

B. PLANNING POLICY

This chapter addresses the proposed project's consistency with land use planning policies of the City of Emeryville and the City of Oakland. Policy conflicts are not in and of themselves considered significant environmental impacts under CEQA if they would not result in physical environmental impacts. Potential conflicts between proposed and existing land uses in the vicinity of the project site are addressed in Section IV.A, Land Use. Other local, regional or State plans and policies, such as those relating to cultural resources or transportation, are discussed in those sections of this EIR.

The primary City of Emeryville documents regulating land use within and around the project site are: the 1993 General Plan, including the 2001 Housing Element; the Zoning Ordinance; the 1976 Emeryville Redevelopment Plan; and the 1998 Bike and Pedestrian Plan. A summary of the purpose and major components of each of these plans is provided below, followed by a discussion of the proposed project's consistency with applicable policies. The primary City of Oakland documents regulating land use within and around the project site are: several elements from the General Plan (the 1998 Land Use and Transportation Element, the 2004 Housing Element; the 2002 Pedestrian Master Plan, the 2007 Bicycle Master Plan; the 1996 Open Space, Conservation, and Recreation Element, and the 1994 Historic Preservation Element); the Planning Code; and the Sustainable Community Development Initiative.

1. Applicable City of Emeryville Regulatory Documents.

The following section summarizes the relevant plans, policies and regulations adopted by the City of Emeryville that are applicable to the proposed project.

a. Emeryville General Plan. The Emeryville General Plan (General Plan), which was adopted in 1993, "...consists of a series of policy statements (in text and map form) regarding the future of the city. It focuses on issues which may be affected, to varying degrees, by actions of the city government... As its name implies, it is not a specific blueprint of what the city should be. Rather, it attempts to establish a generalized framework to guide city change, looking some 15 years into the future."

The Emeryville General Plan includes each of the seven required topical areas within three chapters. These three chapters are organized broadly and include:

(1) Community Development: This chapter provides policies related to where people live and work, how they travel around town, what services are provided to improve the community's quality of life, and how the aesthetic of structures, roadways, and the community are integrated to create a cohesive community identity. Specifically, Community Development policies are provided under the following topical headings: housing; economic development; circulation; public facilities and services; land use; and community design. In accordance with Government Code Section 65580, housing policy provided in the General Plan was last updated in 2001, and is a stand-alone Housing Element.

(2) Environmental Resources: Policies provided in this chapter address natural and human-built resources, including those related to air quality, energy, water, biological resources, and cultural and historic resources.

(3) **Public Health and Safety:** Policies in this chapter address health and safety hazards, and help plan for emergencies. Policies in this chapter are organized under the following topics: geotechnical hazards; flood hazards; noise; hazardous materials; fire and crime; and emergency preparedness.

(4) **Land Use Policies.** The General Plan Land Use Plan provides a land use designation for each parcel within the City’s corporate limits, ranging from residential to industrial uses. Six land use designations are provided for on the General Plan Land Use Plan, as summarized in the Table IV.B-1. The proposed project’s General Plan land use designation is Commercial (Figure IV.B-1).

The site is located in the Triangle Neighborhood, as depicted on the General Plan Neighborhoods and Districts Map.¹ Commercial Districts include a range of commercial activities, such as small business serving local neighborhoods, regional retail centers, and administrative offices. However, residential uses are encouraged in some Commercial Districts where offices are the predominant commercial use.²

The General Plan Building Intensity Map depicts the maximum floor area ratio (FAR) for non-residential development for the portion of the project site that lies within Emeryville as 0.7 (allowing up to 70 percent of the project site area to be covered with non-residential floor area), as depicted in Figure IV.B-1 on the following page.³ According to the General Plan Building Heights Map, the maximum building height on the project site is 30 feet.⁴

For residential development on the project site, General Plan policy states that the “bulk of residential development in Emeryville should be of medium density,”⁵ which is defined on the Land Use Plan as

Table IV.B-1: General Plan Land Use Designation Descriptions

General Plan Land Use Designation	Description
Medium Density Residential	Attached single- and multiple-family residential units at a density of 20 to 45 dwelling units per acre/
High Density Residential	Attached multiple-family residential units at a density of 45 or more dwelling units per acre.
Commercial	Uses which serve the needs of the general public such as dry cleaners, restaurants, retailers, and auto dealers. Residential uses are encouraged in some Commercial areas.
Mixed Use	A mixture of commercial, office, residential, industrial, lodging, and civic uses within one building or function as one development within separate buildings.
Industrial	The General Plan states that in areas designated for industrial uses, “a variety of uses [ranging] from heavy manufacturing to research and development and arts and crafts may function efficiently side by side. In certain locations, residential uses may also be acceptable.”
Open Space	Areas typically used for passive or active recreation, either for private or public use, such as parks, pedestrian corridors, balconies/patios, and plazas.

Source: Emeryville General Plan, 1993; LSA Associates, 2007

¹ Emeryville, City of, 1993. *Emeryville General Plan: Neighborhoods and Districts Map*. March 2.

² Emeryville, City of, 1993. *Emeryville General Plan*. March 2.

³ Emeryville, City of, 1993. *Emeryville General Plan: Building Intensity Map*. March 2.

⁴ Ibid.

⁵ City of Emeryville, 1993. *Emeryville General Plan, Community Development Chapter, Land Use Policy 6*, p. 22.

Figure IV.B-1: Emeryville General Plan Land Use Designations

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20 to 45 dwelling units per acre.⁶ However, there is no prescribed residential or commercial density on the project site.

The General Plan provides long range policy direction intended to guide City decision making in the form of goals, objectives, policies, implementation measures, and programs. Goals are broad, generalized expressions of community held values and objectives are subsets of individual goals that are more narrowly defined and represent concrete expressions of community intent. One goal may encompass two or more objectives, each responsive to a particular aspect of the more broadly stated goal. Policies are fairly precise statements that indicate how public regulatory powers and fiscal resources should be allocated over time to achieve specific objectives. Implementation measures provided direction, generally to the City, itself, to take specific action to ensure the enactment of policies. Programs provide the same function as implementation measures, but are only found within the 2001 Housing Element document.

Table IV.B-2, located at the end of this section, provides the goals, objectives, policies, implementation measures, and programs applicable to the proposed project and site. As indicated, goals, objectives, policies, implementation measures, and programs that are applicable to discrete environmental topics (e.g., cultural resources, transportation) are discussed in those topical EIR sections in Chapter IV.

b. Emeryville Zoning Ordinance. The following section provides a general description of the Emeryville Zoning Ordinance, including Zoning Ordinance standards that are applicable to the proposed project. The section concludes with an analysis of the consistency of the proposed project with applicable Zoning Ordinance standards.

The Emeryville Zoning Ordinance (Zoning Ordinance) was adopted on September 6, 1988, and most recently amended in 2006. The purpose of the Zoning Ordinance is to serve the public health, safety, and general welfare of Emeryville residents and employees, and to implement the General Plan, including the following objectives:

- To encourage the most appropriate use of land and the harmonious relationship among land uses;
- To promote a safe and efficient traffic circulation system;
- To provide open spaces for light and air;
- To prevent the overcrowding of land and the undue concentration of population, and to secure safety from fire and other dangers;
- To facilitate the provision of needed community facilities;
- To conserve and stabilize the value of property; and
- To conserve the City's natural beauty, to improve its appearance, and to enhance its physical character.

