

<b>Location:</b>	<b>2044 Franklin</b>
<b>Assessor's Parcel Number(s):</b>	<b>008065101801</b>
<b>Proposal:</b>	Revision to a Major Conditional Use Permit to construct a 22 story, 239-foot-high residential high rise structure with 357 residential apartment units including 20 very low income affordable housing units, 5,385 sf of ground floor retail, no parking, and a concession from open space requirements to allow 12,872 sf of group open space rather than 26,775 sf of open space.
<b>Applicant:</b>	RAD/Urban
<b>Contact Person/ Phone Number:</b>	Brian Caruso RAD/Urban 408-813-3025
<b>Owner:</b>	Village Glenn Oakland 2, LLC
<b>Case File Number:</b>	<b>PLN17050RO1-RO1</b>
<b>Planning Permits Required:</b>	Conditional Use Permit Design Review
<b>General Plan:</b>	Central Business District
<b>Zoning:</b>	CBD-C
<b>Environmental Determination:</b>	Exempt Section 15332, Infill Development, Section 15183 Consistent with General Plan or Zoning, Section 15180 Central District Urban Renewal Plan EIR, Section 15183.3 Streamlining for Infill Projects
<b>Historic Status:</b>	N/A
<b>City Council District:</b>	3
<b>Finality of Decision:</b>	N/A
<b>For Further Information:</b>	Contact Case Planner Rebecca Lind Planner III 510-238-3472 rlind@oaklandnet.com

**SUMMARY**

The Nautilus Group has filed an application with the Bureau of Planning to revise a prior approval for development of the site at 2044 Franklin St. This is a major revision that proposes a different design and mix of land use activities and requires a new design review approval and modification to the Major Conditional Use Permit. The original proposal was a mixed use 29 story facility with two buildings including residential, office tower with ground floor retail and a three-story townhouse building. The revision eliminates the townhouse, office and parking components. The new building design is for a 22-story residential tower with 357 residential units and ground floor retail. The project has a bigger footprint than the prior design for this site and is 7 stories lower in height.

**SURROUNDING USES**

The building is in a mixed commercial neighborhood with a blend of lower scale, 1950s era bank and office buildings to the west and south and taller office buildings to the north and east. Indeed, amongst the existing high rises are the two current, tallest buildings (The Ordway Building and the Kaiser Plaza building) in Oakland. The district mix of low rise and high rise structures includes a 20 story, 220-foot building and a 10 story, 110-foot building on 21<sup>st</sup> street adjacent to the subject site to the north. Both structures are commercial office buildings.

The internal lot line to the south abuts a 6 story, 75-foot-high commercial building. The site is immediately across Webster Street from the Kaiser Plaza and rooftop garden.

**EXISTING CONDITIONS**

The subject property consists of two lots with a slightly irregular parcel configuration and frontage on three streets, Franklin, 21<sup>st</sup> and Webster. All streets are important in this part of downtown but Webster and Franklin are considered primary. There is an existing two story commercial building on site at the corner of Franklin and 21st St. with a parking lot at the Webster and 21<sup>st</sup> Street corner.

**ISSUES BEFORE THE COMMISSION**

- 1. Modification of the conditional use permit**
- 2. Design Review of the new building concept**

1. Modification of the conditional use permit (CUP)

The CUP was approved for a large-scale development as part of PLN 170050 per **Section 17.58.030** January 10, 2018.

a. Summary of Changes

The revision eliminates the townhouse building, changes the tower building by eliminating 6 floors of office, the amenity space, and the parking garage. The tower height is reduced and the base foot print increased from 10,500 sf to 11,445 sf. While no parking is proposed, loading is included on the first floor.

	Prior Approval	Current Proposal
Number of Buildings	2	1
Density	184 units	357 units
Height	Tower 29 stories 354 ft. Townhouse 3 stories 44 ft.	Tower 22 stories
Residential Tower Base Footprint	10,505	11,445
Mixed Use	Residential Tower 231,110 sf Residential Penthouse 8,505 sf Residential Townhouse 15,840 sf Commercial Office 57,873 sf Commercial Retail 6,700 sf Amenity 10,649sf	Residential Tower 240,345 sf Commercial Retail 5,385 sf
Open Space	14,435 sf	12,872 sf A concession is requested for 13,903 sf of open space
Bicycle Parking	70 spaces	112 spaces
Parking	74 spaces	0
Loading	1 space. A variance was approved for a second space	2 spaces

This revised project proposes a reduction of building mass to 314,036 gross square feet compared to 325,934 gross square ft. in the original project, and a height of 269 feet compared to 362 feet. Residential density is increased from 184 units to 357 including a density bonus for 337 market rate units and 20 very low income units.



b. Change to Density and Addition of Affordable Housing

The proposed density increase is allowed because the project qualifies for a 25% affordable housing density bonus per planning code section 17.107.040 by providing 20 very low income units. The affordable units must be managed consistent with city code and state regulations and guaranteed at the proposed rent level for 55 years. Although the density is higher, the residential activity occupies a comparable gross building area (230,000 sf in the original proposal vs 240,000 sf in the revised proposal). The higher density is achieved by reducing the size of units, eliminating the parking and increasing the building footprint.

