



CITY OF OAKLAND
APPEAL FORM
FOR DECISION TO PLANNING COMMISSION, CITY
COUNCIL OR HEARING OFFICER

PROJECT INFORMATION

Case No. of Appealed Project: PLN 16406

Project Address of Appealed Project: 585-22nd Street and 570-610 21st Street

Assigned Case Planner/City Staff: Michael Bradley, Planner II

APPELLANT INFORMATION:

Printed Name: Sven Dummer

Phone Number: (510) 292-1853

Mailing Address: 593, 22nd St

Alternate Contact Number: (510) 684-5163

City/Zip Code 94612

Representing: Meridian Condominium Homeowners Association

Email: sven.dummer@web.de

An appeal is hereby submitted on:

☒ **AN ADMINISTRATIVE DECISION (APPEALABLE TO THE CITY PLANNING COMMISSION OR HEARING OFFICER)**

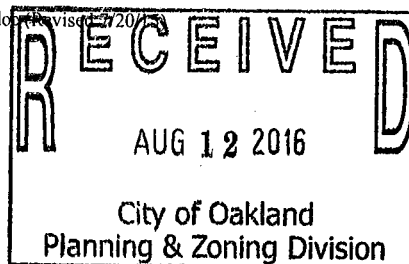
YOU MUST INDICATE ALL THAT APPLY:

- ☒ Approving an application on an Administrative Decision
- ☐ Denying an application for an Administrative Decision
- ☐ Administrative Determination or Interpretation by the Zoning Administrator
- ☐ Other (please specify) _____

Please identify the specific Administrative Decision/Determination Upon Which Your Appeal is Based Pursuant to the Oakland Municipal and Planning Codes listed below:

- ☐ Administrative Determination or Interpretation (OPC Sec. 17.132.020)
- ☐ Determination of General Plan Conformity (OPC Sec. 17.01.080)
- ☒ Design Review (OPC Sec. 17.136.080)
- ☐ Small Project Design Review (OPC Sec. 17.136.130)
- ☐ Minor Conditional Use Permit (OPC Sec. 17.134.060)
- ☐ Minor Variance (OPC Sec. 17.148.060)
- ☐ Tentative Parcel Map (OMC Section 16.304.100)
- ☐ Certain Environmental Determinations (OPC Sec. 17.158.220)
- ☐ Creek Protection Permit (OMC Sec. 13.16.450)
- ☐ Creek Determination (OMC Sec. 13.16.460)
- ☐ City Planner's determination regarding a revocation hearing (OPC Sec. 17.152.080)
- ☐ Hearing Officer's revocation/impose or amend conditions (OPC Sec. 17.152.150 &/or 17.156.160)
- ☐ Other (please specify) _____

(Continued on reverse)



X A DECISION OF THE CITY PLANNING COMMISSION (APPEALABLE TO THE CITY COUNCIL) ☐ Granting an application to: **OR** ☐ Denying an application to:

YOU MUST INDICATE ALL THAT APPLY:

Pursuant to the Oakland Municipal and Planning Codes listed below:

- ☐ Major Conditional Use Permit (OPC Sec. 17.134.070)
- ☐ Major Variance (OPC Sec. 17.148.070)
- ☒ Design Review (OPC Sec. 17.136.090)
- ☐ Tentative Map (OMC Sec. 16.32.090)
- ☐ Planned Unit Development (OPC Sec. 17.140.070)
- ☐ Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- ☐ Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- ☐ Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- ☐ Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- ☐ Other (please specify) _____

FOR ANY APPEAL: An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision. The appeal must be accompanied by the required fee pursuant to the City's Master Fee Schedule.

You must raise each and every issue you wish to appeal on this Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Appeal Form (or attached additional sheets), and provide supporting documentation along with this Appeal Form, may preclude you from raising such issues during your appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.

The appeal is based on the following: *(Attach additional sheets as needed.)*

See attached.

Supporting Evidence or Documents Attached. *(The appellant must submit all supporting evidence along with this Appeal Form; however, the appeal will be limited evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.*

(Continued on reverse)

S. DUMMER
Signature of Appellant or Representative of
Appealing Organization

August 10, 2016
Date

TO BE COMPLETED BY STAFF BASED ON APPEAL TYPE AND APPLICABLE FEE

APPEAL FEE: \$ _____

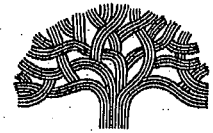
Fees are subject to change without prior notice. The fees charged will be those that are in effect at the time of application submittal. All fees are due at submittal of application.

Date/Time Received Stamp Below:

Below For Staff Use Only

Cashier's Receipt Stamp Below:

CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA • SUITE 3315 • OAKLAND, CALIFORNIA 94612

Planning and Building Department
Bureau of Planning

(510) 238-3941

FAX (510) 238-6538

TDD (510) 238-3254

Sent via U.S. Mail and Electronic Mail

August 2, 2016

Kahn Design Associates
c/o Charles Kahn
1810 - 6th Street
Berkeley, CA 94710

**RE: Case File No. PLN16046; 585-22nd Street and 570-610 21st Street;
APN's 008-0647-013-00, 008-0647-014-00, 008-0647-015-00, and 008-0647-028-04**

Dear Mr. Kahn,

Your application, as described below, has been **Approved** for the reasons stated in Attachment A, which contains the findings required to support this decision. Attachment B contains the Conditions of Approval for the project. This decision is effective ten (10) days after the date of this letter unless appealed as explained below.

The following table summarizes the proposed project:

Proposal:	New construction of a five-story, 78 unit residential building with ground floor parking and amenity spaces; along with the relocation of two historic buildings on 21 st street.
Planning Permits Required:	Regular Design Review for new construction of a 78 unit residential building.
General Plan:	Central Business District
Zoning:	CBD-R Central Business District Residential Zone
Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines; In-fill development Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
Historic Status:	Cathedral District API: 585-22 nd Street - vacant parking lot; 570-21 st Street - Potential Designated Historic Property (PDHP) C1+; 600-21 st Street - Potential Designated Historic Property (PDHP) C1+
Service Delivery District:	Metro
City Council District:	3

If you, or any interested party, seeks to challenge this decision, an appeal **must** be filed by no later than ten calendar (10) days from the date of this letter, by **4:00 pm on August 12, 2016**. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Michael Bradley, Planner II**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Manager or wherein his/her decision is not supported by substantial evidence and must include payment of **\$1,622.57** in accordance with the City of Oakland Master

Fee Schedule. Failure to timely appeal will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the Zoning Manager prior to the close of the previously noticed public comment period on the matter.

A signed Notice of Exemption (NOE) is enclosed certifying that the project has been found to be exempt from CEQA review. It is your responsibility to record the NOE and the Environmental Declaration at the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a cost of \$50.00 made payable to the Alameda County Clerk. Please bring the original NOE related documents and five copies to the Alameda County Clerk, and return one date stamped copy to the Zoning Division, to the attention of **Michael Bradley, Planner II**. Pursuant to Section 15062(d) of the California Environmental Quality Act (CEQA) Guidelines, recordation of the NOE starts a 35-day statute of limitations on court challenges to the approval under CEQA.

If you have any questions, please contact the case planner, **Michael Bradley, Planner II** at (510) 238-6935 or mbradley@oaklandnet.com, however, this does not substitute for filing of an appeal as described above.

Very Truly Yours,



SCOTT MILLER
Zoning Manager

cc: Oakland Landmarks Preservation Advisory Board (LPAB) members
Christopher Andrews, Chair July 11, 2016
Peter Birkholz, Vice-Chair
Stafford Buckley
Eleanor Casson
Frank Flores
Nenna Joiner
Betty Marvin, Historic Preservation Planner, City of Oakland, Bureau of Planning

Oakland Heritage Alliance
c/o Naomi Schiff and Christopher Buckley
455 Seventeenth Street
Oakland, CA 94612

Naomi Schiff - Naomi@17th.com
Christopher Buckley - cbuckleyaicp@att.net
Noelle Martin - noelle.martin@gmail.com
Sven Dummer - sven.dummer@web.de
Leslie Levy - lal@levylaw.biz
Chris Garrett - cjg2127@gmail.com
Eric Zibbel - ezibbel@self-sufficiency.org
Ed Wilkinson - ewilkros@gmail.com
Justin Horner - justinhorner01@gmail.com

Attachments:

- A. Findings
- B. Conditions of Approval, including Standard Conditions of Approvals

City of Oakland
Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

NOTICE OF EXEMPTION

TO: Alameda County Clerk
1106 Madison Street
Oakland, CA 94612

Project Title: Case No. PLN16046

Project Applicant: KDA Architecture, Charles Kahn

Project Location: 585-22nd Street and 570-610 21st Street; APN's 008-0647-013-00, 008-0647-014-00, 008-0647-015-00, and 008-0647-028-04

Project Description: New construction of a five-story, 78 unit residential development with the relocation of two historic building to an adjacent parcel.

Exempt Status:

Statutory Exemptions

- ☐ Ministerial {Sec.15268}
☐ Feasibility/Planning Study {Sec.15262}
☐ Emergency Project {Sec.15269}
☐ Other: {Sec. _____}

Categorical Exemptions

- ☐ Existing Facilities {Sec.15301}
☐ Replacement or Reconstruction {Sec.15302}
☐ Small Structures {Sec.15303}
☐ Minor Alterations {Sec.15304}
☒ In-fill Development {Sec. 15332}
☐ General Rule {Sec.15061(b)(3)}

Other

- ☒ Projects consistent with a community plan, general plan or zoning {Sec. 15183(f)}
☐ _____ (Sec. _____)

Reasons why project is exempt: The construction of a new five-story, 78 residential mixed-use building and the relocation of two Potential Designated Historic Properties will not have a significant impact on the environment and is exempt from environmental review.

Lead Agency: City of Oakland, Planning and Building Department, Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612

Department/Contact Person: Michael Bradley, Planner II

Phone: 510-238-6935

Signature (Darin Ranelletti, Environmental Review Officer)

Scott Miller per

B-2-16
Date:

Pursuant to Section 711.4(d)(1) of the Fish and Game Code, statutory and categorical exemptions are also exempt from Department of Fish and Game filing fees.

Case Number:
PLN 16406

Meridian Condominium Homeowners Association To Appeal:

RE: Project:
Case File No. PLN16046; 585-22nd Street and 570-610 21st Street;
APN's 008-0647-013-00, 008-0647-014-00, 008-0647-015-00, and 008-0647-028-04

Appealed & Prepared by: The Meridian Condominium Homeowners Association's officers of the HOA

Date: August 12, 2016

Dear Oakland Planning Commission and Staff:

Michael Bradley
Peterson Vollmann

Cc:

Mayor Libby Schaat

Jim Moore
Adhi Nagraj
Clark Mannus
Amanda Monchamp
Jahmese Myres
Chris Pattillo
Rachel Flynn

Landmark Preservation Advisory Board:
Emily Weinstein
Christopher Andrews
Peter Birkholz
Stafford Buckley
Eleanor Casson
Frank Flores
Nenna Joiner

On behalf of the condominium owners and residents of 589-599 22nd Street, we ask respectfully for you to take into consideration our appeal for the following:

Brief Summary

This 78-unit all market-rate luxury housing development is planned to be built in the middle of a Historic block of Victorians/Edwardians which has a district status of Area of Primary Importance (API). This large project requiring a Major Conditional Use permit has had insufficient Meridian Condo HOA and neighborhood engagement for a development that will occupy a large portion of the block spanning two parcels. One parcel is a highly visible location in the middle of our neighborhood. This process was not conducted with *appropriate community involvement* and in fact, was conducted *with errors*.

Furthermore, this development approval and the process leading up to it was kept out of public view and democratic process in an unethical way, with no recourse for residents to provide feedback or express concerns about how the development will impact our quality of life, or to discuss detrimental impacts. The HOA, representing citizens of the City of Oakland, finds the lack of clarity with respect to the manner in which the review process was handled by the City concerning.

After reaching out to City Planning staff in person and in writing multiple times, the HOA did not receive any meeting invitations, status updates, or further communication from Planning staff, and no reaction whatsoever to our Letter of Concern. See the Timeline Summary below for details.

There were no public hearings other than those of the Landmarks Preservation Advisory Board. The HOA decided to proactively communicate and articulate concerns, objections, and asked for further clarification, but did not get any reaction from Planning staff, despite the fact that the issues raised included concerns of health and environmental impact.

The HOA also pointed out potential violations of zoning codes, easement rights, and that the development plans assumed concessions from the HOA that had not been discussed or negotiated with the HOA at the time of submittal. The approval still makes the same assumptions, ignores violations, and is inaccurate in several places.

Timeline Summary

02/10/2016	First indication that property was sold to a developer. Patty Pomper asked HOA president, Sven Dummer, in email if he would meet with a developer that had purchased and would be planning to build a apartment complex.
02/18/2016	Submittals filed with the City of Oakland by developer
02/18/2016	Tree removal applications filed with the City of Oakland by developer and owners of the two 21st St buildings
02/18/2016	Developer reaches out to HOA president and to schedule "meetings" with HOA
02/22/2016	First phone conversation between HOA (Sven Dummer, Noelle Martin) and developer (Charles Long)
02/24/2016	Developer provides plans to HOA, informs about plan to remove trees
03/15/2016	Tree removal notices attached to trees; <i>24 days later than required</i> . HOA contacts City to express concern and complaint

03/15/2016	HOA visits Oakland Planning dept. and is being told assigned planners are on vacation and to check back first week of April
04/03/2016	HOA sends detailed email to City Planning (Michael Bradley and Peterson Vollmann) articulating concerns about easements, potential encroachment, intrusiveness of new structure, and requests a meeting
04/07/2016	HOA sends email reminder to City Planning asking if they received previous email
04/07/2016	City Planning replies to HOA stating <i>"we are still reviewing and discussing the project internally"</i> and that they would get back the next day with a date proposal for a meeting the following week
04/13/2016	HOA doesn't receive any further message from City Planning and sends two email reminders
04/15/2016	City Planning replies that <i>"staff will be requesting extensive changes to the proposal"</i> and recommends HOA to wait as a <i>"resubmittal will likely be coming in the future to address the Planning staff comments which will be substantially different"</i> and offers to inform HOA when new submittal arrives. HOA relies same day and accepts recommendation
04/15/2016 to 08/02/2016	HOA does not hear back from City Planning on status despite reminders and requests, until HOA receives project approval letter from City Planning on 08/02/2016
05/20/2016	HOA receives an invite from the Oakland Heritage Alliance to attend a meeting between the Landmark Preservation Advisory Board, City Planning, and the developer. At this meeting, HOA sees revised plans for the first time. HOA attends following Landmark Preservation Advisory Board meetings (both public and internal ones). City staff does not notify HOA of revised plans.
06/02/2016	HOA and Charles Kahn (Architect) meet. Many questions remain open, including parking situation, noise protection, easement situation, construction work requirements, etc.
07/05/2016	HOA receives Applications on File notice by City announcing 17-day public comment period timeline- 06/17/2016 HOA submits public comment / Letter of Concern

07/11/2016	Meeting between developer Charles Long, Patricia Pomper (owner of two 21st buildings), and attorneys from both sides. HOA states that legal status of easements and common area between properties is unclear and requests legal documentation and proof of Pomper's claims. HOA has not received this documentation to the date of this appeal (08/12/2016).
07/21/2016	After another email request for a status update, City Planning replies to HOA that "no action or decision has been made on the project yet."
08/02/2016	HOA receives Letter of Approval from City Planning with appeal deadline of Aug 12.

Appeal Request Conditions:

- 3-6 months to do the following:
 - Settle the easement/setback issues on the parcel where the Moran/Pomper Victorians will supposedly be moved. This will include legal documentation
 - Settle the tree removal conditions on the HOA property
 - Concession negotiations between developer and the HOA. This will include additional line items, and final signoff by HOA (after legal counsel review) on the starting point concession letter drafted by Charles Khan on 5/3.
 - Determine if the apartment garage and "buzzer" will cause any harmful fumes or violate the noise ordinance
 - Determine if the structure complies with the height restrictions in the Cathedral Garden District
 - Agreement that development will be built within boundaries of a reasonable setback so HOA condos are not subjected to a "too close for comfort" living environment

Standards Of Review:

Reasons To Appeal Table Mapping To Approval Letter Approval Codes and Sections:

Review Criteria Stated on Approval Letter	Appeal Reason 1: <u>Error or abuse of discretion by zoning manager</u>	Appeal Reason 2: <u>Decisions not supported by substantial evidence</u>
17.136.050A Residential design review criteria (#1, #2, #3, #5)	#1: Planning Staff did not hold the developer accountable or manage the process in a way that supported meaningful notification and engagement with the HOA. HOA was notified and developers engaged toward the end of the process, creating a situation where residents were forced to submit concerns and file appeals.	#1: Planning Staff based decision to approve on meetings, reports/studies/legal documentation completed by third parties on the behalf of the developer. All third parties support the developer's initiative. Not enough time was given to the HOA to discuss in detail (this includes meetings) or hire legal counsel/experts/consultants that would have provided a second opinion to review reports/studies/legal

