

Attachment B

Project Consistency with Community Plans or Zoning, Per CEQA Guidelines Section 15183

Section 15183(a) of the California Environmental Quality Act (CEQA) Guidelines states that “...projects which are consistent with the development density established by the existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as may be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.”

Proposed Project

The proposed Project would be located within the Lake Merritt Station Area Plan (LMSAP) planning area in downtown Oakland. The Project site is an approximately 0.22-acre parcel on the historic King Block of downtown Oakland, with a building address of 316 12th Street, mid-block between Webster Street and Harrison Street.

On June 3, 2020, the City granted Small Project Design Review approval to remodel the interior of the existing building on the site, and to repair and restore the front elevation of this historic building. The remodel was found to conform to the Small Project Design Review Criteria checklist and to all applicable zoning regulations. Building permits were obtained, and construction pursuant to this approval was underway as of August 2020. Pursuant to this prior approval, the interior and roof of the former retail space has been removed, but the exterior walls have been retained, including the existing building façade on 12th Street and the rear alley facade. Inside this existing building space, the applicant is adding a Type IV-cross-laminate timber structural system within the exterior walls. A 2nd floor is being added to make this existing building a two-story tall space.

Pursuant to this Project, the same structural system of the existing building would be continued above the existing building to support 3 additional floors of new construction. The new construction would include 9 residential units on each floor, with three new floors added to the building, for a total of 27 new residential units. These upper floors would be set back from the existing front façade on 12th Street, and the setback on the 2nd floor roof would provide a private open space deck. A new elevator and staircases at each end of the building would provide access to the upper floors, and a central corridor would provide access to each unit.

Project Consistency

The Project site is located within the boundaries of the Lake Merritt Station Area Plan (LMSAP), for which a programmatic EIR was prepared pursuant to CEQA, certified in November 2014. As determined by the City of Oakland Bureau of Planning, the proposed Project is permitted in the zoning district in which it is located, and is consistent with the bulk, density, and land uses envisioned in the LMSAP, as outlined below.

Land Use

Land Use - Central Business District: The land use designation for the site is Central Business District (CBD). The intent of the CBD designation is to encourage, support and enhance the downtown area as a high-density, mixed-use urban center of regional importance.

- The Project's proposed mixed of land uses (adding residential use above an existing commercial building) would be consistent with this General Plan designation.

Land Use - Mixed-4 Commercial Zone: The Project site is zoned Lake Merritt Station Area District Mixed-4 Commercial Zone (D-LM-4). The intent of the D-LM-4 zoning district is to designate areas of the LMSAP that are appropriate for a wide range of residential, commercial and compatible light industrial activities. In the D-LM-4 zone commercial activities permitted as-of-right include general food sales, full service restaurants, limited service restaurants and cafes and general retail sales. Alcohol beverage sales are conditionally permitted. Residential uses are a permitted use within the D-LM-4 zone, except that residential uses and activities may not be located within 30 feet of the front lot line on the ground floor of an existing principal building fronting a commercial corridor, or within 30 feet of the front lot line on the ground floor of a new principal building fronting a transitional commercial corridor, with the exception of incidental pedestrian entrances that lead to one of these activities elsewhere in the building.

- The Project's proposed mixed-use residential development with commercial use on the ground floor is consistent with the zoning.
- None of the Project's proposed residential uses are proposed to be located on the ground floor, other than the pedestrian entrance that leads to residential uses on the upper three floors. The proposed upper floor residential use within a mixed-use building is consistent with the zoning.

Development Standards

Building Height: The Project site is within Height Area LM-85, which limits the building base height at 45 feet, and maximum building height at 85 feet. Upper level setbacks from the building base are not required for buildings that do not exceeding 85 feet in height.

- The Project's design has a building base of 25 feet to the top of the existing 2nd floor, with a three-level addition on top of that, reaching a maximum height of 55'-9" to upper roof, and 64'-9" to the elevator bay at the roof. The proposed Project would comply with the building height allowed under the Planning Code.
- The Project's proposed design does not require a height exception, but does include a setback of the upper three levels of residential use, even though not required under the Planning Code.