c. Elimination of Parking, Variance and Revision to Loading

The parking can be eliminated because there is no parking requirement in the Central Business-C zone. The revised project provides 2 loading spaces on the ground floor so there is still a driveway entrance into the building. This revision eliminates the need for the previously approved loading variance.

d. Continuation of General Plan and Zoning Compliance

The revised building continues to meet the intent of the Central Business District for large-scale facilities in downtown. The proposal meets the zoning development standards and fits with the size and scale of similar buildings in the surrounding area. Specific conditional use permit findings are provided in Attachment A.

**2. Design Review for New Construction**

Regular Design Review is required per Section 17.136.050 because of the degree of change to the project. Analysis of design issues is provided below, and Design Review findings are provided in Attachment A.

**GENERAL PLAN ANALYSIS**

The property is in the Central Business District of the General Plan. The goal of the Central Business District Classification is 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”*.

Policy D2.1 Enhancing the Downtown states: *“Downtown development should be visually interesting, harmonize with its surroundings, respect and enhance important views in and of the downtown, respect the character, history, and pedestrian orientation of the downtown, and contribute to an attractive skyline”*.

The proposed project complies with the goal of the Central Business District Classification by:

- replacing a 2-story commercial building and surface parking lot with a dense mixed use project;
- adding new residents and retail services to grow both the residential and business sectors;
- contributing a visually interesting building adding new height, and lights to the city skyline, providing amenities within the building such as roof gardens, and restaurant/ retail activity at the street level

**ZONING ANALYSIS**

The revised project is compliant with zoning requirements.

**1. Activity and Facility**

Permanent Residential, Retail and Commercial activities and facilities are allowed in the CBD-C zone.

**2. Density and Ratio of the floor area to the land area (FAR)**

The base density for this site is 285 units. The affordable housing bonus is applied to the base density at the rate of 25% because the proposal includes 20 very low income units. The revised project has a lower FAR than the CBD-C zone allows even with the proposed density bonus.

*Density and FAR Summary*

<b>2044 Franklin</b>	<b>Area</b>	<b>Residential Density</b>	<b>Commercial FAR</b>	<b>Max Units/ Floor Area</b>
Allowed	25,568	1:90	20.0	284.8 / 511,360 sq. ft. FAR 20
Revision	25,568	1:72 with density bonus	5,385 sq. ft. commercial	357 /314.036 sq. ft. residential and commercial combined FAR 11.3 Entitlement FAR was 12.7

**3. Height and Bulk**

Height Area 7 allows unlimited height however building bulk and scale are still regulated by the maximum FAR and the requirement that the structure not exceed 85% of the site area above the base height. The proposed project is 44% of the site area above the base height.

*Height*

<b>2044 Franklin</b>	<b>Maximum Building Height</b>	<b>Maximum Height Building Base</b>	
Allowed	Unlimited	120 feet	Meets Code
Revision	269 feet	77 feet	Meets Code

**4. Setbacks**

To facilitate buildings with active street fronts and a continuous street wall, the CBD-C zone allows zero setbacks on all frontages.

- Zoning sets a maximum setback of 5 feet on the ground floor and the first 2 upper stories on at least 75% of the frontage for two frontages.
- The revision meets all setback standards.

**5. Open space and landscaping**

A concession for group open space requirements is requested under the state affordable housing program. 12,872 square feet of open space is provided and 26,775 square feet is required. the applicant has submitted documentation validating that provision of the additional open space would make the proposed affordable housing infeasible. consequently, the proposal qualifies for a concession to reduce the open space requirement rather than a variance. The group open space will



occur in a roof top common amenity facility of 6,600 square feet and at the ground level with 6,272 square feet.

*Open Space*

Rate: 75 sf/unit	Required	Provided		Total SF Provided
		Public	Open Space concession for Affordable Housing	
357 Units	26,775	6,600 roof deck 6,272 sf ground floor	13,903 sf	<b>12,872</b>

- The ground floor group courtyard open space is accessible to all units and meets size and accessibility standards. It includes a path between Webster and Franklin Street with a gated entry from the residential lobby. It also meets the 50% landscape requirement for group open space.
- The roof top open space is available to all units. It includes 4 BBQ and seating areas, a movie projection area and communal dining and vegetable planters. The landscape area meets size, location, openness and usability criteria
- Street trees are provided on all street frontages
- A planter is provided between the street and dining Arcade on Webster Street

**6. Bicycle Parking**

Bicycle parking meets code with a surplus of long term spaces.

Bicycle Parking		Required		Provided	
		Long Term	Short Term	Long Term	Short Term
Residential	357 units	90	18	126	18
Retail	5,400 SF	2	2	2	2
Total		92	20	128	20

**7. Loading /Recycling**

The revised project meets these standards if all the proposed facilities are used for recycling.

