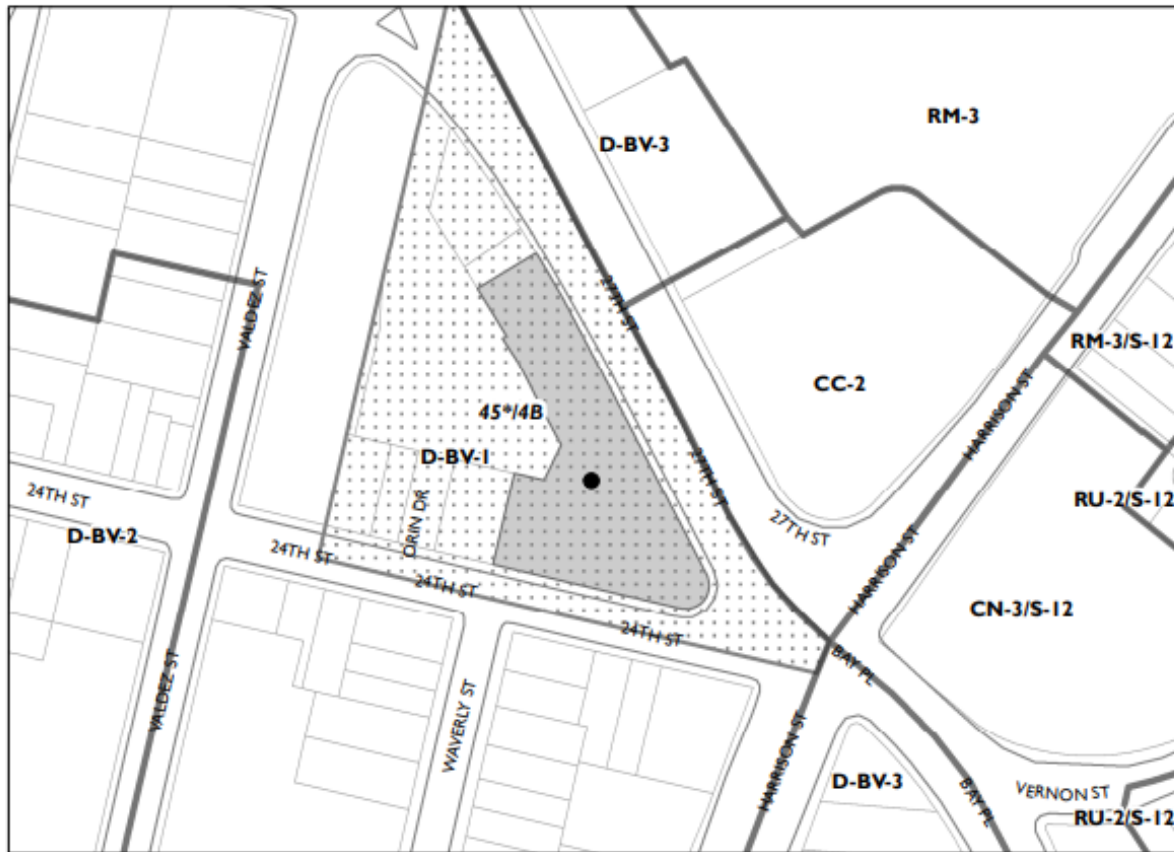


<b>Location:</b>	<b>277 27<sup>th</sup> Street</b>
<b>Assessor’s Parcel Number:</b>	008-0671-020-01
<b>Proposal:</b>	Proposal for a Group Assembly Activity for a fitness gym within the existing approximately 31,500 square foot commercial space. The ground floor will include a juice bar and lounge operated by the fitness gym business that will be open to the general public while the fitness gym activities will be located on the second and third levels.
<b>Applicant:</b>	Christopher Yanachkin/SF Codes
<b>Phone Number:</b>	415-909-0744
<b>Owner:</b>	NASH – Holland 24 <sup>th</sup> & Harrison Investors LLC
<b>Case File Number:</b>	PLN22120
<b>Planning Permits Required:</b>	Major Conditional Use Permit for a Group Assembly Activity (fitness gym) greater than 25,000 square feet; Major Variance to allow a Group Assembly Activity at the Ground Floor Level (proposed juice bar operated by the same gym business).
<b>General Plan:</b>	Central Business District
<b>Zoning:</b>	D-BV-1
<b>Environmental Determination:</b>	A detailed CEQA Analysis was prepared for this project which concluded that the proposed project satisfies each of the following CEQA provisions: 15183 - Projects consistent with a community plan, general plan, or zoning; 15183.3 – Streamlining for in-fill projects; and/or 15164 – Addendum to the 2014 certified Broadway Valdez District Specific Plan EIR. Each of which provided a separate and independent basis for CEQA compliance. No further environmental review is required.
<b>Historic Status:</b>	N/A – new construction
<b>City Council district:</b>	3
<b>Status:</b>	Under Review
<b>Staff Recommendation</b>	Approve with conditions of approval
<b>Finality of Decision:</b>	Appealable to City Council
<b>For further information:</b>	Contact case planner <b>Peterson Z. Vollmann</b> at <b>510-238-6167</b> or by e-mail at <b><a href="mailto:pvollmann@oaklandca.gov">pvollmann@oaklandca.gov</a></b> .

**SUMMARY**

A development application has been filed on behalf of John Reed Fitness to occupy approximately 31,500 square feet of commercial space that was constructed as part of the mixed-use development project developed by Holland Partner Group and is nearing completion of construction. The project site is designated as “retail priority site 4B” within the Broadway Valdez District Specific Plan.

# CITY OF OAKLAND PLANNING COMMISSION



0 100 200 400 600 800 Feet



Case File: PLN22120  
Applicant: Christopher Yanachkin/SF Codes  
Address: 227 27th Street  
Zone: D-BV-1  
Height Area: 45\*/4B

**PROJECT DESCRIPTION**

The proposal includes a Group Assembly Activity for a fitness gym that would be located on the second and third floors of the retail portion of the building. The proposal also includes a juice bar and lounge at the ground floor with frontage on 27<sup>th</sup> Street. The ground floor area will also include back of house facilities for the business and a check-in desk for gym members before they proceed to the gym facilities on the upper floors. The juice bar and lounge at the ground floor will be open to the general public and will function as a Limited-Service Café Activity, but since it will be operated by the gym business it is classified under the Group Assembly Commercial Activity pursuant to Planning Code Section 17.10.050 given that the dominant floor area of the business is devoted to those uses. In total, the business will occupy approximately 31,500 square feet across three floors of the building, 4,370 square feet of which includes the portion of the business located on the ground floor.

**BACKGROUND – PRIOR DEVELOPMENT PERMITS**

The existing mixed-use building was developed under Planning case file number PLN16080-R01, which included a proposal to construct of a residential tower containing 419 dwelling units with approximately 65,000 square feet of commercial/retail space on three levels.

Within the D-BV-1 Zone, the number of residential dwellings permitted to be constructed is based upon the amount of “qualified retail” square footage that is constructed. Under the approved development project, the 64,812 square feet of constructed qualified retail would have allowed for up to 648 dwelling units on the site, 419 of which were constructed. Holland Partner Group is also developing the property directly south of the site at 24<sup>th</sup> & Waverly Streets and included as a part of that application a Transfer of Development Rights (TDR) from the excess qualified retail developed at 277 27<sup>th</sup> Street property in the amount of 111 dwellings as permitted within the D-BV-1 Zone. After the completion of the TDR, the subject property at 277 27<sup>th</sup> Street is still provided for an allowance of 537 dwelling units, which is well above the 419 units that were constructed.

