Development Potential**

The DOSP is being developed to implement the City’s General Plan. The DOSP will guide downtown development over the next 20 years to serve the needs of the entire Oakland community – including economic opportunity, housing, transportation, arts and cultural, community health, land use, and reduction of disparities in access to opportunity and quality of life.

The DOSP identifies opportunity sites—typically parking lots and low-scale, underutilized buildings—that could be redeveloped over the next 20 years to accommodate job-generating land uses and much-needed housing to fulfill the Final Plan’s vision of creating a dynamic regional employment center in downtown Oakland to capitalize on downtown’s excellent transit assets, flourishing creative community, racial and ethnic diversity and temperate waterfront setting. The development potential for downtown over the next 20 years was calculated by estimating the amount of residential, commercial, industrial and institutional space that could be accommodated on opportunity sites based on changes to the allowed intensity (i.e., height limits, density, and floor area ratio (FAR) as well as changes to allowed uses.



The development program presented below can also be found on page 279 of the DOSP.

**Table LU-5: Development Program Calculation Assumptions**

	Gross to Net Area Factor	Avg. Unit Size	People	Occupancy	Parking
Residents	80%	750 SF	1.9 Residents/Unit	95%	0.25 Space/Unit
Office	75%	N/A	225 SF/Employee	95%	2,000 SF/Space
Retail / Neighborhood Serving Commercial	75%	N/A	500 SF/Employee	95%	2,000 SF/Space
Flex Commercial	80%	N/A	1,200 SF/Employee	95%	3,000 SF/Space
Light Industrial	90%	N/A	1,500 SF/Employee	100%	4,000 SF/Space
Institutional (SF)	75%	N/A	300 SF/Employee	95%	2,000 SF/Space

**Table LU-6: Downtown Future Development by Land Use**

	Existing Baseline <sup>1</sup>	Active 2020 Development <sup>2</sup>	DOSP Potential 2040 Development	LMSAP Potential 2035 Development	TOTAL
Residential (Units)	15,032	11,518	29,100	2,181	57,831
Total Commercial (SF)	24,854,203	11,774,414	18,290,000	974,029	55,892,646
Office	15,998,592	5,407,590	15,840,000	706,403	37,952,585
Retail / Neighborhood Serving Commercial <sup>3</sup>	8,855,611	6,366,824	1,720,000	267,262	17,210,061
Flex Commercial	N/A	N/A	730,000	N/A	N/A
Light Industrial (SF)	1,788,992	-	500,000	-	2,288,992
Institutional (SF)	3,728,872	N/A	1,300,000	108,000	5,136,872
Parking (Spaces)	N/A	N/A	15,000	N/A	N/A

**Table LU-7: Downtown Future Residents & Employees by Land Use**

	Existing Baseline <sup>1</sup>	Active 2020 Development <sup>2</sup>	DOSP Potential 2040 Development	LMSAP Potential 2035 Development	TOTAL
Residents	24,845	20,790	52,600	3,937	104,385
Households	14,330	10,942	27,700	2,072	54,940
Employment (Jobs)	109,447	26,197	56,600	2,875	195,118
Office	N/A	17,124	50,200	2,237	N/A
Retail / Neighborhood Serving Commercial	N/A	9,073	2,500	381	N/A
Flex Commercial	N/A	N/A	500	N/A	N/A
Light Industrial	N/A	-	300	-	N/A
Institutional	N/A	N/A	3,100	257	N/A

<sup>1</sup> Refers to the current amount of development, population, and employment within the DOSP and LMSAP boundaries as calculated in the Downtown Oakland Specific Plan EIR Baseline Conditions Report and Lake Merritt Station Area Plan

<sup>2</sup> Refers to any major project in the Downtown & Jack London PDA in any phase of development from pre-application to under construction as of April 2019

<sup>3</sup> Includes hotels and other non-specified commercial uses

Based on the potential changes to the permitted intensity and allowed uses, the development program for the Plan would nearly triple the number of residential units downtown and double the amount of commercial space and jobs. The Plan also proposes an ambitious set of policies, across a variety of topic areas, to achieve equitable and sustainable development. The DOSP proposes measures of success to track progress towards achieving equitable, sustainable development. The measures of success in the Plan are those for which the City has data, or is reasonably sure it can

begin to collect the data, and that relate back to closing the racial disparity gaps (many measures are drawn from the Oakland Equity Indicators).

### III. ENVIRONMENTAL REVIEW OF THE PROJECT

13. Pursuant to CEQA and the CEQA Guidelines, a Notice of Preparation (“NOP”) of an EIR was published on **January 4, 2019**. The topics studied in the EIR with less than-significant impacts after the implementation of mitigation measures include: Greenhouse Gas Emissions, Public Services, Facilities, and Recreation, and Utilities. Factors studied in the EIR with less-than-significant impacts because of the requirements contained in the City’s Standard Conditions of Approval include: Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Population and Housing. The following topics were found to be less than significant without the implementation of any mitigation measures or Standard Conditions of Approval: Land Use and Planning, Agriculture and Forest Resources, Mineral Resources, and Energy. The topics studied in the EIR with significant and unavoidable impacts, even with all feasible mitigation measures include: Traffic and Transportation, Air Quality, Historic Resources and Aesthetics. The NOP was distributed to state and local agencies. Additionally, the NOP was sent to the State Clearinghouse. Scoping sessions were held for the Plan on **February 4, 2019** and **February 6, 2019** before the Planning Commission and Landmarks Preservation Advisory Board (“LPAB”), respectively concerning the scope of the EIR. The public comment period on the NOP ended on **February 11, 2019**.