- Waste is not regulated in the zoning code.
- A Standard condition of approval requires a waste management plan.

<i>Summary</i>	Required	Proposed
Loading	2 spaces	2 spaces
Recycling	29 cubic Yards	30 Yards

## DESIGN REVIEW

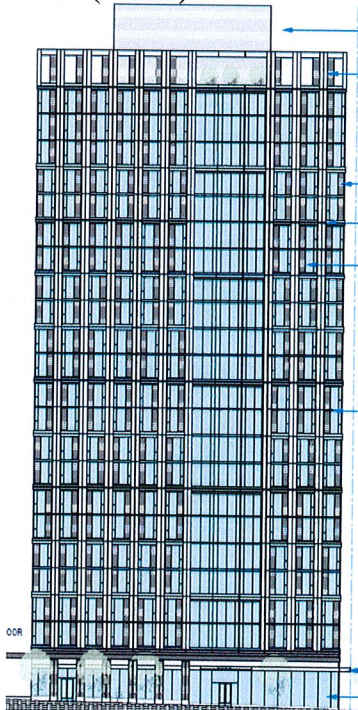


The proposed design reduces scale and enhances visual interest by breaking up the mass of the building in smaller forms offset by a bank of windows.

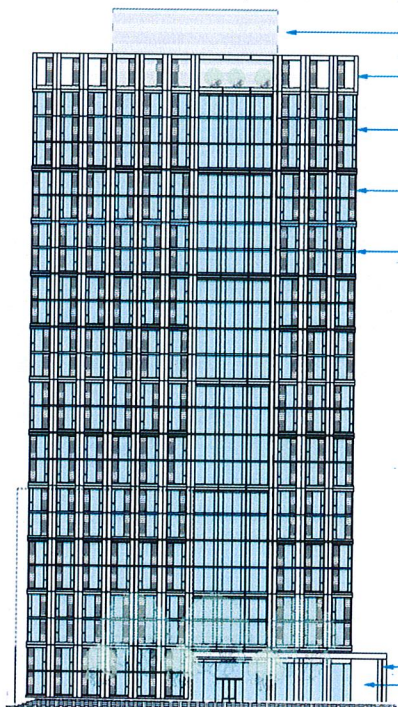
### 1. Elevations

All four elevations adhere to this scheme. The North/South sides have 6 sets of vertical columns offsetting the windows, and the East/West sides having 4 sets. There are no upper story setbacks so the building presents as a straight shot from earth to sky.

#### Interior (South)

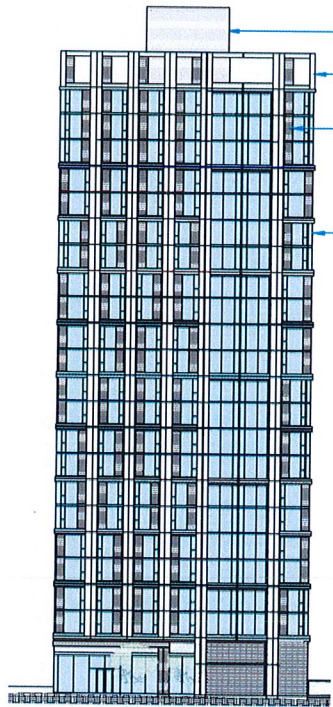


#### 21<sup>st</sup> St. (North) Main Entry

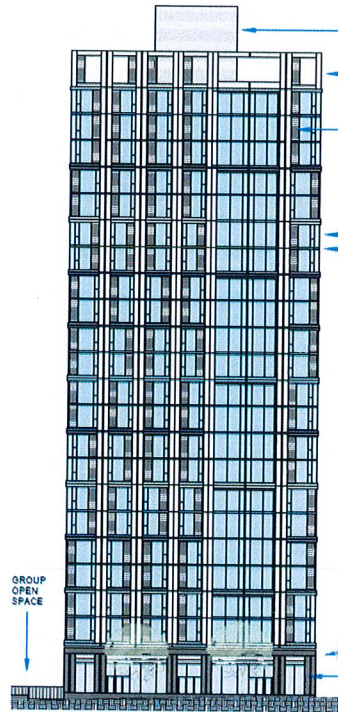




The east and west elevations have the same design concept except that on these sides the window bank composes a larger percentage of the façade.



**Franklin Street (West)**



**Webster Street (East)**

The ground floor treatment varies on each elevation.

- The main entry to the building is on 21<sup>st</sup> St. where a 2,200-sf lobby is flanked by mail room and leasing office functions. This ground floor also includes entry for retail space at each corner.
- The interior side of the building includes a large group open space that has both pavers and landscaping. The open space continues through the side of the lot with gate access to both Webster and Franklin streets. A generator is also located in this area.
- The Webster Street façade includes retail space and an outdoor café seating area
- The Franklin façade includes retail and loading docks. There is no parking garage included in the project.