Under the D-BV-1 Zone, Group Assembly Activities for fitness gyms are included as qualified retail when located above the ground floor. Given that 4,370 square feet of the fitness gym business is located at the ground floor, this total is deducted from the maximum allowable number of residential dwellings for the site, which would reduce the remaining total that would be available for any future TDRs to 74 dwelling units from the amount of excess retail that was constructed. While the remaining balance of dwelling units is not relevant to this current application, it is necessary to include into the record for any potential future considerations of applications that may include additional TDR requests.

**PROPERTY DESCRIPTION**

The subject property consists of a residential tower with a building base that occupies the majority of the site and contains approximately 65,000 square feet of commercial/retail, as well as the residential lobby entrance and the parking and loading facilities. Retail parking is accessed off of 27<sup>th</sup> Street leading directly to an underground parking garage containing 134 parking stalls, while the residential parking entrance is located on 24<sup>th</sup> Street and contains 331 parking stalls on two levels at the mid-block location, for a total of 465 parking stalls. The retail component of the project is oriented primarily along 24<sup>th</sup> Street with a large anchor tenant space at the corner of 24<sup>th</sup> and 27<sup>th</sup> Streets; and additional ground floor commercial making its way up 27<sup>th</sup> Street, where the proposed use in this application would be accessed. The building base also includes commercial/retail square footage on the second and third floors as well, which would also be occupied by the proposed use. Above the building base is a residential tower that includes 419 dwelling units.

**GENERAL PLAN ANALYSIS**

The General Plan’s Land Use and Transportation Element (LUTE) classifies the Project site as being located in the Central Business District (CBD) General Plan area. This land use 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, community facilities, and visitor uses. The CBD classification includes a mix of large-scale offices, commercial, urban high rise residential, institutional, open-space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses.

**Broadway Valdez District Specific Plan**

The Broadway Valdez District Specific Plan (BVDSPP) was adopted by the City Council in 2014, and provides the vision and planning framework for future growth and development in the approximately 95-acre area along Oakland’s Broadway corridor between Grand Avenue and I-580. The Plan was developed by way of a thorough analysis of the area’s economic and environmental conditions, as well as input from City decision-makers, landowners, developers, real estate experts, and the community at large. The Plan provides a comprehensive vision for the Plan area, along with goals, policies, and development regulations, to guide future public and private actions relating to the area’s development. The Plan also serves as the mechanism for ensuring that future development will be coordinated and occur in an orderly and well-planned manner.

The Project is consistent with the following BVDSPP goals and policies:

**BVDSPP-Policy LU-1.3**—Balance retail uses with a mix of residential, office, and service uses that complement and support the economic viability of the commercial core, and contribute to the creation of a new “24-hour” neighborhood with around-the-clock vitality.

**BVDSPP-Policy LU-2.1** – Establish the Broadway Valdez District as an attractive pedestrian and transit oriented, mixed-use neighborhood with a core of retail and complementary commercial uses.

**BVDSPP-Policy LU-4.1**—Encourage the gradual transition of the Plan Area toward uses that will contribute to the creation of a vibrant, pedestrian-oriented, mixed-use district.

**BVDSPP-Policy LU-8.1**—Promote the development of the Valdez Triangle as a dynamic pedestrian-oriented retail district within a mixed-use setting that includes a complementary mix of retail, office, entertainment, and residential uses.

**BVDSPP-Policy LU-8.3**—Broadway, Valdez Street, 24<sup>th</sup> Street, 23<sup>rd</sup> Street, and 27<sup>th</sup> Street will be the primary shopping streets that give structure to the retail district and physically integrate the Triangle with adjacent areas by providing active retail frontages and pedestrian-friendly streetscapes that extend along both sides of these key streets.

**BVDSPP-Policy LU-8.4**—The land use concept for the Valdez Triangle is to have a core of comparison goods retail complemented with local-serving retail, dining, entertainment, office, and service uses.

**BVDSPP-Policy LU-8.5**—The Valdez Triangle is intended to be a unique shopping district with an authentic Oakland character that includes a mix of local and national retailers.

**BVDSPP-Policy LU-8.6**—The Valdez Triangle will feature street-oriented retail in an attractive pedestrian-oriented environment that includes vibrant, active sidewalks, and safe and attractive public spaces.

**BVDSP-Policy LU-9.2**—The intent is to promote a complementary mix of retail, office, entertainment, and residential uses that creates a vibrant urban corridor that is active both day and night, and on weekdays and weekends.

**ZONING ANALYSIS**

The subject property is located within the D-BV-1, Broadway Valdez District Retail Priority Sites Commercial Zone, and is within a 45 Height/Intensity Area. The intent of the D-BV-1 zone is to establish Retail Priority Sites in the Plan area in order to encourage a core of comparison goods retail with a combination of small-, medium-, and large-scale retail stores. Priority Sites 3 and 5 are further divided into subareas a, b, and c and Priority Site 4 into subareas a and b, as shown in the Height Area Map. Each Retail Priority Site and subarea has a specified minimum square footage of retail required prior to residential or transient habitation activities and facilities being permitted. The Project site is located within Priority Site 4B, which calls for a minimum retail amount of 54,567 square feet prior to the allowance of any residential units or height bonus above 45 feet. As noted earlier in this report, the constructed development project included 64,812 square feet of retail for an allowance of up to 648 dwelling units, which has since been reduced through the prior application for a TDR and will be further reduced upon any approval of this subject application due to the proposed ground floor land use activity not being considered as qualifying retail. However, the number of dwellings constructed is still below the maximum amount allowable and this application would not create any non-conformity from the zoning regulations.

**Major Conditional Use Permit**

The proposed Group Assembly Commercial Activity for a fitness gym is allowed within the D-BV-1 Zone through the granted of a Conditional Use Permit. Given that the square footage for the proposal is in excess of 25,000 square feet, it is considered a Major Conditional Use Permit that requires approval from the Planning Commission.

The granting of the Conditional Use Permit for the proposed fitness gym activity is appropriate and is consistent with the required findings given that the gym activity will act as an anchor to bring individuals into the area that would then patronize other retail locations on the surrounding streets as is the intent of the Broadway Valdez Specific Plan. Additionally, the proposed fitness gym is a qualifying retail use within the D-BV-1 Zone.

**Major Variance**

As noted earlier in the report, the ground-floor portion of the business will primarily function as a juice bar lounge with direct access off 27<sup>th</sup> Street and will be open to the general public. However, since the ground-floor use will also be operated by the fitness gym business, under the Planning Code the use of this ground-floor area is also classified as Group Assembly Commercial since that is the dominant use of the business across three floors of the building. Within the D-BV-1 Zone, Group Assembly Commercial Activities are prohibited at the ground floor if located within 50 feet of a street abutting property line. As such, the proposed application requires the granting of a Major Variance by the Planning Commission.

While Major Variances for activities are not generally supported, in this instance the granting of the variance is appropriate given that the nature of the majority of the business operations that will be located in proximity to 27<sup>th</sup> Street at the ground floor would be comparable to that of a Limited Service Café Activity which is outright permitted within the D-BV-1 Zone, and is only classified as part of the Group Assembly Activity because it is operated by the same fitness gym business. If a separate business entity were to be operating this ground floor space as a juice bar, it would not require the variance. Furthermore,

the operation of the ground floor space as a juice bar meets the intent of the zone by providing an active business along the pedestrian level at the street open to the public and attracting foot traffic to the shopping district.