14. A Draft EIR was prepared for the DOSP to analyze its environmental impacts. Pursuant to CEQA and the CEQA Guidelines, a Notice of Availability/Notice of Release and the Draft EIR were published on **August 30, 2019**. The Notice of Availability/Notice of Release of the Draft EIR was distributed to appropriate State and local agencies, and mailed to individuals who have requested to specifically be notified of official City actions on the DOSP. Copies of the Draft EIR were also distributed to appropriate state and local agencies, City officials including the Planning Commission, and made available for public review at the City of Oakland’s Department of Planning and Building, Planning and Zoning Division (250 Frank H. Ogawa Plaza, Suite 2214) and on the City’s website. Four duly noticed Public Hearings on the Draft EIR were held before the City LPAB and Planning Commission on **September 23, 2019, October 2, 2019, October 14, 2019, November 6, 2019** respectively. The Draft EIR was properly circulated for over a 45-day public review period, a 71-day public review period ending on **November 8, 2019**.

15. The City received written and oral comments on the Draft EIR. The City prepared responses to comments on environmental issues and made changes to the Draft EIR. The responses to comments, changes to the Draft EIR, and additional information were published in a Final EIR on **May 1, 2024**. The Draft EIR, the Final EIR and all appendices thereto constitute the "EIR" referenced in these findings. The Final EIR was made available for public review on May 1, 2024, 35 days prior to the duly noticed **June 5, 2024** Planning Commission public hearing, which is over double the required noticing time period. The Notice of Availability/Notice of Release of the Final EIR was distributed to those State and local agencies who commented on the NOP and Draft EIR, and posted on May 1, 2024. It was also mailed to individuals who have requested to specifically be notified of official City actions on the Plan. Copies of the Draft EIR and Final EIR were also distributed to those state and local agencies who commented on the Draft EIR, City officials including the Planning Commission, and made available for public review at the City’s Department of Planning and Building, Planning and Zoning Division (250 Frank H. Ogawa Plaza, Suite 2214)

and on the City’s website. Pursuant to CEQA Guidelines, responses to public agency comments on the Draft EIR were published and made available to all commenting agencies at least 10 days prior to the July 2, 2024 City Council hearing on certification of the EIR. The Planning Commission and City Council has had an opportunity to review all comments and responses thereto prior to consideration of certification of the EIR and prior to taking any action on the proposed DOSP.

**IV. THE ADMINISTRATIVE RECORD**

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

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

17. The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the Director of City Planning, Department of Planning and Building, Planning and Zoning Division, or his/her designee. Such documents and other materials are located at 250 Frank H. Ogawa Plaza, Suite 2214, Oakland, California, 94612.

**V. CERTIFICATION OF THE EIR**

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

19. The City Council recognizes that the EIR may contain clerical errors. The City Council reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.

20. The City Council certifies that the EIR is adequate to support all actions in connection with the approval of the DOSP and all other actions and recommendations as described in the **June 5, 2024** Planning Commission staff report and subsequent Community and Economic Development (“CED”) Committee and City Council staff reports. The City Council certifies that the EIR is adequate to support approval of the DOSP described in the EIR, each component and phase of the DOSP described in the EIR, any variant of the DOSP described in the EIR, any minor modifications to the DOSP or variants described in the EIR and the components of the DOSP.

## **VI. ABSENCE OF SIGNIFICANT NEW INFORMATION**

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

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

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

23. Public Resources Code section 21081.6 and CEQA Guidelines section 15097 require the City to adopt a monitoring or reporting program to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented. The Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (“SCAMMRP”) is attached and incorporated by reference into the **June 5, 2024** Planning Commission staff report and subsequent CED Committee and Council reports prepared for the approval of the DOSP, is included in the conditions of approval for the DOSP, and is adopted by the City Council. The SCAMMRP satisfies the requirements of CEQA.

24. The Standard Conditions of Approval (“SCA”) and mitigation measures set forth in the SCAMMRP are specific and enforceable and are capable of being fully implemented by the efforts of the City, the applicant, and/or other identified public agencies of responsibility. As appropriate, some standard conditions of approval and mitigation measures define performance standards to ensure no significant environmental impacts will result. The SCAMMRP adequately describes

implementation procedures and monitoring responsibility in order to ensure that the DOSP complies with the adopted standard conditions of approval and mitigation measures.

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

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

### **VIII. FINDINGS REGARDING IMPACTS**

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

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

### **IX. SIGNIFICANT BUT MITIGABLE IMPACTS**

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

30. Land Use and Planning:

Physically Divide an Existing Community: Because the DOSP’s proposed street network changes and open space improvements would not physically divide an established community, impacts associated with implementation of the DOSP and reasonably foreseeable development expected to occur in the Plan Area over the next 20 years would be less than significant related to physical division of the existing community.

Conflict with Adjacent Land Uses: The DOSP would result in a higher density and intensity of mixed uses within the Plan Area. The areas where the most significant changes in land use are proposed include: areas south of I-880 within Jack London District including Oak Street and Victory Court and areas adjacent to Howard Terminal; the Central Core (near transit, and where mixed-use workplace opportunity sites are present); and areas of KONO that have much lower allowed height than the balance of downtown and that line major corridors Telegraph Avenue, 27th Street). While the transition of land use would occur incrementally and over time, land use compatibility is an important component of the well-being of communities, especially in urban areas where densities are higher, and a mixture of differing land uses can generate conflicts. The General Plan contains substantial policy requirements pertaining to compatibility of land uses that must be implemented throughout all the City’s neighborhoods, including those within the Plan Area, including Land Use and Transportation Element (“LUTE”) policies (Policy N2.1, Institutional uses; Policy N5.2, Residential buffers and performance-based regulations; and Policy N7.2, Balancing constraints with citywide need for housing.) Implementation of DOSP policies and General Plan policies, including but not limited to those described above, means that no significant land use impacts related to land use incompatibility, or the physical division of an established community would occur as a result of the adoption and development under the DOSP.

Conflict with Land Use Policy or Conservation Plan: The DOSP proposes amendments to the General Plan including the EPP to reconcile current differences between the DOSP and current policies. As a result, the DOSP would not conflict with the adopted land use policy. Additionally, there are no Conservation Plans applicable to the DOSP Area or its vicinity.