	<p><u>HOA stated specifics of concerns on this point:</u></p> <ul style="list-style-type: none"> No mention of the easements, legal rights of those easements and shared land between the Meridian Condo which consists of 3 historic Edwardians (Charles Long's lawyer Corie implied they are not historic structures) and stated in approval, "Two Potential Designated Historic Properties, which will receive alterations to restore the original character defining elements of the buildings" owned by Moran/Pomper. Important keyword of concern: <u>encroachment</u> <ul style="list-style-type: none"> Important to note we have a disabled owner who needs to be able to enter/exit using remote control access. Special vehicles will need enough easement to enter/exit without any obstacles. The rights of this individual need to be documented and preserved. The ADA was not referenced in the approval letter. <p>#2</p> <p>Planning Staff did not hold the developer accountable or manage the process in a way that supported meaningful notification and engagement with the HOA. HOA was notified and developers engaged toward the end of the process, creating a situation where residents were forced to submit concerns and file appeals.</p>	<p>documentation that would have allowed HOA to counter the developer's findings in support of the project:</p> <p><u>HOA stated specifics of concerns on this point:</u></p> <ul style="list-style-type: none"> Meetings/agendas were organized and hosted by the Landmarks Preservation Advisory Board. The aesthetics of the apartment project and the restoration of the Moran/Pomper properties were the only subject of the meetings and concession negotiations: <ul style="list-style-type: none"> Meetings <ul style="list-style-type: none"> 5/20 "Follow up subcommittee meeting (Landmarks)" - No mention of the HOA easements or shared land until HOA members brought this up 6/13 Landmarks Preservation Advisory Board Meeting City Hall 7/5 Landmarks Preservation Advisory Board Meeting City Hall <ul style="list-style-type: none"> The two submittals were not considered on project, when references at these meetings <p>#2</p> <p>Parking Study</p> <p>Planning staff has failed to properly review the existing parking agreement between Moran/Pomper. Not enough time was given to the HOA to discuss in detail (this includes meetings) or hire legal counsel/experts/consultants that would have provided a second opinion to review the parking study.</p>
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	<p><u>Specifics of concerns on this point:</u></p> <ul style="list-style-type: none"> • Parking: The approval states that the "project also proposes 81 off-street parking spaces within an enclosed garage, where 78 are required, thus there should be little to no parking impacts on the neighborhood." The project submittal (REV 01 JULY 2016, p.2)¹⁵, states that "1 per unit" parking units are "required" and 81 are proposed, and that "2 additional units will be provided to replace 2 lost units due to relocation of existing buildings." <p>There are two major issues:</p> <ul style="list-style-type: none"> • The relocation of the two existing buildings results in the loss of far more than 2 parking units. The two building are being relocated to the <i>existing parking lot</i> of these two houses, which provides parking space for approx. 18-20 cars. There are an additional 3 parking units right in front of the two buildings. (See map.) These parking spaces and the parking lot are being used by the tenants who live in one of the buildings, and the staff and clients of the law firm that the second building hosts. According to statements from the developer and Moran/Pomper, the developer has contractually agreed to provide the owners "10-11" parking units in the new apartment building's garage. It is unclear how the garage parking units will be divided between owners, tenants, and employees and clients of the law firm. It is unclear what the exact nature of the agreement between the developer and the owners of the two buildings are, and how this agreement changes if the buildings change ownership in the future, possibly increasing parking needs to a 	<p><u>Specifics of concerns on this point:</u></p> <ul style="list-style-type: none"> • Parking: Planning Staff's approval states that the parking requirements are satisfied and "there should be little to no parking impacts on the neighborhood." The study that was done to make this assumption was not available to HOA to counter and there was not enough time for HOA to state the discrepancies • The numbers of parking stalls on the approval letter do not match the "one per unit" requirement. There is also a discrepancy if Moran/Pomper properties will be supplied with 10-11 parking spaces. The Planning Staff did not review this with developer or provide the HOA to comment/counter.
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	<p>significant level. Furthermore, having tenants, law firm staff This means that</p> <ul style="list-style-type: none"> ◦ the requirement to provide 1 parking unit per apartment cannot be satisfied by the developer ◦ Not enough parking for Development renters will upset the status quo and volume of off-street will be diminished <p>• Garage Noise and Car Exhaust Pollution:</p> <ul style="list-style-type: none"> ◦ The noise decibel of the warning "buzzer" and if it is an "Annoying noise" meaning noise with a repetitive pattern, shrill frequency, and/or static-like sound ◦ Architect Charles Kahn stated in meeting with HOA on June 2 that a buzzer was not required due to the specific setback from the sidewalk ◦ Fumes and toxins - If the close proximity of the garage to HOA Condos present a EPA laws and regulation • Apartment development garage location entrance/exit will increase traffic on 22nd St <p>#3</p> <p>Planning Staff did not hold the developer accountable or manage the process in a way that supported meaningful notification and engagement with the HOA</p> <p><u>Specifics of concerns on this point:</u></p> <ul style="list-style-type: none"> • Developer stated plans included removal of tree (Silver Maple) on HOA property. Statement was "As 	<p>#3</p> <p>Planning Staff based decision to approve on an arborist report submitted by developer and did not provide HOA enough time for legal counsel or to counter report</p> <p><u>Specifics of concerns on this point:</u></p> <ul style="list-style-type: none"> • No attempt by planning commission to encourage developer to save existing trees on HOA property and in areas where the development is being built. The decision appears to be based
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	<p>the plans show, these are trees we would like to remove.”</p> <ul style="list-style-type: none"> • Approval provided by city to prematurely tag trees to be removed on 2/18. Tree tags were attached to trees with a delay of 24 days on 3/15 (see pictures below), significantly and illegally reducing the time for HOA and the public to take action. <p>#5 Policy N3.1</p> <p>Planning commission fasttracked this MR luxury apartment complex without considering affordable housing. BMRs are needed in the Planning Area to ensure that the area’s unique characters which includes a range of income levels accommodating people of color, recent immigrants, young professionals, families and socially connected seniors, is preserved and enhanced.</p>	<p>on a report that was submitted by Matthew Tickner on 2/23/2016. Tickner hired http://www.traversotree.com/</p> <p>#5 Policy N3.1</p> <p>Planning staff did not request developer to provide any proposal to include affordable housing. The developers “report” was to discourage HOA to delay/appeal project. Developers stated that after 9/1 (Inclusionary Act Enforcement) the design might be changed to accommodate affordable units, meaning they would make the apartment complex higher. Planning staff did not provide enough time for the HOA to confirm this or counter this “report”</p>
<p>17.136.055B2 Design review criteria — historic properties in the cbd</p>	<p>17.136.055B2</p> <p>Planning Staff did not hold the developer accountable or manage the process in a way that supported meaningful notification and engagement with the HOA.</p>	<p>17.136.055B2</p> <p>Planning Staff based decision to approve based on meetings, reports/studies/legal documentation completed by third parties on the behalf of the developer, e.g. <i>Zoning Regulation Evaluation</i> done by Left Coast Architectural History done on 6/30/2016. Planning staff’s approval basically quotes from this document (“Height is not specified as a character-defining element in API documentation”, p. 4), did not check the facts, and did not consider providing time for HOA to counter this report.</p>

	<p>Building Height (Sections E. and G.ii):</p> <p>Planning staff did not hold the developer accountable or manage the process using API zoning requirements</p> <p><u>Specifics of concerns on this point:</u></p> <ul style="list-style-type: none"> • The approval states that "height is not specified as a character-defining element" for the Cathedral District API (p. 7); however, <i>Zoning Code Bulletin</i> April 16, 2010 (Pertinent Code Section: 17.136.055 Special Regulations for Historic Properties in the Central Business District, Zoning Topic: Character-Defining Height Level for Select APIs) states that Cathedral District is an "API with a Consistent Height Context" and a Character-Defining Height Level. For this API, it specifies the Wall Height to 30 feet and Roof Peak to 45 feet. The two buildings that were measured for reference for the Cathedral District API as part of this Zoning Bulletin actually are on 22nd St (618-622). The planned apartment building height is 55 feet and clearly exceeds the API height specifications given in the Zoning Bulletin. 	<p>Building Height (Sections E. and G.ii):</p> <p>Planning Staff did not review zoning specifications as per <i>Zoning Code Bulletin</i> April 16, 2010.</p> <p><u>Specifics of concerns on this point:</u></p> <ul style="list-style-type: none"> • The HOA (as well as the Oakland Heritage Alliance) have articulated concerns about a potential zoning and API violation and requested clarification from Planning staff in meetings with staff and the Landmark Preservation Advisory Board. The HOA also listed this issue in the Letter of Concern, and has not received any reply or reaction from Planning staff. The letter of approval still seems to <i>fa/se</i>ly state that height is not a Character-Defining element in the Cathedral District API.
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Additional Appeal Topics:

The below is a list of specific claims based on the following:

- **Error or abuse of discretion by zoning manager** Planning Staff did not hold the developer accountable or manage the process in a way that supported meaningful notification and engagement with the HOA. HOA was notified and developers engaged toward the end of the process, creating a situation where residents were forced to submit concerns and file appeals.
- **Decisions not supported by substantial evidence** Planning Staff based decision to approve on meetings, reports/studies/legal documentation completed by third parties on the behalf of the developer. All third parties support the developer's initiative. Not enough time was given to the HOA to discuss in detail (this includes meetings) or hire legal counsel/experts/consultants that would have provided a second opinion to review reports/studies/legal documentation that would have allowed HOA to counter the developer's findings in support of the project or make a decision to accept the parameters of the development design and impact on the neighborhood

○ **HOA CONCESSION NEGOTIATIONS:**

- **Letter below includes list of negotiations created by Charles Kahn based on meeting with HOA. HOA has NOT agreed to this version and needs more time to negotiate the concessions through our legal advisor:**

May 3, 2016

Dear Noelle, Sven, and Kathy,

It was great to see you yesterday, to show you what we would like to offer in architectural modifications, and to outline an agreement with you and the HOA. I have gone over all the particulars with Matt and Charlie. They are willing to agree to the concessions we discussed:

In the interest of mitigating project impacts and securing your support for our new building, we will:

- 1) Increase the ground floor 18" side yard setback (in the approved Planning set) to a minimum of 3' for the full length of your property, as illustrated in the attached site plan. (see attached pdf).
- 2) Provide you with a legally recorded shared easement of that sideyard for your general use. Our use of the easement will be limited to access for emergency fire rescue, and for construction and maintenance of our building. Matt and Charlie will provide \$10,000 to compensate for the loss of your trees and to secure the easement described.
- 3) Tenants of the new building will not be provided with access to the west side of the new building.
- 4) Regarding the fence between your property and ours, Matt and Charlie at their expense, will build an extension on our property to match your fence, or provide a new fence between the two buildings similar to the one at 21st Street, at the HOA's discretion.

This offer is contingent upon our ability to submit permit drawings by the September 1 deadline (and the city's confirmation of receipt by that date), and of course upon your continued support of the project. Please let me know if this outline is consistent with your understanding. If the HOA agrees to the above, Charlie and Matt will retain a attorney to draft the easement language for your review/approval with the intention of getting the whole thing wrapped up this coming month.

I look forward to hearing from you.

Charles

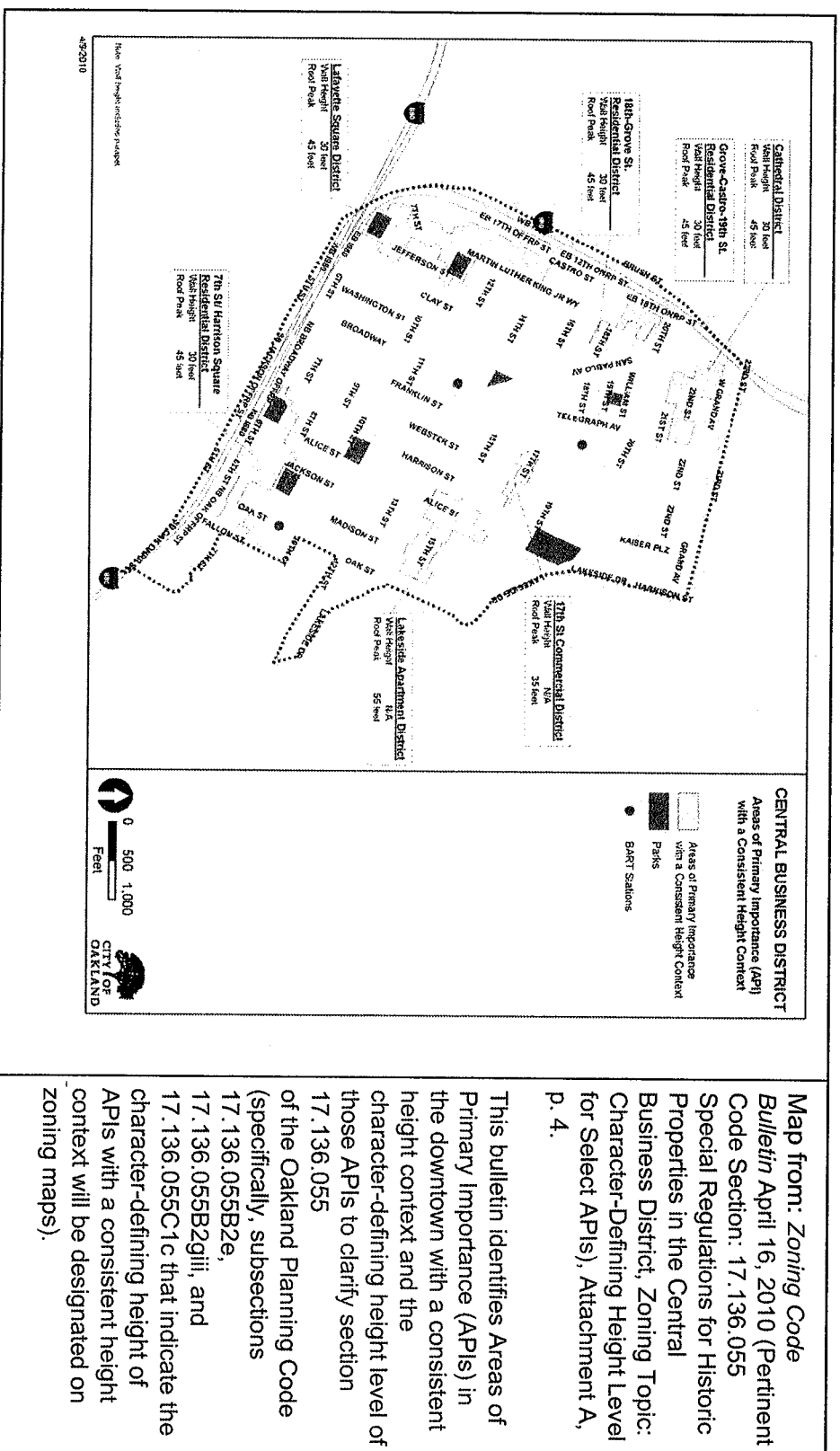
o **UNACCEPTABLE DESIGN:**

- It is architecturally incompatible, in terms of size, design type and volume of intended use which will substantially alter the character of the neighborhood in numerous, negative ways
- Historic preservation of the neighborhood, generally, obviously will be adversely affected
- It is unsightly and overly dominant because of its size and design type. The height of the proposed building violates the API status of the Cathedral District in which the property is located.
- The immediate vicinity on 22nd Street currently is desirable because of its historically important architecture and quaint aspects. Its attractiveness will be considerably undermined
- With introduction of the new structure there will be a significant loss of light for the Meridian property. There has been no shade study which should be required.
- The garage entrance right next to Meridian will introduce the nuisance of excess toxic fumes, particularly from cars accelerating just before entering and just before exiting at the opening of the garage.
- The proximity of the garage to Meridian will introduce the nuisance of excess noise from the operation of cars, car lifts, car doors opening and closing, ventilation systems and other possible sources.
- There is no fence separating the Meridian property from the project shown on the plans and there should be a fence to prevent tenants from trespassing on Meridian property.
- All of the other residential properties on the subject block of 22nd Street have entrances on 22nd Street, while the proposed structure will have its rear façade on 22nd Street.
- A different placement arrangement for garbage receptacles presents negative impacts. It appears that soil testing for toxic materials has not been conducted and removal of any toxic soils will adversely affect Meridian owners. Traffic will be increased considerably on 22nd Street.
- It will have a negative impact on the property values of the Meridian owners and other nearby residential owners.
- The Bay Area is experiencing a glut of apartments, therefore, the proposed project could end up being less than "luxury" as billed

○ **CONSTRUCTION:**

- Access issues will be posed by relocation of the two Victorians in terms of time frames and scope
- Security protecting the exposure to HOA property, e.g. video surveillance, alarms and 24 hour contact information
- What provisions will be made for alternative parking for Meridian residents during construction
- Documentation of how construction site will mitigate HOA condo exposure to harmful dust, particles and debris
- Will upset the status quo for condo residents who work from home. Six owners out of the nine work in technology, require a remote setup and quiet during the day to work. There is also one legal professional who on occasion works from home

Helpful Screenshots To Support The Above

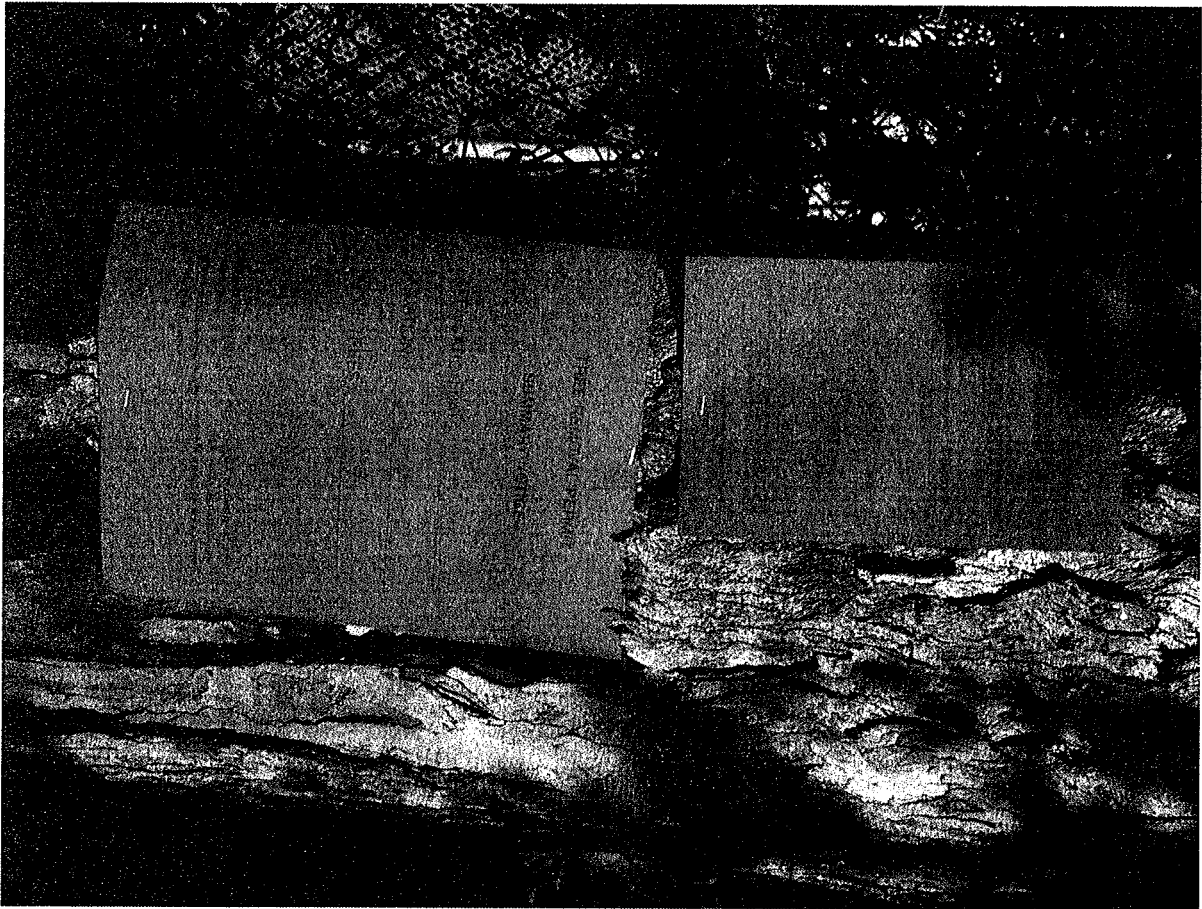


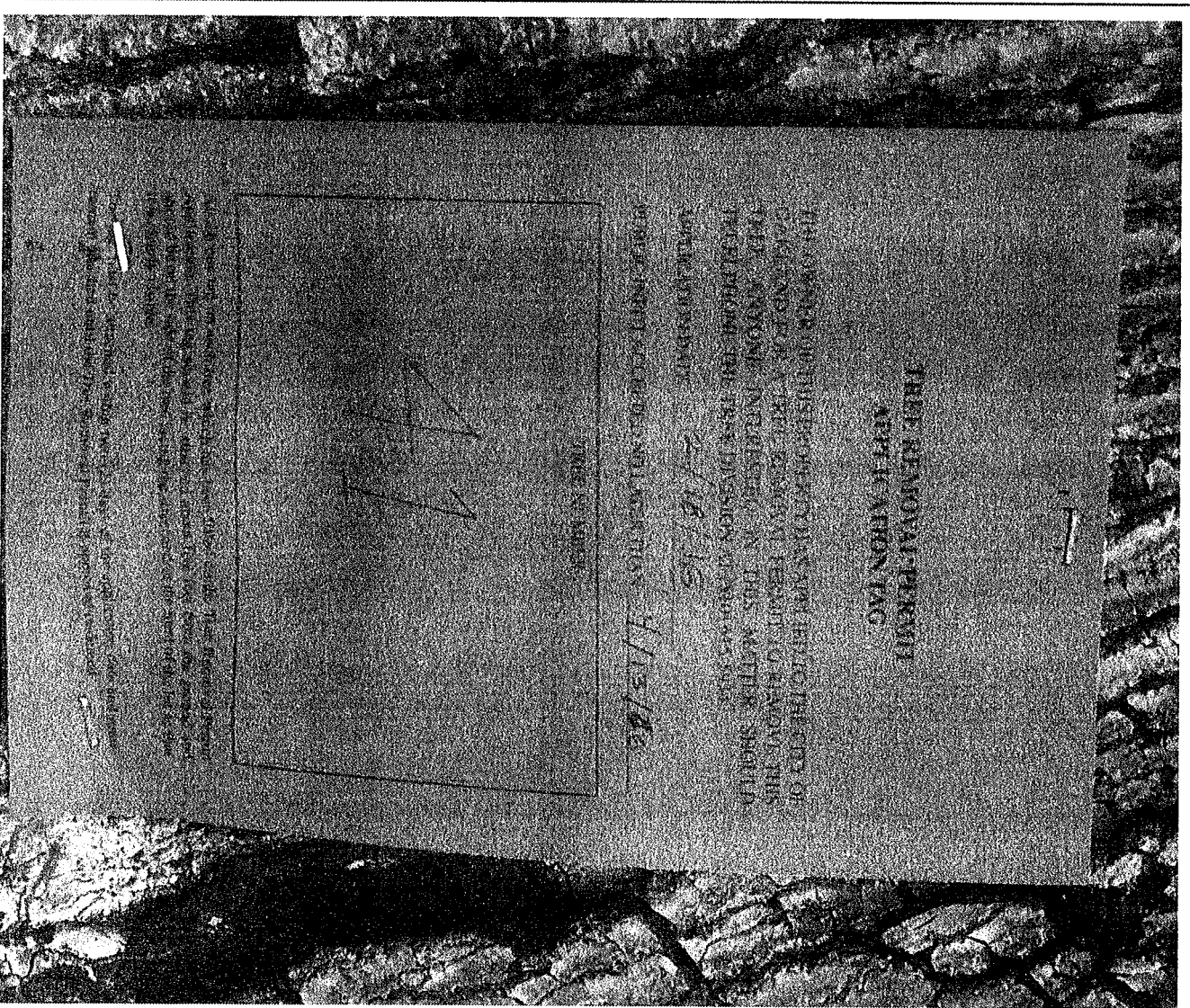


Marked in the map are parking units that will be lost due to the relocation of the two buildings on 21st St.