The portion of the project site situated in Emeryville is currently zoned General Commercial (C-G), as depicted in Figure IV.B-2 on page 37 of this chapter. Permitted uses in a C-G District include a wide variety of civic and commercial uses. Residential uses are conditionally permitted, as are many

⁶ City of Emeryville, 1993. Emeryville General Plan, Figure 1: *Land Use Plan*.

other civic and commercial uses not on the list of always-permitted uses. Industrial uses are excluded from C-G Districts. Article 22, C-G General Commercial District, includes the following regulations:

- *Density and Height:* There is no maximum density for C-G Districts. According to the General Plan Building Heights Map, the maximum permitted height on the project site is 30 feet.⁷
- *Permitted Uses:* Civic and commercial uses are permitted by right; residential uses are conditionally permitted. The work activity associated with a live/work unit must be permitted by the regulations of the C-G District.
- *Floor-Area Ratio:* The maximum permitted floor-area ratio (FAR) for nonresidential structures in a C-G zone is 0.7. There is no maximum FAR for residential structures in a C-G zone. Not more than 50 percent of the floor area of each live/work unit may be devoted to living area in C-G districts.
- *Lot Size:* There is no minimum building site area in a C-G District.
- *Open Space:* There is no minimum open space requirement for permitted uses in C-G Districts. There is a minimum of 36 square feet of private or common usable outdoor recreation or landscaped open space for every conditionally permitted residential unit,⁸ including live/work units.⁹
- *Parking:* The following parking requirements apply to C-G Districts: 1 off-street parking space for each studio or one-bedroom residential unit; 1.5 off-street parking spaces per two- or three-bedroom unit; 1.5 off-street parking spaces per live/work unit or per 1,000 net square feet of live/work space, whichever is greater; 1 off-street loading area provided for every 50,000 square feet of live/work space; 0.25 guest spaces per residential unit of any kind; 1 space per 125 square feet of Full Service Eating/Drinking Establishments, including cafes.
- *Setbacks:* There are no required setbacks.

In September 2006, the Emeryville City Council adopted ordinance 06-013, which included an amendment to the Municipal Code (Sections 9-4.67.1 through 9-4.67.9). The purpose of the amendment is to require City Council approval prior to moving, removal, or demolition of a “significant structure.” A significant structure is one that is at least 50 years old and is “a prominent structure that is emblematic of Emeryville and important to the history of Emeryville” or a structure that has five of the following features in its street façade(s).¹⁰

- Predominantly brick, poured-in-place concrete or wood;
- Windows and doors covering at least 30 percent of a street façade;
- Repetitive rhythm or symmetry as defined by window and door openings on most of a façade;

⁷ In Emeryville, site development “density” requirements are specified in the General Plan.

⁸ Emeryville, City of, 1996. *Emeryville Zoning Ordinance. Article 57. Multiple-Use Development Regulations.* February 13.

⁹ Emeryville, City of, 1996. *Emeryville Zoning Ordinance. Article 58. Live/Work Regulations.* February 13.

¹⁰ Although ordinance 06-013 provides an added layer of protection to certain buildings over 50 years old, it is not a historic preservation ordinance.

Figure IV.B-2: Emeryville Zoning Designations

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Multi-paned windows (at least half of the windows having panes measuring no more than 3 feet by 4 feet);

- Window sills protruding from walls;
- Window frames at least 4 inches wide on more than half of the windows (such as wood frames or brick pattern on all sides of windows);
- Roofline with varied heights or angled or curved shapes at street front;
- Decorative bas relief, concrete inlays, ironwork, stained glass, tiles or other decorative features;
- Walls with horizontal articulation such as columns, curves or recesses of at least 1 foot;
- Walls with vertical articulation such as cornices;
- Varied patterns in the predominant cladding material;
- Major entrance on the street; and
- Arches or angles over the main entrance.

If a non-residential structure meets the above criteria, the City Planning Commission is required to review a proposed project that may affect the significant structure and recommend that the project be approved, conditionally approved, or denied. The Planning Commission is then required to forward its recommendation to the City Council, to make a final determination on a proposed application for demolition or removal of the significant structure.

This ordinance also provides for the creation of an inventory of Significant Structures. Under the authority of the Planning Director, structures that meet the criteria listed above that reside outside of the Park Avenue District (located northwest of the project area) shall comprise the inventory. Any structure that meets the criteria, regardless of whether it has been inventoried, shall be subject to the ordinance.

The Standard Beverages Limited Building contains all of the features indicative of “significant” buildings, pursuant to Ordinance 06-013. Thus the building is considered “significant.” However, as noted above, Ordinance 06-013 is not a historic preservation ordinance. Therefore, the significance designation of the building does not in and of itself make the Standard Beverages Limited building a historic resource.

c. Emeryville Redevelopment Plan. The Emeryville Redevelopment Plan (Plan), initially adopted in 1976 and amended in 1994, was established to provide a mechanism to eliminate existing physical, social, and economic blight and improve the physical, social, and economic fabric of the City. The Plan was enacted for a 50 year period, through 2026, at which time the Redevelopment Agency (Agency) would no longer receive the additional tax increment for the established redevelopment project area.¹¹

Implementation of the Plan is the responsibility of the Agency. The Agency achieves the Plan’s objectives through the following techniques:

¹¹ Emeryville, City of, 1976. *Emeryville Redevelopment Plan*. Amended March 15, 1994.

- Rehabilitation, revitalization, and relocation of existing structures
- Participation of owners and business tenants in Owner Participation Agreements.
- Acquisition of real property.
- Installation, construction, or reconstruction of streets, sidewalks, parking, utilities, landscaping, and other on-and off-site public improvements, and provision of open space and recreational uses.
- Redevelopment of land by private enterprise or public agencies for use in accordance with the Plan.
- Relocation assistance to displaced residential and nonresidential occupants.
- Demolition or removal of buildings and improvements.
- Disposition of property for uses in accordance with the Plan, which are those consistent with the General Plan and Zoning District designations.

The project site is located within Subarea II of the Plan, which is generally bounded by a line parallel to and approximately 400 feet south of Park Avenue, and on the south and east by the Emeryville-Oakland city limit. Redevelopment of Subarea II is envisioned in the Plan to: “eliminate the extensive mixed uses and deteriorating physical quality of the improvements in the area.” The Neighborhood Impact Statement in the Plan further specifies that in light of higher-than-average crime rates, physical deterioration, and an incompatible mixture of commercial and residential uses, redeveloping Subarea II as a primarily commercial area “will have substantial economic and social benefits to the entire community and will eradicate an intensifying blight within the City of Emeryville.” The Plan identifies the potential need to relocate some existing businesses and residents in order to achieve long-term economic and social benefits.

Subarea II of the Plan, more specially, aims to achieve redevelopment objectives by allowing the Agency to:

- Undertake a comprehensive study of this area.
- Provide the opportunity for new commercial development within the area which will stabilize the economic and physical deterioration in the area as well as provide new employment opportunities.
- Provide an attractive and identifiable “gateway” to the southeastern entrance to the City.

d. Emeryville Bike and Pedestrian Plan (1998-2010). The Emeryville Bike and Pedestrian Plan (July 1998) “sets forth a bicycle and pedestrian network to provide access to all parts of the City, transit hubs, and neighboring cities” and “also seeks to make cycling more convenient and enjoyable through improved bicycle parking, bicycle detectors in traffic signals, and signs.” The Bicycle and Pedestrian Plan calls for connecting the Class II bike lanes on Adeline Street, 40th Street, and Emery Street to City of Oakland bikeways at Adeline Street/53rd Street and along 40th Street (to the MacArthur BART station).

2. Applicable City of Oakland Regulatory Documents

The following section summarizes the relevant plans, policies and regulations adopted by the City of Oakland that are applicable to the proposed project.

a. City of Oakland General Plan. The City of Oakland General Plan (General Plan) is a comprehensive plan for growth and development of the City. The General Plan includes policies related to: land use and transportation; open space, conservation and recreation; housing; historic resources; noise; and bikes and pedestrians. These topics are addressed within individual elements of the General Plan.

(1) Land Use and Transportation Element. The Land Use and Transportation Element¹² (LUTE) was adopted in March 1998 and addresses land use and transportation issues. In order to accomplish a more integrated planning process that incorporates City-wide infrastructural needs with neighborhood decision-making, the LUTE includes general development policies for the City, in addition to district-specific policies. The overriding vision for the City that is outlined in the LUTE involves creating: “clean and attractive neighborhoods rich in character and diversity, each with its own distinctive identity, yet well-integrated into a cohesive urban fabric” in addition to “a diverse and vibrant downtown with around-the-clock activity.” An analysis of LUTE policies that are applicable to the project is provided in Table IV.B-1.