31. Traffic and Transportation: (Vehicle Miles Traveled, Conflicts between bicycle and transit along corridors where both are proposed, Street Capacity and Cumulative VMT):

VMT: Impacts associated with implementation of the DOSP would be less than significant related to VMT because:

- VMT generated by the DOSP would be more than 15 percent below the regional averages and would thus be less than significant for the residential and commercial portions of the DOSP.
- Citywide VMT per service population would remain the same without and with the retail component of the DOSP resulting in a less-than-significant VMT impact for the retail component of the Plan.

Consistency with Transportation Policy: the DOSP and its associated development are anticipated to be consistent with policies, plans and programs **addressing the safety or performance of the circulation system**, including transit, roadways, bicycle lanes, and pedestrian paths. The bus-only lanes proposed in the DOSP may overlap with the Specific Plan’s proposed low stress bike network, potentially generating transportation conflicts between bicycle and transit along corridors where both are proposed.

Implementation of Mitigation Measure TRANS-1 would establish the prioritized transportation modes; consider the corridor's physical characteristics and expected land use; incorporate input from the community; evaluate multi-modal safety, travel markets, transportation and land use compatibility, and stakeholder inputs; and identify the design features that support the prioritized transportation modes prior to beginning final design. After implementation of this measure impacts associated with implementation of the DOSP and reasonably foreseeable development expected to occur in the Plan Area over the next 20 years would be less than significant related to conflicts between bicycle and transit along corridors where both are proposed.

32. Cumulative VMT: Table V.B-6 of the DEIR shows the Specific Plan's 2040 VMT for commercial and residential uses. As shown, per capita VMT in 2040 for the Plan will be 4.8 compared to the regional average of 13.8. The per worker Specific Plan VMT will be 13.3 compared to the regional average of 20.3. Under both conditions, Plan-generated VMT would be more than 15% below the regional averages in 2040 and constitute a less-than-significant impact.

Table V.B-7 shows the Specific Plan 2040 regional serving retail VMT in terms of citywide service population. As shown in the table, VMT per citywide service population would remain the same without and with the regional serving retail component of the DOSP which would be less than significant for the regional serving retail component of the Plan in 2040.

33. Air Quality:

Plan-Level Consistency with the Bay Area Clean Air Plan: The DOSP includes several policies would not conflict with or obstruct implementation of the 2017 Clean Air Plan ("CAP") including: Policy M-3-7, Expand the Park Oakland program; Policy M-3-3, Establish parking maximums; Policy Ch-2.1, Develop policy to support clean transportation; Policy CH-2.2: Coordinate land-use regulations and transportation policies for reductions in vehicle miles traveled ("VMT") and greenhouse gas ("GHG") emissions; Policy CH-2.13: Accelerate the electrification of private vehicles and taxi/TNC vehicles; Policy CH-2.14: Transition to natural gas-free buildings. With full development under the Specific Plan by 2040, VMT and associated criteria air pollutant emissions would increase at a lower rate than the population growth. Based on the BAAQMD's CEQA Air Quality Guidelines, the Specific Plan would not conflict with or obstruct implementation of the 2017 CAP and the associated operational-related criteria air pollutant and precursor impacts would be less than significant. Therefore, impacts associated with implementation of the Specific Plan and reasonably foreseeable development expected to occur in the DOSP Area over the next 20 years would be less than significant related to the DOSP's consistency with the Bay Area Clean Air Plan.

Plan- and Project-Level Generation and Exposure to Toxic Air: Contaminants Future development within the DOSP Plan Area would generate TACs and PM2.5 emissions from vehicle trips and stationary sources which could substantially contribute to the existing poor air quality in the DOSP Plan Area and expose existing and future sensitive receptors to substantial pollutant concentrations. The BAAQMD's map of local air pollution (Figure V.C-1) and the City's SCAs related to TACs and PM2.5 emissions contain specific requirements to reduce the generation of and exposure to substantial concentrations of TACs and PM2.5. Because SCA-AIR-3, Diesel Particulate Matter Controls – Construction Related (#23); SCA-AIR-4, Exposure to Air Pollution (Toxic Air Contaminants) (#24); SCA-AIR-5, Stationary Sources of Air Pollution (Toxic Air Contaminants) (#25); SCA-AIR-6, Truck-Related Risk Reduction Measures (Toxic Air Contaminants) (#26); and SCA-AIR-7, Asbestos in Structures (#27), would be incorporated as part of the DOSP, adopted as conditions of approval, and required, as applicable, of the development under the DOSP, the impact

of substantial TACs and PM2.5 concentrations on existing and future sensitive receptors would be less than significant. Therefore, impacts associated with implementation of the DOSP and reasonably foreseeable development expected to occur in the Plan Area over the next 20 years would be less than significant related to plan- and project-level generation and exposure to toxic air contaminants.

34. Odors: Future sources of potential odors in the Plan Area would generally be consistent with existing land uses, and may include a few light industrial developments (e.g., auto body shops), if any, and restaurants. Additionally, BAAQMD Regulation 7 places general limitations on odorous substances and specific emission limitations on certain odorous compounds. Therefore, projects developed in the Plan Area over the next 20 years would be less than significant related to plan- and project-level sources of odors.

35. Greenhouse Gas Emissions:

Transportation GHG Emissions: Given the Specific Plan's compliance with SB 743 and recommendations from the City's recent CURB report, transportation GHG emissions from buildout of the Plan Area in 2040 would result in a less-than-significant impact on the environment.

Non-Transportation GHG Emissions: The non-transportation GHG emissions for buildout are estimated that non-transportation GHG emissions for buildout in 2040 are 1.01 MTCO<sub>2e</sub> /SP, which exceeds the interim 2040 GHG efficiency threshold of 0.34 MTCO<sub>2e</sub> /SP. The largest GHG contributions are from energy use (electricity and natural gas), which account for approximately 73 percent of the overall GHG emissions. With implementation of Mitigation Measure GHG-1, which would reduce non-transportation GHG emissions, impacts associated with implementation of the DOSP and reasonably foreseeable development expected to occur in the Plan Area over the next 20 years would be less than significant related to non-transportation GHG emissions.