**2. Additional Design performance standards related to design review**

The revised project has a visually differentiated base, middle and top that provide additional visual interest.

**a. Base**

The base is identified by the retail space at the ground floor. A line of solid metal panel extends along the building and helps define and separate the base from the middle.



**b. Top**

A distinct visual terminus integrated into the design concept is required at the top of the building. The proposed “top” is composed of open rectangles above a continuous row of painted metal panels and glazing which create a horizontal element. The “top” treatment and is consistent on all sides. This illustration s shown from Franklin Street.



This version is recommended by DRC



c. Transparency

Design standards require 55% ground floor transparency for the principal building because it supports the quality of the pedestrian environment.

GROUND FLOOR TRANSPARENCY (Between 2' and 9' height)								
Frontage	Frontage Length	Frontage Height	Frontage Area		Glazing Length	Glazing Height	Glazing Area	
21st St.	153	7	1071		128	7	896	
Franklin St	94	7	658		48	7	336	
Webster S	94	7	658		78	7	546	
<b>Total</b>			<b>2387</b>	<b>Total</b>			<b>1778</b>	<b>Total</b>
							<b>74.49%</b>	<b>Percent Glazing</b>

d. Building Entrances

Design standards require one prominent entrance facing a primary street. For nonresidential activities, the entrance is to be at grade. Entrances may be identified by elements such as projecting or recessing door area, change in material, awnings, detailing or stairs. The tower building complies with this requirement.

- The 21<sup>st</sup> street façade (north) has both residential and retail entries at grade. Each entry has transparent doors and a canopy over the entry.
- The Webster St façade (east) has a commercial entry with transparent doors and canopy/outdoor cafe.
- The Franklin elevation (West) has one retail entry. The loading area with a curb cut and entry door also occur on this side of the building. The detail of the entry door is not yet shown.
- The interior elevation (South) opens on to a group open space from the residential lounge. The open space area is gated on both Webster and Franklin Streets. Details of this entry are also not yet shown.

e. Active street requirements

New buildings are required to have active first floor uses.

- The Webster façade includes an additional freestanding canopy structure defining an outdoor seating/food service area that augments the restaurant space planned for the first floor commercial on this frontage.
- The 21<sup>st</sup> and Franklin frontages have ground floor retail which contribute to the activation of these streets.

f. Upper Story Windows

The design standards require ample placement of windows above the ground floor at all street-fronting facades and require the design to achieve a coherent and appealing composition on the facade. This standard is addressed by large expanses of windows proposed through the design. The extensive glazing presented in the “window banks” in this proposal meet this criterion as do the large windows at the top of the tower.

g. Building Materials

The design continues to use modular construction and presents a modern tower composed of textured metal panels, painted aluminum panels and windows.



**DESIGN REVIEW COMMITTEE SUMMARY**

The Design Review Committee reviewed preliminary designs for the project on September 26, 2018. The consensus of the Committee was that the design concept, materials, color and window design meet the design criteria for buildings in the downtown. Four issues were raised by the Committee with a recommendation for further review

**1. Arcade/Outside Eating Area on Webster**

This arcade area is open air with a soft material draped across the ceiling. The space is intended to maximize transparency and visual contact with the street but provide a sheltered area separated from the sidewalk. The Design Review Committee recommended that the vertical columns be narrowed to reduce the heavier character of this arcade design.

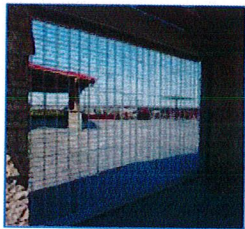


The revised project plans on page A5.2 address this issue.

**2. Security**

The arcade is open to the street although buffered by a landscape area. Staff raised the issue of security in after-hours and in response, the applicant proposed 3 alternate options for the Design Review Board's consideration. The Board recommended that these security options be removed from the proposal citing concerns about walling off the first-floor area at night. Board members felt that with a private business locating on the first-floor security issues could best be addressed by on site management.

**OPTION 1:  
CONCEALED ROLL DOWN GATE:**



**OPTION 2:  
SIDE FOLDING GATE**



**OPTION 3:  
FIXED PLANTER**



The Committee recommended that these options be eliminated.

**3. Generator/Security Fencing at Ground Floor Open Space**

The Board recommended approval of the ground floor generator with the screening proposed in the landscape plan. The applicant has amended the application to add additional fencing separating the open space from the arcade area.



**4. Top of Building**

The Board asked for clarification of the amount of paneling vs transparency at the top of the building. This design change was made by the applicant and it included in the plan set before the Commission.

**ENVIRONMENTAL DETERMINATION**

A CEQA determination was made for PLN17050 after Planning Commission consideration of a CEQA Analysis for the project. The analysis, titled 2044 Franklin St Mixed Use Project CEQA Analysis, was prepared by the environmental consulting firm Lamphier-Gregory (Consultant) November 8, 2017. The analysis found that the project, as conditioned, qualified for a CEQA exemption based on CEQA Guidelines Sections 15332, 15300, 15183 and 15183.3.