The LUTE includes land use designations for all land within the City of Oakland. The land use designation for the portion of the project site in Oakland is Mixed Housing Type Residential, as is shown in Figure IV.B-3. This classification is primarily used in the older, more established neighborhoods in Oakland where a mix of small-scale housing types and neighborhood-serving businesses predominates. The LUTE describes the Mixed Housing Type Residential classification as follows:

- *Intent:* Create, maintain, and enhance those residential areas typically located near the City’s major arterials that are characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate.
- *Desired Character and Uses:* Residential, with live-work types of development, small commercial enterprises, schools, and other small scale, compatible civic uses.
- *Intensity/Density:* Single family homes, townhouses, and small multi-unit buildings are allowed. Maximum allowable density is 30 principal units per gross acre. There are some areas within this classification that are low density housing. These areas should be preserved through appropriate zoning designations.
- *Policy Framework Basis for the Classification:* Neighborhood Goals; Neighborhood Objectives N2, N3, N6, N7, N8, N10, N11 and related policies; Waterfront Objectives W8, W12, and related policies; Downtown Objectives D1, D10, and related objectives.

(2) Housing Element. The Housing Element¹³ of the General Plan was adopted by the City Council on June 15, 2004. California law requires that each city and county adopt a housing element that includes: an assessment of housing needs; a statement of the community’s goals, objectives and policies related to housing; and a 5-year schedule of actions to implement the goals and objectives of the housing element. An analysis of the key Housing Element policies that are applicable to the project are provided in Table IV.B-2 at the end of this section.

¹² City of Oakland Community and Economic Development Agency, 1998. *Land Use and Transportation Element*, March.

¹³ City of Oakland, 2004. *Housing Element, January 1, 1999 – June 30, 2006*. June 15.

The following goals are identified in the Housing Element:

- *Goal 1:* Provide adequate sites suitable for housing for all income groups.
- *Goal 2:* Promote the development of adequate housing for low and moderate-income households.
- *Goal 3:* Remove constraints to the availability and affordability of housing for all income groups.
- *Goal 4:* Conserve and improve older housing and neighborhoods.
- *Goal 5:* Preserve affordable rental housing.
- *Goal 6:* Promote equal housing opportunity.
- *Goal 7:* Promote sustainable development and smart growth.
- *Goal 8:* Increase public access to information through technology.

(3) **Pedestrian Master Plan.** The Pedestrian Master Plan¹⁴ is intended to promote pedestrian safety and access to ensure that Oakland is a safe, convenient, and attractive place to walk. It establishes a Pedestrian Route Network which includes streets, walkways, and trails that connect to schools, libraries, parks, neighborhoods, and commercial districts throughout the City. The Pedestrian Master Plan is a part of the LUTE of the General Plan. An analysis of key Pedestrian Master Plan policies that are applicable to the project is provided in Table IV.B-3.

The goals of the Pedestrian Master Plan include the following:

- *Pedestrian Safety.* Create a street environment that strives to ensure pedestrian safety.
- *Pedestrian Access.* Develop an environment throughout the City – prioritizing routes to school and transit – that enables pedestrians to travel safely and freely.
- *Streetscaping and Land Use.* Provide pedestrian amenities and promote land uses that enhance public spaces and neighborhood commercial districts.
- *Education.* Educate citizens, community groups, business associations, and developers on the safety, health, and civic benefits of walkable communities.
- *Implementation.* Integrate pedestrian considerations based on federal guidelines into projects, policies, and the City's planning process.

The Pedestrian Master Plan designates a Pedestrian Route Network that extends throughout Oakland, and identifies common walking routes to pedestrian destinations. Adeline Street, which borders the western edge of the project site, is designated as a District-serving pedestrian route. 39th Street and Yerba Buena Avenue, which border the project site to the south and north respectively, are designated as Neighborhood-serving pedestrian routes. A portion of San Pablo Avenue south of Highway 580, 0.2 miles south of the project site, is within the Pedestrian Route Network.

(4) **Bicycle Master Plan.** The Bicycle Master Plan¹⁵ (BMP) is the official policy document addressing the development of facilities and programs to enhance the role of bicycling as a viable transportation choice in Oakland. The BMP is part of the LUTE of the General Plan. The BMP

¹⁴ City of Oakland, 2002. *Pedestrian Master Plan*. November.

¹⁵ City of Oakland, 2007. *Bicycle Master Plan*. December 4.

Figure IV.B-3: City of Oakland General Plan Land Use and Zoning Designations
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defines new City policies and recommends actions that would encourage and support bicycle travel improvements. An analysis of key BMP policies that are applicable to the project site is provided in Table IV.B-3.

The goals of the BMP include the following:

- Goal 1 – Infrastructure: Develop the physical accommodations, including a network of bikeways and support facilities, to provide for safe and convenient access by bicycle.
- Goal 2 – Education: Improve the safety of bicyclists and promote bicycling skills through education, encouragement, and community outreach.
- Goal 3 – Coordination: Provide a policy framework and implementation plan for the routine accommodation of bicyclists in Oakland's projects and programs.

The Bicycle Master Plan includes the following facilities in the vicinity of the project site:

- Installation of a Class II bikeway (striped lanes) on Adeline Street from 36th Street to 3rd Street and from Emeryville city limits near 47th Street to 40th Street north towards Berkeley;
- Installation of a Class II bikeway (striped lanes) on 40th Street between Adeline Street and Telegraph Avenue;
- Installation of a Class III bikeway (bike route) on 40th Street between Adeline Street and San Pablo Avenue;
- Installation of a Class III bikeway (bike route) on Emery Street between Park Avenue and MacArthur Boulevard; and
- Installation of a Class II bikeway (striped lanes) on MacArthur Boulevard east of Market Street.

(5) Open Space, Conservation and Recreation Element. The Open Space, Conservation, and Recreation Element¹⁶ (OSCAR) is the official policy document addressing the management of open land, natural resources and parks in Oakland, and is part of the Oakland General Plan. This element is divided into four major chapters that discuss Open Space, Conservation, Recreation, and Area Plans.

The majority of open space within the City is along the waterfront and in the Oakland Hills. The project site is located in OSCAR's North Oakland planning area. Of the 10,000 acres of open space within the City of Oakland, approximately 108 acres (4.7 percent) is located within North Oakland. Only 54.5 acres of that open space is active parkland, including public schoolyards and athletic fields. At the time of OSCAR's publication, North Oakland had a ratio of 1.18 acres of parkland per 1,000 residents, which is just over one quarter of the City-wide standard.¹⁷ But while much of North Oakland is parkland deficient, OSCAR does not consider the area in close vicinity to the project site to be deficient.¹⁸ OSCAR policies that are applicable to the project site are discussed in Table IV.B-3.

¹⁶ City of Oakland, 1996. *Open Space, Conservation, and Recreation (OSCAR) Element*. June.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

(6) Historic Preservation Element. The Historic Preservation Element¹⁹ (HPE) is part of the City of Oakland General Plan and defines goals, objectives, policies and actions that encourage preservation and enhancement of Oakland's older buildings, districts and other physical environmental features having special historic, cultural, educational, architectural or aesthetic interest or value.

HPE policies define the criteria for legal significance that must be met by a resource before it is listed in Oakland's local register of historical resources. Based on a city-wide preliminary architectural inventory completed by the Oakland Cultural Heritage Survey (OCHS), pre-1945 properties have been assigned a significance rating of A, B, C, D, or E and assigned a number (1, 2, or 3) which indicates its district status. The ranking system indicates a property's status as a historical resource and identifies those properties warranting special consideration in the planning process. Refer to Section IV.C, Cultural and Paleontological Resources, for more detail on the HPE and the OCHS rating of the on-site building.

The goals of the Historic Preservation Element include the following:

- **Goal 1:** To use historic preservation to foster the economic vitality and quality of life in Oakland by:
 - (1) Stressing the positive community attributes expressed by well-maintained older properties;
 - (2) Maintaining and enhancing throughout the City the historic character, distinct charm, and special sense of place provided by older properties;
 - (3) Establishing and retaining positive continuity with the past thereby promoting pride, a sense of stability and progress, and positive feelings for the future;
 - (4) Stabilizing neighborhoods, enhancing property values, and conserving housing stock, increasing public and private economic and financial benefits, and promoting tourist trade and interest through preservation and quality maintenance of significant older properties;
 - (5) Preserving and encouraging a city of varied architectural styles and environmental character reflecting the distinct phases of Oakland's cultural, social, ethnic, economic, political, and architectural history; and
 - (6) Enriching the quality of human life in its educational, spiritual, social, and cultural dimensions through continued exposure to tangible reminders of the past.
- **Goal 2:** To preserve, protect, enhance, perpetuate, use, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural or aesthetic interest or value. Such properties or physical features include buildings, building components, structures, objects, districts, sites, natural features related to human presence, and activities taking place on or within such properties or physical features.

b. Planning Code. The Oakland Planning Code (Title 17 of the Oakland Municipal Code) implements the policies of the General Plan and certain other of the City's plans, policies, and ordinances. The Planning Code divides the City into zones, each of which is assigned different regulations. These regulations direct the construction, nature, and extent of building use.