Number of parking units lost: approx. 20-23.

Submittal claims only 2 parking units would be lost and are replaced by 2 additional units in the new apartment building's garage.

	<p>Tree removal notices. Pictures taken on Mar 16 and 17, 2016.</p> <p>These notices are required to be attached to the trees within 2 days of the application date (2/18) but were attached on 3/15, with a delay of 24 days.</p>
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Organizations HOA Is Working With:

- Americans with Disabilities Act (ADA.org)
- American Civil Liberties Union ACLU
- Environmental Protection Agency (EPA)

Thank You for Your Earnest Consideration,

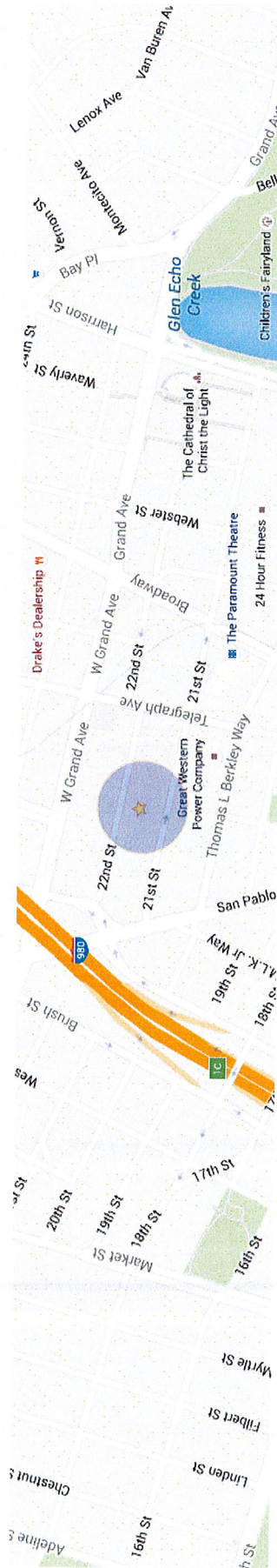
Meridian Condo Association HOA:

- Sven Dummer
- Noelle Martin
- Kathy Lefevre
- Gregory Soltys

589-599 2nd Street | Oakland, California 94612

570 21ST STREET, OAKLAND, CA

PLANNING APPLICATION # 16046



DESCRIPTION OF PROJECT:

The project is 78 new residential apartments which will front on 21st Street, 1/2 block west of Telegraph Avenue.

The project has two major components:

- 1) the relocation and preservation of two historic houses to an adjacent vacant lot and
- 2) combining the parcels vacated by the historic houses with a 16,000 sf parking lot to allow the infill development of a 78 unit 5-story apartment building.

ORIGINAL PLANNING SET

SUBMITTED 02.18.2016

MODIFICATIONS

ORIGINAL SUBMITTAL - 02.18.2016

REVISION PER PLANNING - 04.27.2016

REVISION PER NEIGHBOR / MHA MEETINGS - 06.02.2016

FINAL REVISIONS PER LANDMARKS MEETING - 07.01.2016

FINAL PLANNING SET

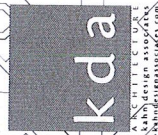
SUBMITTED 07.01.2016

ORIGINAL PLANNING SET

SUBMITTED 02.18.2016

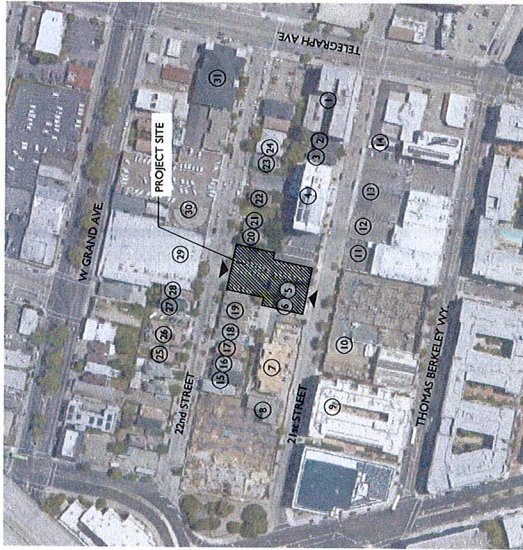
570 21st STREET, OAKLAND, CA
MULTI-FAMILY HOUSING

PLANNING SUBMITTAL

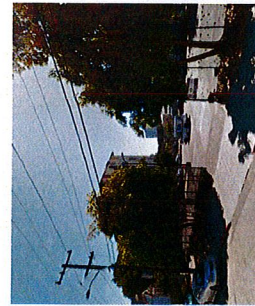


KAHN DESIGN ASSOCIATES
KDA
KDA@KDADESIGN.COM

385 22ND STREET, #204
KAHN DESIGN ASSOCIATES
GROUNDWORKS LANDSCAPE ARCHITECTS
TANUL ENGINEERING
GRADERS & TRENCH SERVICE
ROCKWELL GEOTECHNICAL
ASAP GREEN HOME SOLUTIONS
IS BUILDERS
16 FEBRUARY 2014



SITE FROM 21st STREET



SITE FROM 22nd STREET



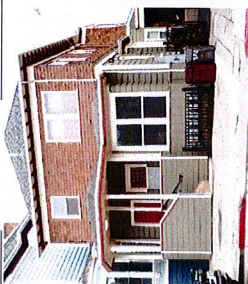
2. 522 21st STREET.



3. 526 21st STREET.



4. 562 21st STREET.



5. 570 21st STREET.



6. 600 21st STREET.



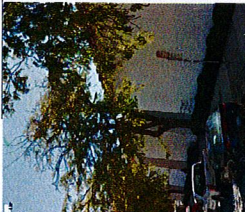
7. 620st STREET.



8. 634 21st STREET.



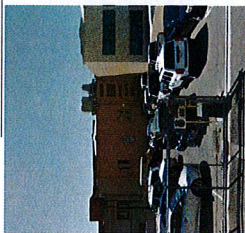
9. 630 TH.M. BERKELEY WY.



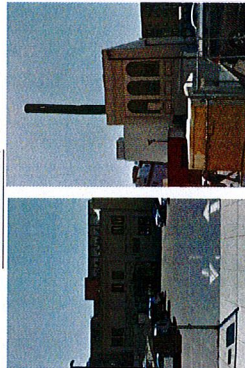
10. 604 TH.M. BERKELEY WY.



11. 556 TH.M. BERKELEY WY.



12. 548 TH.M. BERKELEY WY.



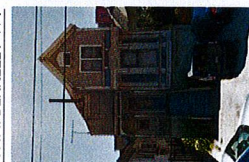
13. 525 21ST STREET



14. 520 TH.M. BERKELEY WY.



15. 619 22nd STREET.



16. 613 22nd STREET.



17. 611 22nd STREET.



18. 603 22nd STREET.



19. 591-601 22nd STREET.



20. 567 22nd STREET.



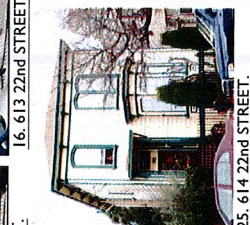
21. 561 22nd STREET.



22. 551 22nd STREET.



23. 539-537 22nd STREET.



24. 533 22nd ST.



25. 614 22nd STREET.



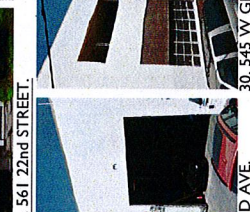
26. 600-606 22nd STREET.



27. 588 22nd ST.



28. 592 22nd STREET.



29. 557 W GRAND AVE.



30. 545 W GRAND AVE.



31. 2201 TELEGRAPH AVENUE.



2 21ST STREET LOOKING NORTH-WEST
NTS



3 FRONT ELEVATION - 21ST STREET
NTS



1 REAR ELEVATION - 22ND STREET
NTS

kda

ARCHITECTURE
KDA DESIGN ASSOCIATES
SAN FRANCISCO, CA
WWW.KDADESIGN.COM

GWD

3RD FLOOR OFFICE
SAN FRANCISCO, CA
WWW.GWDDESIGN.COM

ENTITLEMENT
APPLICATION
SHEET

L1.00

SITE PLAN



NOT FOR
CONSTRUCTION

570

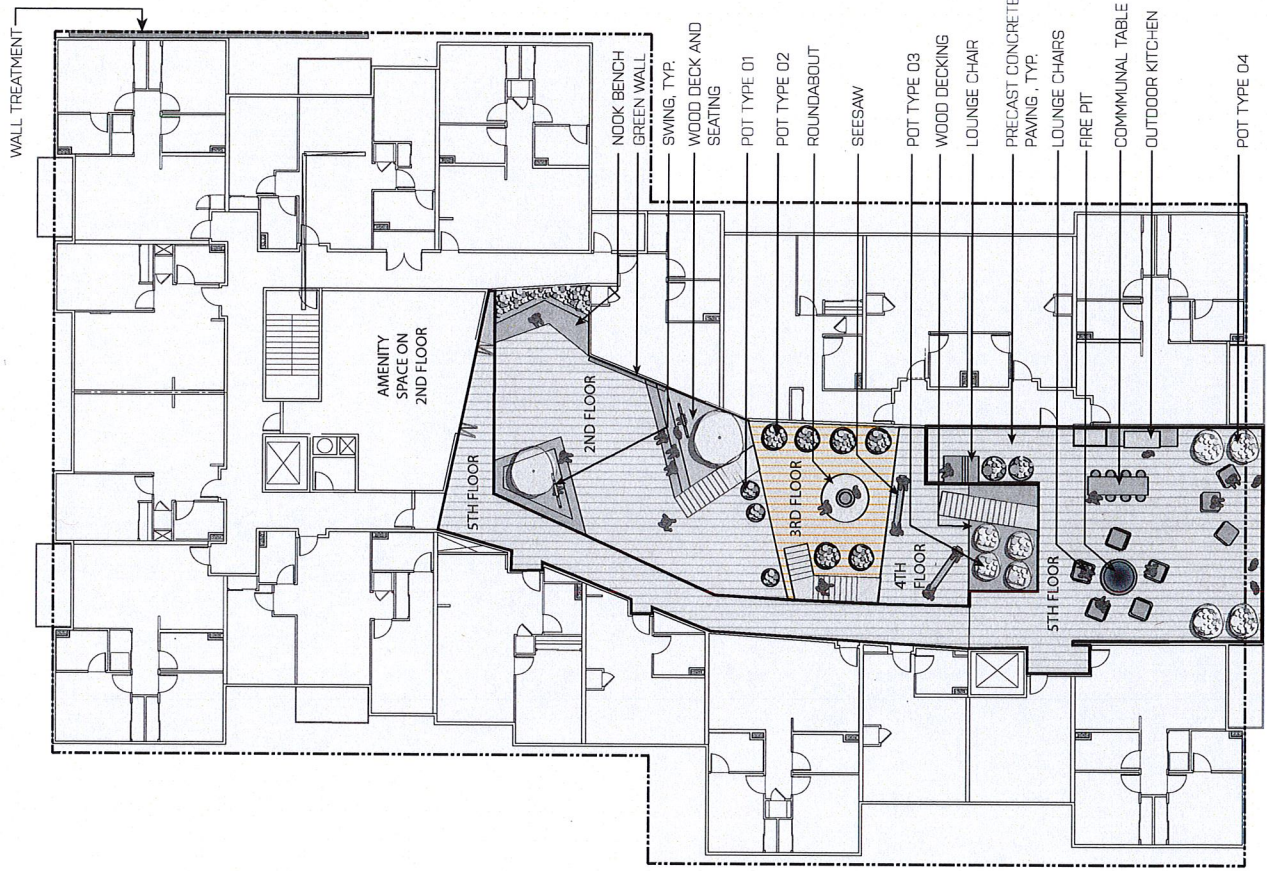
21ST

179 J 1ST STREET
OAKLAND, CA

DATE: 02.18.14

SCALE: AS INDICATED

© KDA DESIGN ASSOCIATES 2014



COURTYARDS AND ROOF DECK



WRNS ARCHITECTS

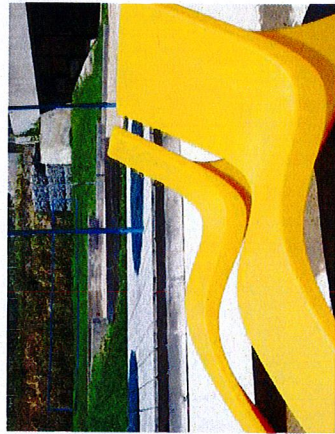
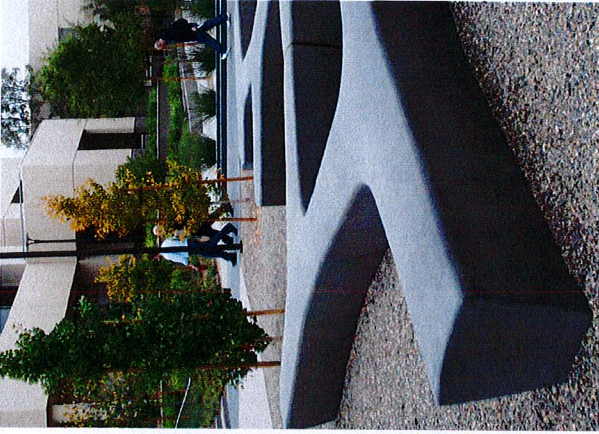


WRNS ARCHITECTS

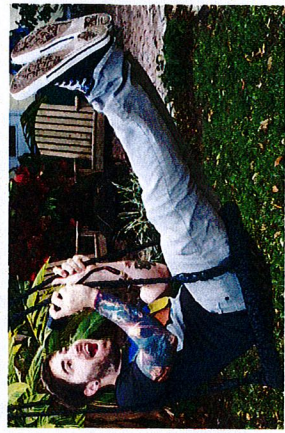


MEYER AND SILBERBERG

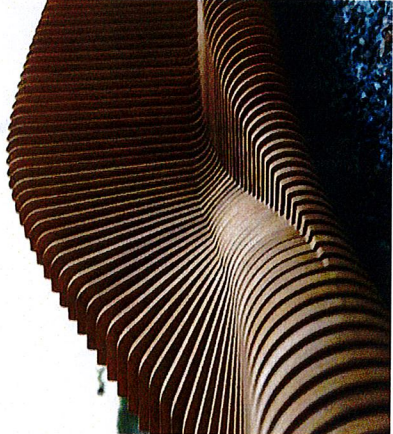
PRECEDENT PROJECT: AIR BNB



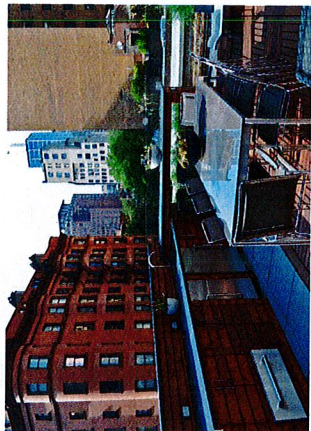
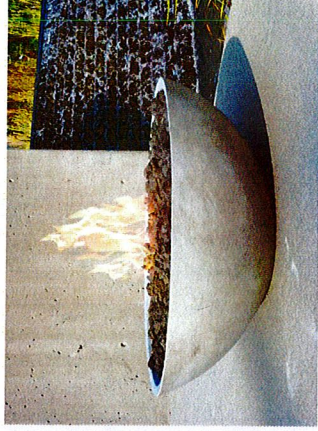
NOOK AND LOUNGE BENCH



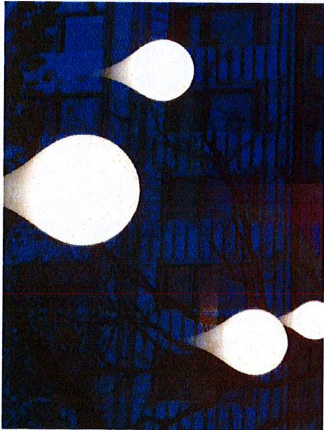
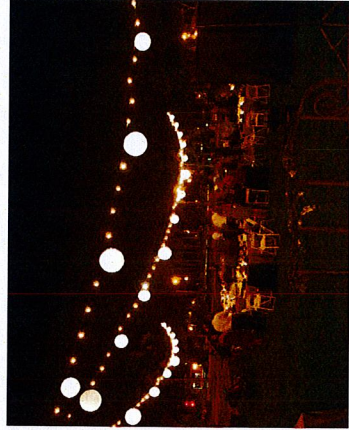
SWINGS



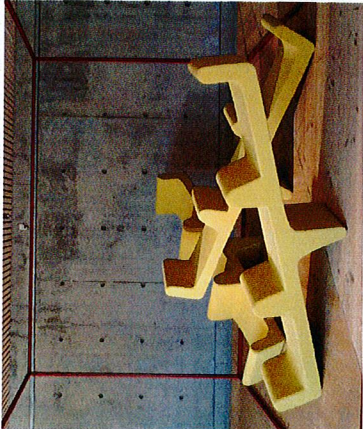
WAVE LOUNGE BENCH



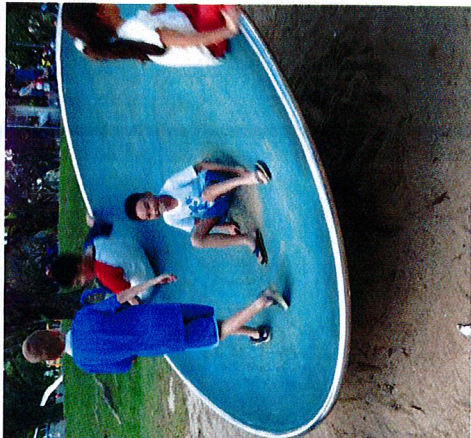
OUTDOOR KITCHEN AND FIRE PIT



LIGHTING



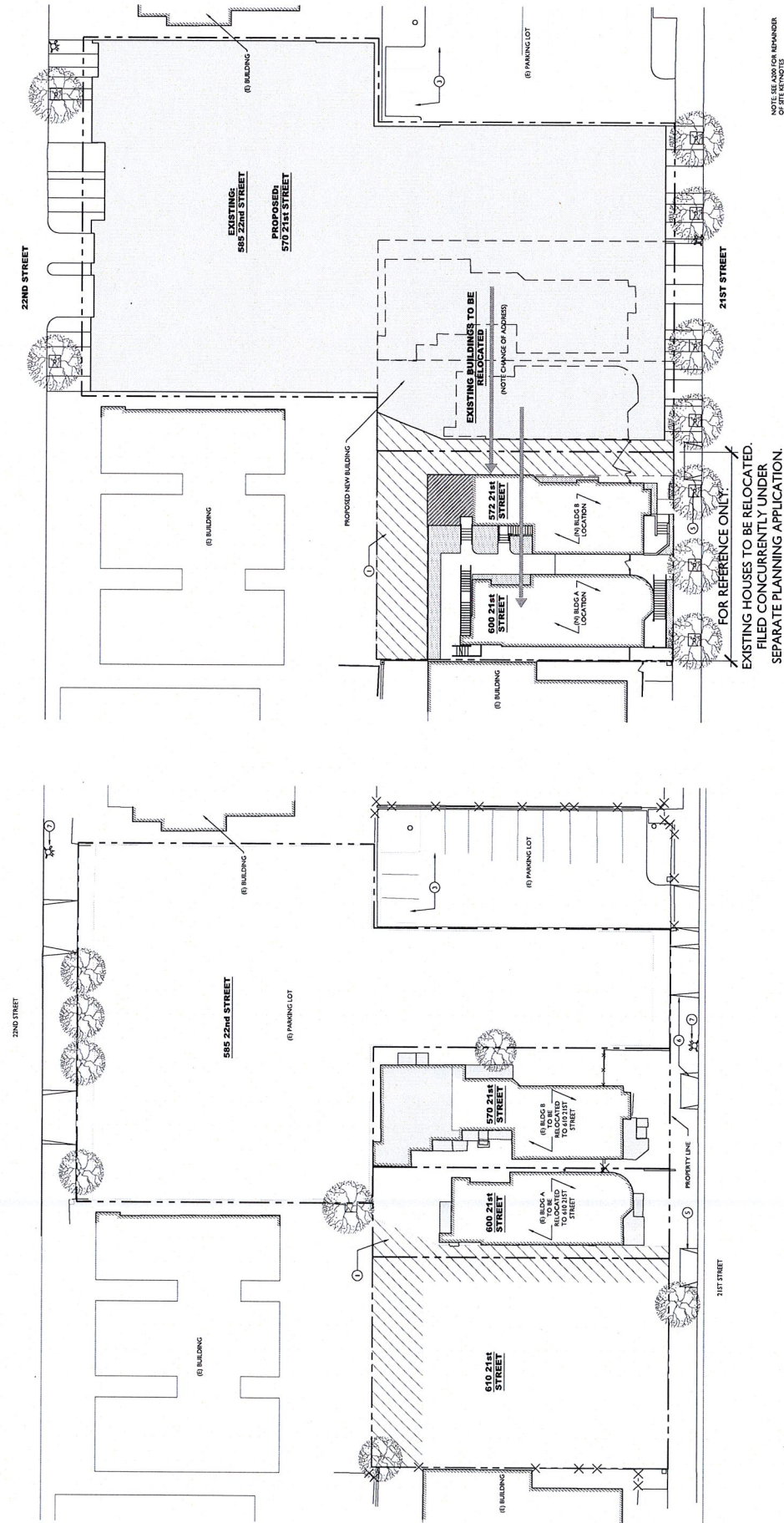
SEE-SAW



ROUND-ABOUT



- KEY NOTES:**
- 1 (E) EXISTENT TO REMAIN
 - 2 N/A
 - 3 (E) PARKING
 - 4 (E) CUTTER
 - 5 (E) CURB CUT TO REMAIN
 - 6 (E) CURB CUT TO BE DISMISSED
 - 7 (E) FIRE HYDRANT
- LEGEND**
- (E) EXISTENT TO REMAIN
 - (E) AREA TO BE DISMISSED
 - (E) BUILDING CONSTRUCTION
 - (E) SOFTSCAPE