## ENVIRONMENTAL DETERMINATION

The Broadway Valdez District Specific Plan Environmental Impact Report (BVDSP EIR) analyzed the environmental impacts of adoption and implementation of the BVDSP and, where the level of detail available was sufficient to adequately analyze the potential environmental effects, provided a project-level CEQA review for reasonably foreseeable development. This project-level analysis allows the use of CEQA streamlining and/or tiering provisions for projects developed under the BVDSP.

The development project in which the proposed business would be located had undergone a CEQA Analysis that concluded that the implementation of the project was consistent with the development program of the BVDSP EIR and took advantage of the CEQA streamlining and/or tiering code sections are described below, each of which, separately and independently, provided the basis for CEQA compliance.

- 1. Community Plan Exemption.** Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 allow streamlined environmental review for projects that are “consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” Section 15183(c) specifies that “if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards..., then an EIR need not be prepared for the project solely on the basis of that impact.”
- 2. Qualified Infill Exemption.** Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 allow streamlining for certain qualified infill projects by limiting the topics subject to review at the project level, if the effects of infill development have been addressed in a planning level decision, or by uniformly applying development policies or standards. Infill projects are eligible if they are located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site’s perimeter; satisfy the performance standards provided in CEQA Guidelines Appendix M; and are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy. No additional environmental review is required if the infill project would not cause any new specific effects or more significant effects, or if uniformly applicable development policies or standards would substantially mitigate such effects.
- 3. Addendum.** Public Resources Code Section 21166 and CEQA Guidelines Section 15164 state that an addendum to a certified EIR is allowed when minor changes or additions are necessary and none of the conditions for preparation of a subsequent EIR or Negative Declaration pursuant to Section 15162 are satisfied.

While the CEQA Analysis for the development project included “retail” as the use classification within the commercial square footage, the proposed fitness gym would not include any differing characteristics that would raise any environmental concerns and includes a similar trip generation to retail. Therefore, the prior CEQA determination for the development project already considered any potential environmental impacts beyond those studied in the BVDSP EIR and no further Environmental Review is required.

**CONCLUSION**

Staff feels that the proposed use is both appropriate and consistent with the vision as set forth in the Broadway Valdez Specific Plan by including a tenant that will bring individuals into the district that will help to further promote the area as a shopping district. While a large anchor retail tenant would have been the preferred business to occupy the large commercial space on the upper floors of the building, the recent change to retail businesses moving to on-line sales cannot be disregarded and the ability to lease a large upper floor space for retail may not be viable at this time, which is a major reason why fitness gym uses were included as a qualifying retail business above the ground floor within the D-BV-1 Zone. By allowing the proposed business, the commercial square footage can become an active space that brings people into the area and will act as an anchor tenant that will help support other businesses in the area. The proposed use at the ground floor is also appropriate since it meets the intent of the specific plan and zone by providing an active business that is open to the public and will promote foot traffic in the area.

**RECOMMENDATIONS:**

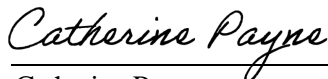
- For approvals:
1. Affirm staff’s environmental determination.
  2. Approve the Major Conditional Use Permit and Major Variance subject to the attached findings and conditions.

Prepared by:



Peterson Vollmann  
Planner IV

Reviewed by:



Catherine Payne  
Development Planning Manager  
Bureau of Planning

Approved for forwarding to the Planning Commission:



Ed Manasse, Deputy Director  
Bureau of Planning

**ATTACHMENTS:**

- A. Findings Approval
- B. Conditions for Approval
- C. Floor Plans

# ATTACHMENT A

## FINDINGS FOR APPROVAL

This proposal meets all the required Conditional Use Permit Criteria (Section 17.134.050) and Major Variance Findings (Section 17.148.050) 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. (Note: the Project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report and elsewhere in the record).

### SECTION 17.134.050 –CONDITIONAL USE PERMIT FINDINGS:

- 1. That the location, size, design, and operating characteristics of the proposed development will be compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.**

The proposed Group Assembly Activity for a fitness gym will be compatible with the surrounding mixed-use commercial district by located within an existing built structure that was intended to contain a large commercial tenant that includes high trip generation for individuals coming into the area and was also the exact intent of the specific plan. The BVDSP EIR identified a number of transportation improvements necessary for the surrounding area to handle the anticipated traffic generation from build out of the specific plan development program. Development proposals within the plan area all have paid their fair share to these improvements through traffic impact fees. The subject property as part of their development entitlements has gone beyond the payment of the traffic fair share impact fees and has included major upgrades to the intersection of 27<sup>th</sup>/Harrison/24<sup>th</sup>/Bay as part of their off-site permits and were credited their impacts fees as part of the work and was reimbursed from other impacts fees collected from projects within the district to implement this major intersection improvement that was identified in the BVDSP EIR.

- 2. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.**

The proposal will provide a functional shopping environment by located the gym facilities at the upper floor levels of the commercial space while providing an active ground floor facility that will be open to the public. The proposal does not include any design modifications to the building as it was designed with the intended commercial uses.

- 3. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.**

The development will help to enhance the area as a neighborhood and regional shopping district by establishing new commercial uses that will help to bring more activity to the area while creating an attractive pedestrian environment at the street level.



**4. That the proposal conforms to all applicable design review criteria set forth in the DESIGN REVIEW PROCEDURE of Chapter 17.136 of the Oakland Planning Code.**

The proposal only includes interior improvements and no exterior changes. The proposed signage on the exterior of the building will be consistent with the previously approved master sign program.

**5. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable plan or development control map which has been adopted by the City Council.**

As detailed earlier in the report, and hereby incorporated by reference, the General Plan's Land Use and Transportation Element (LUTE) classifies the project site as being located in the Central Business District (CBD) General Plan area. This land use classification is intended 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, community facilities, and visitor uses. The CBD classification includes a mix of large-scale offices, commercial, urban high rise residential, institutional, open-space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses.

The Broadway Valdez District Specific Plan provides a vision and planning framework for future growth and development in the approximately 95-acre area along Oakland's Broadway corridor between Grand Avenue and I-580. The Specific Plan, which has been developed with a thorough analysis of the area's economic and environmental conditions and input from City decision-makers, landowners, developers, real estate experts, and the community at large, provides a comprehensive vision for the Plan Area along with goals, policies, and development regulations to guide future public and private actions relating to the area's development. The Plan also serves as the mechanism for ensuring that future development will be coordinated and occur in an orderly and well-planned manner.

The proposal is consistent with the General and Specific Plans by allowing a new major commercial tenant in a retail priority site of the Valdez Triangle. The proposal will contain an active ground floor commercial presence along with establishing a large anchor tenant that will attract people to the area and further promote the area as a shopping district.

**SECTION 17.148.050 – MAJOR VARIANCE FINDINGS:**

**1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.**

Strict compliance with the prohibition of the proposed activity at the ground floor would result in an unnecessary hardship inconsistent with the purposes of the zoning regulations due to the conditions of design. The proposed fitness gym business includes a smoothie and juice bar as part of its business program that is best suited to be located at the ground floor so that it is visible and more accessible to the general public and if located at an upper floor would not be likely to attract customers outside of those with gym memberships. By granting the variance and allowing the business to operate the smoothie and juice bar at the ground level it will not only enhance the business operations, but also meet the intent of the zoning regulations by having an active business at the ground floor that is open to the public and enhances the pedestrian environment.