The Consultant evaluated the revised proposal to determine whether the changes in the project require additional CEQA analysis. The Consultant determined that the CEQA analysis and findings prepared for PLN17050 and adopted by the Planning Commission are still valid for the revised project PLN17050 RO1-RO. A memorandum documenting the Consultant's analysis and conclusions is attached Attachment D.

Accordingly, staff recommends that the Planning Commission determine that the potential environmental effects of the actions authorized by approval of the proposed modification to the previously approved Conditional Use Permit and Design Review Permit were adequately analyzed by the November 8, 2017 2044 Franklin St Mixed Use Project CEQA Analysis prepared by Lamphier-Gregory, and that reliance on the previously identified exemptions is appropriate.

**RECOMMENDATIONS:**

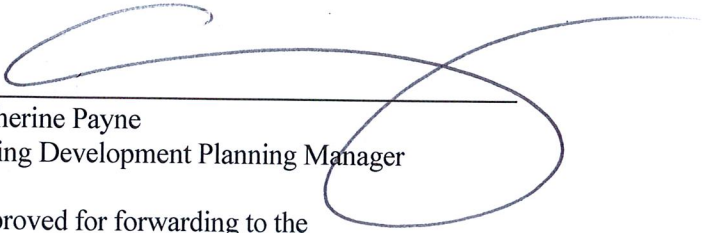
1. Affirm staff's environmental determination
2. Approve the Modification to the Conditional Use Permit and Design Review, subject to the attached findings and conditions.

Prepared by:




Rebecca Lind  
Planner III

Reviewed by:



Catherine Payne  
Acting Development Planning Manager

Approved for forwarding to the  
City Planning Commission:



ED MANASSE, Interim Deputy Director,  
Bureau of Planning

# ATTACHMENT A

## FINDINGS FOR APPROVAL

### FINDINGS

This proposal meets the required findings under, 17.134.050 -- General Use Permit Criteria, Sections 17.136.050 -- General Design Review Criteria. Required findings are shown in **bold** type; explanations as to why these findings can be made are in *italic*. 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 this record.

#### 17.134.050 General Use Permit criteria.

- A. 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 project fulfills this finding for the following reasons:*

- The size, density and scale of the building and the planned residential, commercial and retail activities proposed at this location are consistent with redevelopment occurring in the Central Downtown core of the City. The project is not designed at the maximum or minimum, height, density, floor area ratio or mass allowed. The height of the main tower is 269' although unlimited height is allowed. The density is 72 sf of land area/unit where 90 sf land area/unit is allowed. The additional density is allowed consistent with the density bonus allowances in Planning code section 17.107.040 and state density bonus law. Despite the density bonus, the mass of the project is well within the allowed Floor Area Ratio (20 for this zoning district) with 44% coverage above 120' where 85% coverage is allowed. The planned activities include a mix of uses: 357 residential units, and 5,385 sf of ground floor retail/service. As documented in the application, the tower building will become one of 12 new buildings of similar height, scale and use approved for construction or in the planning process in the downtown.*
- This project will add active street uses including retail, an outdoor café, commercial and residential lobbies to the neighborhood where there is currently a surface parking lot and a two-story single user bank building.*
- The tower design provides a top of building element that will add interest and variety to the city skyline.*
- As conditioned, the proposal will fund stormwater, sidewalk, and other improvements surrounding the development.*

- B. 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 mix of 357 residential units, and 5385 sf of ground floor retail/service will provide an integrated and functional living, working and shopping experience for residents and employment and retail/service opportunities for the public.*
- *The ground floor activities on Franklin, Webster and 21<sup>st</sup> St provide active pedestrian scale retail.*
- *Open space on the first-floor courtyard and roof deck plus will be conveniently accessed by and available to residents. In addition, the building will be located near Lake Merritt recreational facilities.*
- *The project will include features which are consistent with the quality provided in other new developments and will be more attractive than much of the older development in this area. At the pedestrian level the buildings will have a higher degree of transparency than required. Changes in the window size and color will help differentiate the building base and middle, and a lighting at the top will add to the skyline and be particularly noticeable at night.*

**C. 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 proposal will contribute high quality residential units to the downtown resulting the typical spin off benefits associated with a downtown residential population: activity on the weekends and evenings, increased demand for services, and increased disposable income that can support downtown retail, cultural and civic activities.*
- *Nonresidential activities will create local employment and additional demand supporting other existing businesses. The proposed café and retail space will provide additional services for the existing downtown population.*

**D. That the proposal conforms to all applicable regular design review criteria set forth in the regular design review procedure at Section 17.136.050**

*See Design Review Findings.*

**E. 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 has been adopted by the Planning Commission or City Council.**