Non-Residential FAR: The maximum non-residential floor area ratio (FAR) is 5.0 for the non-residential areas of the project site.

- The Project site is approximately 9,453 square feet, and therefore the maximum non-residential FAR allowed would be 47,265 square feet (9,453 x 5). The proposed Project would provide approximately 17,303 square feet of commercial retail/office space on the first and second floor, representing 37% of the allowable FAR. Therefore, the proposed Project would comply with the amount of non-residential FAR allowed under the Planning Code.

Residential Density: For mixed-use projects, OMC Table 17.101G.04 provides that the allowable intensity is measured according to both the maximum non-residential FAR and the maximum residential density allowed by the zone, using the total lot area to calculate both figures. The maximum residential density allowed in the D-LM-4 Zone in the LM-85 Height Area is 1 dwelling unit per 225 square feet of lot area, or 1 rooming unit per 110 square feet of lot area.

- The Project site is approximately 9,453 square feet, and therefore the maximum residential density would be 42 residential dwelling units (9,453/225). The Project proposed to develop a total of 27 residential dwelling units, which is well within the residential densities allowed under the Planning Code.

Open Space: OMC Section 17.101G.060 requires residential projects other than senior housing, affordable housing, rooming units, or residential units within a building on the Local Register of Historic Resources, to provide 75 square feet of open space per unit. At 27 dwelling units, this Code would require the Project, at 27 units, to provide a total of 2,025 square feet of open space.

- The Project applicant proposes to provide 10 percent of the total units, or 3 of the Project’s 27 dwelling units, as affordable to moderate-income households. Pursuant to OMC Section 17.107, the City shall grant a density bonus of up to 20 percent when an applicant agrees to construct at least 10 percent of its total dwelling units for moderate income households, and may offer one incentive or concession to otherwise applicable development standards (including a reduction in development standards for required open space), which results in a direct cost reduction and facilitates construction of affordable housing. The Project applicant is not seeking a density bonus for the Project, but has requested one concession that would allow for a 50 percent reduction in required open space. The requested 50 percent reduction would result in a requirement for at least 1,012 square feet of open space. The Project provides 1,225 square feet of private open space (as outdoor deck space), which exceeds the 50 percent reduction in open space concession.

Policy Consistency

As **Tables B-1 and B-2** demonstrate, the Project would also be consistent with the relevant policies of the LUTE and LMSAP.

Table B-1: Evaluation of Consistency with General Plan LUTE Policies

Relevant Policies of the General Plan LUTE	Project Consistency
<p>Policy N3.1 Facilitating Housing Construction Facilitating the construction of housing units should be considered a high priority for the City of Oakland.</p>	<p>Consistent. The Project would involve redevelopment of the site to add 27 new housing units over existing ground floor commercial uses.</p>
<p>Policy N3.2 Encouraging Infill Development In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland.</p>	<p>Consistent. The Project site is surrounded by development and represents an infill development opportunity.</p>

Policy N3.5 Encouraging Housing Development

The City should actively encourage development of housing in designated mixed housing type and urban housing areas through regulatory and fiscal incentives, assistance in identifying parcels that are appropriate for new development, and other measures

Policy N3.8 Required High-Quality Design

High-quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures.

Policy N3.9 Orienting Residential Development

Residential developments should be encouraged to face the street and to orient their units to desirable sunlight and views, while avoiding unreasonably blocking sunlight and views for neighboring buildings, respecting the privacy needs of residents of the development and surrounding properties, providing for sufficient conveniently located on-site open space, and avoiding undue noise exposure.

Objective N4

Actively encourage the provision of affordable housing throughout the Bay Area.

Objective N6

Encourage a mix of housing costs, unit sizes, types, and ownership structures.

Policy N7.1 Ensuring Compatible Development

New residential development in Detached Unit and Mixed Housing Type areas should be compatible with the density, scale, design, and existing or desired character of surrounding development.