- 2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.**

The basic intent of the ground floor restriction on Group Assembly Activities is that such uses do not generally create an active and inviting ground floor adjacent to the pedestrian environment. In this instance, the fitness gym business is including a smoothie and juice bar with a lounge at the ground floor that will create an attractive and inviting environment for pedestrians and is only classified as a Group Assembly Commercial Activity because the ground floor area is a small proportion of the overall business square footage and as such falls under the larger assembly activity type. If a separate business entity were to operate the proposed ground floor space, it would be independently classified as a Limited-Service Café Commercial Activity and would be outright permitted within the D-BV-1 zone in which it is located. As such it would deprive the applicant of privileges enjoyed by others within the same zone.

- 3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.**

The granting of the variance to allow the juice bar component of the fitness gym business at the ground floor will not adversely affect the character, livability or appropriate development of the abutting properties. This is because of the intent of the district is as a shopping district with active ground floor uses and given that this component of the business will be open to the general public and create an inviting environment for pedestrians as intended by the zone.

- 4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.**

The granting of the variance to allow the juice bar component of the fitness gym business at the ground floor would not constitute a grant of special privilege as any other business with a similar ground floor proposal would be classified separately as a Limited-Service Café Commercial Activity and would be permitted by right within the D-BV-1 Zone.

- 5. That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set forth in the design review procedure at Section 17.136.050.**

The proposal only includes interior improvements and no exterior changes. The proposed signage on the exterior of the building will be consistent with the previously approved master sign program.

- 6. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.**

The Project is consistent with the goals and policies of the LUTE and BVDSP as indicated in Findings in Sections 17.134.050 above, hereby incorporated by reference.

# ATTACHMENT B

## CONDITIONS OF APPROVAL

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

### Standard 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, staff report and the approved plans **dated March 23, 2022**, 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 (10) calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire **two years** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Bureau of Building and diligently pursued towards completion, 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, Department of Transportation, 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**

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.

a.

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.

b.

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.

c.

**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 sixty (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 Engineering Services and/or the Bureau of Building, if directed by the Director of Public Works, Building Official, Director of City Planning, Director of Transportation, 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, Engineering Services, Department of Transportation, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City.

**12. Regulatory Permits and Authorizations from Other Agencies**

Requirement: The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.

When Required: Prior to activity requiring permit/authorization from regulatory agency

Initial Approval: Approval by applicable regulatory agency with jurisdiction; evidence of approval submitted to Bureau of Planning

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

**13. Trash and Blight Removal**

Requirement: The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**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. 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

### **16. Dust Controls – Construction Related**

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

- a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. Limit vehicle speeds on unpaved roads to 15 miles per hour.
- e. All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.
- f. All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- g. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

### **17. Criteria Air Pollutant Controls - Construction Related**

Requirement: The project applicant shall implement all of the following applicable basic control measures for criteria air pollutants during construction of the project as applicable:

- a. 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 two 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.
- b. 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 two 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”).
- c. 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. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.
- d. Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.
- e. Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.
- f. All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**18. 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

**19. 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

**20. 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

## **21. 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

## **22. 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

**23. 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, sidewalks, bicycle facilities, and bus stops.

When Required: Prior to approval of construction-related permit

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

**b. Traffic Control Plan Required**

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, 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 accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

**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: Department of Transportation

**24. 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](http://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

## **25. 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

## **26. 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.
  - **LEED Silver** 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: Prior to the finaling the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.

When Required: Prior to Final Approval

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

**27. Employee Rights**

Requirement: The project applicant and business owners in the project shall comply with all state and federal laws regarding employees' right to organize and bargain collectively with employers and shall comply with the City of Oakland Minimum Wage Ordinance (chapter 5.92 of the Oakland Municipal Code).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

**Project Specific Conditions of Approval**

**28. Operation of Ground Floor**

Requirement: The ground floor of the proposed business includes a juice bar that would be open to the general public and not only for patrons of the proposed fitness gym. As long as the Group Assembly Commercial Activity granted by this permit (fitness gym) is in operation the ground floor shall continually include the operation of the proposed juice bar, or other similar use that would be of a food service nature, that is open to the general public during the overall business hours of operation. In addition, no exercise equipment or other gym related facilities other than the identified check in desk and any ancillary back of house operations as shown in the plans shall be included in the ground floor space.

When Required: Ongoing

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

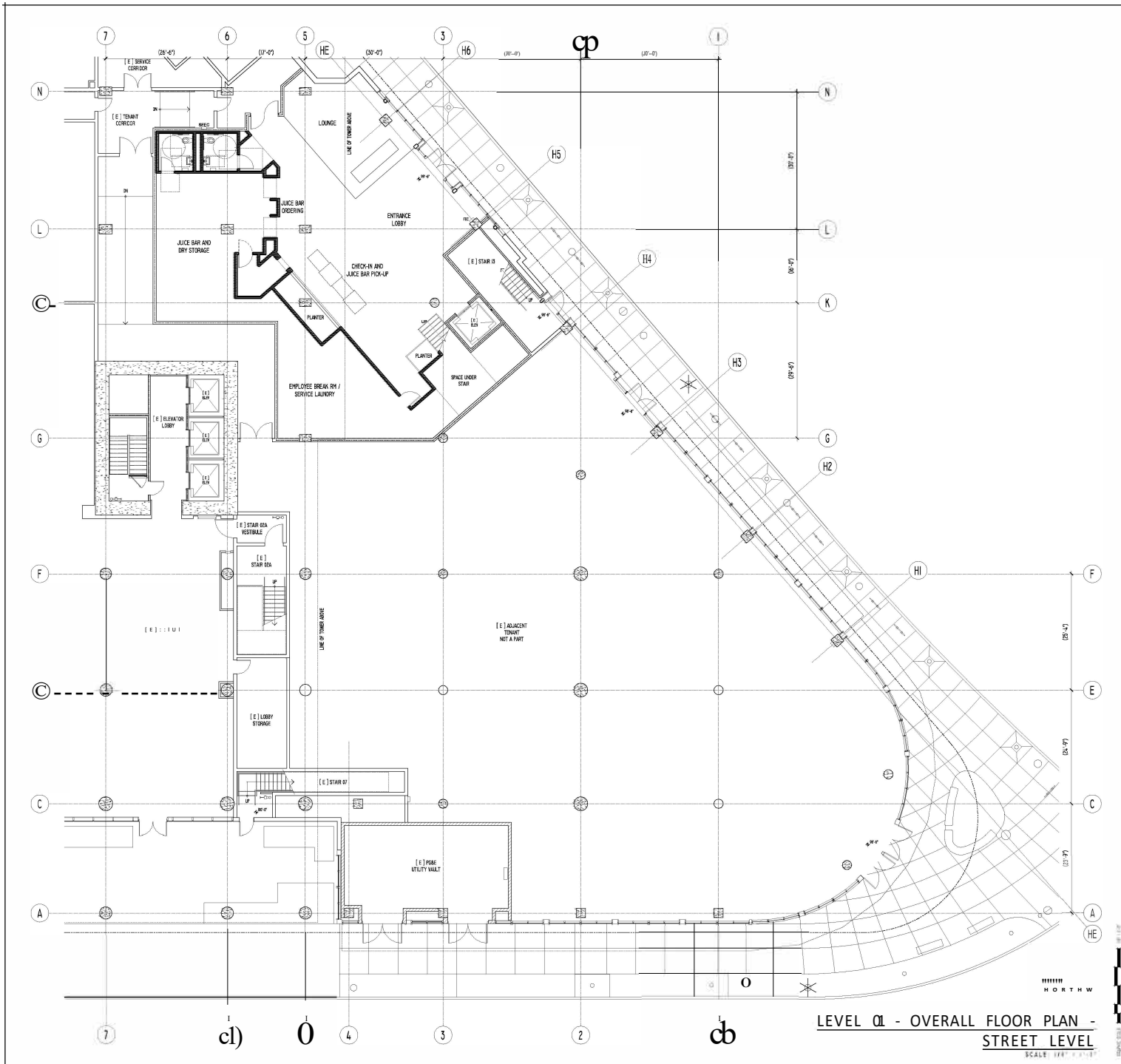
# ATTACHMENT C



TENANT IMPROVEMENT FOR PROPOSED HEALTH CLUB:

JOHN REED FITNESS  
227 27TH STREET  
OAKLAND, CALIFORNIA 94612

CONDITIONAL USE PERMIT SUBMITTAL PACKAGE



**LEVEL 01 - OVERALL FLOOR PLAN - STREET LEVEL**  
SCALE: 1/8" = 1'-0"

### PROJECT SUMMARY

INTERIOR TENANT IMPROVEMENT IN AN EXISTING MULTI-STORY MIXED USE DEVELOPMENT CURRENTLY UNDER CONSTRUCTION AND PREVIOUSLY APPROVED UNDER A MASTER CONDITIONAL USE PERMIT. PROPOSED TENANT IMPROVEMENT IS A HEALTH CLUB FACILITY CONSISTING OF THREE FLOOR LEVELS:

- STREET LEVEL: WILL BE DEVELOPED WITH A JUICE BAR AND RELATED SUPPORT FACILITIES AS WELL AS A LOUNGE / CHECK-IN AREA. NO DESKTOP EQUIPMENT IS PROPOSED AT THIS LEVEL.
- SECOND LEVEL: WILL BE DEVELOPED WITH PERKS AND MEMBER LOCKER ROOMS AND MULTIPLE EXERCISE WORKOUT AREAS.
- THIRD LEVEL: PROPOSED WILL BE DEVELOPED WITH GROUP FITNESS AND CYCLING ROOMS AS WELL AS ADDITIONAL EXERCISE / WORKOUT AREAS - THE EXTERIOR DECK WILL BE DEVELOPED WITH SOME SPECIALIZED WORKOUT EQUIPMENT AND OUTDOOR LOUNGE SEATING, ELEMENTS AND PLANTERS.

DATE: 11/15/24  
PROJECT NO: 277-27TH-ST-001  
SHEET NO: 01

### PROJECT ANALYSIS

OCCUPANCY GROUP: 1 (1) HEALTH CLUB (H.C.B.)  
 (1) HEALTH CLUB (H.C.B.)  
 (1) HEALTH CLUB (H.C.B.)

STREET / GROUND LEVEL:	CLASS ROOMS: 0
SECOND LEVEL:	CLASS ROOMS: 0
THIRD LEVEL:	CLASS ROOMS: 0
TOTAL CLASS ROOMS:	CLASS ROOMS: 0
TOTAL HEALTH CLUB (H.C.B.):	CLASS ROOMS: 0
TOTAL HEALTH CLUB (H.C.B.):	CLASS ROOMS: 0

### SHELL BLDG PROJECT INFO

FILE NO: 277-27TH-ST-001  
 PROJECT NO: 277-27TH-ST-001  
 PROJECT NAME: HEALTH CLUB FACILITY  
 PROJECT ADDRESS: 277 27TH STREET, SUITE 100, OAKLAND, CA 94612

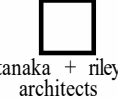
### SHELL BLDG DESCRIPTION

EXISTING BUILDING: 277 27TH STREET, SUITE 100, OAKLAND, CA 94612  
 BUILDING TYPE: HEALTH CLUB FACILITY  
 BUILDING AREA: 10,000 SQ FT  
 BUILDING HEIGHT: 3 STORIES  
 BUILDING CONDITION: EXISTING  
 BUILDING OCCUPANCY: HEALTH CLUB FACILITY

### SHELL BLDG PROJECT DATA

PROJECT TYPE:	HEALTH CLUB FACILITY
PROJECT PHASE:	CONSTRUCTION
PROJECT STATUS:	UNDERWAY
PROJECT START DATE:	11/15/24
PROJECT END DATE:	11/15/24
PROJECT LOCATION:	277 27TH STREET, SUITE 100, OAKLAND, CA 94612
PROJECT OWNER:	DEVELOPER
PROJECT ARCHITECT:	TANAKA + RILEY ARCHITECTS
PROJECT ENGINEER:	ENGINEER
PROJECT CONTRACTOR:	CONTRACTOR

### VICINITY MAP



**tanaka + riley**  
architects

22855 E SAVI RANCH PKWY  
VORBA LINDA, CA 92287  
PH: 714.213.1905  
FX: 714.455.1515

ARCHITECT  
MICHAEL M. RILEY

**JR JOHN REED**  
F T N E S

TENANT IMPROVEMENT FOR PROPOSED HEALTH CLUB  
 VSPR MIXED USE DEVELOPMENT (24TH AND HARRISON)  
 277 27TH STREET - SUITE 100  
 OAKLAND, CALIFORNIA 94612

REVISION DATES:

NO.	DESCRIPTION	DATE

PROFESSIONAL SEAL:

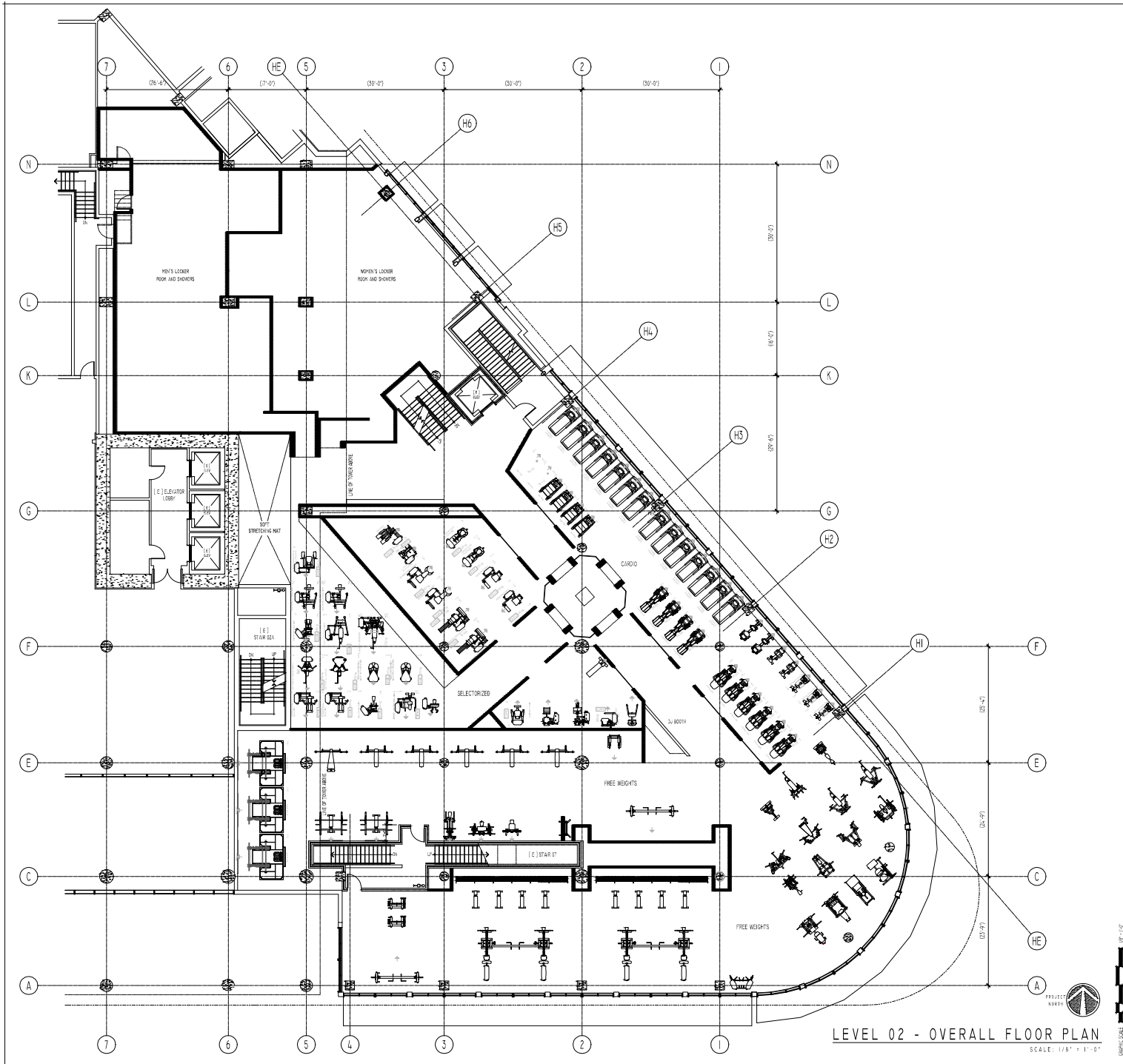


PROJECT NUMBER:  
TRADING

TITLE:  
LEVEL 01 - OVERALL FLOOR PLAN - STREET LEVEL

SHEET NUMBER:  
**CUP A2.01**





LEVEL 02 - OVERALL FLOOR PLAN  
SCALE: 1/8" = 1'-0"

### PROJECT SUMMARY

INTERIOR TENANT IMPROVEMENT IN AN EXISTING MULTI-STORY MIXED USE DEVELOPMENT CURRENTLY UNDER CONSTRUCTION AND PREVIOUSLY APPROVED UNDER A MASTER CONDITIONAL USE PERMIT. PROPOSED TENANT IMPROVEMENT IS A HEALTH CLUB FACILITY CONSISTING OF THREE FLOOR LEVELS:

- GROUND LEVEL WILL BE DEVELOPED WITH A LULU BOUTIQUE AND RELATED SUPPORT FACILITIES AS WELL AS STORAGE / GARAGE AREA - NO EXERCISE EQUIPMENT IS PROPOSED AT THIS LEVEL.
- SECOND LEVEL WILL BE DEVELOPED WITH FITNESS AND CYCLING ROOMS AND RELATED EXERCISE WORKOUT AREA.
- THIRD LEVEL WILL BE DEVELOPED WITH GROUP FITNESS AND CYCLING ROOMS AS WELL AS ADDITIONAL EXERCISE WORKOUT AREA - THE EXTERIOR DECK WILL BE DEVELOPED WITH SOME SPECIALIZED WORKOUT EQUIPMENT AND OUTDOOR LUNGING SEATING, RESTROOMS AND PLANTERS.

ALL IMPROVEMENTS HAVE BEEN FULLY ACCESSIBLE TO THE ENTRANCE OF THE FACILITY AS PART OF 3-BILL BUILDING AND ARE TO REMAIN AS DESIGNED AND ARE NOT PROPOSED TO BE REVISED.

**tanaka + riley architects**  
22555-E SAVI RANCH PKWY  
YORBA LINDA, CA 92687  
PH: 714.283.1005  
FX: 714.455.1010

RICHARD W. TANAKA ARCHITECT  
MICHAEL N. RILEY ARCHITECT

### PROJECT ANALYSIS

OCCUPANCY GROUP: PROPOSED OCCUPANCY (A2) HEALTH CLUB (1) + ACCESSORY (3) LULU BOUTIQUE  
TENANT IMPROVEMENT BY 2,000 SQUARE FEET  
STREET / EXPOSURE LEVEL: 4,370 SQUARE FEET  
SECOND LEVEL: 180 SQUARE FEET  
THIRD / PROGRAM LEVEL: 800 SQUARE FEET  
TOTAL INTERIOR TENANT IMPROVEMENT AREA: 2,000 SQUARE FEET  
TOTAL EXTERIOR TENANT IMPROVEMENT AREA (THIRD / PROGRAM LEVEL): 2,000 SQUARE FEET

SCALE AS SHOWN ARE ALSO ONLY ON GENERAL SHAPES - THE OPERATIONS OF WHICH ARE TO BE DETERMINED BY THE OWNER.  
THE EXISTING AND THE NEW AND REVISED IMPROVEMENTS HEREIN IS AN APPROVAL OF FORMS - NOT THE RESULTS OF FINANCIAL ANALYSIS. NO ASSURANCE WILL BE GIVEN OR PROVIDED IN REGARD TO THE ACCURACY OF THE INFORMATION OR THE FINANCIAL ANALYSIS. THE ARCHITECT'S RESPONSIBILITY IS TO DESIGN AND CONSTRUCT ACCORDING TO THE CONTRACT DOCUMENTS AND NOT TO GUARANTEE THE PROJECT'S PROFIT OR LOSS OR ANY OTHER PROJECT ASPECTS IN ACCORDANCE WITH CALIFORNIA LAWS.

### SHELL BLDG PROJECT INFO

PROJECT NAME: 30TH & HARRISON CORNER MIXED USE DEVELOPMENT  
PARCEL NUMBERS: (06-001-02-01) (06-001-02-02) (06-001-02-03) (06-001-02-04)  
PROJECT ADDRESS: 277 27TH STREET | OAKLAND, CA 94612  
PROPOSED USE: MIXED USE "LULU FAMILY" DEVELOPMENT

**JR JOHN REED ARCHITECTS**  
TENANT IMPROVEMENT FOR PROPOSED HEALTH CLUB  
VSPR MIXED USE DEVELOPMENT (24TH AND HARRISON)  
277 27TH STREET - SUITE 100  
OAKLAND, CALIFORNIA 94612

### SHELL BLDG DESCRIPTION

MIXED USE DEVELOPMENT AT 30TH & HARRISON STREETS CONSISTS OF A NEW EIGHTH STORY BUILDING CONTAINING APPROXIMATELY 4,000 SF OF RETAIL, 400,000 SF OF OFFICE AND 100,000 SF OF RESIDENTIAL. THE PROJECT SITE IS LOCATED WITHIN THE OROUKAWA VALLEY DISTRICT SPECIFIC PLAN (DSCP) AREA AND IS TOTAL PROJECT SITE AS SHOWN IN THE PLAN.