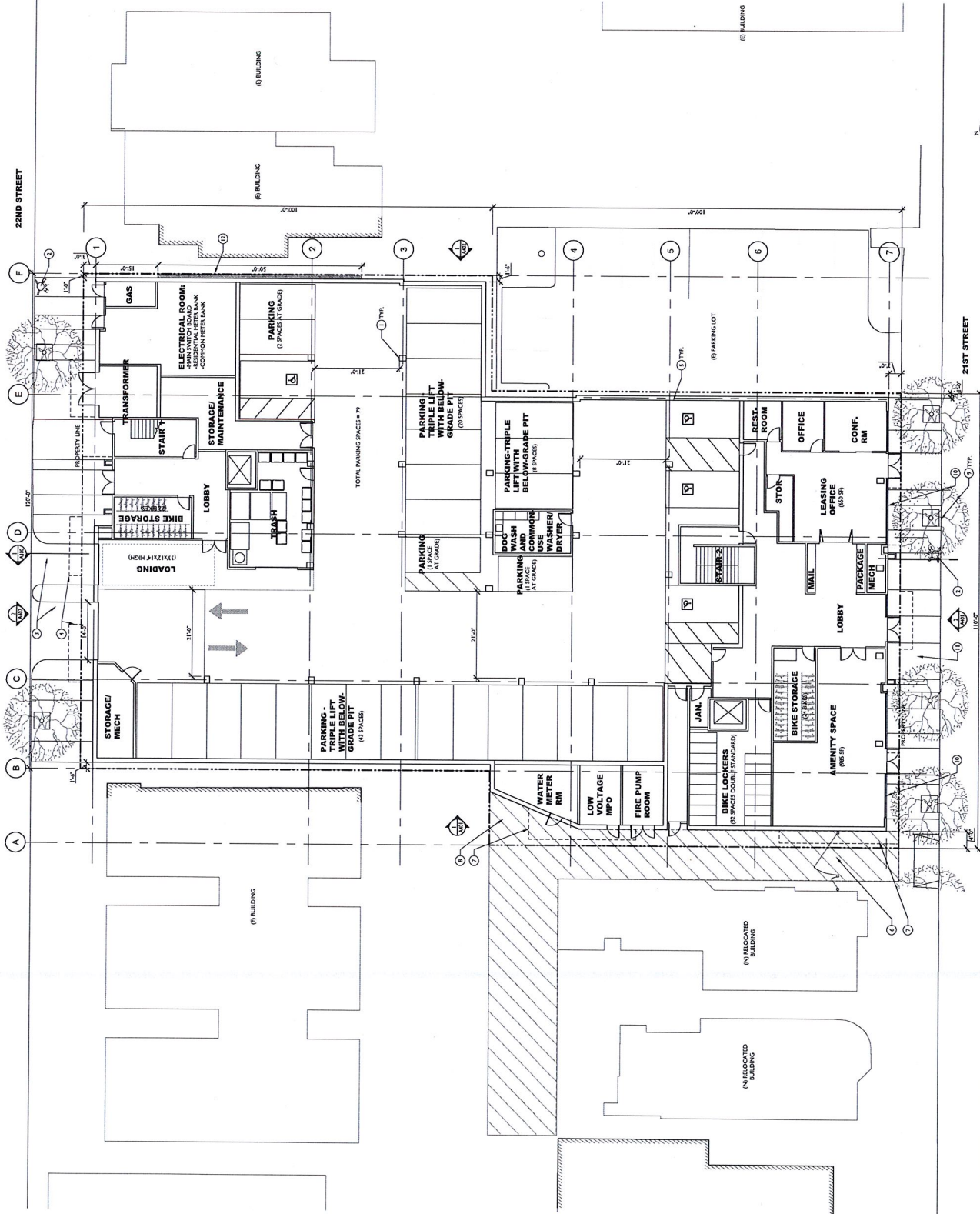
NOTE: SEE ADD FOR REMINDER
OF SITE KEYNOTES





KEY NOTES

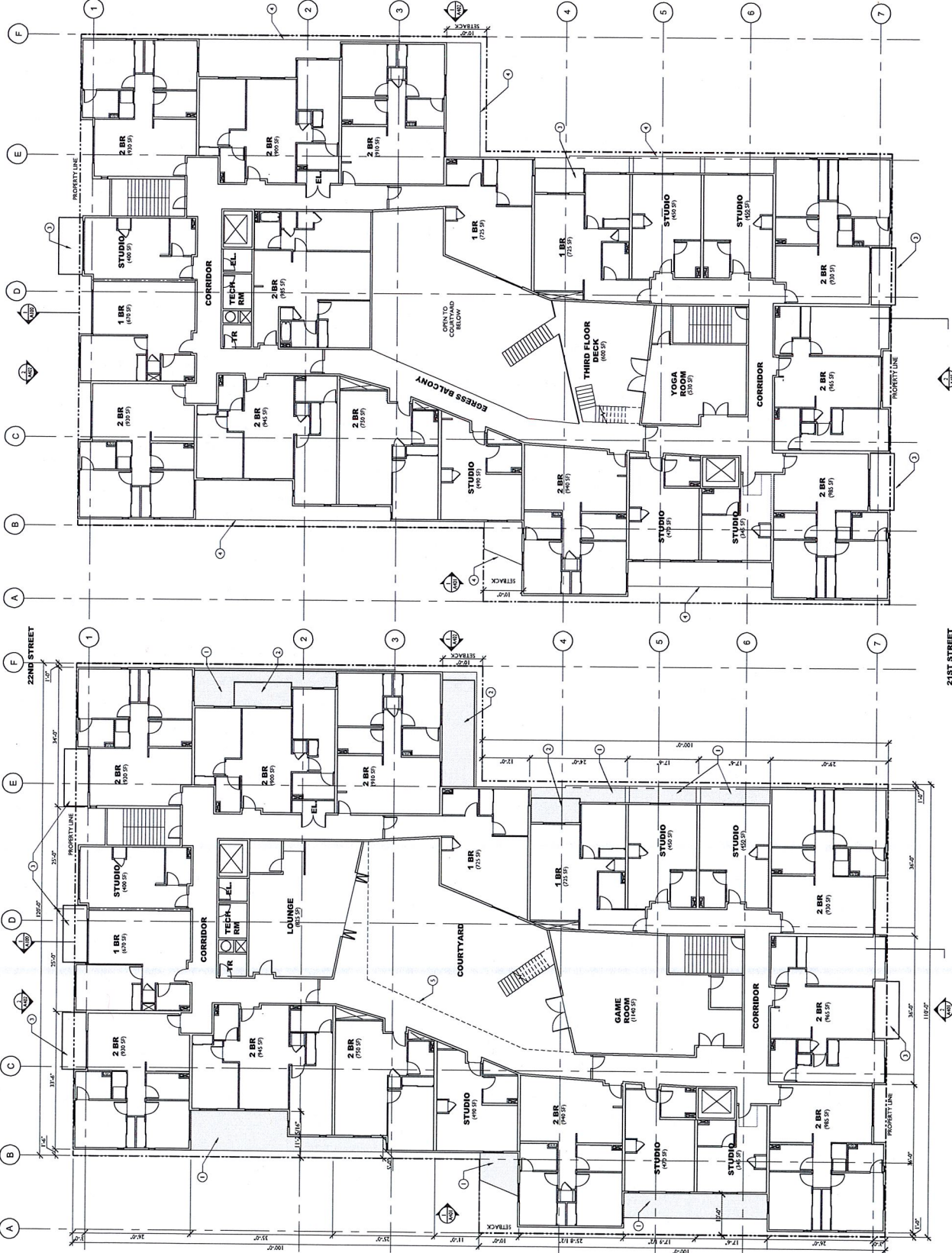
- 1 CONCRETE COLUMN
- 2 (B) FIRE HYDRANT
- 3 NEW CURB CUT AND CONC. DRIVEWAY
- 4 BALCONY
- 5 (B) ELEV. FOR FLOOR LOCATION
- 6 CAST IN PLACE CONCRETE WALL
- 7 REUSE (B) METAL GATE
- 8 EDGE OF BUILDING ABOVE
- 9 EXISTING LAUREL TO BE MAINTAINED
- 10 NEW STREET TREE
- 11 GLASS STONE/FRONT
- 12 (N) CONCRETE SIDEWALK W/ ALTERNATING COLOR TONES UP TO 17' ABOVE GROUND



1 GROUND FLOOR PLAN
3/32" = 1'-0"

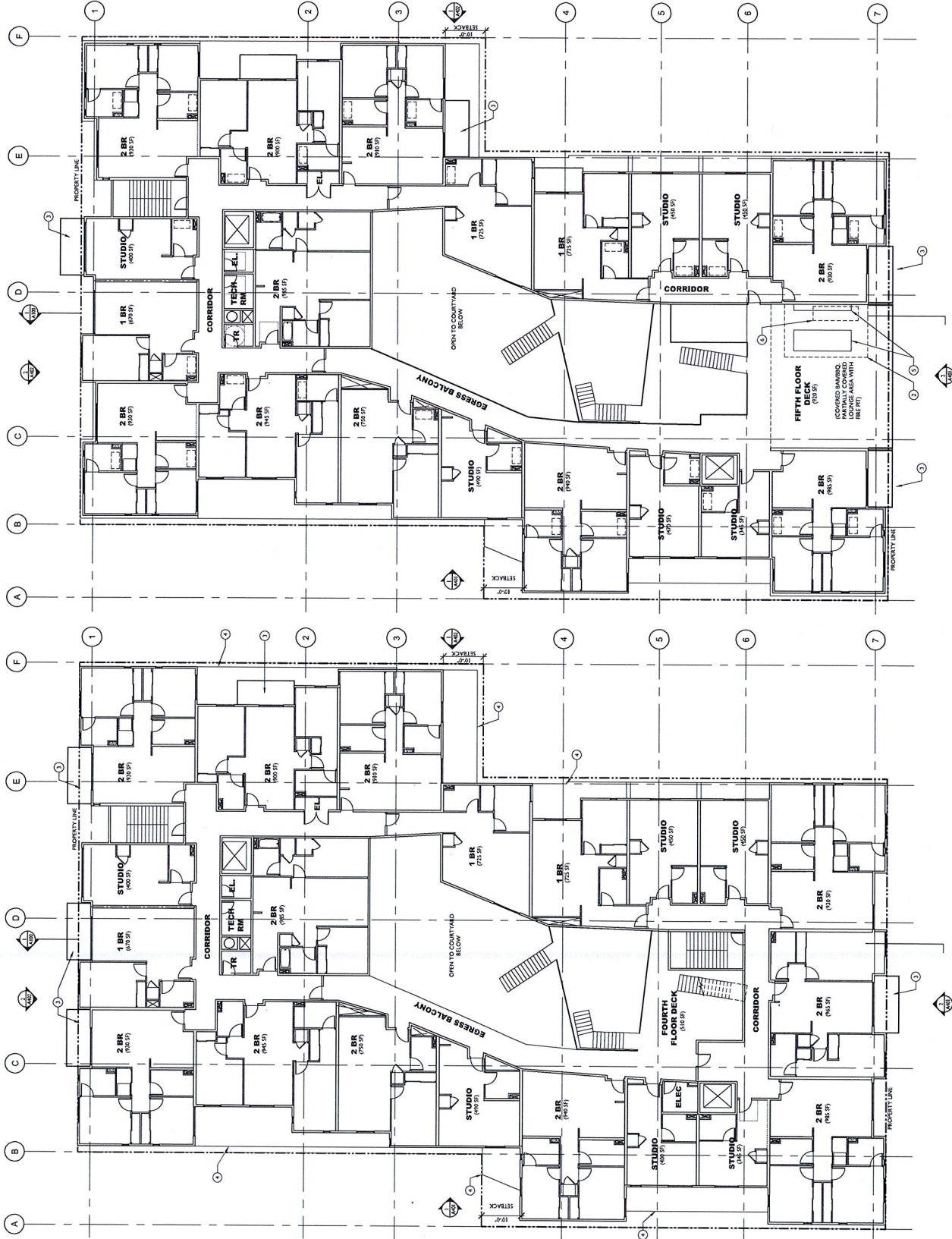


- KEY NOTES:**
1. TOP OF CONCRETE FLOOR
 2. OUTDOOR DECK SET OVER PODIUM
 3. BALCONY, SEE ELEVATION NOTATIONS
NOTE: BALCONY TYPICALLY
PROJECTS OVER THE PUBLIC
RIGHT-OF-WAY
 4. EDGE OF PODIUM BELOW
 5. EDGE OF EGRESS BALCONY ABOVE



KEY NOTES:

- 1 TOP OF CONCRETE POOLUM
- 2 EDGE OF ROOF ABOVE
- 3 BALCONY. SEE EXTERIOR ELEVATIONS
NOTE: BALCONIES TYPICALLY ENCRoACH OVER THE PUBLIC RIGHT-OF-WAY.
- 4 EDGE OF POOLUM BELOW
- 5 COVERED BARBQ
- 6 SKYLIGHT



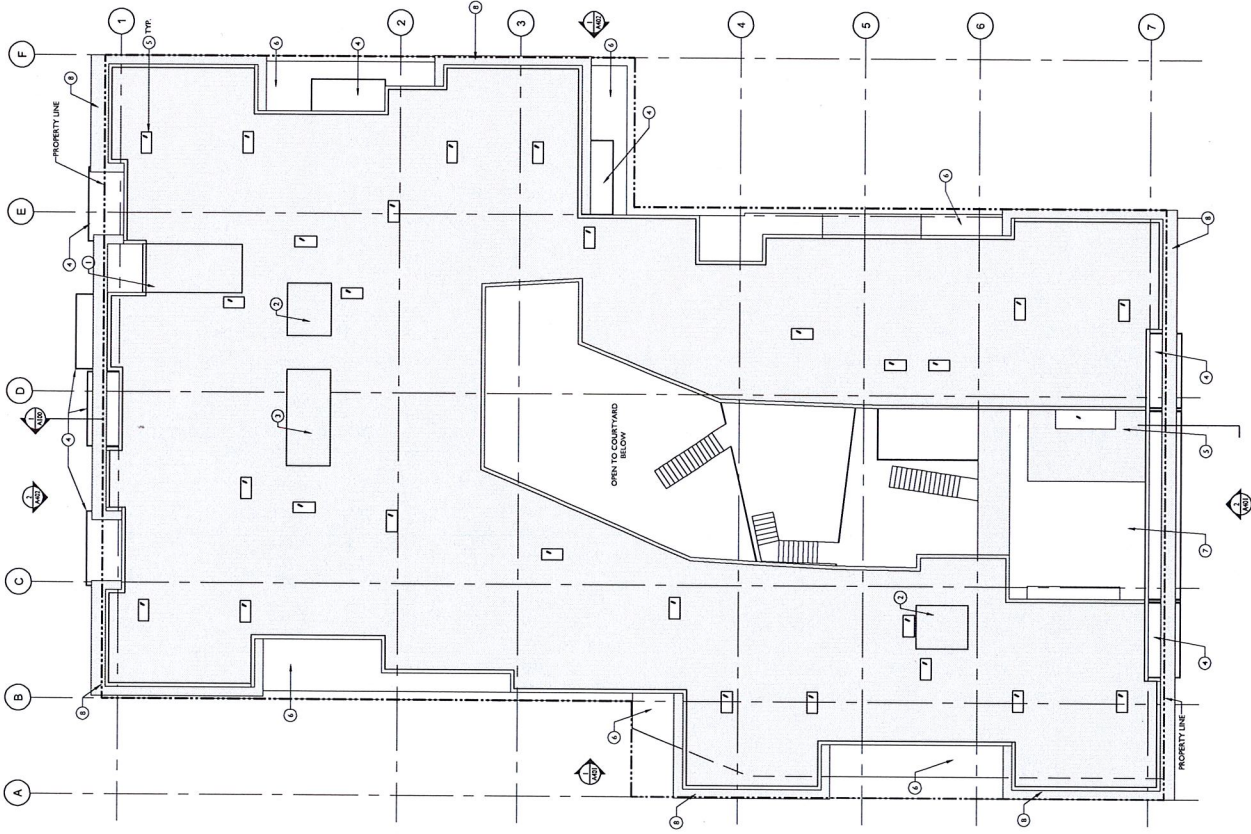
2 FIFTH FLOOR PLAN
3/32" = 1'-0"

1 **FOURTH FLOOR PLAN**
3/32" = 1'-0"



KEY NOTES:

- 1 STAIR BELOW
- 2 ELEVATOR BELOW
- 3 MECHANICAL ROOM
- 4 BALCONY
(SEE ELEVATIONS FOR FLOOR LOCATIONS)
(NOTE: ELEVATIONS TYPICALLY INCREASE
DOWN THE FLOOR AS YOU GO DOWN)
- 5 SKYLIGHT
- 6 TOP OF CONCRETE FLOOR BELOW
- 7 COMMON AREA OPEN SPACE
- 8 PROJECTING CANOPY