Greenhouse Gas Plans, Policies, or Regulations: The proposed project would not fundamentally conflict with a plan, policy, or regulation adopted for the purpose of reducing greenhouse gas ("GHG") emissions. Because the City's 2030 GHG reduction goal is more aggressive than the Statewide reduction goal under SB 32, future development projects under the Specific Plan would also be consistent with and not fundamentally conflict with CARB's 2017 Scoping Plan. Future development projects under the Specific Plan would be subject to the City's SCAs and Mitigation Measures, some of which reduce GHG emissions. These include, but are not limited to, SCA-TRANS-5, Mitigation Measure GHG-1, SCA-GHG-1, and SCA-TRANS-5. Overall, adoption and development under the Specific Plan would not conflict with any applicable plans, policies or regulations adopted with the intent to reduce GHG emissions. The impact would be less than significant.

36. Cultural and Historic Resources (Archaeological Resources, Paleontological Resources, Human Remains): Implementation of the DOSP and Related Actions proposed as part of the Project would allow for increased land use densities and intensities possibly impacting the area's archeological or paleontological resources or human remains. However, application of SCA-CULT-1 Archaeological and Paleontological Resources- Discovery During Construction (#33), SCA-CULT-2 Archaeologically Sensitive; Areas-Pre-Construction Measures (#34), and SCA-CULT-3 Human Remains-Discovery During Construction (#35) would reduce the Project's potential impacts to the aforementioned resources to a less-than-significant level. Moreover,



compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse cultural resource impacts related to archeological or paleontological resources or human remains.

37. Aesthetics: Adoption of and development under the DOSP would create new sources of light or glare, but these new sources would be consistent with the existing light and glare conditions in the area. The application of SCA-AES-2, which would further minimize potential impacts resulting from lighting and ensure that lighting and glare effects, remain less than significant. Therefore, impacts associated with implementation of the DOSP and reasonably foreseeable development expected to occur in the Plan Area over the next 20 years would be less than significant related to light and glare. Moreover, compliance with various policies and goals contained in the City's general plans and mitigation measures contained in the LUTE EIR, Housing Element EIR, and Historic Preservation Element EIR would ensure there would not be significant adverse aesthetic impacts with respect to visual quality or scenic public vistas.

38. Biological Resources: Implementation of the DOSP and its associated development would allow for increased land use densities and intensities possibly impacting the area's biological resources except for Riparian Habitat and other Sensitive Natural communities as no riparian habitat or other sensitive natural community types have been identified by the CNDDDB within, or immediately adjacent to, the Plan Area. Additionally, no adopted habitat conservation plans or natural community conservation plans in the Plan Area vicinity. For the other biological criteria, the following SCAs would reduce the Plan and its associated project impacts to a less-than-significant level:

Sensitive or Special Status Species

- SCA-BIO-1: Bird Collision Reduction Measures (#29)
- SCA-BIO-2: Tree Removal during Bird Breeding Season (#30)

Movement of Fish and Wildlife Species

- SCA-BIO-1: Bird Collision Reduction Measures (#29)

Tree Protection Ordinance

- SCA-BIO-3: Tree Permit Required/Tree Protection during Construction/and Tree Replacement
- Plantings (#31)

Creek Protection Ordinance:

- SCA-HYD-2: Erosion and Sedimentation Control Plan for Construction (#49)
- SCA-HYD-4: Site Design Measures to Reduce Stormwater Runoff (#52)
- SCA-HYD-5: Source Control Measures to Limit Stormwater Pollution (#53)
- SCA-HYD-6: NPDES C.3 Stormwater Requirements for Regulated Projects (#54)
- SCA-HYD-7: NPDES C.3 Stormwater Requirements for Small Projects (#55)
- SCA-HYD-9: Vegetation Management on Creekside Properties (#57),
- SCA-HYD-10: Creek Protection Plan (#58), and
- SCA-HYD-13: Bay Conservation and Development Commission Approval (#61).

Implementation of these SCAs will reduce the Project's potential impacts to biological resources to a less-than-significant level.

39. Geology and Soils: Implementation of the DOSP and Related Actions would allow for increased land use densities and intensities possibly exposing people to seismic or geologic hazards. However, application of SCA-GEO-1: Construction-Related Permit(s) (#37), SCA-GEO-2: Soils Report (#38), and SCA-GEO-3: Seismic Hazards Zone (Landslide/Liquefaction) (#40) require

geologic and soils reports under certain circumstances, as well as compliance with the Seismic Hazards Zone Mapping Act, would reduce the Project's potential impacts related to geology and soils to a less-than-significant level.

40. Hazards and Hazardous Materials: Implementation of the DOSP and Related Actions proposed as part of the Project would allow for increased land use densities and intensities that would involve use of hazardous materials as part of routine transport of materials, building demolition or construction, or the operations of certain businesses. However, the use of construction best management practices which would be required to be implemented as part of construction and required by SCA-HAZ-1, Hazardous Materials Related to Construction, SCA-HAZ-2, Hazardous Building Materials and Site Contamination, and SCA-HYD-3, State Construction General Permit, and SCA-AIR-7: Asbestos in Structures, would minimize the potential adverse effects to groundwater and soils. Furthermore, SCA-HAZ-3, Hazardous Materials Business Plan, outlines the guidance for transporting hazardous materials safely to and from the Project sites to ensure overall compliance of projects for hazardous materials. Additionally, projects within the Plan Area would be required to comply with SCA-TRANS-2, Construction Activity in the Public Right-of-Way, which would prevent impacts to emergency vehicle access from occurring due to temporary road closures associated with construction activities. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse hazards and hazardous materials impacts.