Policy N7.2 Defining Compatibility

Infrastructure availability, environmental constraints and natural features, emergency response and evacuation times, street width and function, prevailing lot size, predominant development type and height, scenic values, distance from public transit, and desired neighborhood character are among the factors that could be taken into account when developing and mapping zoning designations or determining compatibility. These factors should be balanced with the citywide need for additional housing.

Policy N9.7 Creating Compatible but Diverse Development

Consistent. The Project would involve redevelopment of the site to add 27 new housing units in an area designated by the General Plan as Central Business District.

Consistent. The Project would be designed pursuant to California Building Code and other applicable codes, and is subject to City Landmarks Preservation Advisory Board recommendations and Planning Commission Design Review approval.

Consistent. The Project would consist of construction of new residential uses atop an existing commercial building. The residential uses would face 12th Street and the alleyway at the rear of the building. Once constructed, the residential units would rise to approximately 56 feet, which is under the 85-foot height limit for the D-LM-4 zone. The residential development would provide private usable open space areas.

Consistent. The Project includes a mix of 3 two-bedroom and 18 one-bedroom dwelling units, and 6 efficiency units. Three of the Project’s units would be made affordable to moderate-income households.

Consistent. The Project’s choice of materials, design features, and scale of development would be compatible with the existing character of surrounding development and adjacent historic resources.

Consistent. The Project’s design would be consistent with the values that define compatibility. The Project site is located near infrastructure for utilities, transit, and community services. The Project’s design would be consistent with existing community character. In terms of height, scale, and development type, Once constructed, the residential units would rise to approximately 56 feet, which is under the 85-foot height limit for the D-LM-4 zone.

The proposed residential uses would be compatible with the Central Business District land use goals of the General Plan.

Consistent. The Project’s choice of materials, design features, and scale of development would be

Diversity in Oakland's built environment should be as valued as the diversity in population. Regulations and permit processes should be geared toward creating compatible and attractive development, rather than "cookie cutter" development.

compatible with existing character of surrounding development, and subject to Design Review approval by the City.

The Project's interior floor plans enable a diversity of tenant mix to accommodate a range of households and demographics.

Policy N11.4 Alleviating Public Nuisances

The City should strive to alleviate public nuisances and unsafe and illegal activities. Code Enforcement efforts should be given as high a priority as facilitating the development process. Public nuisance regulations should be designed to allow community members to use City codes to facilitate nuisance abatement in their neighborhood.

Consistent. The Project site would be redeveloped to accommodate new residential uses over existing ground floor commercial. No alcoholic beverage sales, adult entertainment, or other entertainment uses are proposed.

Table B-2: Evaluation of Consistency with Historic Preservation Element Policies

Relevant Goals of the Historic Preservation Element	Project Consistency
<p>Goal 1.1: Stress the positive community attributes expressed by well-maintained older properties.</p>	<p>Consistent: The Project's reuse and rehabilitation of the existing historic building will restore it as a well-maintained building that has the potential to resuscitate a small yet central part of the historic block, thereby improve the district's historic character and feeling.</p>
<p>Goal 1.2: Maintain and enhance throughout the City the historic character, distinct charm, and special sense of place provided by older properties.</p>	<p>Consistent: The Project will rehabilitate the existing building, and in so doing will incrementally strengthen the historic integrity of the building's historic design, materials and workmanship. The Project will not detrimentally affect, but will maintain and enhance the historic integrity of the King Block and of the individual building at 316 12th Street.</p>
<p>Goal 1.3: Establish and retain positive continuity with the past thereby promoting pride, a sense of stability and progress, and positive feelings for the future.</p>	<p>Consistent: The design of the new Project's addition is contextual and fits well within the historic district, while being clearly contemporary. The design is compatible with, but is not identical to the property's existing or historical design. No substantial adverse changes to the existing building or the King Block historic district will result.</p>
<p>Goal 1.4: Stabilize neighborhoods, enhance property values, conserve housing stock, increase public and private economic and financial benefits, and promote tourist trade and interest through preservation and quality maintenance of significant older properties.</p>	<p>Consistent: The Project's addition of residential use will enhance the property value and create financial benefits, and increase (even though only to a minor extent) the City's available housing stock.</p> <p>The Project proposes to repair and rehabilitate the existing historic building, except where missing or severely deteriorated elements preclude repair. Replacement features for deteriorated elements may include finish bricks, wood and glass clerestories, stucco panels inset into brickwork above</p>

piers, and rear windows. When required, in kind replacement is to be based on existing matching examples (as there are no severely damaged or missing features or materials that do not have existing counterparts).