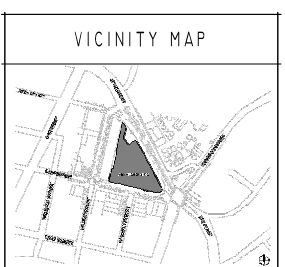
ZONE:	DH-1 (DUAL-PURPOSE) DFC UB
OCCUPANCY:	A2-1 A2-1 A2-1 A2-1 B
TYPE OF CONSTRUCTION:	TYPE I/A
NUMBER OF STORIES:	8 STORY (TOTAL)
NUMBER OF RESIDENTIAL UNITS:	44 TOTAL
NUMBER OF BEDROOMS:	60 TOTAL
TOTAL FLOOR AREA:	50,000 SQUARE FEET
CONDITIONED FLOOR AREA - RESIDENTIAL:	50,000 SQUARE FEET
OCCUPIED FLOOR AREA - NON-RESIDENTIAL:	66,000 SQUARE FEET
INDUSTRY USE SEPARATION:	DESIGNATED OCCUPANCIES

SUBMITTAL DATES:  
DESCRIPTION: DATE  
COP SUBMITTAL: 03.23.22

### SHELL BLDG PROJECT DATA

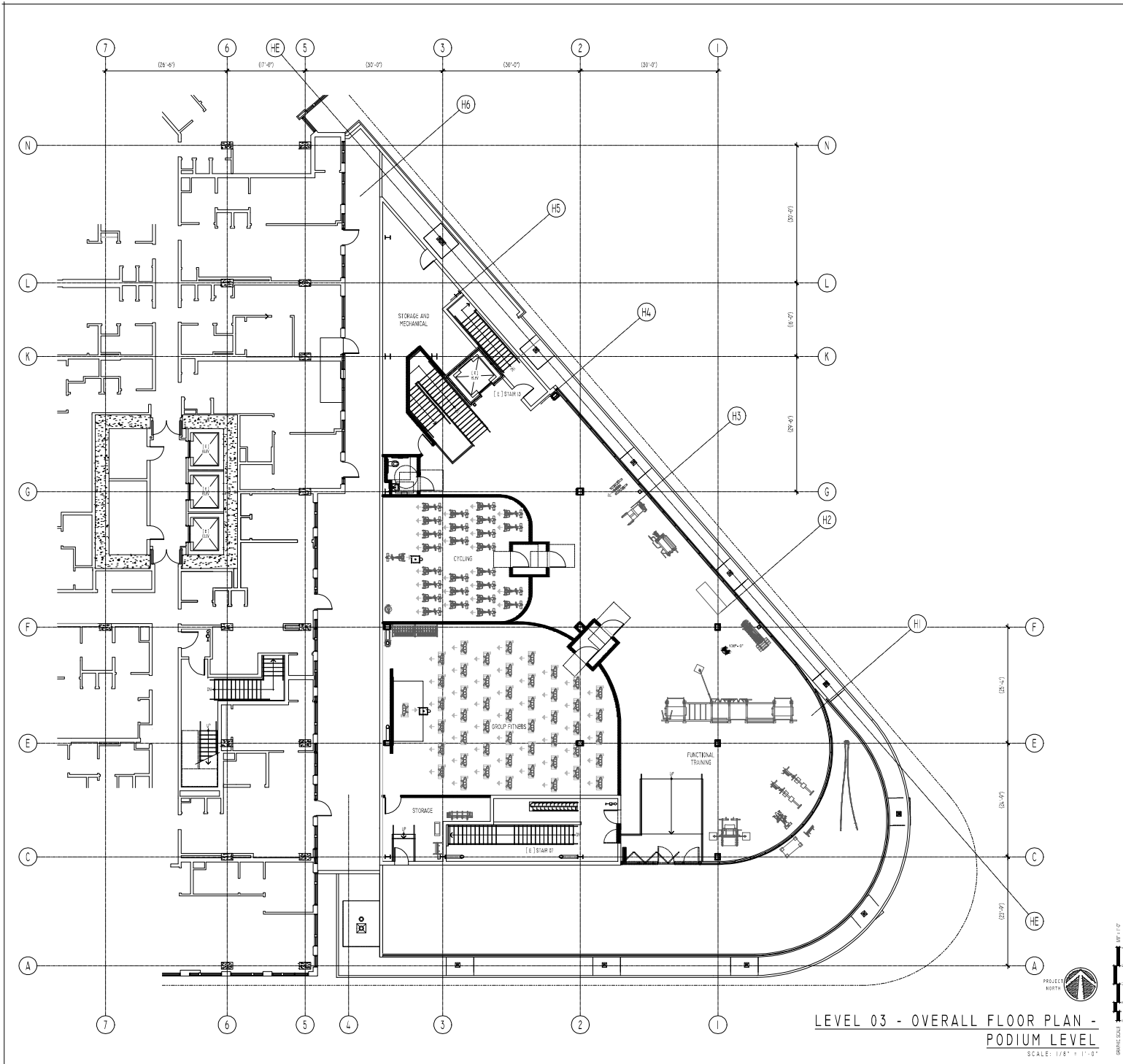
MARKING CHANGE:	TYPE I/A	REVISION DATES:	DATE
RESIDENTIAL AND COMMERCIAL TOWERS:	TYPE I/A	NO. DESCRIPTION:	DATE
ESSENTIAL FACILITY (CHAPTER 16 - CBC):	NO		
OCCUPANCY GROUPS (CHAPTER 3 - CBC):			
OCCUPANCY GROUP A-2:	RESIDENTIAL UNITS		
OCCUPANCY GROUP B:	OFFICE		
OCCUPANCY GROUP M:	RESTROOMS		
OCCUPANCY GROUP A-2:	TRADING CENTER		
OCCUPANCY GROUP S-1:	SHOPPING AND SERVICE - 50 OCCUPANTS		
OCCUPANCY GROUP S-2:	APARTMENTS - 30 OCCUPANTS		
OCCUPANCY GROUP S-3:	PARKING GARAGE		
PROPOSED OCCUPANCY:	YES		
OCCUPANCY SEPARATION:	15% SEPARATED USE PROVISIONS IN SECTION 503.2 APPLIED		
INCIDENTAL SEPARATIONS:	INCIDENTAL SEPARATIONS:		
RESIDENTIAL UNITS:	1 HOUR FIRE PARTITION		
FIRE FIGHT ROOM:	2 HOUR		
EMERGENCY GENERATOR:	2 HOUR		
FIRE COMMAND CENTER:	1 HOUR		
RESTROOMS:	2 HOUR		
ENTRANCE ACCESS / TERMINATION ROOM:	1 HOUR		
ELEVATOR MACHINE ROOMS:	2 HOUR		
ALL OCCUPANCY CORRIDORS:	1 HOUR FIRE PARTITION		

PROFESSIONAL SEAL:  
  
 PROJECT NUMBER:  
TRA JOB NO. 2009



TITLE:  
LEVEL 02 - OVERALL FLOOR PLAN

SHEET NUMBER:  
**CUP A2.02**



LEVEL 03 - OVERALL FLOOR PLAN -  
PODIUM LEVEL  
SCALE: 1/8" = 1'-0"

### PROJECT SUMMARY

INTERIOR TENANT IMPROVEMENT IN AN EXISTING THREE-STORY MIXED USE DEVELOPMENT CURRENTLY UNDER CONSTRUCTION AND PREVIOUSLY APPROVED UNDER A MASTER CONDITIONAL USE PERMIT - PROPOSED TENANT IMPROVEMENT IS A HEALTH CLUB FACILITY CONSISTING OF THREE FLOOR LEVELS:

- **GROUND LEVEL** WILL BE DEVELOPED WITH A JUICE BAR AND RELATED SUPPORT FACILITIES AS WELL AS STORAGE / MECHANICAL AREAS AND SERVICE EQUIPMENT SUPPORTED BY THIS LEVEL.
- **SECOND LEVEL** WILL BE DEVELOPED WITH MEN'S AND WOMEN'S LOCKER ROOMS AND FULL-FEATURED SHOWER FACILITIES.
- **THIRD LEVEL** WILL BE DEVELOPED WITH GROUP FITNESS AND CYCLING ROOMS AS WELL AS GROUP FITNESS SERVICE, WORKOUT AREAS - THE INTERIOR DESIGN WILL BE DEVELOPED WITH SOME SPECIALIZED WORKOUT EQUIPMENT AND OUTDOOR LOUNGE SEATING SUPPORTED BY THIS LEVEL.