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

- SCA-HYD-1 Erosion and Sedimentation Control Measures for Construction, SCA-HYD-2 Erosion and Sedimentation Control Plan for Construction,
- SCA-HYD-3 State Construction General Permit,
- SCA-HYD-4 Site Design Measures to Reduce Stormwater Runoff,
- SCA-HYD-5 Source Control Measures to Limit Stormwater Pollution,
- SCA-HYD-6 NPDES C.3 Stormwater Requirements for Regulated Projects,
- SCA-HYD-7 NPDES C.3 Stormwater Requirements for Small Projects,
- SCA-HYD-8 Architectural Copper,
- SCA-HYD-9 Vegetation Management on Creekside Properties,
- SCA-HYD-10 Creek Protection Plan,
- SCA-HYD-11 Creek Dewatering/Diversion,
- SCA-HYD-12 Structures in a Flood Zone, and
- SCA-HYD-13 Bay Conservation and Development Commission ("BCDC") Approval would ensure that development under the Specific Plan would not result in significant impacts as a result of runoff/erosion, groundwater depletion and/or flooding/hazards, and would have a less than significant impact on hydrology and water quality. Furthermore, adherence to the Standard Conditions of Approval and compliance with the City of Oakland Grading Ordinance; the Creek Protection, Stormwater Management, and Discharge Control Ordinance would reduce the potential impact to a less-than-significant level.

42. Noise and Vibration: Project construction and operation would potentially increase construction noise levels and excessive ground borne vibration. The Plan Area is not located within the vicinity of a private airstrip.<sup>21</sup> Therefore, the Specific Plan would have no impact related to the exposure of people to excess noise levels from private airstrips. Implementation of the following SCAS and Policies from the Specific Plan would reduce all noise impacts to a less-than-significant level:

43. Construction-Generated Noise:

- SCA-NOI-1: Construction Day/Hours (#62)
- SCA-NOI-2: Construction Noise (#63)
- SCA-NOI-3: Extreme Construction Noise (#64)
- SCA-NOI-4: Project Specific Construction Noise Reduction Measures (#65)
- SCA-NOI-5: Construction Noise Complaints (#66)
- Plan Policy CH-2.10. Prioritize the design and implementation of green streets.

44. Operational Noise:

- SCA-NOI-7: Operational Noise (#68), which requires all operational noise to comply with the performance standards of Chapter 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code.
- SCA-NOI-6: Exposure to Community Noise (#67). Which requires noise reduction to be incorporated into building design based upon the recommendations of a qualified acoustical engineer.
- Plan Policy E-2.9. Pursue creation of a nightlife district and strategy in downtown locations with concentrations of bars, restaurants, nightclub, and entertainment venues.

45. Construction Generated Vibration:

- SCA-NOI-2: Construction Noise (#63),
- SCA-NOI-3: Extreme Construction Noise (#64).
- SCA-NOI-4: Project-Specific Construction Noise Reduction Measures (#65)
- SCA-NOI-5: Construction Noise Complaints (#66)
- SCA-NOI-9: Vibration Impacts on Adjacent Historic Structures or Vibration Sensitive Activities (#70).

46. Operation Generated Vibration:

- SCA NOI-8: Exposure to Vibration (#69), would reduce impacts of vibration exposure during operation to a less-than-significant level.

47. Population and Housing: The conditions and trends for housing and population in the Plan Area are studied along with the anticipated long-term regional growth. Implementation of SCA-POP-1, SCA-POP-2, and SCA-POP-3 would ensure that the DOSP will facilitate development by fulfilling key components of the General Plan's vision for the DOSP Plan Area, balance of growth of jobs and housing anticipated in Oakland in the future so that the adoption and development under the Plan would have a less-than-significant impact in inducing substantial population growth or displacement of housing or people, in a manner not contemplated by the General Plan, either

directed by facilitating development of housing or businesses, or indirectly through infrastructure improvements.

48. Public Services, Facilities, and Recreation: Future development allowed under the DOSP could result in additional residents and employees. This potential increase in population would result in increased demand for the City's fire, police, and school services. These impacts will be reduced to a less than significant level through the implementation of SCA-PUB-1 Conformance with Other Requirements, SCA-PUB-2 Fire Safety Phasing Plan, and SCA-PUB-3 Capital Improvements Impact Fee conditions, which require building plans for development to be submitted to Fire Services for review and approval that the Project adequately addresses fire hazards, and that construction equipment has spark arrestors. Development under the DOSP could increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of that facility would occur or be accelerated or would require the construction or expansion of recreational facilities which might have a substantial adverse physical effect on the environment. Mitigation Measure PUB-1: Part 1) Requires the city to update the Capital Improvement Impact fees, and/or implement a dedicated impact fee specific to parks and recreation. Part 2) Requires the city to create a Privately Owned Public Spaces ("POPOS") program so that outdoor and indoor spaces can be provided for public enjoyment by private owners in exchange for bonus floor area or waivers. Less than Significant ("LTS") Impacts associated with implementation of the Specific Plan and reasonably foreseeable development expected to occur in the Plan Area over the next 20 years would be less than significant related to recreation with implementation of Mitigation Measure PUB-1. Compliance with various policies and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse public services impacts.

49. Utilities: New construction under the DOSP would result in increased solid waste, stormwater and wastewater generation, as well as energy usage. These impacts will be reduced to a less than significant level through the adherence to applicable regulatory requirements and implementation of SCA-UTL-7 and SCA-UTL-9, which require construction and demolition waste reduction and recycling, as well as general recycling collection, and SCA-UTL-13, SCA-UTL-14, and SCA-UTL-15, which require storm drain systems, water recycling, and adherence to the City's Water Efficient Landscape Ordinance. SCA-UTL-10 and SCA-UTL-11 require adherence to Green Building Requirements, including for small projects. Further, SCA-UTL-12 requires projects meet the City's Sanitary Sewer Design Guidelines. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse utilities/service systems impacts.