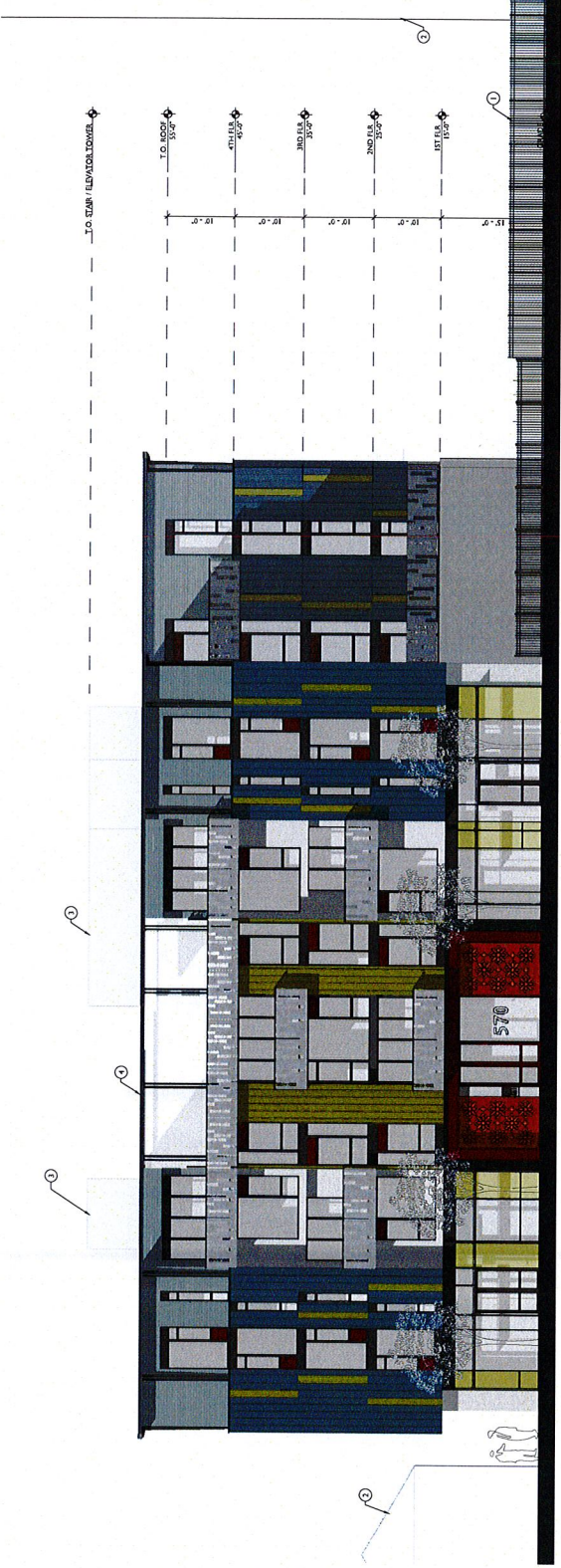
1 ROOF PLAN
3/32" = 1'-0"





- KEY NOTES:**
- 1 SECURITY GUARD
 - 2 ADJACENT BUILDING
 - 3 STAIR/ELEVATOR ENCLOSURE
 - 4 METAL TRELLIS
 - 5 CANTILEVERED BALCONY

- NOTES:**
- 1. SEE LIST FOR BRANCHES OF MATERIAL
FINISH DESCRIPTIONS



2 SOUTH ELEVATION @ 21ST STREET
1/8" = 1'-0"



1 WEST ELEVATION
1/8" = 1'-0"



KEY NOTES:

- 1. INSET METAL DECORATIVE PANELS
- 2. WALL TREATMENT UP TO 15' HIGH
- 3. STAIR / ELEVATION BENTHOUSE
- 4. ADJACENT BUILDINGS

NOTES:

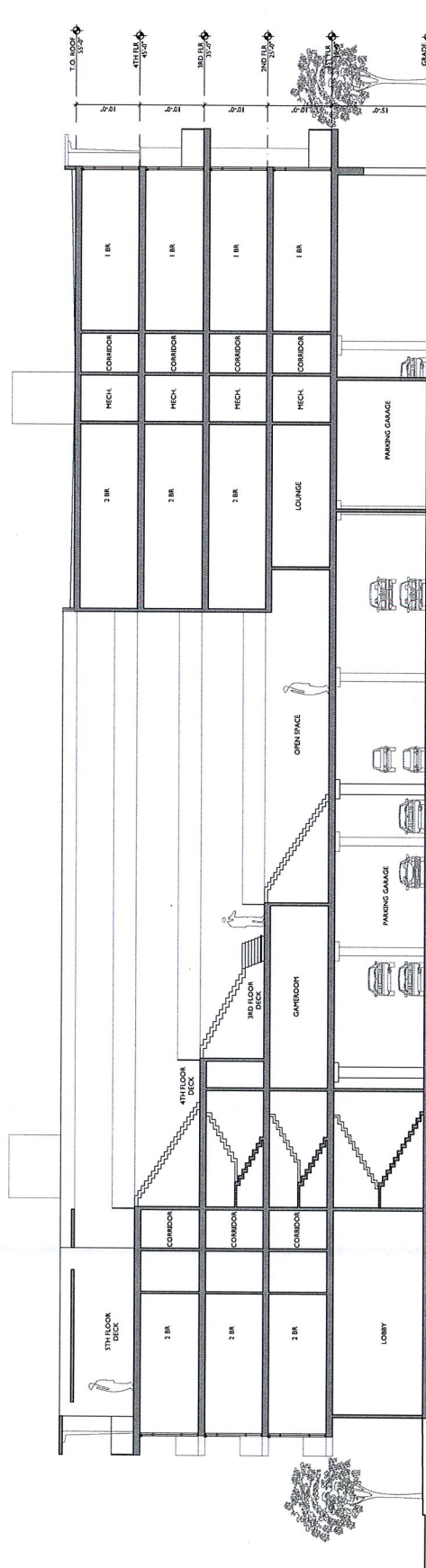
- 1. SEE ARCH FOR DIMENSIONS OF MATERIAL
- 2. FINISH: BRASS METAL



2 NORTH ELEVATION @ 22ND STREET
1/8" = 1'-0"



1 EAST ELEVATION
1/8" = 1'-0"



I BUILDING SECTION
1/8" = 1'-0"

CORRUGATED
METAL CLADDING
AEP SPAN
TWA-12 HORIZONTAL

METAL RAINSCREEN
CLADDING
AEP SPAN
FLUSH PANEL VERTICAL

CAST IN PLACE
CONCRETE
ARCHITECTURAL GRADE

FIBER CEMENT
PANEL
KLIPTech
XP SOLID, FASHION GRAY

FIBER CEMENT
PANEL
KLIPTech
SOLID, COPPER MESH

METAL RAINSCREEN
CLADDING
AEP SPAN
FLUSH PANEL VERTICAL

ETCHED PANEL
KLIPTech
XP WOOD, AMBER, CHERRY,
CUSTOM ETCHING

STOREFRONT
ARCADIA
ANODIZED ALUMINUM
AB-7 STD DARK BRONZE

CUT PANEL
ALUMINUM
BOK MODERN
CUSTOM PATTERN

STOREFRONT GLASS
ARCADIA
DOUBLE-PANED GLASS

FIBER CEMENT
PANEL
KLIPTech
XP SOLID, FASHION GRAY



PROPOSED CONCEPT RENDERING



LOOKING NORTHWEST ON 21ST STREET



NORTH ELEVATION ON 22ND STREET

MODIFICATIONS

IN COLLABORATION WITH PLANNING DEPARTMENT, ADJACENT
NEIGHBORS, MERIDIAN HOMEOWNERS ASSOCIATION AND OAKLAND
LANDMARKS PRESERVATION ADVISORY BOARD



BEFORE (ORIGINAL SUBMISSION)



AFTER (FINAL, APPROVED SUBMISSION)

22ND STREET ELEVATION

570 21ST STREET
OAKLAND, CA
11.02.2016



ORIGINAL SUBMITTAL - 02.18.2016



REVISION PER PLANNING - 04.27.2016



REVISION PER NEIGHBOR / HOA MEETINGS - 06.02.2016

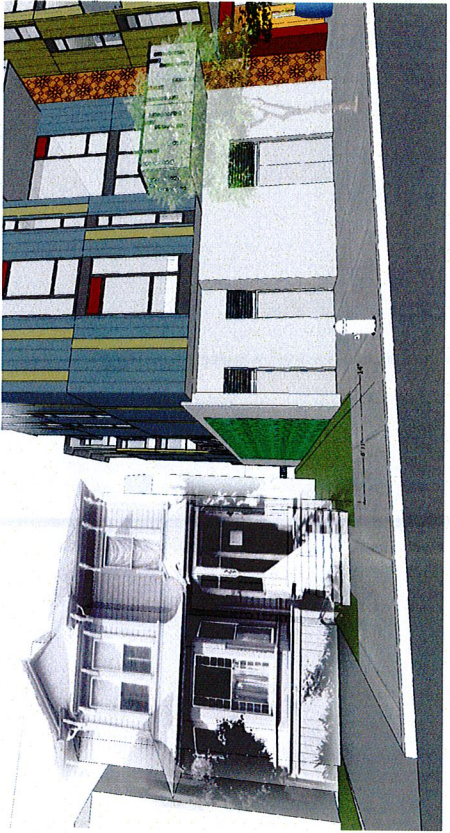
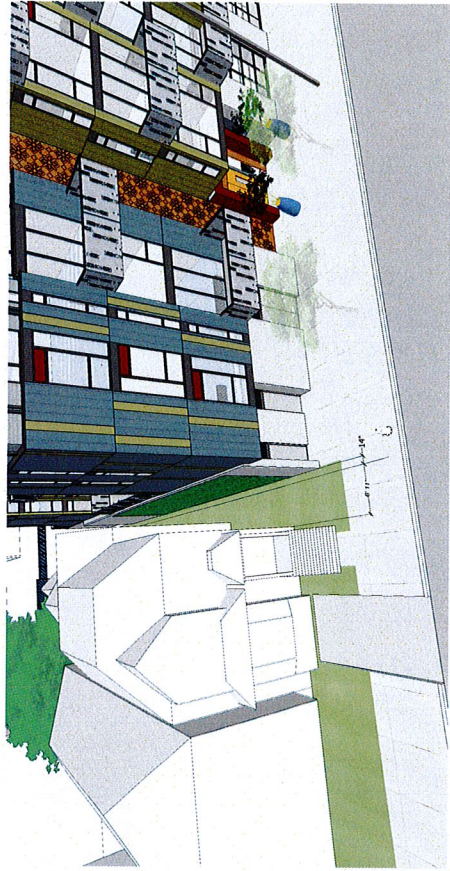


REVISION PER NEIGHBOR / MHA MEETINGS - 06.02.2016



FINAL REVISIONS PER LANDMARKS MEETING - 07.01.2016

MODIFICATIONS



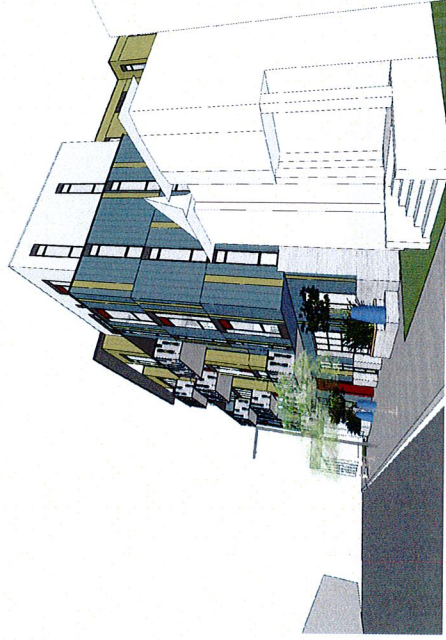
ORIGINAL SUBMITTAL - 02.18.2016



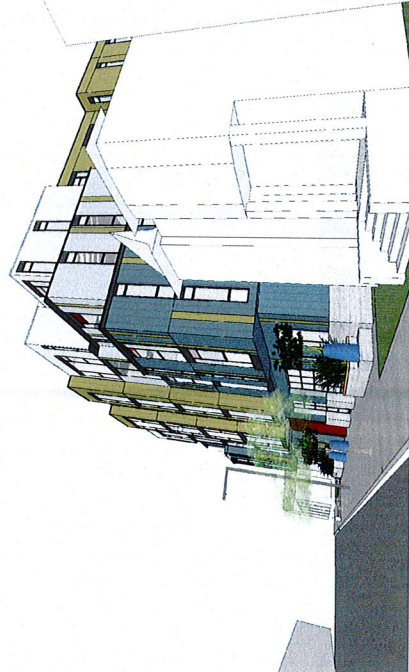
FINAL REVISIONS PER LANDMARKS MEETING - 07.01.2016



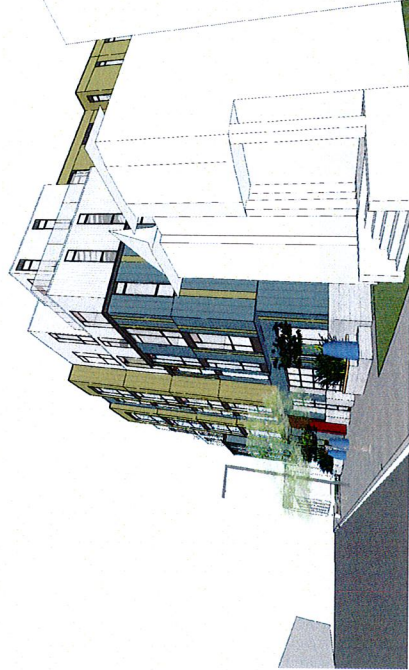
ORIGINAL SUBMITTAL - 02.18.2016



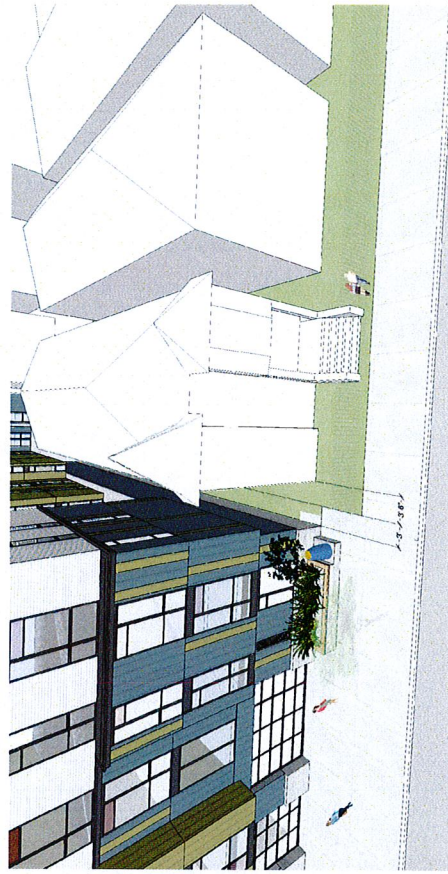
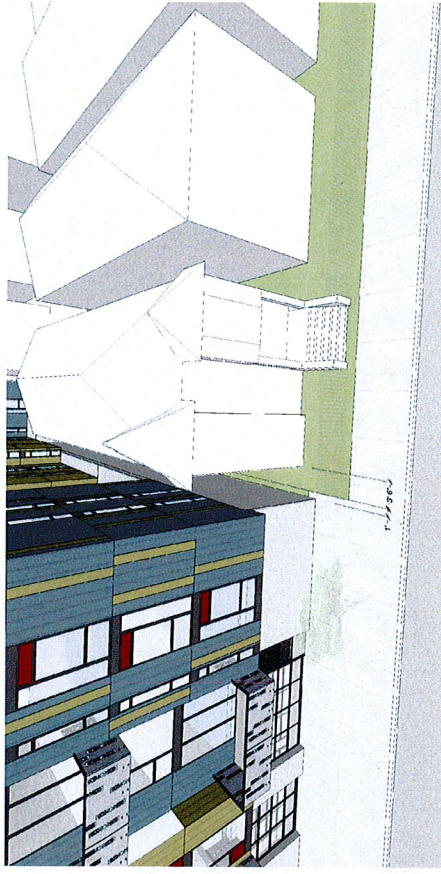
REVISION PER PLANNING - 04.27.2016



REVISION PER NEIGHBOR / MHA MEETINGS - 06.02.2016



FINAL REVISIONS PER LANDMARKS MEETING - 07.01.2016



ORIGINAL SUBMITTAL - 02.18.2016



FINAL REVISIONS PER LANDMARKS MEETING - 07.01.2016

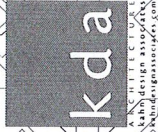
FINAL PLANNING SET

SUBMITTED 07.01.2016

(REPEATED PAGES FROM ORIGINAL SUBMITTAL OMITTED FOR BREVITY)

570 21ST STREET, OAKLAND, CA
MULTI-FAMILY HOUSING

PLANNING SUBMITTAL



385 22ND STREET
KAHN DESIGN ASSOCIATES
GRONIMWORKS LANDSCAPE ARCHITECTS
TALUS ENGINEERING
GRAVERSON TREE SERVICE
ROCKMIDGE GEOTECHNICAL
ASAKI GREEN HOME SOLUTIONS
IS BUILDERS

18 FEBRUARY 2016
REV 20 JUNE 2016
REV 01 JULY 2016



② 21ST STREET LOOKING NORTH-WEST
N.T.S.



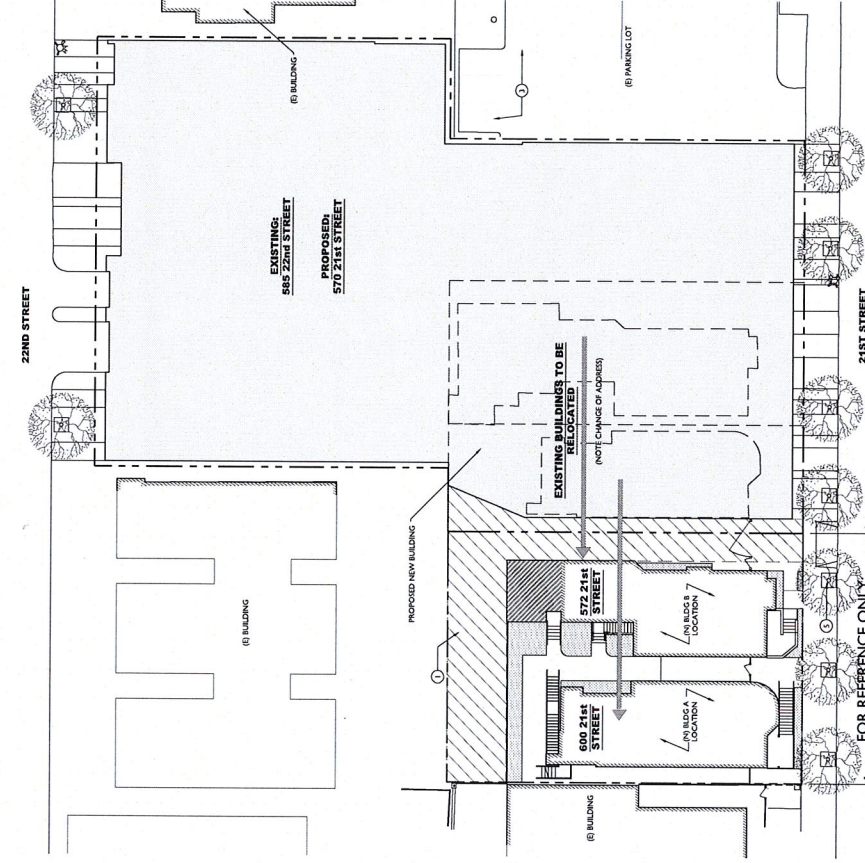
③ FRONT ELEVATION - 21ST STREET
N.T.S.



① REAR ELEVATION - 22ND STREET
N.T.S.