¹⁹ City of Oakland, 1994. *City of Oakland Historic Preservation, an Element of the Oakland General Plan*. March 8.

The project site is zoned Housing and Business Mix (HBX-2). The HBX zone allows for mixed-use districts that include both residential and business activities. According to the Planning Code, HBX zones are intended to “establish development standards that allow residential and business activities to compatibly co-exist,” and “provide a transition between industrial areas and residential neighborhoods.”²⁰ Permitted and conditionally permitted facilities in an HBX zone include residential uses and sidewalk cafes, in addition to a wide variety of other residential, civic, commercial, manufacturing, and agricultural activities.²¹ Chapter 17.65, HBX Housing and Business Mix Commercial Zone Regulations, includes the following regulations:

- *Density and Height:* The maximum density for HBX-2 is 930 square feet of lot area per residential unit (or 46.8 units per acre). The maximum height for HBX-2 is 55 feet when the lot abuts a street right of way that is 80 feet wide or more.
- *Permitted Uses:* Permitted uses in HBX Live/Work and Work/Live units are: any activity that would qualify as a home occupation in a residential facility, as delineated in Chapter 17.112 of the Planning Code;²² all other permitted and conditionally permitted activities in an HBX zone.
- *Floor-Area Ratio:* The maximum permitted floor-area ratio (FAR) for residential structures in an HBX-2 zone on a lot that is abutting a street right-of-way of 80 feet wide or more is 3.4. The maximum permitted FAR for nonresidential structures in an HBX-2 zone is 3.0. Work/live units are considered nonresidential facilities.
- *Lot Size:* The minimum lot area in an HBX-2 zone is 4,000 square feet. The minimum lot width in an HBX-2 zone is 35, and the minimum lot frontage is also 35 feet.
- *Open Space:* Each lot containing 2 or more living units shall provide 150 square feet of group (communal) usable open space per dwelling unit. Each square foot of private usable open space can be substituted for two feet of group open space. Group open space may be located anywhere on the lot and may be located entirely on the roof of any building on the site.
- *Parking:* One off-street parking space is required for each residential unit.
- *Setbacks:* There are no required setbacks.

c. Sustainable Community Development Initiative. The Oakland City Council adopted a Sustainable Community Development Initiative (Initiative) in 1998. The Initiative is a program that seeks to enhance the environmental sustainability of City operations and private development within the City. The major objectives of the Initiative include the following: economic development; employment training and continuing education; encouragement of in-fill housing, mixed use development, and sustainable (“green”) building; making City operations and services a model of

²⁰ Oakland, City of, 1998. *Oakland Planning Code*.

²¹ Sidewalk cafes are subject to the provisions of Section 17.102.335: Standards for Sidewalk Cafes in the Oakland Planning Code.

²² *Oakland Planning Code, Chapter 17.112.020 Definition of Home Occupation:* A “home occupation” is an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage attached thereto and reserved therefore, by an occupant of the living unit and which is customarily incidental to the residential use of the living unit. A home occupation may include, but is not limited to, the handicraft manufacture of products, the conduct of an art or profession, the offering of a service, or the conduct of a business, subject to the provisions of Sections 17.112.030, 17.112.040, 17.112.050, and 17.112.060.

sustainable practices; and increasing community involvement. The Sustainable Development Initiative comprises voluntary guidelines intended to preserve environmental health and increase economic development, and private developers are not required to incorporate them into projects.

3. Policy Consistency

As noted earlier, conflicts with adopted policy documents do not inherently result in a significant effect on the environment within the context of CEQA. As stated in Section 15358(b) of the *CEQA Guidelines*, “[e]ffects analyzed under CEQA must be related to a physical change.”

a. City of Emeryville General Plan. This subsection addresses the proposed project’s consistency with applicable General Plan policies. Table IV-3, at the end of this chapter, provides a policy-by-policy listing that indicates the proposed project’s relationship and consistency with each applicable General Plan planning policy.

The proposed project would result in changes to the project site that would intensify land uses on the site by redeveloping it with residential and commercial uses. General Plan policies applicable to the proposed project address: compatibility of land uses in mixed use developments; providing services for the local resident and work force populations; creating developments that are compatible with the character and scale of the existing, surrounding neighborhood; providing affordable housing opportunities; consistency with adopted General Plan intensity and density maps; protecting historical and cultural resources; and, improving pedestrian accessibility and open space. The proposed project, which would allow for redevelopment of former manufacturing site, is generally consistent with applicable policies in the General Plan, as follows:

- Policies related to the mixing of land uses, particularly in projects that incorporate dwelling units into commercial and office developments, include City-wide Goal 2, Housing Program II-A-6, Housing Policies II-C-1 and II-C-2, Land Use Objective A, and Land Use Policy 9. The proposed project would add 101 residential units and a ground-floor café to a former manufacturing site in a Commercial District characterized by a mixture of residential, commercial, and light industrial uses. The project would be consistent with the above-mentioned policies
- Policies related to the provision of services to the City’s residential and workforce populations include City-wide Goal 1, Economic Development Objective C, Land Use Objective B, and Land Use Policy 9. The proposed project would add a 1,000 square foot café to the project site, which would support demand created for services by area resident and workforce populations. The project would comply with the above-mentioned policies.
- Policies related to development that is compatible with the character and scale of existing, development include City-wide Goal 2, Land Use Objective A, and Land Use Policies 1, 6, 7, and 8. Buildings to the north, west, and south of the project site range in height between one and four stories, while residences to the east range in height from one to two stories. The proposed project would be of a similar height and bulk as other residential and mixed use developments to the north, west, and south. The project’s four-story buildings would be taller than the one- and two-story detached single- and multi-family homes to the east of the site. However, the buildings on the eastern border of the project site would be only two stories tall and would be set back approximately 4.5 feet to step down in height to the homes to the east. The project would be generally consistent with the above-mentioned policies.

- Policies related to providing affordable housing opportunities include Housing Policies II-B-2, II-C-1, and II-C-2. The City requires all residential projects of at least 30 units to provide 20 percent of the units to moderate-, low-, and very low-income residents. According to this policy, 16 of the 81 units located in the portion of the site in Emeryville would be required to be affordable units.
- Policies related to consistency with adopted General Plan intensity and density maps include Land Use Policies 1, 6, and 9. As previously described, the General Plan nonresidential intensity for the project site is 0.7 FAR. The proposed project would result in an average FAR of 0.08 for the nonresidential (commercial) space on the site. For residential development on the project site, General Plan policy states that the “bulk of residential development in Emeryville should be of medium density,” which is defined on the Land Use Plan as 20 to 45 dwelling units per acre. However, there is no prescribed residential or commercial density on the project site. The proposed 101 residential units would average 100 units per acre over the 0.81 acres of the site in Emeryville. Although the project would exceed a “medium density,” as defined in the General Plan, the proposed density is appropriate for the project site, which is located in close proximity to mass transit, the San Pablo Avenue commercial district, and job centers in Emeryville and Oakland. The proposed density of the project would not result in significant environmental impacts in and of itself.
- Policies relating to protecting historical and cultural resources include Community Design Policy 16, Cultural and Historic Resources Objective A, and Cultural and Historic Resources Policy 3. The former manufacturing building on the project site is considered “significant” under the City of Emeryville Ordinance 06-013, and would require City Council approval prior to demolition. According to the above-mentioned policy, the “historic industrial-warehouse image found in many parts of Emeryville” should be preserved and enhanced either through retaining significant structures, such as the one existing on the project site, or constructing new buildings that are architecturally compatible with the previously mentioned “industrial-warehouse image.” The proposed project would demolish a “significant” structure according to Ordinance 06-013 and construct new buildings that would incorporate modern/industrial architectural motifs typical of loft-style redevelopment projects in Emeryville and other cities in the Bay Area. The City Council would be required to determine the adequacy of the proposed project as a replacement for a “significant” structure according to the set of criteria described in Section 9-4.67.8 of the Emeryville Municipal Code. Please refer to Section IV.C, Cultural and Paleontological Resources, for a detailed discussion of historic and cultural resources on the project site, and the impacts of the project on these resources.
- Policies related to improving pedestrian accessibility and open space opportunities include Community Design Objective G and Community Design Policy 2. The proposed project would improve the pedestrian environment on the corner of 39th Street and Adeline Street through the addition of a café with a patio and outdoor seating. The project would also include bicycle parking in the below-grade parking garage.

b. City of Emeryville Zoning Ordinance. This subsection provides a discussion of the consistency of the proposed project with Zoning Ordinance regulations.