Goal 1.5: Preserve and encourage a city of varied architectural styles and environmental character reflecting the distinct phases of Oakland's cultural, social, ethnic, economic, political, and architectural history.

Consistent: The King Block API consists of six individual historic resources, including its five contiguous buildings plus the alley, together comprising the whole of the King Block. The API is an early Oakland example of a modern, Chicago-influenced commercial block, with an urban design that successfully organizes the public facades of large corner buildings, and buildings that show the influence of early skyscrapers and Chicago commercial buildings in their skeletal articulation and expansive window areas. The existing building and its distinct architectural style will be retained and all identified character-defining forms, features and materials of the building are to be either retained, repaired or replaced in kind. No historic characteristics of the King Block API are directly affected by the Project.

Goal 1.6: Enrich the quality of human life in its educational, spiritual, social, and cultural dimensions through continued exposure to tangible reminders of the past.

Consistent: The existing building and the remainder of the King Block API and its distinct architectural style will be retained as a tangible reminder of a period of architectural importance in Oakland's history. The proposed new addition avoids imitation or conjectural features that would result in a contrived appearance, and the Project's proposed addition is of contemporary but compatible design and does not create a false sense of historical development.

Table B-3: Evaluation of Consistency with LMSAP Policies

Relevant Policies of the LMSAP	Project Consistency
<p>Policy LU-7: Diverse housing types. Ensure a diverse community by incentivizing a range of housing types, including housing for individuals and families of all sizes and all income levels.</p> <p>Affordable Housing Goal: Encourage between 15 percent to 28 percent of all new housing units in the Planning Area to be affordable, including units in mixed income developments and units in 100 percent affordable housing developments.</p>	<p>Consistent. The Project would involve redevelopment of the site to add 27 new dwelling units over existing ground floor commercial uses. The units would include a mix of 2-bedroom, 1-bedroom and efficiency units to provide for a range of housing for all income and family types. Three of the dwelling units (or 10% of the Project) would be made affordable to moderate-income households.</p>
<p>LU-19: King Block Alley Encourage redevelopment of the King Block alley as an active use space that creates a unique destination.</p>	<p>Consistent. The Project would consist of construction of new residential uses atop an existing commercial building adjacent to the King Block alley. The residential uses would face 12th Street, and would face the King Block alley at the rear of the building.</p>

CR4: Adaptive Re-use

Update the Planning and Building Code in order to promote the adaptive re-use of historic resources by allowing the relaxation of certain Building or Planning Code requirements that do not impact safety but which may make reuse more viable. Require that adaptive reuse of historic resources that meet the City of Oakland's CEQA thresholds to follow Secretary of the Interior standards.

Consistent. As demonstrated in the CEQA Checklist's Historic Resource assessment, the Project meets the City of Oakland's thresholds for less than significant impacts to historic resources, and its design and construction follow Secretary of the Interior Standards for Rehabilitation of an historic resource.

As demonstrated above, and in accordance with Section 15183 of the CEQA Guidelines, the proposed Project is consistent with the City of Oakland General Plan LUTE, the General Plan Historic Preservation Element, the LMSAP, and zoning standards as established pursuant to the LMSAP. It is consistent with the Project Description of the LMSAP as evaluated in the LMSAP EIR. In accordance with Section 15183 of the CEQA Guidelines, the proposed Project is eligible for consideration of CEQA streamlining provisions under California Public Resources Code Section 21083.3, and Section 15183 of the CEQA Guidelines as a Project Consistency with Community Plans or Zoning.