## **X. SIGNIFICANT AND UNAVOIDABLE IMPACTS**

50. Under Public Resources Code sections 21081(a)(3) and 21081(b), and CEQA Guidelines sections 15091, 15092, and 15093, and to the extent reflected in the EIR and the SCAMMRP, the City Council finds that the following impacts of the Plan remain significant and unavoidable, notwithstanding the imposition of all feasible SCAs and mitigation measures:

51. Air Quality AIR-1 (project + cumulative): **Project-Level Operational Emissions**. Project operations in the DOSP Area would generate ROG, NO<sub>x</sub>, and exhaust PM<sub>10</sub> and PM<sub>2.5</sub> emissions that could result in a cumulatively considerable net increase of criteria air pollutants for which the region is in nonattainment. The primary criteria air pollutant sources during project operation would be mobile sources, energy use, area sources (e.g., consumer products and architectural coatings),

and stationary sources. BAAQMD CEQA Guidelines include screening criteria to determine if operational emissions of ROG, NO<sub>x</sub>, and exhaust PM<sub>10</sub> and PM<sub>2.5</sub> from a project could potentially exceed the BAAQMD's thresholds of significance, which have been adopted by the City of Oakland and incorporated their significance criteria. Projects that would exceed BAAQMD's operational screening criteria (Table V.C-5, as updated by the BAAQMD), shall implement Mitigation Measure AIR-1 to reduce potential impacts. The feasibility or effectiveness of Mitigation Measure AIR-1 is unknown at this time. Therefore, impacts associated with implementation of the Specific Plan and reasonably foreseeable development expected to occur in the Plan Area over the next 20 years would be conservatively significant and unavoidable with mitigation. It should be noted that the identification of this significant impact does not preclude the finding of future less-than-significant impacts for subsequent projects that comply with applicable screening criteria or meet the City's significance thresholds for operational emissions of criteria air pollutants. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

52. Traffic and Transportation TRANS-2 and TRANS-1 (cumulative): Development under the DOSP would generate additional multi-modal traffic traveling across the at-grade railroad crossings that would cause or expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent or substantial transportation hazard. Implementation of **Mitigation Measure TRANS-2** requires the City of Oakland within the near-term (1 to 5 years) to undertake and complete a Diagnostic Study to identify and implement the suite of improvements to enhance multi-modal safety along the railroad tracks. Given funding for the Diagnostic Study has not yet been identified and the implementation of any resulting recommendations would likely require approval by agencies outside of the City of Oakland (CPUC or UPRR). This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

53. Traffic and Transportation TRANS-3: The development under the DOSP would contribute to the significant degradation of several CMP or MTS segments in 2020:

- I-580 in the eastbound direction between I-80/I-580 and I-980 and between Oakland Avenue and Grand Avenue;
- I-880 in the northbound direction between 42nd Avenue and 29th Avenue and between 23rd Avenue and Embarcadero;
- I-880 in the southbound direction between Embarcadero and 42nd Avenue;
- SR 24 in the eastbound direction between Claremont Avenue and Broadway and between State Route 13 and Contra Costa County;
- Webster Tube in the westbound direction between the City of Oakland and the City of Alameda;
- Posey Tube in the eastbound direction between the City of Alameda and the City of Oakland;
- Telegraph Avenue in the northbound direction between Grand Avenue and 27th Street.

The DOSP includes policies and strategies that encourage walking, biking and transit, including a TDM program. These policies and strategies would reduce the DOSP's development vehicle trip generation, which would significantly reduce the magnitude of this impact. However, given the effectiveness of these policies and strategies on reducing the vehicle trip generation cannot be accurately estimated, the trip generation estimates for development that is likely to occur under the DOSP are not discounted to account for reductions that would likely result from implementation of the proposed TDM measures. No other feasible mitigation measures, beyond TDM measures,

are available to reduce the effect development under the Specific Plan would have on the adversely affected roadway segments. As a result, impacts associated with implementation of the Specific Plan and reasonably foreseeable development expected to occur in the DOSP Plan Area over the next 20 years could be significant and unavoidable related to motor vehicle LOS with no feasible mitigation possible. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

54. Traffic and Transportation TRANS-2 (cumulative): Development under the DOSP would degrade from LOS E or better to LOS F or increase the v/c ratio by 0.03 or more for segments at LOS F on the following CMP or MTS segments in 2040.

- I-580 in the eastbound direction between I-80/I-580 and I-980 and Oakland Avenue and MacArthur Boulevard.
- I-580 in the westbound direction between Fruitvale Avenue Lakeshore Avenue and between Grand Avenue and Oakland Avenue.
- I-980 in the eastbound direction between 12th Street and 27th Street.
- I-880 in the northbound direction between 42nd Avenue and Oak Street and between Union Street and 7th Street.
- I-880 in the southbound direction between 7th Street and Union Street and between Oak Street and 42nd Avenue.
- SR 24 in the eastbound direction between I-580 and Contra Costa County.
- Webster Tube in the westbound direction between the City of Oakland and the City of Alameda.
- Posey Tube in the eastbound direction between the City of Alameda and the City of Oakland.
- West Grand Avenue in the eastbound direction between I-880 and San Pablo Avenue.
- West Grand Avenue in the westbound direction between Broadway and Telegraph Avenue.
- Broadway in the northbound direction between College Avenue and SR 24.
- Broadway in the southbound direction between 40th Street and 27th Street.
- Telegraph Avenue in the northbound direction between Grand Avenue and 27th Street.
- Telegraph Avenue in the southbound direction between 29th Street and 27th Street.
- San Pablo Avenue in the northbound direction between Castro Street and Powell Street.
- San Pablo Avenue in the southbound direction between Powell Street and 20th Street.
- Harrison Street in the northbound direction between 27th Street and Oakland Avenue.
- Castro Street in the northbound direction between 8th and 12th streets and between 14th Street and San Pablo Avenue.
- 12th Street in the westbound direction between Broadway and Castro Street.
- East 8th Street in the eastbound direction between 5th Avenue and 14th Avenue.
- 7th Street in the eastbound direction between Oak Street and 5th Avenue.