*The project as described in the General Plan Analysis sections of this report is the type of new development needed to build 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 called for in the Central Business District Land Use designation. The density, range of activities provided and design of the building and site plan meet policy Policy D2.1 Enhancing the Downtown.: It is a dense urban scale mixed use development that will bring population and employment into the downtown. It will support transit and a non- motor modes of transportation. It will contribute visually to Oakland's streetscape by having activity at the pedestrian level and contribute to the skyline with its building " top " lantern design.*

**Section 17.136.050 Regular design review criteria.**

**A. For Residential Facilities.**

**1. That 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 project consists of: a 22 story residential tower of 269 feet with ground floor retail.*
- *The proposed height and bulk of the project would be consistent with the surrounding neighborhood; there are 8 such high rise projects within 2 blocks of the project site.*
- *The base of the tower consists of ground floor retail space. The double height retail space continues the pedestrian retail experience from the adjacent 2 story retail buildings on 15<sup>th</sup> street.*
- *The materials and texture enhance the visual interest of the buildings. The ground floor retail is primarily clad with an aluminum window system with clear glazing. There are projecting canopies to add interest and material variety to the street experience. The mid portion of the tower consists of 22 residential levels clad in a metal panel system and curtain wall glazing system. The top of the tower is defined by a glass curtain wall system with accent lighting as a decorative top. .*

**2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics;**

- *The pedestrian retail experience is one of the more desirable characteristics of the neighborhood. The proposed project will enhance this experience by providing a large retail and/or restaurant space along Webster and Franklin, and 21<sup>st</sup> Sts.*
- *The ground floor storefront is setback 3 feet and can be used for small outdoor seating adjacent to the glass. At Webster St the project is setback more than the maximum 5' allowed and there will be a large outdoor seating area located here for the retail space to utilize.*
- *The existing sidewalk will be replaced with a new sidewalk and decorative concrete accents.*
- *The project is also proposing large operable doors on the ground floor to open up the ground floor and activate the sidewalk.*

**1. That the proposed design will be sensitive to the topography and landscape.**

- *The project is an urban infill development that extends from lot line to lot line.*
- *The project is not proposing to adjust any of the offsite grading or flow lines in the curb and will conform to the existing topography around the perimeter of the site.*
- *The site is covered by existing buildings and an asphalt parking lot, and there is no existing landscaping on site.*

**That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill; Not applicable**



2. That 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 have been adopted by the Planning Commission or City Council.

- *The project conforms to the General Plan in terms of use intensity density and range of allowed activities.*
- *The project provides the kind of urban mixed use infill project that implements the General Plan Goal of creating the downtown area as a high density mixed use urban center of regional importance.*
- *The project implements Policy D2.1 Enhancing the Downtown.: The design results in a dense urban scale mixed use development that will contribute visually to Oakland's downtown area. at both the street level, and in the skyline.*
- *The project conforms to the specific design guidelines in Zoning Code Section 17.58 .060 B Design Standards relating to building entrances, massing, building terminus, upper story windows and Materials and transparency requirements. These particular requirements are analyzed in the design review section of this report.*

B. For Nonresidential Facilities and Signs.

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;

*The design of the commercial portions of this project are analyzed in the Design Review analysis sections of this report and included in the finding for Residential projects. In addition, as the proposal is a mixed use project, the residential and non residential components are well integrated with each other.*

2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area; *The proposal will project the value of investments in the area by providing an attractive retail/ service component to the neighborhood.*

3. That 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 have been adopted by the Planning Commission or City Council.

- *The commercial components of this project comply with the General Plan and meet the specific design requirement of Section Zoning Code Section 17.58 .060 B. as analyzed in the General Plan section, Design Review section and Residential Findings for Design Review section of this report.*

## ATTACHMENT B CONDITIONS OF APPROVAL

### Part 1: General Administrative Conditions

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#### 1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report of November 7, 2018, and the approved plans dated October 19, 2018 and submitted on October 19, 2018, and as amended by the following 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 2 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. 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 sixty (60) days of approval, unless an earlier date is specified elsewhere.

**8. Indemnification**

- d. 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.

- e. 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. 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, Department of Transportation, 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. Standard Conditions of Approval / Mitigation Monitoring and Reporting Program (SCAMMRP)**

- f. All mitigation measures identified in the 2044 Franklin Street CEQA Analysis Document are included in the Standard Condition of Approval / Mitigation Monitoring and Reporting Program (SCAMMRP) which is included in these Conditions of Approval and are incorporated herein by reference, as Attachment C, as Conditions of Approval of the project. The Standard Conditions of Approval identified in the 2044 Franklin Street CEQA Analysis Document are also included in the SCAMMRP, and are, therefore, incorporated into these Conditions by reference but are not repeated in these Conditions. To the extent that there is any inconsistency between the SCAMMRP and these Conditions, the more restrictive Conditions shall govern. In the event a Standard Condition of Approval or mitigation measure recommended in the 2044 Franklin Street CEQA Document has been inadvertently omitted from the SCAMMRP, that Standard Condition of Approval or mitigation measure is adopted and incorporated from the 2044 Franklin Street CEQA Document into the SCAMMRP by reference, and adopted as a Condition of Approval. The project applicant and property owner shall be responsible for compliance with the requirements of any submitted and approved technical reports, all applicable mitigation measures adopted, and with all Conditions of Approval set forth herein at his/her sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or Condition of Approval, and subject to the review and approval by the City of Oakland. The SCAMMRP identifies the timeframe and responsible party for implementation and monitoring for each Standard Condition of Approval and mitigation measure. Unless otherwise specified, monitoring of compliance with the Standard Conditions of Approval and mitigation measures will be the responsibility of the Bureau of Planning, with overall authority concerning compliance residing with the Environmental Review Officer. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in section 21081.6 of CEQA.