As described above, the project site is zoned General Commercial (C-G). As a multiple use project, the proposed project is subject to Zoning Ordinance Article 22, C-G General Commercial District

requirements. The following describes how the proposed project would be consistent with Article 22 requirements:

- *Density and Height:* There is no maximum density for C-G Districts. The project would be generally 36 feet high, though portions of it could be up to 50 feet high. This would exceed the General Plan's 30 foot height limit on the project site.
- *Permitted Uses:* Multifamily residential uses on the project site are conditionally permitted. The City would require that work activities associated with live/work units be permitted by the zoning regulations of the district where it will be located.
- *Floor-Area Ratio:* The maximum permitted floor-area ratio (FAR) for nonresidential structures in a C-G zone is 0.7. There is no maximum permitted FAR for residential structures in a C-G zone. The nonresidential FAR would be 0.08, far below the maximum permitted FAR.
- *Lot Size:* There is no minimum building site area in a C-G District.
- *Open Space:* There is no minimum open space required for permitted uses in C-G Districts. There is a minimum of 36 square feet of private or common usable outdoor recreation or landscaped open space for every conditionally permitted residential unit,²³ including live/work units. The project would provide 150 square feet of open space per residential unit.
- *Parking:* The project would not comply with off-street parking requirements for visitors, and would be required to secure a parking variance.
- *Setbacks:* There are no required setbacks.

c. City of Emeryville Redevelopment Plan. The proposed project would achieve some but not all specific goals for Emeryville Redevelopment Plan Subarea II, in which the project site is located. As described above, the Redevelopment Plan's goals for Subarea II include eliminating mixed uses, developing the area as a primarily commercial district, eliminating physical deterioration and blight, and providing new employment opportunities. The project proposes to replace a former manufacturing building with a mix of residential and commercial uses. The proposed café on the corner of 39th Street and Adeline Street would help increase commercial vitality in the Subarea. While the project would resemble several other residential and mixed use developments to the north, west, and south of the project site, the Redevelopment Plan does not specifically encourage residential development in Subarea II. The proposed café would create jobs, though relatively few in the context of the Redevelopment Plan's vision of the area as a primarily commercial district. In addition, the proposed project would cause a net loss in jobs on the project site due to removal of the existing Oriental Spa, T-shirt silk-screener, hair studio/salon, and vintage automobile restoration service.

d. City of Emeryville Bike and Pedestrian Master Plan (1998-2010). The proposed project would not conflict with any of the bike facilities anticipated in the Bike and Pedestrian Master Plan.

e. City of Oakland General Plan. The General Plan contains many policies, which may in some cases address different goals; thus some policies may compete with each other. The Planning Commission/City Council, in deciding whether to approve the proposed project, must decide whether, on balance, the project is consistent (i.e., in general harmony) with the General Plan.

²³ Emeryville, City of, 1996. *Emeryville Zoning Ordinance. Article 9-4.57.5 Multiple-Use Standards.* February 13.

Regarding a project's consistency with the General Plan in the context of CEQA, the Oakland General Plan states the following: "The General Plan contains many policies which may in some cases address different goals, policies and objectives and thus some policies may compete with each other. The Planning Commission and City Council, in deciding whether to approve a proposed project, must decide whether, on balance, the project is consistent (i.e., in general harmony) with the General Plan. The fact that a specific project does not meet all General Plan goals, policies and objectives does not inherently result in a significant effect on the environment within the context of the California Environmental Quality Act (CEQA). (City Council Resolution No. 79312 C.M.S.; adopted June 2005)"

The proposed project, and its relationship to policies within the General Plan, are briefly described in a Table IV.B-3. The project's consistency with the regulatory documents summarized in the previous section is briefly described below.

(1) Land Use and Transportation Element. As described above, the General Plan designates the project site as Mixed Housing Type Residential. This land use designation, which primarily occurs in the City's older residential neighborhoods, encourages a mix of different types of residential units with neighborhood-serving businesses.

As noted in Table IV.B-3, the proposed project is generally consistent with the development parameters established for the Mixed Housing Type Residential designation. The project would provide a variety of residential unit types, as well as a neighborhood-serving café. However, the maximum allowable density in this land use designation is 30 principal residential units per gross acre. The portion of the proposed project in Oakland would be 64.5 units per acre.

The project's buildings, which would be generally 36 feet high but up to 50 feet high at some points, would be at a similar scale to other buildings to the north, west, and south of the project site. As noted in Table IV.B-3, the project would be taller than the detached one- and two-story homes to the east of the site. The buildings on the eastern border of the project site would be only two stories tall and would be set back approximately 4.5 feet to create the impression of shorter structures that step down in height towards the one- and two-story buildings to the east.

The proposed project would be inconsistent with height and density restrictions for the Mixed Housing Type Residential designation. Although the site is located adjacent to a lower density residential neighborhood to the east, the project would not be out of scale with other recent development along Adeline Street and San Pablo Avenue. In this sense, the site could serve appropriately as a transition point between the smaller houses to the east and the mixed use and retail uses to the north, south, and west. The site's location on the edge of a residential area, as opposed to being entirely enclosed, make the project's impacts less-than-significant.

(2) Housing Element. The proposed project would be generally consistent with the Housing Element policies listed in Table IV.B-3, with a few exceptions.

The project would include a total of 101 residential units. The City of Emeryville would require that 20 percent of the project's units located in the portion of the site in Emeryville be made affordable to very low-, low-, and moderate-income renters. Of the 101 total units, 81 would be in Emeryville, meaning 16 of the project's units would be guaranteed affordable units. Although the City of Oakland

does not require market rate projects to include affordable units, policies 2.1 and 2.4 recommend that new housing developments include units affordable to very low-, low-, and moderate-income renters. In addition, Action 7.1.1 recommends that all new private residential development use the Alameda County New Home construction Green Building Guidelines.

The applicant has not indicated whether it would adhere to Oakland's policies that encourage affordable housing in new developments. If the applicant were to follow the City of Emeryville's affordable housing policy, 4 of the 20 units (20 percent) located in Oakland would be affordable units. However, if Oakland were to not include any affordable units on its portion of the site, a small number of units constructed elsewhere in the City would not constitute a significant adverse impact on the physical environment under CEQA. In addition, the applicant has not indicated whether the project would incorporate sustainable design or energy efficient features.

(3) Pedestrian Master Plan. The proposed project is generally consistent with the Pedestrian Master Plan, as it incorporates features that would enhance and facilitate pedestrian access to and within the project site. The project would include a mix of residential and commercial uses, which itself have the potential to generate pedestrian activity. The ground-floor café, which would include an outdoor patio and seating, would improve the pedestrian environment along Adeline Street.

(4) Bicycle Master Plan. The proposed project is generally consistent with Bicycle Master Plan. Bicycle parking facilities will be incorporated into the below-grade parking garage.

(5) Open Space, Conservation and Recreation Element. The proposed project is generally consistent with the Open Space, Conservation and Recreation Element. The project would include private balconies and patios, an interior shared courtyard, and an outdoor patio adjacent to the café on the corner of 39th Street and Adeline Street. In addition, the project's mix of residential and commercial uses (including six work/live units) complies with Policy CO-12.1, which calls for land use patterns that encourage use of alternative transportation modes to improve air quality.