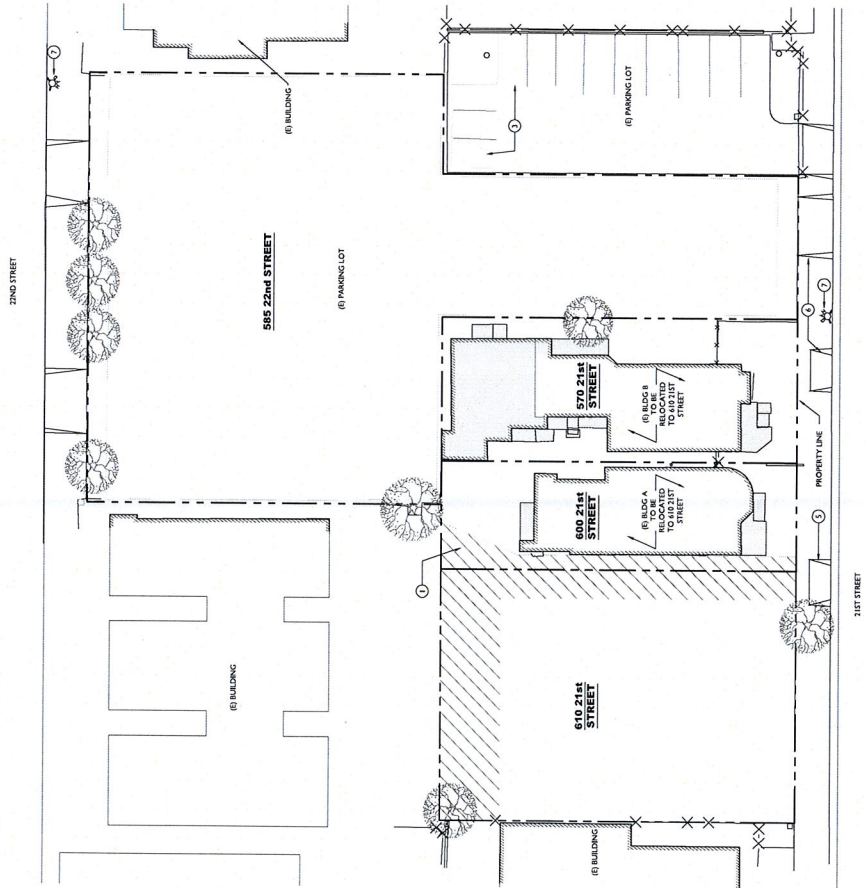


- KEY NOTES:**
- 1 (B) EXISTENT TO REMAIN
 - 2 NA
 - 3 (B) PARKING
 - 4 (B) GUTTER
 - 5 (B) CURB CUT TO REMAIN
 - 6 (B) CURB CUT TO BE DISCLOSED
 - 7 (B) FIRE HYDRANT
- LEGEND**
- (B) EXISTENT TO REMAIN
 - (B) AREA TO BE DISCLOSED
 - (B) BUILDING CONSTRUCTION
 - (B) SITEWORK



NOTE: SEE A100 FOR REPHASOR
OF FIRE HYDRANTS

2 SITE PLAN
1/16" = 1'-0"



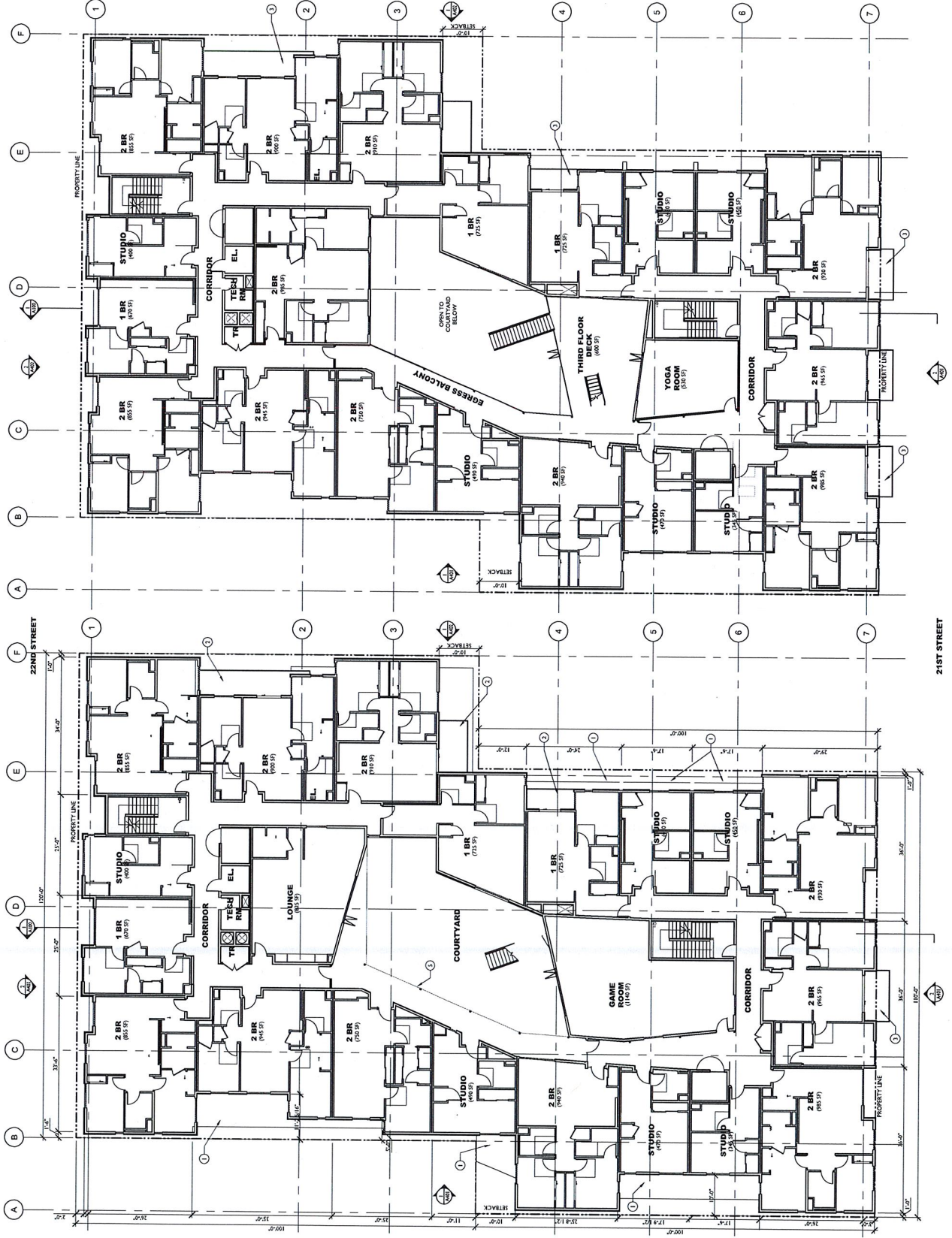
1 EXISTING SITE PLAN
1/16" = 1'-0"



1 GROUND FLOOR PLAN
3/32" = 1'-0"



- KEY NOTES:**
- 1 TOP OF CONCRETE FLOOR
 - 2 OUTDOOR DECK SET OVER FLOOR
 - 3 BALCONY, SEE EXTERIOR ELEVATIONS
NOTE: BALCONIES TYPICALLY
RIGHT OF ADJACENT PUBLIC
RIGHT OF WAY
 - 4 EDGE OF FLOOR BELOW
 - 5 EDGE OF GROUND FLOOR ABOVE



1 SECOND FLOOR PLAN
3/32" = 1'-0"

2 THIRD FLOOR PLAN
3/32" = 1'-0"



- KEY NOTES:**
- 1 TOP OF CONCRETE FLOOR
 - 2 EDGE OF ROOF ABOVE
 - 3 BALCONY, SEE EXTENSION ELEVATIONS FOR DETAILS
 - 4 EDGE OF FLOOR BELOW
 - 5 COVERED BALCONY
 - 6 SKYLIGHT
 - 7 DECK



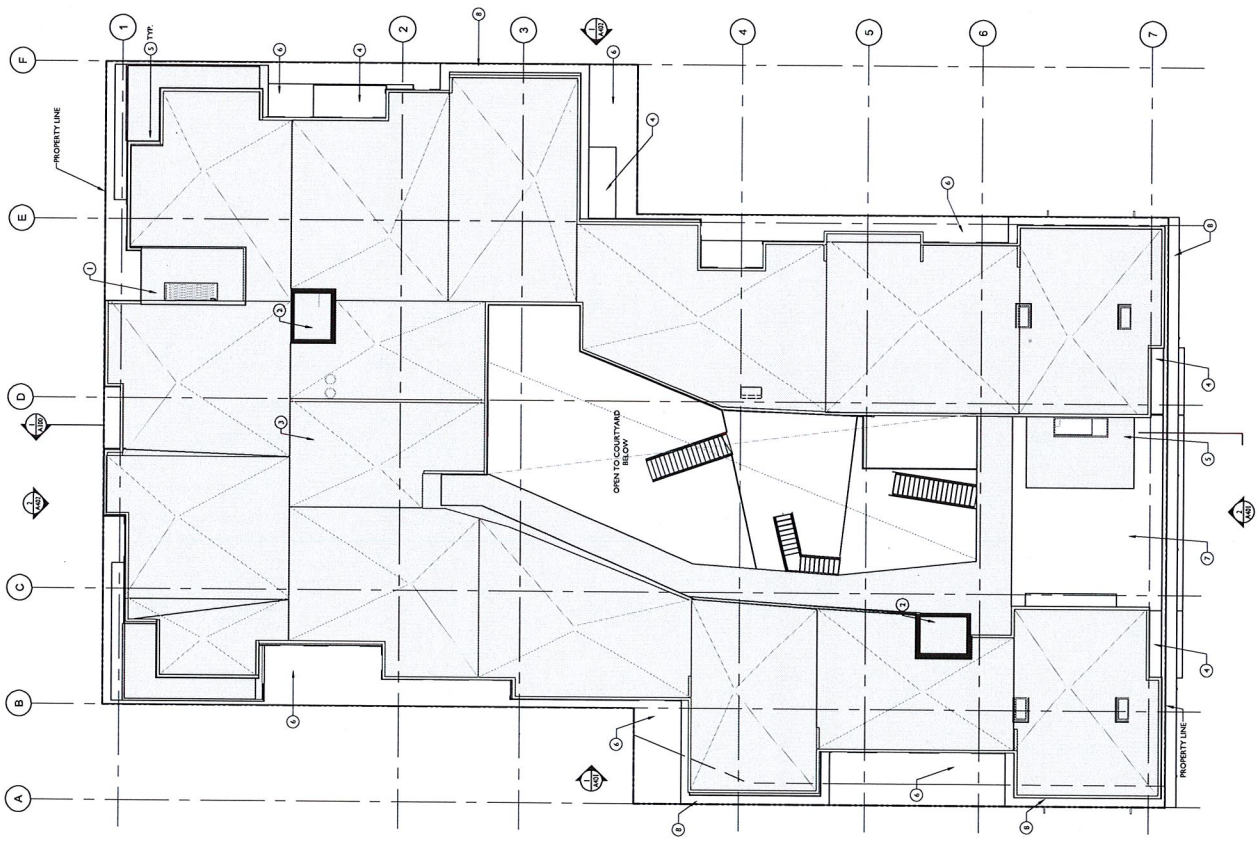
2 FIFTH FLOOR PLAN
3/32" = 1'-0"

1 FOURTH FLOOR PLAN
3/32" = 1'-0"



KEY NOTES:

- 1 STAIR BELOW
- 2 ELEVATOR BELOW
- 3 MECHANICAL ROOM
- 4 MECHANICAL ROOM (SEE ELEVATIONS FOR LOCATION)
- 5 NOTE BALCONIES TYPICALLY ENDOACH OVER THE PUBLIC RIGHT-OF-WAY.
- 6 SKYLIGHT
- 7 TOP OF CONCRETE FLOOR BELOW
- 8 COMMON AREA OPEN SPACE
- 9 PROJECTING CORNER



1 ROOF PLAN
3/32" = 1'-0"





KEY NOTES:

- ① SECURITY GUARD STATION
- ② ADJACENT BUILDING
- ③ STAIR (ELEVATOR ENTRYHOUSE)
- ④ METAL TRELLIS
- ⑤ CANTILEVERED BALCONY
- ⑥ MECHANICAL ENTRYHOUSE
- ⑦ INTEGRAL COLORED STUCCO

NOTES:

- 1. SEE A401 FOR REFINISHES OF MATERIALS
FINISH DESCRIPTIONS.



2 SOUTH ELEVATION @ 21ST STREET
1/8" = 1'-0"



1 WEST ELEVATION
1/8" = 1'-0"

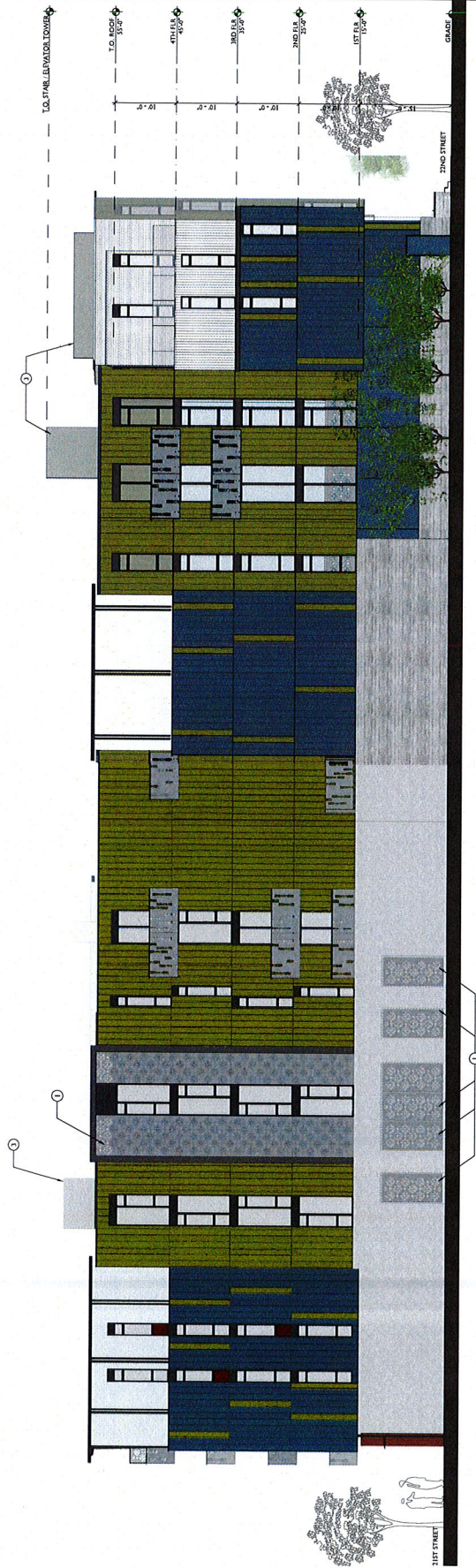


- KEY NOTES:**
- ① INSET METAL DECORATIVE PANELS
 - ② - NOT IN USE -
 - ③ STAIR / ELEVATOR PENHOUSE
 - ④ ADJACENT BUILDING
 - ⑤ CANTILEVERED BALCONY
 - ⑥ MECHANICAL PENHOUSE (NOT VISIBLE FROM THE STREET)

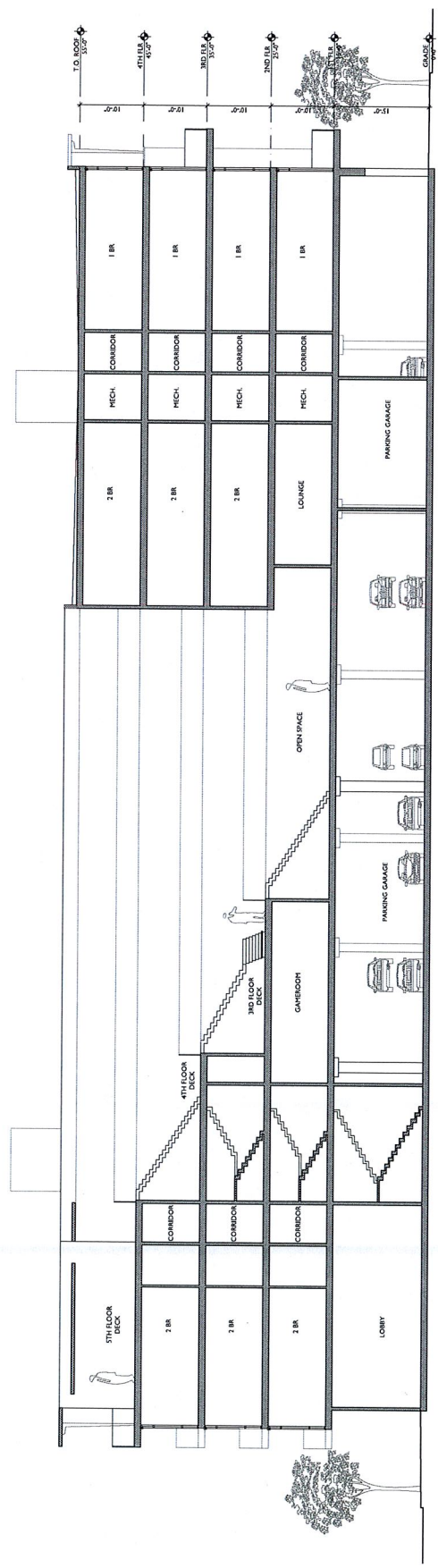
- NOTES:**
- 1. FINISH DESCRIPTIONS.



2 NORTH ELEVATION @ 22ND STREET
1/8" = 1'-0"



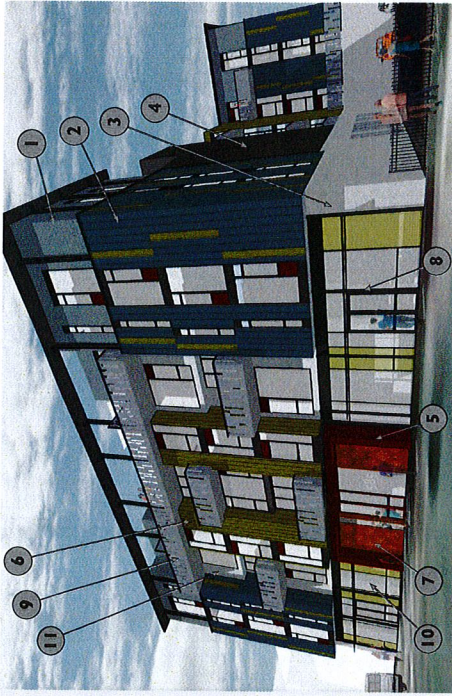
1 EAST ELEVATION
1/8" = 1'-0"



1 BUILDING SECTION
1/8" = 1'-0"



CORRUGATED METAL CLADDING AEP SPAN TW-12 HORIZONTAL	METAL RAINSCREEN CLADDING AEP SPAN FLUSH PANEL VERTICAL	BOARD FORMED CONCRETE ARCHITECTURAL GRADE	FIBER CEMENT PANEL KLIPTech XP SOLID, FASHION GRAY	FIBER CEMENT PANEL KLIPTech SOLID, COPPER MESH	METAL RAINSCREEN CLADDING AEP SPAN FLUSH PANEL VERTICAL	ETCHED PANEL KLIPTech XP WOOD/LAMBER CHERRY, CUSTOM ETCHING	STOREFRONT ARCADIA ANODIZED ALUMINUM AB-7 STD DARK BRONZE	CUT PANEL ALUMINUM BOX MODERN CUSTOM PATTERN	STOREFRONT GLASS ARCADIA DOUBLE-PANED GLASS	FIBER CEMENT PANEL KLIPTech XP SOLID, FASHION GRAY	METAL RAINSCREEN CLADDING AEP SPAN FLUSH PANEL VERTICAL
1	2	3	4	5	6	7	8	9	10	11	12



PROPOSED CONCEPT RENDERING



ORIGINAL PLANNING SUBMITTAL



CURRENT SUBMITTAL



CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA • SUITE 3315 • OAKLAND, CALIFORNIA 94612

Planning and Building Department
Bureau of Planning

(510) 238-3941

FAX (510) 238-6538

TDD (510) 238-3254

Sent via U.S. Mail and Electronic Mail

August 2, 2016

Kahn Design Associates
c/o Charles Kahn
1810 - 6th Street
Berkeley, CA 94710

**RE: Case File No. PLN16046; 585-22nd Street and 570-610 21st Street;
APN's 008-0647-013-00, 008-0647-014-00, 008-0647-015-00, and 008-0647-028-04**

Dear Mr. Kahn,

Your application, as described below, has been **Approved** for the reasons stated in Attachment A, which contains the findings required to support this decision. Attachment B contains the Conditions of Approval for the project. This decision is effective ten (10) days after the date of this letter unless appealed as explained below.

The following table summarizes the proposed project:

Proposal:	New construction of a five-story, 78 unit residential building with ground floor parking and amenity spaces; along with the relocation of two historic buildings on 21 st street.
Planning Permits Required:	Regular Design Review for new construction of a 78 unit residential building.
General Plan:	Central Business District
Zoning:	CBD-R Central Business District Residential Zone
Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines; In-fill development Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
Historic Status:	Cathedral District API: 585-22 nd Street - vacant parking lot; 570-21 st Street - Potential Designated Historic Property (PDHP) C1+; 600-21 st Street - Potential Designated Historic Property (PDHP) C1+
Service Delivery District:	Metro
City Council District:	3

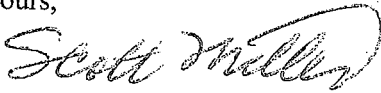
If you, or any interested party, seeks to challenge this decision, an appeal **must** be filed by no later than ten calendar (10) days from the date of this letter, by **4:00 pm on August 12, 2016**. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Michael Bradley, Planner II**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Manager or wherein his/her decision is not supported by substantial evidence and must include payment of **\$1,622.57** in accordance with the City of Oakland Master

Fee Schedule. Failure to timely appeal will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the Zoning Manager prior to the close of the previously noticed public comment period on the matter.