The DOSP includes policies and strategies that encourage walking, biking and transit, including a TDM program. These policies and strategies would reduce the DOSP's development vehicle trip generation, which would reduce the magnitude of this impact. Because the effectiveness of these policies and strategies on reducing the vehicle trip generation cannot be accurately estimated, the DOSP trip generation and does not rely on them to mitigate this impact. This significant and unavoidable impact is overridden as set forth below in the Statement of Overriding Considerations.

55. Cultural and Historic Resources CULT-1 (project), CULT-2 (project) and CULT-1 (cumulative): Implementation of the DOSP and its associated development is anticipated to result in the demolition, destruction, relocation, and/or alteration of some historical resources either as individual resources and/or as contributors to historic districts. eligible for listing in the federal, state, or local registers of historical resources. Adoption and development under the DOSP combined with cumulative development in the Plan Area and its vicinity, including past, present, existing, approved, pending, and reasonably foreseeable future development, would contribute considerably to a significant adverse cumulative impact to cultural resources. Implementation of proposed Specific Plan policies, Oakland Planning Code 17.136.075 (Regulations for Demolition or Removal of Designated Historic Properties and Potentially Designated Historic Properties and Potentially Designated Historic Properties), SCA 52, 53, 54, 56, 57 and E, as well as Mitigation Measure CUL-1 would reduce potential impacts, but not to a less-than-significant level for the Plan Area and its vicinity. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.

56. Aesthetics AES-1 (Shadow), AES-2 (Wind Analysis), Cumulative AES-1 (Shadow and Wind Analysis): Implementation of the DOSP and development that may occur under the DOSP may result in substantial new and/or cumulative shadow and wind impacts that. Mitigation measures AES-1 and AES-2 would help reduce such impacts. However, at this time, there are not sufficient details available to analyze specific impacts and it cannot be known with certainty that a project redesign would eliminate the potential for new adverse wind impacts. Therefore, impacts associated with implementation of the DOSP related to wind and shadow would be conservatively deemed significant and unavoidable. These significant and unavoidable impacts are overridden as set forth below in the Statement of Overriding Considerations.

## **XI. FINDINGS REGARDING INFEASIBLE MITIGATION MEASURES**

57. CEQA does not require that the City adopt every mitigation measure identified in an EIR. However, when a lead agency rejects any of the mitigation measures for a significant impact recommended in an EIR, it must make specific findings that the rejected measures are infeasible pursuant to California Public Resources Code Section 21081, subsection (a)(3).

The City may reject a mitigation measure recommended in an EIR if it finds that it would be infeasible to implement the measure because of specific economic, legal, social, technological, or other considerations. Feasible, as defined in California Public Resources Code Section 21061.1, means “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.”

58. **Mitigation Measure AES-1**: Implementation of Mitigation Measure AES-1, to minimize and/or avoid impacts related to shadows associated with new development under the Project cast upon solar collectors, passive solar heaters, public open space, or sunlight-sensitive character-defining features of historic resources, is infeasible.

Mitigation Measure AES-1 would require project sponsors with proposed projects to either present evidence that the specified resources are not within the project’s potential shadow path or complete a site-specific shadow study when individual projects are proposed. Under this Mitigation Measure AES-1, if the shadow study provides support to determine that the proposed project building design would adversely affect the described resources, the project sponsor would be required to modify the building design and placement and provide a revised shadow study to support the determination

that the revised new project shadow would minimize and/or avoid shadow effects adversely affecting the described resources. The effectiveness of Mitigation Measure AES-1 cannot be determined with certainty because there are not sufficient details available to analyze specific impacts. As such, the EIR concludes that adoption of the Proposed Project, even with adherence to existing Standard Conditions of Approval (SCAs) and Mitigation Measure AES-1, would result in a significant and unavoidable impact related to shadows.

Mitigation Measure AES-1 is infeasible based on it conflicting with the height and density allowed provided under the Oakland Planning Code, as well as conflicting with the objectives of the Proposed Project, including, but not limited to: 1) compliance with ministerial permitting processes under State law and the City's Planning Code; (2) meeting State-mandated approval timelines and requirements for housing projects under several housing laws and the City's Housing Element commitments; 3) removing constraints on the development of housing; 4) encouraging more housing along corridors and in transit-proximate areas; and 5) creating more affordable housing restricted for extremely low-, very low-, low-, and/or moderate-income households. Requiring a project to revise its design in a manner that would reduce the building's height or allowed residential density would be inconsistent with Planning Code requirements, the City's objectives for increased residential and employment center transit-oriented development that the City committed to in its Housing Element and ECAP.

59. **Cumulative Impact AES-1:** Implementation of the DOSP and development that may occur under the Plan may, in combination with other past, present, and reasonably foreseeable future projects within and around the Plan Area would result in significant cumulative shadow impacts.

As noted above, due to the infeasibility of any mitigation measure to address this impact, development under the Specific Plan could result in significant and unavoidable impacts related to shadows.

60. **Mitigation Measure AES-2:** The City Council finds and determines that implementation of Mitigation Measure AES-2, to avoid impacts related to wind hazards associated with new development under the Proposed Project, is infeasible. Mitigation Measure AES-2 would require project sponsors to complete a site-specific wind analysis, prepared by a qualified wind consultant approved by the Oakland Planning & Building Department, when individual projects are proposed. This would be required for proposed projects with a height of 100 feet or greater, measured to the top of the building roof at any point, and one of the following conditions exist: The project is located adjacent to a substantial water body (i.e., Oakland Estuary, Lake Merritt, or San Francisco Bay); or the project is located in Downtown, (Downtown is defined in the Land Use and Transportation Element of the General Plan, p. 67, as the area generally bounded by West Grand Avenue to the north, Lake Merritt and Channel Park to the east, the Oakland Estuary to the south, and I-980/Brush Street to the west). If the wind analysis demonstrates that the building design would not create a net increase in hazardous wind hours or locations compared to then-existing conditions, no further review would be required. However, if the wind analysis determined that the building's design would increase the hours of wind hazard (36 mph for one hour of the year) or the number of test points subject to hazardous winds compared to existing conditions, the project sponsor would be required to work with the wind consultant to identify feasible mitigation strategies, including design