(6) Historic Preservation Element. The proposed project, which would demolish a building considered a historic resource pursuant to CEQA, is generally inconsistent with the Historic Preservation Element. The City of Oakland's Cultural Heritage Survey (OCHS) rated the property (former manufacturing building on the project site) C3, meaning that it is of secondary historical importance. It is also rated as a Potentially Designated Historic Property (PDHP) by the City of Oakland, though is not classified as being on the City of Oakland's Local Register of Historical Resources. The project site is not located in an Area of Primary Importance. For further discussion of the historic significance of the existing structure on the project site, please see Section IV.C, Cultural and Paleontological Resources.

f. City of Oakland Planning Code. The proposed project is located in a Housing and Business Mix (HBX-2) zone. The HBX zone allows for mixed-use districts that include both residential and business activities. The proposed project would be generally consistent with the HBX-2 zone designation, and would create an adequate transition between the residential neighborhood to the east of the site and the large-scale retail centers to the west of the site.

The project's residential floor area ratio (FAR) of 1.86 and nonresidential FAR of 0.08 would comply with the zone's FAR restrictions, as well as its parking, open space, and height restrictions. However, the project's proposed residential density of 64.5 units per acre would be significantly higher than the allowed density for an HBX-2 zone, which is one unit per 930 square feet of lot area, or 46.8 units per acre.

g. Sustainable Community Development Initiative. The proposed project would be an infill project consisting of a mix of residential and commercial uses. In this sense, it is compatible with the Sustainable Community Development Initiative. However, the project applicant has not indicated whether affordable units would be included in the Oakland portion of the site, or if the project would employ green building and construction principles. As discussed above in relation to the Housing Element of the General Plan, the non-inclusion of a small number of affordable units on the site would not have a significant impact on the physical environment.

Table IV.B-2: Relationship of Proposed Project to Applicable City of Emeryville General Plan Policies

General Plan Citation	Goal, Objective, Policy, Program or Implementation Language	Project's Relationship to Policy
CITY OF EMERYVILLE GENERAL PLAN		
<i>City-wide Goal 1</i>	Provide services and facilities for Emeryville's citizens. Protect public health and safety and improve opportunities for education and cultural entertainment.	The proposed project would achieve this goal by adding a 1,000 square-foot café on the corner of Adeline Street and 39th Street. The café would serve area residents and visiting shoppers, and would improve the pedestrian environment.
<i>City-wide Goal 2</i>	Encourage a land use pattern in which a variety of uses – residential, commercial and industrial – are intermingled in a compatible fashion, and which minimize potential threats to public health, safety and the environment.	The proposed project would achieve this goal by adding both residential and commercial uses to a former industrial site. The project would be compatible with surrounding land uses.
<i>City-wide Goal 3</i>	Establish a circulation system allowing for the free movement of persons and goods to, from, and within the city while avoiding an overaccommodation to vehicles at the expense of land use and pedestrian movement.	The proposed project would achieve this goal by adding a café on the corner of Adeline Street and 39th Street that would improve the pedestrian environment. In addition, all vehicle parking on-site would be sub-grade. The project, which would be located near several major transit routes, would support the use of alternative transportation.
<i>Housing Program II-A-6</i>	Encourage and facilitate the conversion of underutilized industrial sites to mixed use or residential projects that include low and very low income units.	The proposed project would convert a former manufacturing building to residential and commercial uses. The City would require 16 of the 81 proposed units (20 percent) in the Emeryville portion of the site to be affordable units.
<i>Housing Program III-A-6</i>	Support development of affordable live/work space for artists.	The proposed project would include four live/work units and six live/work units, and would include 16 affordable units in the Emeryville portion of the site.
<i>Housing Policy II-B-2</i>	Maintain the Affordable Housing Set-Aside Ordinance, requiring projects with 30 units or more to provide 20 percent of the units affordable to moderate, low or very low income households.	The City would require 16 of the 81 proposed units (20 percent) in the portion of the site in Emeryville to be affordable units.
<i>Housing Policy II-C-1</i>	Encourage non-traditional group housing, live-work units, and housing in multiple use projects and mixed use areas.	The proposed project would achieve this policy by redeveloping a former manufacturing site with residential, live/work, work/live, and commercial uses.
<i>Housing Policy II-C-2</i>	Encourage residential and live work development in industrial areas, where appropriate.	The proposed project achieves this policy by adding residential uses to an underutilized former manufacturing site.
<i>Economic Development Objective C</i>	Encourage the establishment of retail and service activities now absent but desired and needed by the Emeryville residents.	The proposed project would add a café on the corner of Adeline Street and 39th Street. The café would serve area residents, the local workforce, and visiting shoppers. However, the project would demolish the existing structure and displace business operating within it. These businesses currently include an Oriental spa, a T-shirt silk-screener, a hair studio/salon, and a vintage automobile restoration service. Therefore, the project would likely result in a net loss of jobs on the project site.

Table IV.B-2 *Continued*

General Plan Citation	Goal, Objective, Policy, Program or Implementation Language	Project's Relationship to Policy
<i>Land Use Objective A</i>	Create a major activity center in the Bay Area with new office, commercial and high-tech industries and new housing of all types replacing obsolete, incompatible and low-intensity prior uses.	The proposed project would achieve this objective by replacing a former manufacturing site with a more dense mixed-use development with residential and commercial uses.
<i>Land Use Objective B</i>	Create a living and working environment which protects and enhances existing development, while providing new amenities and facilities for an expanded work force and residential population.	The project would result in the demolition of the existing building on the site (and would displace existing commercial and service uses from the site), but would create a new commercial space and 101 new housing units.
<i>Land Use Policy 6</i>	The bulk of residential development in Emeryville should be of medium density. High density development will be permitted only in selected locations where high density development already exists or can be accommodated in accordance with City policy. The plan defines medium density as consisting of no more than 45 dwelling units per gross acre and a high density as any development exceeding that. Assuming an average household size of 1.7 persons (the present city-wide average), 45 dwelling units would house some 77 persons.	The proposed project would average 91.7 du/ac over the 1.12-acre project site, which would exceed the average density standard in the City. However, the project site is an appropriate place for higher-density uses: it is located in the vicinity of job centers in Oakland and Emeryville, numerous transit routes, and local-serving retail uses. City of Emeryville policies generally support development of higher-density uses on sites similar to the project site.
<i>Land Use Policy 7</i>	Infill residential development in established residential areas should respect the prevailing building type in the surrounding areas, so that new development is not incompatible with the area's existing scale and character.	The proposed project would add four new buildings to the site that would be of a scale, height, and building type consistent with many buildings surrounding the project site. The proposed buildings would be three stories in height. Surrounding buildings include the four-story mixed-use development to the west, the three-story residential development to the north, the two-story light industrial buildings to the south, and the one- and two-story detached homes to the east. Many other developments to the north, west, and south along Adeline Street and San Pablo Avenue are of a similar scale as the proposed project. The proposed buildings on the eastern edge of the project site would be stepped down to provide a transition to the smaller, lower-density homes to the east. These buildings would also be set back approximately 4.5 feet from the homes to the east.
<i>Land Use Policy 8</i>	The City shall review residential projects to ensure that the housing offers a quality living environment and is compatible with surrounding neighborhood character.	The City's Planning Commission and City Council will review the proposed project to ensure that it provides a quality living environment and is compatible with the character of the surrounding neighborhood.