A signed Notice of Exemption (NOE) is enclosed certifying that the project has been found to be exempt from CEQA review. It is your responsibility to record the NOE and the Environmental Declaration at the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a cost of \$50.00 made payable to the Alameda County Clerk. Please bring the original NOE related documents and five copies to the Alameda County Clerk, and return one date stamped copy to the Zoning Division, to the attention of **Michael Bradley, Planner II**. Pursuant to Section 15062(d) of the California Environmental Quality Act (CEQA) Guidelines, recordation of the NOE starts a 35-day statute of limitations on court challenges to the approval under CEQA.

If you have any questions, please contact the case planner, **Michael Bradley, Planner II** at (510) 238-6935 or mbradley@oaklandnet.com, however, this does not substitute for filing of an appeal as described above.

Very Truly Yours,



SCOTT MILLER
Zoning Manager

cc: Oakland Landmarks Preservation Advisory Board (LPAB) members
Christopher Andrews, Chair July 11, 2016
Peter Birkholz, Vice-Chair
Stafford Buckley
Eleanor Casson
Frank Flores
Nenna Joiner
Betty Marvin, Historic Preservation Planner, City of Oakland, Bureau of Planning

Oakland Heritage Alliance
c/o Naomi Schiff and Christopher Buckley
455 Seventeenth Street
Oakland, CA 94612

Naomi Schiff - Naomi@17th.com
Christopher Buckley - cbuckleyaicp@att.net
Noelle Martin - noelle.martin@gmail.com
Sven Dummer - sven.dummer@web.de
Leslie Levy - lal@levylaw.biz
Chris Garrett - cjg2127@gmail.com
Eric Zibbel - ezibbel@self-sufficiency.org
Ed Wilkinson - ewilkros@gmail.com
Justin Horner - justinhorner01@gmail.com

Attachments:

- A. Findings
- B. Conditions of Approval, including Standard Conditions of Approvals

ATTACHMENT A: FINDINGS

This proposal meets all the required findings under Regular Design Review findings (Section 17.136.050A), and Special Regulations for Historic Properties in the Central Business District zone (Section 17.136.055 B2), and as set forth below and which are required to approve your application. Required findings are shown in **bold type**; reasons your proposal satisfies them are shown in normal type.

17.136.050A - RESIDENTIAL DESIGN REVIEW CRITERIA:

- 1. The proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures.**

The proposed project is a new five story building containing 78 dwelling units in the upper four stories above ground floor parking and amenity spaces, along with the relocation of two buildings to an adjacent lot. The ground floor would consist of an amenity space, lobby, leasing office, utility rooms, trash rooms, bicycle parking, automobile parking and a dog washing area of approximately 15 feet in height on the through-lot with frontage on 21st and 22nd Street. Entrances to the residential units will have lobby areas on both 21st and 22nd Streets. The leasing office and amenity space will be located on 21st Street, to provide an attractive and active space along the 21st Street frontage which is a more densely developed street. Entrances to the garage are proposed in the most feasible location and are to be located at 22nd street in a manner that allows continuity of the residential pedestrian experience with only one driveway curb cut whereas currently the site has three curb cuts (two of which are on 22nd Street). The building footprint allows for a five (5) foot setback on 22nd Street to allow for sight lines east and west of the proposed building to view the contributing, neighboring potential designated historic properties and designated historic properties in the Cathedral District Area of Primary Importance (API). Also, to further increase visibility of the directly adjacent API contributors, the building has a property line side yard setback of three (3) feet from 591-22nd Street, four (4) feet from 567-22nd Street, and four (4) feet from the newly proposed relocated buildings at 610-21st street, thus combined with those buildings property line side yard setbacks for an even greater separation. The project also involves the extensive restoration and relocation of two Potential Designated Historic Properties, which will receive alterations to restore the original character defining elements of the buildings.

The project proposes a contemporary design that uses a rectangular and square bay window and siding pattern to pay homage to the distinctive character of the historic district while not trying to artificially replicate its historic buildings. Exterior materials will include corrugated metal cladding, metal rain screen cladding, board formed concrete, fiber cement panels, etched wood panels, anodized aluminum storefront, and cut panel aluminum railings. The windows are high-grade aluminum with an anodized finish. The ground floor facade will include an aluminum storefront window system with a concrete base and planter boxes with seating to relate to neighborhood scale and entry vibrancy. The proposed design applies a combination of exterior materials and a variation of colors consistent with the design review guidelines and will work well to integrate the development with the neighboring structures. To minimize perceived bulk, the design applies a series of projections to articulate the building elevations with a substantial ground level setback. This design approach successfully allows the building to achieve a hierarchy of volumes and proportions that relate well to the neighborhood and to identify the entry to the residential and secondary components. The proposed design will relate well with surrounding land uses in terms of setting, scale, bulk, height, materials, and textures.

- 2. The proposed design will protect, preserve, or enhance desirable neighborhood characteristics.**

The proposal will enhance the surrounding area by developing an existing surface parking lot and adding desirable site improvements to enhance the public safety, security and appearance of the neighborhood. This area of the Cathedral District API has a desirable mix of multi-family dwellings consisting of two to five stories with a 10 story residential facility at 540-21st Street, thus this proposed project will be compatible with existing and future developments.

The project also proposes 81 off-street parking spaces within an enclosed garage, where 78 are required, thus there should be little to no parking impacts on the neighborhood.

The project also involves the extensive restoration and relocation of two Potential Designated Historic Properties, which will receive alterations to restore the original character defining elements of the building. These renovations will help to preserve and possibly even strengthen the Cathedral District API.

3. The proposed design will be sensitive to the topography and landscape.

The proposed 78 residential unit building is located on a flat vacant surface parking lot. The proposed design incorporates street trees, planter boxes and landscaping in the open space areas. The newly located historic buildings will have an increase in perimeter landscaping than what currently exists with new front yard plantings and street trees.

4. If situated on a hill, the design and massing of the proposed building relates to the grade of the hill.

The proposed 78 residential unit building and the relocated historic buildings are located on a relatively flat lot.

5. The proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.

The proposed project is consistent with the Corridor Design Guidelines and constructing a new high density residential building within close proximity to the 19th Street BART station would be consistent with the Central Business District land use classification. The proposal is consistent with the following General Plan objectives and policies:

Objective N3 of the Oakland General Plan Land Use and Transportation Element states: "Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future needs of the Oakland community". This proposal to construct 78 residential units with ground floor amenity spaces and 15 foot high lobby entries conforms to the City of Oakland Comprehensive General Plan and is consistent with the Central Business District designation.

Objective 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 project is an infill development utilizing an underutilized site located within close proximity to transit bus lines and has adequate public infrastructure to serve the development.

Policy D6.1 – Developing Vacant Lots – Construction on vacant land or to replace surface parking lots should be encouraged throughout the downtown, where possible.

Policy D10.1 – Encouraging Housing – Housing in the downtown should be encouraged as a vital component of a 24-hour community.

Policy D10.2 – Locating Housing – Housing in the downtown should be encouraged in identifiable districts, within walking distance of the 12th Street, 19th Street, City Center, and Lake Merritt BART stations to encourage transit use, and in other locations where compatible with surrounding uses.

Policy N3.1 – Facilitating Housing Construction – Facilitating the construction of housing units should be considered a high priority for the City of Oakland.

17.136.050.D. For Potential Designated Historic Properties that are not Local Register Properties: That for additions or alterations, (For the two relocated buildings from 570 and 600 – 21st Street to 610-21st Street)

- 1. The design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or**

The project involves the extensive restoration and relocation of two Potential Designated Historic Properties, which will receive alterations to restore the original character defining elements of the building. These renovations will help to preserve and possibly even strengthen the Cathedral District API. The project even includes the full restoration to the original rounded front entry porch on the building from 570-21st Street with new utility meter shielding and front yard fencing and landscaping. The site planning and placement will remain, but rather the two buildings will simply move over one parcel west and will maintain their importance in the Cathedral District API.

- 2. The proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or**

The design modifications are minimal with an extensive restoration and relocation of two Potential Designated Historic Properties, which will receive alterations to restore the original character defining elements of the building. The building upgrades will make the two relocated buildings which are from one parcel over even more compatible within the Cathedral District API.

- 3. The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.**

The design modifications are minimal with an extensive restoration and relocation of two Potential Designated Historic Properties, which will receive alterations to restore the original character defining elements of the building. The project even includes the full restoration to the original rounded front entry porch on the building from 570-21st Street with new utility meter shielding and front yard fencing and landscaping. The site planning and placement will remain, but rather the two buildings will simply move over one parcel west and will maintain their importance in the Cathedral District API.

17.136.055B2 – DESIGN REVIEW CRITERIA – HISTORIC PROPERTIES IN THE CBD

- A. Any proposed new construction is compatible with the existing API in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;**

The subject property is located mid-block of 21st and 22nd Streets which is at the edge of the Cathedral District on 21st Street and in the middle of the district on 22nd Street. The proposed building would contain a more modern design than that of the historic buildings in the historic district, but would contain a bay window rhythm and general building form massing that would be compatible with the character of the district, albeit at a larger scale and height that is appropriate to the API. The building will contain building materials that are similarly seen throughout the historic district and incorporate board form concrete at the base of the building, which has horizontal elements and a scale which is compatible with historic buildings in the district. The proposed project even incorporates wood etched panels on both facades that have the pattern of the original cathedral at the entry to the district.

The proposed project for a new five story building containing 78 dwelling units in the upper four stories above ground floor parking and amenity spaces, along with the relocation of two buildings to an adjacent lot will not detract from the Cathedral District API. The building footprint allows for a five (5) foot setback on 22nd Street to allow for sight lines east and west of the proposed building to view the contributing, neighboring potential designated historic properties and designated historic properties in the Cathedral District Area of Primary Importance (API). Also, to further increase visibility of the directly adjacent API contributors, the building has a property line side yard setback of three (3) feet from 591-22nd Street, four (4) feet from 567-22nd Street, and four (4) feet from the newly proposed

relocated buildings at 610-21st street, thus combined with those buildings property line side yard setbacks for an even greater separation. Additionally, the fifth story steps in at the corners of the building on the 22nd Street side to step down to the adjacent buildings. The project also involves the extensive restoration and relocation of two Potential Designated Historic Properties, which will receive alterations to restore the original character defining elements of the building and thus assist to strengthen the cohesiveness of the district.

B. New street frontage has forms that reflect the widths and rhythm of the facades on the street and entrances that reflect the patterns on the street;

The ground floor façade will have a rhythm that is consistent with the scale of other ground level building entries with its 15 foot height which is close to the first story height of the buildings with walk up porches that are one and a half stories high. The street frontage of the proposed building will be articulated to break up its overall mass and create a varied but regular rhythm across each façade. The ground story will be recessed and overhung by the stories above, creating horizontal articulation and a distinctly defined first floor, which will feature two horizontal sections of cladding, as well as windows of various sizes, ranging from standard to storefront and door assemblies. In this way, the ground floor will have visual interest and achieve an approachable human scale appropriate for bordering a pedestrian way. The upper stories of the building will be articulated vertically by recessed and projecting bays, visually breaking up the width of the building. Meanwhile, the top corners of the building will be set back and stepped down to vary the roofline profile and further decrease the visual impact of the building's width.

C. The proposal provides high visual interest that either reflects the level and quality of visual interest of the API contributors or otherwise enhances the visual interest of the API.

The project will enhance the visual interest of the API by establishing a well-designed building with a prominent ground floor at the important 21st Street westward entryway into the Cathedral district. Further, the elimination of a vacant surface parking lot in the center of the district on 22nd Street will fill a large void in the district and tie the east and west sections of the district together.

The proposed building will be visually interesting, using varied form, texture, and color. The project will use certain characteristics like a recessed and defined ground story, articulated vertical bays above, regular fenestration patterns, horizontal cornice elements, and pierced screens to loosely reference the historic buildings around it. At the same time, the proposed building will enhance the surrounding API with a high-quality contemporary design that is clearly differentiated from the surrounding historic fabric and will stand on its own as an example of good architecture in the district.

D. The proposal is consistent with the visual cohesiveness of the API. For the purpose of this finding, visual cohesiveness is the architectural character, the sum of all visual aspects, features, and materials that defines the API. A new structure contributes to the visual cohesiveness of a district if it relates to the design characteristics of a historic district while also conveying its own time. New construction may do so by drawing upon some basic building features, such as the way in which a building is located on its site, the manner in which it relates to the street, its basic mass, form, direction or orientation (horizontal vs. vertical), recesses and projections, quality of materials, patterns of openings and level of detailing. When some combination of these design variables are arranged in a new building to relate to those seen traditionally in the area, but integral to the design and character of the proposed new construction, visual cohesiveness results;

The project is consistent with the visual cohesiveness of the Cathedral District API by using materials and colors commonly seen through the district. The vertical bay window rhythm relates to the bay window patterns seen in the

district while incorporating a more modern version by offsetting the windows, which is a westward entry point into the district from 21st Street.

The proposed building uses a number of strategies to achieve consistency with the visual cohesiveness of the API, while expressing its own identity as modern construction. It will conform to the API's average setback, relation and orientation to the street, and spacing between buildings. The proposal will use ground floor setback and detailing to relate to the pedestrian sphere, while employing vertical articulation of structural bays on upper stories and a set back and stepped roofline to break up its height and mass, thus relating to the vertical primary/secondary massing of Contributors. It will use face articulation, common fenestration dimensions and patterns, and architectural detailing such as pierced screens and horizontal cornice elements to create traditional balance and symmetry and fine-grain detailing; some of which is taken directly from the former Cathedral in the district. It will employ modern materials that are not the same as those on Contributors, but reference their patterns and are of a comparable quality and application.

- E. Where height is a character-defining element of the API there are height transitions to any neighboring contributing historic buildings. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. APIs with a character-defining height and their character-defining height level are designated on the zoning maps; and**

The Cathedral District API contains various buildings of different heights. In this location the height limit is 55 feet, which allows for a five story building. Height is not specified as a character-defining element; however, most of the API Contributors are 2-3 stories in height. The proposed building will be five stories, but uses set backs at the fourth and fifth stories to create a reduced profile at the top corners of the building. This lowers the visual impression of the roofline from five stories at the center of each façade to about three at the outer edges. This brings the sides of the building to a comparable visual height as neighboring API Contributors. Additionally, horizontal cornice line elements are placed lower on the façade that the actual roofline and upper areas of the facades will be painted with lighter colors to bring visual focus and sense of mass lower on the building and into a similar range as Contributors.

- F. For additions, the proposal meets either: 1) Secretary of Interior's standards for the treatment of historic resources; 2) the proposal will not adversely affect the character of the property or API; or, 3) upon the granting of a conditional use permit, (see Chapter 17.134 for the CUP procedure) and a hearing in front of the Landmarks Preservation Advisory Board for its recommendations, a project meets the additional findings in Subsection g., below.**

The proposal does not include an addition, but rather new construction. See finding G below.

The proposed project will replace the front entry porch on 570 21st Street, which is not original. The new porch will be reconstructed to replicate the original porch based on photographic evidence. This preservation strategy will restore a historic feature and enhance the integrity of the property.

- G. For construction of new principal buildings:**

- i. The project will not cause the API to lose its status as an API;**

The project will enhance the visual interest of the API by establishing a well-designed building with a prominent ground floor at the important 21st Street westward entryway into the Cathedral district. Further, the elimination of a vacant surface parking lot in the center of the district on 22nd Street will fill a large void in the

district and tie the east and west sections of the district together. The creation of the building will not be detrimental to the status of the District as an API, and has been designed in a manner that it can be a compatible addition to the district that will fit in without taking away the importance of other older significant buildings in the district.

It does not appear that the proposed project will effect the continued eligibility of the Cathedral District API. While the API retains integrity, of the 38 Contributing resources that were present at designation, 33 remain. Of the five lost, three were located on the 21st Street block and included the API namesake St. Francis de Sales Cathedral. The relocation of two buildings and the insertion of a new building in an area of strong character along 22nd Street, still conveys its historic significance. The proposed new building will have frontage on 22nd Street, where the concentration of API character is greater, but there too, the proposed project appears to be a compatible and sensitive example of infill based on the proposed designs being respectful of neighboring resources. Ultimately, the new building will not result in the loss of any historic resources and will, instead, fill an incongruous non-Contributing vacant surface parking lot with a sympathetic modern, contemporary building that will enhance the visual interest and vitality of the neighborhood.

- ii. **The proposal will result in a building or addition with exterior visual quality, craftsmanship, detailing, and high quality and durable materials that is at least equal to that of the API contributors; and**

The proposed project consists of a high level visual quality for a modern design with an appropriate use of materials, building massing, and recessed window details. While this building may not contain the level of exterior ornamentation that a building would contain of a more classic architectural era, the modern details are done in a manner that can relate to the character of the older buildings in the area in terms of materials and form while also adding features such as the cornice line that are representative of its time.

The proposed building is of thoughtful and high quality design, respectful of API Contributors, but will have a character unique from surrounding historic fabric. Its aesthetics have been carefully considered to integrate varied form, texture, and color that draws from the material and color palettes of the API, but applies them in a modern way. Without overly conspicuous historical reference the design embraces a contemporary architectural style that will be clearly differentiated from historic properties, while being compatible with API aesthetics. The overall form of the building, including its articulated façade and roofline will demonstrate a consciousness of forms in the surrounding neighborhood, while fine details like cornice lines, pierced screens, window patterns, will show attention to detail. Modern materials to be used will not be unusual or ostentatious, but common to the modern era, of durable material, and appropriate to the climate and environment in which they will be installed; a similar approach to that which was put toward materials and methods of construction during the API's period of significance.

- iii. **The proposal contains elements that relate to the character-defining height of the API, if any, through the use of a combination of upper story setbacks, window patterns, change of materials, prominent cornice lines, or other techniques. APIs with a character-defining height and their character-defining height level are designated on the zoning maps.**

Height is not specified as a character-defining element in the API description; however, most API Contributors are 2-3 stories in height, while the zoned height in the area is 55'. The proposed building will be five stories and will be within the height limit of the zone. It will be taller than most Contributors, but will employ setbacks at the fourth and fifth stories to create a reduced profile at the top corners of the building,

effectively lowering the visual impression of the roofline from five stories at the center of each façade to approximately three stories at the outer edges. This will bring the sides of the building to a comparable visual height as neighboring API Contributors. Additionally, horizontal cornice line elements will be situated lower on the façade than the actual roofline and upper areas of the facades will be painted with lighter colors in a concerted effort to bring visual focus and sense of mass lower on the building and into a similar height range as neighboring API Contributors.

**CITY OF OAKLAND
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
CLASS 32 (IN-FILL DEVELOPMENT) EXEMPTION FINDINGS**

CEQA, or the California Environmental Quality Act, is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. Categorical exemptions are descriptions of types of projects which the Secretary of the Resources Agency of the State of California has determined do not have a significant effect on the environment, and therefore are not subject to further environmental review under CEQA.

The Class 32 exemption (Section 15332 of the State CEQA Guidelines) is intended to promote infill development within urbanized areas. The class consists of environmentally benign in-fill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in any significant traffic, noise, air quality, or water quality effects. In order to qualify for this exemption, projects must comply with all of the following findings.

Please indicate the way in which the proposal meets the following required criteria.

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations:

The subject site is in the Central Business District of the City of Oakland General Plan. The Central Business District (CBD) classification is intended to encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California.

Objective N3 of the Oakland General Plan Land Use and Transportation Element states: "Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future needs of the Oakland community". This proposal to construct 78 residential units with ground floor amenity space conforms to the City of Oakland Comprehensive General Plan and is consistent with the Central Business District designation.

Objective 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 project is an infill development utilizing an underutilized site located within close proximity to transit bus lines and has adequate public infrastructure to serve the development.