- g. Prior to the issuance of the first construction-related permit, the project applicant shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

## **Part B. Project Specific Conditions of Approval**

### **15. Exterior Finishes/Final Design Details**

Requirement: The final building permit plan set shall contain detailed information on all proposed exterior finishes and elevations for approval by the Director of Planning. If requested sample materials shall be submitted to the Bureau of Planning.

When Required: Prior to issuance of a building permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

### **16. Engineering Conditions of Approval**

Applicant shall obtain a PX Permit and address all conditions in the Memorandum from the Department of Public Works dated July 12, 2017.

### **17. Tentative Map**

1. The project will require the establishment of City Monuments as determined by the City Surveyor upon submission of the Final Map.
2. The Project will require the establishment of a City Benchmark as determined by the City Surveyor upon submission of the final map. The City will supply the bronze disk to be used.
3. All interior existing and historic lot lines shall be abandoned or removed by the final map
4. No Portion of the buildings shall extend over the property lines without the appropriate easement which shall be shown on the final map and cite its recordation information
5. No portion of the buildings shall extend over the Right of Way line without the authorization of the Right of Way Engineer. Any required encroachment permit shall be shown as an easement which shall be shown on the final map and cite its recordation information.
6. Any existing under-sidewalk 'delivery vault' shall be removed and backfilled or, if to remain, shall require a major encroachment permit obtainable from the Right of Way Engineer Any required encroachment permit shall be shown as an easement which shall be shown on the final map and cite its recordation information
7. As noted, the lack of the plan set being based on City of Oakland datum prevents the invert records of the various sewer and storm lines from being accurately



checked. Sewer and drainage review is therefore pending until receipt of a corrected tentative map.

### **18. Public Art for Private Development Condition of Approval**

**Requirement:** The project is subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). The public art contribution requirements are equivalent to one-half percent (0.5%) for the "residential" building development costs, and one percent (1.0%) for the "non-residential" building development costs. The contribution requirement can be met through the commission or acquisition and installation of publicly accessible art fund, or satisfaction of alternative compliance methods described in the Ordinance. The applicant shall provide proof of full payment of the in-lieu contribution, or provide proof of installation of artwork on the development site prior to the City's issuance of a final certificate of occupancy for each phase unless a separate, legal binding 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 and/or be an Oakland-based 501(c) (3) tax designated organization in good standing.

**When Required:** Prior to issuance Building Permit and Ongoing

**Initial Approval:** Bureau of Planning

### **19. Covenants, Conditions and Restrictions & Homeowner's Association**

**Requirement:** When the condominium units created are offered for sale, the Covenants, Conditions and Restrictions (CC&Rs) for the approved units shall be submitted to the Planning and Zoning Division for review. The CC&Rs shall provide for the establishment of a non-profit homeowners association to maintain and operate of all common landscaping, driveways, and other facilities, in accordance with approved plans. Membership in the association shall be made a condition of ownership. The developer shall be a member of such association until all units are sold.

**When Required:** If the condominium units are offered for immediate sale, within one year after issuance of the first certificate of occupancy. If not, prior to the first sale of a condominium unit.

### **20. Pedestrian Safety Improvements**

**Requirement:** As part of review of the required PX permit the applicant shall work with the Department of Transportation and the Department of Public Works to provide public safety improvements at the intersections directly adjacent to this site and shall consider pedestrian bulbouts to increase sidewalk space and reduced crossing distance subject to review and approval by the Public Works and Transportation Departments.

**Initial Approval:** Planning Bureau, Transportation and Public Works Departments

**When required:** Prior to the PX Permit

**Monitoring/Inspection:** Bureau of Building\_\_\_\_\_

**ATTACHMENT C  
CITY OF OAKLAND – STANDARD CONDITIONS OF APPROVAL**

The City of Oakland's Uniformly Applied Development Standards adopted as Standard Conditions of Approval (Standard Conditions of Approval, or SCAs) were originally adopted by the City in 2008 (Ordinance No. 12899 C.M.S.) pursuant to Public Resources Code section 21083.3) and have been incrementally updated over time. The most recent update was adopted April 11, 2017. The SCAs incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection, Stormwater Water Management and Discharge Control Ordinance, Oakland Tree Protection Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) permit requirements, Green Building Ordinance, historic/Landmark status, California Building Code, and Uniform Fire Code, among others), which have been found to substantially mitigate environmental effects.