ALL PARKING / SITE WORK AND DISABLED ACCESS TO THE ENTRANCE OF THE FACILITY ARE PART OF SHELL BUILDING AND ARE TO REMAIN AS DESIGNED AND ARE NOT PROPOSED TO BE REVISED.

**tanaka + rile architects**  
22855-E SAVI RANCH PKWY  
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RICHARD W. TANAKA ARCHITECT  
MICHAEL N. RILEY ARCHITECT

### PROJECT ANALYSIS

OCCUPANCY GROUP: PROPOSED OCCUPANCY [A2, HEALTH CLUB, ] [IF NECESSARY] [A2] BAR

TENANT IMPROVEMENT BUILDING AREAS:

STREET / GROUND LEVEL:	4,330 SQUARE FEET
SECOND LEVEL:	16,000 SQUARE FEET
THIRD LEVEL:	8,000 SQUARE FEET
TOTAL INTERIOR TENANT IMPROVEMENT AREA:	28,330 SQUARE FEET
TOTAL EXTERIOR TENANT IMPROVEMENT AREA (1-LEVEL / 100% LEVEL):	2,440 SQUARE FEET

SCALE: AS SHOWN AND VALID ONLY IN RELATION TO THE PROPOSED WORK AND NOT SUBJECT TO ANY OTHER DOCUMENTS AND THE CLIENT AND DESIGNING AGENCY. THIS DOCUMENT AND THE SHEET ARE BEING ISSUED UNDER THE PROFESSIONAL SEAL AND SIGNATURE OF MICHAEL N. RILEY, ARCHITECT, AND RICHARD W. TANAKA, ARCHITECT, INC. AND WILL NOT BE CONSIDERED VALID UNLESS AND UNTIL IT IS APPROVED BY THE BOARD OF ARCHITECTS. THIS DOCUMENT SHALL BE USED FOR THE PROJECT AND NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECTS.

### SHELL BLDG PROJECT INFO

PROJECT NAME: ANITA HARRISON (FORMER MIXED USE DEVELOPMENT)  
PARCEL NUMBERS: 080467-025-03 (080467-001) 080467-025-04 (080467-002)  
PROJECT ADDRESS: 2717 27TH STREET | FOLSOM, CA 95642  
PROPOSED USE: MIXED USE MULTI-FAMILY DEVELOPMENT

**JR JOHN REED F I T N E S S**

TENANT IMPROVEMENT FOR PROPOSED HEALTH CLUB  
VSPR MIXED USE DEVELOPMENT (24TH AND HARRISON)  
277 27TH STREET - SUITE 100

### SHELL BLDG DESCRIPTION

MIXED USE DEVELOPMENT AT ANITA HARRISON STREETS CONSISTS OF A NEW EIGHT-STORY BUILDING CONTAINING APPROXIMATELY 160,000 SF OF RETAIL, 1.45 MILLION SF OF NEW HOUSING UNITS. THE PROJECT SITE IS LOCATED WITHIN THE BROADWAY PALMIST DISTRICT SPECIFIC PLAN (SDP09) AREA AND IS A "MIXED-USE" SITE AS IN THE PLAN.

DESIGN:	SDP09 RETAIL TOWER (TYPE 03)
OCCUPANCY:	MIXED (A2) / (A2) / (M) / (M)
MIXED OCCUPANCY:	"S1"
TYPE OF CONSTRUCTION:	"S1" - 4A
NUMBER OF STORIES:	8 (8) TOTAL
NUMBER OF RESIDENTIAL UNITS:	140 TOTAL
NUMBER OF BEDROOMS:	560 TOTAL
TOTAL FLOOR AREA:	1,000,000 SQUARE FEET
CONDITIONED FLOOR AREA - RESIDENTIAL:	877,800 SQUARE FEET
OCCUPIED FLOOR AREA - NON-RESIDENTIAL:	87,800 SQUARE FEET
REQUIRED PFS SEPARATION:	UNAPPLICABLE OCCUPANCIES

SUBMITTAL DATES:  
DESCRIPTION: DAT  
CUP SUBMITTAL: 03/23

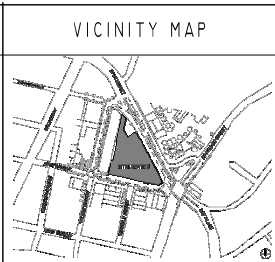
### SHELL BLDG PROJECT DATA

EMERGENCY EGRESS:	TYPE 4A	TYPE 4A
RESIDENTIAL AND COMMERCIAL TOWER:	TYPE 4A	TYPE 4A
ESSENTIAL FACILITY (CHAPTER 16 - CBC)		
ESSENTIAL FACILITY:	NO	
OCCUPANCY GROUPS (CHAPTER 3 - CBC)		
OCCUPANCY GROUP B-2:	RESIDENTIAL UNITS	
OCCUPANCY GROUP B-3:	LABORATORY	
OCCUPANCY GROUP M:	MERCANTILE	
OCCUPANCY GROUP A-2:	FITNESS CENTER	
OCCUPANCY GROUP S-2:	DINING ROOM AND SEATING OCCUPANCY	
OCCUPANCY GROUP S-2:	PARKING GARAGE	
MIXED OCCUPANCY:	"S1"	
OCCUPANCY SEPARATIONS:	NON SEPARATED USE - TRAVELERS IN SECTION 806.3 APPLIED	
INCIDENTAL SEPARATIONS		
RESIDENTIAL UNITS:	INCIDENTAL SEPARATIONS	
FIVE FLOOR ROOF:	FOUR FLOOR PARTITIONS	
OPERATOR'S CONTROL ROOM:	2 HOUR	
FIRE COMMAND CENTER:	1 HOUR	
TRAINING CENTER:	2 HOUR	
EMERGENCY ESCAPE ROUTE:	1 HOUR	
ELEVATOR MACHINE ROOMS:	2 HOUR	
R-2 OCCUPANCY CORRIDORS:	FOUR FLOOR PARTITIONS	

REVISION DATES:  
NO. DESCRIPTION: DAT

PROFESSIONAL SEAL:  
MICHAEL N. RILEY ARCHITECT  
DATE OF CALIFORNIA EXPIRES: 12/31/2024

PROJECT NUMBER:  
TRA JOB NO. 200



TITLE:  
LEVEL 03 - OVERALL FLOOR PLAN - PODIUM LEVEL

SHEET NUMBER:  
CUP A2.03