Table IV.B-2 *Continued*

General Plan Citation	Goal, Objective, Policy, Program or Implementation Language	Project's Relationship to Policy
<i>Land Use Policy 9</i>	The Land Use Plan establishes the general locations of commercial activities. These consist of office and general commercial activities ranging from small businesses serving local neighborhoods to regional retail and administrative offices including hospitals, medical office buildings and related support facilities. While both commercial activities will be located throughout the city, except in residential districts, and the bulk of offices will be found in mixed use districts, areas are established where they are to be the predominate use. Residential use, in addition to the primary commercial use of property, is strongly encouraged in these areas.	The development of residential and commercial uses on the project site, as proposed, would accomplish the aim of this policy by integrating residential uses into a commercial district.
<i>Community Design Objective G</i>	Improve the experience of pedestrian, cyclist and motorist movement throughout the city.	The proposed project would achieve this goal by improving the pedestrian environment on the corner of 39th Street and Adeline Street through the addition of a café with a patio and outdoor seating and through the planting of street trees along the project site frontages.
<i>Community Design Policy 2</i>	The City shall protect the existing character and low-rise scale (no more than 40 feet, generally) of residential areas in the Triangle, North of Powell and South of Powell.	The project site is located in the Triangle neighborhood. According to the General Plan Building Heights Map, the maximum allowed height on the project site is 30 feet. Most of the proposed project would be 36 feet high, though some portions of it could be up to 50 feet high.
<i>Community Design Policy 16</i>	The historic industrial-warehouse image found in many parts of Emeryville should be preserved and enhanced through the retention of architecturally significant structures and the addition of architecturally compatible new construction.	The former manufacturing building on the project site is considered "significant" under City of Emeryville Ordinance 06-013, and would require City Council approval prior to demolition. The project's architecture would incorporate modern/industrial motifs typical of loft-style redevelopment projects in Emeryville and other cities in the Bay Area. The City Council would be required to determine the adequacy of the proposed project as a replacement for a "significant" structure according to the set of criteria described in Section 9-4.67.8 of the Emeryville Municipal Code. Please refer to Section IV.C, Cultural and Paleontological Resources, for a detailed discussion of historic and cultural resources on the project site, and the impact of the project on these resources.
<i>Cultural and Historic Resources Objective A.</i>	Protect Emeryville's historic and cultural resources and encourage future development to reflect that heritage.	Refer to Community Design Policy 16 above.
<i>Cultural and Historic Resources Policy 3</i>	The City strongly endorses the reuse of heritage buildings.	Refer to Community Design Policy 16 above.

Table IV.B-3: Relationship of Proposed Project to Applicable City of Oakland General Plan Policies

Policy #	Policy	Relationship
City of Oakland General Plan, Land Use and Transportation Element		
Industry and Commerce Policies		
Policy I/C1.4	Investing in Economically Distressed Areas of Oakland. Economic investment, consistent with the City’s overall economic strategy, should be encouraged, and, where feasible, should promote viable investment in economically distressed areas of the City.	The proposed project would redevelop a former manufacturing building and provide residential and community space. The project would invest money in the neighborhood.
Policy I/C3.4	Strengthening Vitality. The vitality of existing neighborhood mixed use and community commercial areas should be strengthened and preserved.	The proposed project would increase the population of the area and add a café on the corner of 39th Street and Adeline Street. The café’s presence would enhance community vitality. In addition, street trees would be planted along all streets adjacent to the project site, which would improve the urban design vitality of the area.
Transportation and Transit-Oriented Development Policies		
Policy T2.3	Promoting Neighborhood Services. Promote neighborhood-serving commercial development within one-quarter to one-half mile of established transit routes and nodes.	The Land Use and Transportation Element Transportation Diagram designates San Pablo Avenue as a “regional transit street.” The proposed project would provide commercial uses within one ½-mile of San Pablo Avenue.
Policy T4.1	Incorporating Design Features for Alternative Travel. The City will require new development, rebuilding, or retrofit to incorporate design features in their projects that encourage use of alternative modes of transportation such as transit, bicycling, and walking.	The proposed project would include bicycle parking in the below-grade garage. In addition, the project would allow for use of public transit because the site is located within easy walking distance of numerous transit routes.
Neighborhood Policies		
Policy N1.1	Concentrating Commercial Development. Commercial development in the neighborhoods should be concentrated in areas that are economically viable and provide opportunities for smaller scale, neighborhood-oriented retail.	The project would include a 1,000 square foot café on the corner of 39th Street and Adeline Street. The cafe would be oriented towards neighborhood serving uses.
Policy N1.5	Design Commercial Development. Commercial development should be designed in a manner that is sensitive to surrounding residential uses.	Commercial uses would be incorporated into the mostly residential project. The proposed café would include an associated patio, and would enhance the residential environment of the neighborhood.
Policy N3.1	Facilitating Housing Construction. Facilitating the construction of housing units should be considered a high priority for the City of Oakland.	The proposed project would construct 101 residential units and would increase the housing supply in Oakland and Emeryville.
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.	The proposed project would be considered infill development and would redevelop an already-developed parcel in an urban neighborhood in Oakland. The proposed project would be consistent with the General Plan.

Table IV.B-3 *Continued*

Policy #	Policy	Relationship
Policy N3.4	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.	The General Plan designates the part of the project site that is located in Oakland as Mixed Housing Type Residential. The proposed project would develop 101 residential units on the project site.
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 neighborhood 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.	The proposed project would orient residential units towards the street. Additionally, all buildings would incorporate group open space in the center of the development to provide more unit access to light and air. The proposed buildings would step down in height to the east, and would not unreasonably block sunlight. The buildings would also be set back approximately 4.5 feet from properties to the east.
Policy N3.10	Guiding the Development of Parking. Off-street parking for residential buildings should be adequate in amount and conveniently located and laid out, but its visual prominence should be minimized.	All residential parking would be provided underground and would not be visible from the street. The project also proposes to add 13 on-street parking spaces along 39th Street, Adeline Street, and Yerba Buena Avenue. These new parking spaces would not detract from the area's visual quality.
Policy N4.2	Advocating for Affordable Housing. The City encourages local non-profit organizations, affordable housing proponents, the business community, the real estate industry, and other local policy makers to join in efforts to advocate for the provision of affordable housing in communities throughout the Bay Area region.	The project would include 16 affordable units in the portion of the site in Emeryville. None of the 20 units in the Oakland portion of the site would be required to be affordable. The applicant has not indicated whether any of these units would be affordable.
Policy N5.3	Supporting Live-Work Development. The city should support and encourage residents desiring to live and work at the same location whether neither the residential use nor the work occupation adversely affects nearby properties or the character of the surrounding area.	The proposed project would include four live/work units and six work/live units, the latter of which would be located exclusively in the portion of the site in Oakland. These uses would be compatible with existing uses around the project site, which include commercial, residential, and service uses.
Policy N6.1	Mixing Housing Types. The City will generally be supportive of a mix of projects that provide a variety of housing types, unit sizes, and lot sizes which are available to households with a range of incomes.	While the majority of residential units in the proposed project would be studio or one-bedroom units, the remaining units would be a mixture of two- and three-bedroom units and live/work and work/live units.

Table IV.B-3 *Continued*

Policy #	Policy	Relationship
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.	The project’s buildings would be similar in scale to other buildings to the north, west, and south of the project site. The project’s four-story buildings would be taller than the detached one- and two-story single- and multi-family homes to the east. However, the buildings on the eastern border of the project site would be only two stories tall and would be set back approximately 4.5 feet to create a transition to the lower-density neighborhood to the east.
Policy N8.2	Making Compatible Interfaces Between Densities. The height of development in urban residential and other higher density residential areas should step down as it nears lower density residential areas to minimize conflicts at the interface between the different types of development.	Refer to Policy N7.1 above.
Housing Element		
Policy 2.1	Affordable Housing Development Programs. Provide financing for the development of affordable housing for low- and moderate-income households. The City’s financing programs will promote a mix of housing types, including homeownership, multifamily rental housing, and housing for seniors and persons with special needs.	The project applicant has not indicated whether any of the proposed project’s residential units in the Oakland portion of the site would be affordable to moderate, low, and very low income tenants.
Policy 2.4	Inclusion of Affordable Units in Market Rate Projects. Seek voluntary agreements with private developers of market rate housing to include units affordable to lower-income households, especially those projects involving Redevelopment Agency support or requiring major planning approvals.	Refer to Policy 2.1 above.
Policy 4.3	Commercial District Revitalization. Continue to implement programs to revitalize commercial districts in low income neighborhoods. Commercial revitalization will serve as a catalyst for investment in conserving and improving the housing stock in surrounding areas.	The proposed project would include a 1,000 square foot café on the corner of 39th Street and Adeline Street and would enhance the commercial districts along Adeline Street and San Pablo Avenue.
Action 7.1.1	Green Building Design for Private Development. Foster the design and building of durable, low-maintenance dwellings and make optimum use of existing infrastructure. All new residential developments and major retrofits will be encouraged to use the “Alameda County New Home construction Green Building Guidelines” in the design and construction of buildings.	The proposed project would conform to the energy efficiency regulations outlined in Title 24. The applicant has not indicated whether the project would incorporate other sustainable design or energy efficiency features.