changes (e.g. setbacks, rounded/chamfered building corners, stepped facades, landscaping and/or installation of canopies along building frontages), to eliminate increased hours of wind hazards. The mitigation strategies would then need to be tested and presented in a revised wind report to demonstrate a reduction in wind hazards as compared to the then existing conditions. Implementation of a wind analysis that includes design recommendations to reduce ground level wind speeds could reduce the severity of wind impacts. The effectiveness of this cannot be determined with certainty because there are not sufficient details available to analyze specific impacts, as such the impact is conservatively significant and unavoidable. Mitigation Measure AES-2 is infeasible based on it conflicting with the height and density allowed provided under the Oakland Planning Code, as well as conflicting with the City's goals and objectives for the Project. Based on the City's proposal to adopt objective design standard review and other streamlining measures that would allow for greater numbers of ministerially approved projects, this mitigation measure would be infeasible to impose on a project-by-project basis. Requiring a project to revise its design in a manner that could reduce the building's height or allowed residential density would be inconsistent with Planning Code requirements and the City's objectives for increased residential development as stated in the Housing Element.

## **XII. FINDINGS REGARDING ALTERNATIVES**

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

62. The EIR evaluated a reasonable range of alternatives to the Project that was described in the EIR (DRAFT EIR Chapter VII; FINAL EIR Chapter IV) which are hereby incorporated by reference. The three alternatives analyzed in detail in the EIR represent a reasonable range of potentially feasible alternatives that reduce one or more significant impacts of the Project and/or provide decision makers with additional information about a project that would include partial preservation of the existing building. These alternatives include: (a) No Project Alternative 1, (b) and Partially Mitigated Alternative 2, (c) Reduced Office Alternative 3. The No Project Alternative 1 was identified as the environmentally superior alternative. Under CEQA Guidelines section 15126.6(e)(2), if the No Project Alternative 1 is identified as the environmentally superior alternative, the EIR must also identify an environmentally superior alternative among the other alternatives. Excluding the No Project Alternative, the Partially Mitigated Alternative 2 is the environmentally superior alternative.

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

64. No Project Alternative 1: Under the No Project Alternative, the DOSP would not be adopted, and therefore the DOSP would not occur. However, the No Project Alternative does include reasonably foreseeable development that could occur even without adoption of and development under the Plan. This includes certain projects that are already approved but not built. The No Project Alternative 1 is infeasible given that it would not achieve, or achieve to a lesser degree, the basic Project objectives, including those related to:

Creating opportunities for economic growth and security for all Oaklanders.

- a. Ensure sufficient housing is built and retained to meet the varied needs of current and future residents.
- b. Make downtown's streets comfortable, safe and inviting and improve connections to the city as a whole so that everyone has efficient and reliable access to downtown's jobs and services.
- c. Encourage diverse voices and forms of expression to flourish.
- d. Provide vibrant public spaces and a healthy environment that improves the quality of life downtown today and for generations to come.
- e. Develop downtown in a way that contributes to community needs and preserves Oakland's unique character.

65. The No Project Alternative 1 would not result in any significant impacts for the Project, although development would still occur in the Plan Area on a smaller scale. The No Project Alternative 1 would not introduce General Plan Amendments that would allow for new land uses in industrial sites, but the reduced development would still introduce land uses similar to these and not result in any significant impact related to existing communities or natural resources. It would lead to 30,000 less jobs, along with a 60 percent decrease in residential units and residents. For transportation, the VMT generated by the No Project Alternative 1 would be more than 15 percent below the regional averages and Citywide VMT per service population would remain the same with and without the retail component and would result in a less-than-significant VMT impact for the residential, commercial, and retail portions.

66. Partially Mitigated Alternative 2: This alternative would allow the DOSP Plan Area to be developed at a lower intensity throughout the DOSP Plan Area, such that all development (both commercial and residential) would be reduced by 25 percent. Partially Mitigated Alternative 2 is rejected as infeasible because the reduction in housing and commercial development would undermine the objective to increase housing and economic opportunities in the Plan Area. The Partially Mitigated Alternative was rejected because:

The reduced development would introduce land uses similar to those identified in the DOSP's Development Program and similarly to the Specific Plan would not result in any significant impact related to existing communities or natural resources.

- a. It would reduce VMT but would still generate additional multi-modal traffic traveling across the at-grade railroad crossings that would cause or expose roadway users to a permanent or substantial transportation hazard, so the transportation impacts would be reduced but may remain significant and unavoidable.

67. Reduced Office Alternative 3: This alternative analyzes the development program from the January 2019 Preliminary Plan, which includes approximately the same number of residential units with a reduction of 2,814,500 square feet of commercial square footage. Development would still

occur in the DOSP Plan Area at a smaller scale but would limit the creation of new land uses. The Reduced Office Alternative is rejected as infeasible as it would achieve the key project objectives to a lesser degree, including:

- a. Creating opportunities for economic growth and security for all Oaklanders given that the Reduced Office alternative would result in 2,130 fewer jobs than the Project.
- b. Developing a wide array of spaces that contribute to the diverse, creative character of the community.

### **XIII. STATEMENT OF OVERRIDING CONSIDERATIONS**

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

69. The DOSP updates the goals and policies of the General Plan and provides more detailed guidance for specific areas within the DOSP Plan Area.

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

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

72. The DOSP includes measures to improve pedestrian and bicycle safety and access.

73. The DOSP provides a policy and regulatory framework to achieve one of the primary objectives to transform the Plan Area into an attractive downtown that is context-sensitive and also provides needed housing at range of affordability levels, transportation improvements and additional recreation and open space.

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

75. The DOSP Development Program promotes increased development residential densities in close proximity to employment generating land uses that support the City and regional objectives for achieving a jobs/housing balance and transit-oriented development.

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

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