Policy D6.1 – Developing Vacant Lots – Construction on vacant land or to replace surface parking lots should be encouraged throughout the downtown, where possible.

Policy D10.1 – Encouraging Housing – Housing in the downtown should be encouraged as a vital component of a 24-hour community.

Policy D10.2 – Locating Housing – Housing in the downtown should be encouraged in identifiable districts, within walking distance of the 12th Street, 19th Street, City Center, and Lake Merritt BART stations to encourage transit use, and in other locations where compatible with surrounding uses.

Policy N3.1 – Facilitating Housing Construction – Facilitating the construction of housing units should be considered a high priority for the City of Oakland.

Constructing a new high density residential building within close proximity to the 19th Street BART station would be consistent with the Central Business District land use classification. The proposal is consistent with the General Plan objectives and policies cited above.

2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses:

The proposed development occurs within City limits on a project site of 23,014 square feet.

3. The project site has no value as habitat for endangered, rare or threatened species:

The project site has no known value as habitat for endangered, rare or threatened species.

4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality:

Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because of the relatively low amount of units and in close proximity to BART and AC Transit.

5. The site can be adequately served by all required utilities and public services:

The project site can be adequately served by all required utilities and public services.

ATTACHMENT B: CONDITIONS OF APPROVAL

The proposal is hereby approved subject to the following Conditions of Approval:

1. **Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and the approved plans dated **July 1, 2016** and submitted **July 8, 2016**, as amended by the following conditions of approval and mitigation measures, if applicable ("Conditions of Approval" or "Conditions").

2. **Effective Date, Expiration, Extensions and Extinguishment**

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire **Two Calendar Years** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. **Compliance with Other Requirements**

The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Bureau of Building, Fire Marshal, and Public Works Department. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.

4. **Minor and Major Changes**

- a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning
- b. Major changes to the approved project, plans, Conditions, facilities, or use shall be reviewed by the Director of City Planning to determine whether such changes require submittal and approval of a revision to the Approval by the original approving body or a new independent permit/approval. Major revisions shall be reviewed in accordance with the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

5. **Compliance with Conditions of Approval**

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the "project applicant" or "applicant") shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.

- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant's expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

6. **Signed Copy of the Approval/Conditions**

A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times.

7. **Blight/Nuisances**

The project site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60 days of approval, unless an earlier date is specified elsewhere.

8. **Indemnification**

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b. Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. **Severability**

The Approval would not have been granted but for the applicability and validity of each and every one of the specified Conditions, and if one or more of such Conditions is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid Conditions consistent with achieving the same purpose and intent of such Approval.

10. **Special Inspector/Inspections, Independent Technical Review, Project Coordination and Monitoring**

The project applicant may be required to cover the full costs of independent third-party technical review and City monitoring and inspection, including without limitation, special inspector(s)/inspection(s) during times of extensive or specialized plan-check review or construction, and inspections of potential violations of the Conditions of Approval. The project applicant shall establish a deposit with the Bureau of Building, if directed by the Building Official, Director of City Planning, or designee, prior to the issuance of a construction-related permit and on an ongoing as-needed basis.

11. **Public Improvements**

The project applicant shall obtain all necessary permits/approvals, such as encroachment permits, obstruction permits, curb/gutter/sidewalk permits, and public improvement ("p-job") permits from the City for work in the public right-of-way, including but not limited to, streets, curbs, gutters, sidewalks, utilities, and fire hydrants. Prior to any work in the public right-of-way, the applicant shall submit plans for review and approval by the Bureau of Planning, the Bureau of Building, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City.

12. **Compliance Matrix**

The project applicant shall submit a Compliance Matrix, in both written and electronic form, for review and approval by the Bureau of Planning and the Bureau of Building that lists each Condition of Approval (including each mitigation measure if applicable) in a sortable spreadsheet. The Compliance Matrix shall contain, at a minimum, each required Condition of Approval, when compliance with the Condition is required, and the status of compliance with each Condition. For multi-phased projects, the Compliance Matrix shall indicate which Condition applies to each phase. The project applicant shall submit the initial Compliance Matrix prior to the issuance of the first construction-related permit and shall submit an updated matrix upon request by the City.

13. **Construction Management Plan**

Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department and the Public Works Department as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management (see applicable Conditions below). The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

14. Graffiti Control**Requirement:**

- a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
 - i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
 - ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
 - iii. Use of paint with anti-graffiti coating.
 - iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
 - v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.
- b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
 - i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
 - ii. Covering with new paint to match the color of the surrounding surface.
 - iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

15. Landscape Plan***a. Landscape Plan Required***

Requirement: The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. Landscape Installation

Requirement: The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

c. Landscape Maintenance

Requirement: All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

16. Lighting

Requirement: Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

17. Construction-Related Air Pollution Controls (Dust and Equipment Emissions)

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

- a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. Pave all roadways, driveways, sidewalks, etc. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible unless seeding or soil binders are used.
- e. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f. Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.
- h. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").

- i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- j. Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.

18. Exposure to Air Pollution (Toxic Air Contaminants)

a. *Health Risk Reduction Measures*

Requirement: The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose one of the following methods:

- i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City.

- or -

- ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:
 - Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.
 - Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).
 - Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.
 - The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.
 - Sensitive receptors shall be located on the upper floors of buildings, if feasible.
 - Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the

following: Pine (*Pinus nigra* var. *maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid popular (*Populus deltoids X trichocarpa*), and Redwood (*Sequoia sempervirens*).

- Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.
- Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible.
- Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible:
 - Installing electrical hook-ups for diesel trucks at loading docks.
 - Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.
 - Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels.
 - Prohibiting trucks from idling for more than two minutes.
 - Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

b. Maintenance of Health Risk Reduction Measures

Requirement: The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

19. Asbestos in Structures

Requirement: The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.

When Required: Prior to approval of construction-related permit

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

20. Tree Removal During Bird Breeding Season

Requirement: To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

When Required: Prior to removal of trees

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

21. Tree Permit**a. Tree Permit Required**

Requirement: Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit.

When Required: Prior to approval of construction-related permit

Initial Approval: Permit approval by Public Works Department, Tree Division; evidence of approval submitted to Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Tree Protection During Construction

Requirement: Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:

- i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project's consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.
- ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.
- iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist from the

- base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
- iv. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
 - v. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.
 - vi. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

When Required: During construction

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

c. *Tree Replacement Plantings*

Requirement: Replacement plantings shall be required for tree removals for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade, in accordance with the following criteria:

- i. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
- ii. Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica* (California Buckeye), *Umbellularia californica* (California Bay Laurel), or other tree species acceptable to the Tree Division.
- iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
- iv. Minimum planting areas must be available on site as follows:
 - For *Sequoia sempervirens*, three hundred fifteen (315) square feet per tree;
 - For other species listed, seven hundred (700) square feet per tree.
- v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City's Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.
- vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape

plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant's expense.

When Required: Prior to building permit final

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

22. Archaeological and Paleontological Resources – Discovery During Construction

Requirement: Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.

In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.

In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

23. Archaeologically Sensitive Areas – Pre-Construction Measures

Requirement: The project applicant shall implement either Provision A (Intensive Pre-Construction Study) or Provision B (Construction ALERT Sheet) concerning archaeological resources.

Provision A: Intensive Pre-Construction Study.

The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include:

- a. Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources.
- b. A report disseminating the results of this research.
- c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.

If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.

Provision B: Construction ALERT Sheet.

The project applicant shall prepare a construction "ALERT" sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project's prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site.

The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City's Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.

When Required: Prior to approval of construction-related permit; during construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

24. Human Remains – Discovery During Construction

Requirement: Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

25. Construction-Related Permit(s)

Requirement: The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

26. Hazardous Materials Related to Construction

Requirement: The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:

- a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;
- b. Avoid overtopping construction equipment fuel gas tanks;
- c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d. Properly dispose of discarded containers of fuels and other chemicals;
- e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and
- f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in

the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

27. Site Design Measures to Reduce Stormwater Runoff

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate site design measures into the project to reduce the amount of stormwater runoff. These measures may include, but are not limited to, the following:

- a. Minimize impervious surfaces, especially directly connected impervious surfaces and surface parking areas;
- b. Utilize permeable paving in place of impervious paving where appropriate;
- c. Cluster structures;
- d. Direct roof runoff to vegetated areas;
- e. Preserve quality open space; and
- f. Establish vegetated buffer areas.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

28. Source Control Measures to Limit Stormwater Pollution

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate source control measures to limit pollution in stormwater runoff. These measures may include, but are not limited to, the following:

- a. Stencil storm drain inlets "No Dumping – Drains to Bay;"
- b. Minimize the use of pesticides and fertilizers;
- c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas;
- d. Cover trash, food waste, and compactor enclosures; and
- e. Plumb the following discharges to the sanitary sewer system, subject to City approval:
- f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants;
- g. Dumpster drips from covered trash, food waste, and compactor enclosures;
- h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories;
- i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and
- j. Fire sprinkler test water, if discharge to on-site vegetated areas is not feasible.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

29. NPDES C.3 Stormwater Requirements for Regulated Projects**a. *Post-Construction Stormwater Management Plan Required***

Requirement: The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:

- i. Location and size of new and replaced impervious surface;
- ii. Directional surface flow of stormwater runoff;
- iii. Location of proposed on-site storm drain lines;
- iv. Site design measures to reduce the amount of impervious surface area;
- v. Source control measures to limit stormwater pollution;
- vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and
- vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

b. *Maintenance Agreement Required*

Requirement: The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:

- i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and
- ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary.

The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

30. Construction Days/Hours

Requirement: The project applicant shall comply with the following restrictions concerning construction days and hours:

- a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.
- b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.
- c. No construction is allowed on Sunday or federal holidays.

Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

31. Construction Noise

Requirement: The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:

- a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible.
- b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.
- c. Applicant shall use temporary power poles instead of generators where feasible.
- d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.
- e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

32. Extreme Construction Noise

a. Construction Noise Management Plan Required

Requirement: Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:

- i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;
- ii. Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and
- v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Public Notification Required

Requirement: The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.

When Required: During construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

33. Construction Noise Complaints

Requirement: The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:

- a. Designation of an on-site construction complaint and enforcement manager for the project;

- b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit;
- c. Protocols for receiving, responding to, and tracking received complaints; and
- d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

34. Operational Noise

Requirement: Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

35. Construction Activity in the Public Right-of-Way

a. *Obstruction Permit Required*

Requirement: The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets and sidewalks.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. *Traffic Control Plan Required*

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian detours, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The project applicant shall implement the approved Plan during construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Transportation Services Division

Monitoring/Inspection: Bureau of Building

c. *Repair of City Streets*

Requirement: The project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in

such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

36. Bicycle Parking

Requirement: The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

37. Construction and Demolition Waste Reduction and Recycling

Requirement: The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

38. Underground Utilities

Requirement: The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

39. Recycling Collection and Storage Space

Requirement: The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two cubic feet of storage and collection space per residential unit is required, with a minimum of ten cubic feet. For nonresidential projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

40. Green Building Requirements**a. Compliance with Green Building Requirements During Plan-Check**

Requirement: The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).

- i. The following information shall be submitted to the City for review and approval with the application for a building permit:
 - Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.
 - Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.
 - Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
 - Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.
 - Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
 - Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
 - Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.
- ii. The set of plans in subsection (i) shall demonstrate compliance with the following:
 - CALGreen mandatory measures.
 - All pre-requisites per the green building checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit.
 - Per the appropriate checklist approved during the Planning entitlement process.
 - All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and

approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.

- The required green building point minimums in the appropriate credit categories.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

b. Compliance with Green Building Requirements During Construction

Requirement: The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project.

The following information shall be submitted to the City for review and approval:

- i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.
- ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.
- iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

c. Compliance with Green Building Requirements After Construction

Requirement: Within sixty (60) days of the final inspection of the building permit for the project, the Green Building Certifier shall submit the appropriate documentation to **Build It Green** and attain the minimum required certification/point level. Within one year of the final inspection of the building permit for the project, the applicant shall submit to the Bureau of Planning the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.

When Required: After project completion as specified

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

41. Sanitary Sewer System

Requirement: The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Department of Engineering and Construction

Monitoring/Inspection: N/A

42. Storm Drain System

Requirement: The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

43. Recycled Water

Requirement: Pursuant to section 16.08.030 of the Oakland Municipal Code, the project applicant shall provide for the use of recycled water in the project for landscape irrigation purposes unless the City determines that there is a higher and better use for the recycled water, the use of recycled water is not economically justified for the project, or the use of recycled water is not financially or technically feasible for the project. The project applicant shall contact the New Business Office of the East Bay Municipal Utility District (EBMUD) for a recycled water feasibility assessment by the Office of Water Recycling. If recycled water is to be provided in the project, the project drawings submitted for construction-related permits shall include the proposed recycled water system and the project applicant shall install the recycled water system during construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

Site Specific Conditions of Approval**44. Garage Alert Buzzer*****Ongoing***

A buzzer warning system shall be installed in the garage that is triggered as vehicles inside the garage approach the sidewalk to serve as an alert to pedestrians that a vehicle is approaching from the garage. The buzzer volume shall be no louder than necessary for pedestrians to hear on the 22nd Street sidewalk and the volume should be adjustable such that off-site impacts are avoided.

45. Encroachment Permit***Prior to issuance of building permit.***

The applicant shall obtain any encroachment permits, waiver of damages or other approvals required by the Bureau of Building, for any privately constructed public improvements, or any permanent or temporary elements located in the public right of way.

46. Window and Door Details.***Prior to issuance of building permit.***

The applicant shall submit to the Planning and Zoning Division for review and approval, a window and door schedule, including cross-sections and elevations, and final architectural details of the front and side elevations.

47. Meter Shielding.***Prior to issuance of building permits.***

The applicant shall submit for review and approval by the Planning and Zoning Division, plans showing the location of any and all utility meters, transformers, and the like located within a box set within the building, located on a non-street facing elevation, or screened from view from any public right of way.

48. Street Trees.***Prior to issuance of building permit.***

The applicant shall provide street trees in front of the building on 21st and 22nd Street per approved plans with review and approval of species, size at time of planting, and placement in the right-of-way, subject to review and approval by the Planning and Building Department.

49. Signage***Ongoing.***

All proposed signage must be applied for with the proper City of Oakland Planning and Building permits. Signage must meet the City of Oakland Small Project Design Guidelines.

50. Landscaping and Irrigation***Ongoing***

All landscaping areas and related irrigation shown on the approved plans shall be permanently maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All paving or other impervious surfaces shall occur only on approved areas.

51. Architectural Detailing and Building Materials***Ongoing.***

All cement plaster stucco shall be smooth finish and applied wet at the job site.

52. Public Art for Private Development Condition of Approval – Residential Project***Prior to Building Permit Issuance and Ongoing.***

This project is subject to the City's Public Art for Private Development Ordinance (C.M.S. 13275). As a residential project, the public art obligation is equivalent to 0.50% of the total building valuation for the project, as required by the Ordinance. The obligation can be provided through an on-site art installation or through payment to the City's established public art fund (or combination of an on-site art gallery and/or culture space and partial payment to the public art fund, pursuant to the Ordinance). The obligation must be satisfied prior to the City's issuance of a certificate of occupancy, unless a separate instrument is executed ensuring compliance within a timely manner, subject to City approval. On-site art installation shall be designed by independent artists, or artists working in conjunction with arts or community organizations, that are verified by the City to either hold a valid Oakland business license or be an Oakland-based 501(c)(3) tax designated organization in good standing.

53. Lot Merger***Prior to Building Permit Issuance.***

The three subject lots that consist of the site for the new 78 residential unit must be merged through a Parcel Map Waiver prior to issuance of a building permit. The applicant must submit Parcel Map Waiver to the Bureau of Planning prepared by a licensed land surveyor showing the merger of the subject parcels for review and approval.

Applicant Statement

I have read and accept responsibility for the Conditions of Approval. I agree to abide by and conform to the Conditions of Approval, as well as to all provisions of the Oakland Planning Code and Oakland Municipal Code pertaining to the project.

Name of Project Applicant

Signature of Project Applicant

Date

City of Oakland
Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

NOTICE OF EXEMPTION

TO: Alameda County Clerk
1106 Madison Street
Oakland, CA 94612

Project Title: Case No. PLN16046

Project Applicant: KDA Architecture, Charles Kahn

Project Location: 585-22nd Street and 570-610 21st Street; APN's 008-0647-013-00, 008-0647-014-00, 008-0647-015-00, and 008-0647-028-04

Project Description: New construction of a five-story, 78 unit residential development with the relocation of two historic building to an adjacent parcel.

Exempt Status:

Statutory Exemptions

- ☐ Ministerial {Sec.15268}
- ☐ Feasibility/Planning Study {Sec.15262}
- ☐ Emergency Project {Sec.15269}
- ☐ Other: {Sec. _____}

Categorical Exemptions

- ☐ Existing Facilities {Sec.15301}
- ☐ Replacement or Reconstruction {Sec.15302}
- ☐ Small Structures {Sec.15303}
- ☐ Minor Alterations {Sec.15304}
- ☒ In-fill Development {Sec. 15332}
- ☐ General Rule {Sec.15061(b)(3)}

Other

- ☒ Projects consistent with a community plan, general plan or zoning {Sec. 15183(f)}
- ☐ _____ (Sec. _____)

Reasons why project is exempt: The construction of a new five-story, 78 residential mixed-use building and the relocation of two Potential Designated Historic Properties will not have a significant impact on the environment and is exempt from environmental review.

Lead Agency: City of Oakland, Planning and Building Department, Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612

Department/Contact Person: Michael Bradley, Planner II

Phone: 510-238-6935

Signature (Darin Ranelletti, Environmental Review Officer)

Date:

Pursuant to Section 711.4(d)(1) of the Fish and Game Code, statutory and categorical exemptions are also exempt from Department of Fish and Game filing fees.

***ENVIRONMENTAL DECLARATION**
(CALIF. FISH AND GAME CODE SEC. 711.4)

: FOR COURT USE ONLY
:
:
:

NAME AND ADDRESS OF APPLICANT OR LEAD AGENCY

LEAD AGENCY: CITY OF OAKLAND
 Bureau of Planning
 250 Frank H. Ogawa Plaza, Suite 2114
 Oakland, CA 94612

APPLICANT: Charles Kahn
 1810 – 6th Street
 Berkeley, CA 94710

: FILING NO.
:

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT: Check the box(es) that applies.

CLERKS
USE ONLY

1. **NOTICE OF EXEMPTION**

PLU 117

☐ A – STATUTORILY OR CATEGORICALLY EXEMPT
 \$50.00 (Fifty Dollars) – CLERK'S FEE

☐ B – FEE EXEMPTION –NO IMPACT DETERMINATION ISSUED BY F&G
 \$50.00 (Fifty Dollars) – CLERK'S FEE

PLU 117

2. **NOTICE OF DETERMINATION**

PLU 116

☐ A – NEGATIVE DECLARATION
 \$2,181.25 (Two Thousand One Hundred Eighty-One Dollars and Twenty-Five Cents)-STATE FILING FEE
 \$50.00 (Fifty Dollars) – CLERK'S FEE

☐ B – MITIGATED NEGATIVE DECLARATION
 \$2,181.25.00 (Two Thousand Forty-Four Dollars)-STATE FILING FEE
 \$50.00 (Fifty Dollars) – CLERK'S FEE

PLU 116

☐ C – ENVIRONMENTAL IMPACT REPORT

PLU 115

 \$3,029.75 (Three Thousand Twenty-Nine Dollars and Seventy-Five Cents) – STATE FILING FEE
 \$50.00 (Fifty Dollars) – CLERK'S FEE

3. ☐ **OTHER** (Specify) Notice of Finding of No Significant Impact
 \$50.00 (Fifty Dollars) – CLERK'S FEE

PLU 117

***THIS FORM MUST BE COMPLETED AND SUBMITTED WITH ALL ENVIRONMENTAL DOCUMENTS FILED WITH THE ALAMEDA COUNTY CLERK'S OFFICE.**

FOUR COPIES OF ALL NECESSARY DOCUMENTATION ARE REQUIRED FOR FILING PURPOSES.

APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING AN ENVIRONMENTAL DOCUMENT WITH THE ALAMEDA COUNTY CLERK'S OFFICE.

MAKE CHECK PAYABLE TO: ALAMEDA COUNTY CLERK