Table IV.B-3 *Continued*

Policy #	Policy	Relationship
Policy 7.2	Energy Conservation. Encourage the incorporation of energy conservation design features in existing and future residential development.	Please refer to Action 7.1.1 above.
Policy 7.3	Infill Development. Continue to direct development toward existing communities and encourage infill development at densities consistent with the surrounding communities.	The proposed project would be considered infill development. The project would be higher than some buildings surrounding the project site, and it would exceed the allowed density on the site according to the General Plan.
Policy 7.5	Mixed Use Development. Encourage a mix of land uses in the same zoning district or on the same site in certain zoning districts.	The proposed project would include a mix of residential and commercial uses.
Pedestrian Master Plan		
PMP Policy 3.1	Streetscaping. Encourage the inclusion of street furniture, landscaping, and art in pedestrian improvement projects.	The proposed project would include a café on the corner of 39th Street and Adeline Street. The café would include a patio and seating that would extend onto the sidewalk. In addition, street trees would be planted along all streets adjacent to the project site and would improve the pedestrian environment.
Action 3.2.1	Land Use: Use buildings and zoning codes to encourage a mix of uses, connect entrances and exits to sidewalks, and eliminate “blank walls” to promote street-level activity.	The proposed project would include a mix of residential and commercial uses. The café on the corner of 39th Street and Adeline Street would include a patio and seating that would extend onto the sidewalk, improving the pedestrian environment and opening the storefront to the street.
Bicycle Master Plan		
Action 1D.7	Consider reduced automobile parking requirements in exchange for bicycle facilities as part of transportation demand management strategies in new development.	The proposed project would include bicycle parking in the below-grade garage, and would require a parking variance from the City of Emeryville.
Historic Preservation Element		
Policy 1.2:	Potential Designated Historic Properties. The City considers any property receiving an existing or contingency rating from the Reconnaissance or Intensive Surveys of “A” (highest importance), “B” (major importance), or “C” (secondary importance) and all properties determined by the Surveys to contribute or potentially contribute to an Area of Primary or Secondary Importance to warrant consideration for possible preservation. Unless already designated as Landmarks, Preservation Districts, or Heritage properties will be called “Potential Designated Historic Properties”.	The City of Oakland’s Cultural Heritage Survey (OCHS) rated the property (former manufacturing building on the project site) C3, meaning that it is of secondary historical importance. It is also rated as a Potentially Designated Historic Property (PDHP) by the City of Oakland, though is not classified as being on the City of Oakland’s Local Register of Historical Resources. The project site is not located in an Area of Primary or Secondary Importance. As described in Section IV.C, the existing building is considered a historic resource pursuant to CEQA due to its rating on a Department of Parks and Recreation form. Therefore, demolition of the building would be considered a substantial adverse impact to historic resources.

Table IV.B-3 *Continued*

Policy #	Policy	Relationship
Policy 3.8	<p>Definition of “Local Register of Historical Resources” and Historic Preservation “Significant Effects” for Environmental Review Purposes: For the purposes of environmental review under the California Environmental Quality Act, the following properties will constitute the City of Oakland’s Local Register of Historical Resources:</p> <ul style="list-style-type: none"> 1) All Designated Historic Properties, and 2) Those Potential Designated Historic Properties that have an existing rating of “A” or “B” or are located within an Area of Primary Importance. <p>Until complete implementation of Action 2.1.2 (Redesignation), the Local Register of Historical Resources will also include the following designated properties: Oakland Landmarks, S-7 Preservation Combining Zone properties, and Preservation Study List properties.</p> <p>Complete demolition of a Historic Resource will normally be considered a significant effect that cannot be mitigated to a level less than significant and will, in most cases, require preparation of an Environmental Impact Report.</p> <p>A proposed addition or alteration to a Historical Resource that has the potential to disqualify a property from Landmark or Preservation District eligibility or may have substantial adverse effects on the property’s Character-Defining Elements will normally, unless adequately mitigated, be considered to have a significant effect. Possible mitigation measures are suggested in Action 3.8.1.</p>	Refer to Policy 1.2 above.

Table IV.B-3 *Continued*

Policy #	Policy	Relationship
Action 3.8.1:	<p>Include Historic Preservation Impacts in City’s Environmental Review Regulations. Include Policy 3.8’s definitions of “Local Register of Historic Resources” and historic preservation “significant effect” in the City’s Environmental Review Regulations.</p> <p>Amend the Regulations to include specific measures that may be considered to mitigate significant effects to a Historical Resource. Measures appropriate to mitigate significant effects to a Historical Resource may include one or more of the following measures depending on the extent of the proposed addition or alteration.</p> <ol style="list-style-type: none"> 1) Modification of the project design to avoid adversely affecting the character defining elements of the property. 2) Relocation of the affected Historical Resource to a location consistent with its historical or architectural character. <p>If the above measures are not feasible, then other measures may be considered including, but not limited to the following:</p> <ol style="list-style-type: none"> 3) Modification of the project design to include restoration of the remaining historic character of the property. 4) Modification of the project design to incorporate or replicate elements of the building’s original architectural design. 5) Salvage and preservation of significant features and materials of the structure in a local museum or within the new project. 	Refer to Policy 1.2 above.

Table IV.B-3 *Continued*

Policy #	Policy	Relationship
Action 3.8.1 <i>Continued</i>	6) Measures to protect the Historical Resource from effects of on-site or other construction activities. 7) Documentation in a Historic American Buildings Survey report or other appropriate format: photographs, oral history, video, etc. 8) Placement of a plaque, commemorative marker, or artistic or interpretive display on the site providing information on the historical significance of the resource. 9) Contribution to a Façade Improvement Fund, the Historic Preservation Revolving Loan Fund, and Oakland Cultural Heritage Survey, or other program appropriate to the character of the resource.	
Open Space, Conservation and Recreation Element		
Policy OS-4.1	Provision of Useable Open Space. Continue to require new multi-family development to provide useable outdoor open space for its residents.	The proposed project would include private balconies and patios, an interior shared courtyard, and an outdoor patio adjacent to the café. In addition, street trees would be planted along all streets adjacent to the project site, which would enhance the sidewalk environment.
Policy CO-5.3	Control of Urban Runoff. Employ a broad range of strategies, compatible with the Alameda Countywide Clean Water Program, to: (a) reduce water pollution associated with stormwater runoff; (b) reduce water pollution associated with hazardous spills, runoff from hazardous materials areas, improper disposal of household hazardous wastes, illicit dumping, and marina “live-aboards;” and (c) improve water quality in Lake Merritt to enhance the lake’s aesthetic, recreational, and ecological functions.	Incorporation of the City’s Standard Conditions of Approval related to storm water runoff would reduce the project’s potential impacts to water quality. In addition, construction of the proposed project would result in a slight net decrease of impervious surfaces on the site due to the addition of landscaped areas.
Policy CO-12.1	Land Use Patterns Which Promote Air Quality. Promote land use patterns and densities which help improve regional air quality conditions by: (a) minimizing dependence on single passenger autos; (b) promoting projects which minimize quick auto starts and stops, such as live-work development, mixed use floor retail space; (c) separating land uses which are sensitive to pollution from the sources of air pollution; and (d) supporting telecommuting, flexible work hours, and behavioral changes which reduce the percentage of people in Oakland who must drive to work on a daily basis.	The project is a moderately dense mixed-use project. Because the project would place a new residential population within walking distance of several major transit routes and numerous local-serving retail uses, it has the potential to reduce dependence on motor vehicles. The live/work and work/live units on the site would also allow for reduced commuting rates, and could contribute to regional improvements in air quality.

Table IV.B-3 *Continued*

Policy #	Policy	Relationship
Policy CO-13.3:	Construction Methods and Materials. Encourage the use of energy-efficient construction and building materials. Encourage site plans for new development which maximize energy efficiency.	The project applicant has not indicated whether construction or building materials would be energy-efficient. However, the project would locate a new residential population near several major transit routes, potentially reducing per capita energy expenditures on transportation.