These SCAs are incorporated into projects as conditions of approval, regardless of the determination of a project's environmental impacts. As applicable, the SCAs are adopted as requirements of an individual project when it is approved by the City, and are designed to, and will, avoid or substantially reduce a project's environmental effects.

In reviewing project applications, the City determines which SCAs apply based upon the zoning district, community plan, and the type of permits/approvals required for the project. Depending on the specific characteristics of the project type and/or project site, the City will determine which SCAs apply to a specific project. Because these SCAs are mandatory City requirements imposed on a city-wide basis, environmental analyses assume that these SCAs will be imposed and implemented by the project, and are not imposed as mitigation measures under CEQA.

All SCAs identified in the CEQA Analysis—which is consistent with the measures and conditions presented in the City of Oakland General Plan, Land Use and Transportation EIR (LUTE EIR, 1998)—are included herein. To the extent that any SCA identified in the CEQA Analysis was inadvertently omitted, it is automatically incorporated herein by reference.

The first column identifies the SCA applicable to that topic in the CEQA Analysis.

The second column identifies the monitoring schedule or timing applicable to the project.

The third column names the party responsible for monitoring the required action for the project.

In addition to the SCAs identified and discussed in the CEQA Analysis, other SCAs that are applicable to the project are included herein.

The project sponsor is responsible for compliance with any recommendations in approved technical reports and with all SCAs set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific SCA, and subject to the review and approval of the City of Oakland. Overall monitoring and compliance with the SCAs will be the responsibility of the Planning and Zoning Division. Prior to the issuance of a demolition, grading, and/or construction permit, the project sponsor shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

Note that the SCAs included in this document are referred to using an abbreviation for the environmental topic area and are numbered sequentially for each topic area—i.e., SCA AIR-1, SCA AIR-2, etc. The SCA title and the SCA number that corresponds to the City's master SCA list are also provided—i.e., SCA AIR-1: **Construction-Related Air Pollution (Dust and Equipment Emissions) (#19)**.



Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<b>Aesthetics, Shadow and Wind</b>			
<p><b>SCA AES-1: Graffiti Control. (#16)</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.</li> <li>ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.</li> <li>iii. Use of paint with anti-graffiti coating.</li> <li>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).</li> <li>v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.</li> </ul> <p>b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include:</p> <ul style="list-style-type: none"> <li>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.</li> <li>ii. Covering with new paint to match the color of the surrounding surface.</li> <li>iii. Replacing with new surfacing (with City permits if required).</li> </ul>	Ongoing	N/A	Bureau of Building
<p><b>SCA AES-2: Landscape Plan. (#17)</b></p> <p>a. <i>Landscape Plan Required</i></p> <p>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.</p>	Prior to approval of construction-related permit	Bureau of Planning	N/A
<p>b. <i>Landscape Installation</i></p> <p>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.</p>	Prior to building permit final	Bureau of Planning	Bureau of Building
<p>c. <i>Landscape Maintenance</i></p> <p>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</p>	Ongoing	N/A	Bureau of Building

ATTACHMENT C

	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p><b>Standard Conditions of Approval</b></p> <p>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.</p>			
<p><b>SCA AES-3: Lighting. (#18)</b></p> <p>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.</p>	Prior to building permit final	N/A	Bureau of Building
<p><b>SCA AES-4: Bird Collision Reduction Measures (#25).</b></p> <p>The project applicant shall submit a Bird Collision Reduction Plan for City review and approval to reduce potential bird collisions to the maximum feasible extent. The Plan shall include all of the following mandatory measures, as well as applicable and specific project Best Management Practice (BMP) strategies to reduce bird strike impacts to the maximum feasible extent. The project applicant shall implement the approved Plan. Mandatory measures include <u>all</u> of the following:</p> <ol style="list-style-type: none"> <li>i. For large buildings subject to federal aviation safety regulations, install minimum intensity white strobe lighting with three second flash instead of solid red or rotating lights.</li> <li>ii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures.</li> <li>iii. Monopole structures or antennas shall not include guy wires.</li> <li>iv. Avoid the use of mirrors in landscape design.</li> <li>v. Avoid placement of bird-friendly attractants (i.e., landscaped areas, vegetated roofs, water features) near glass unless shielded by architectural features taller than the attractant that incorporate bird friendly treatments no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule), as explained below.</li> </ol> <p>VI. Apply bird-friendly glazing treatments to no less than 90 percent of all windows and glass between the ground and 60 feet above ground or to the height of existing adjacent landscape or the height of the proposed landscape. Examples of bird-friendly glazing treatments include the following:</p> <ul style="list-style-type: none"> <li>• Use opaque glass in window panes instead of reflective glass.</li> <li>• Uniformly cover the interior or exterior of clear glass surface with patterns (e.g., dots, stripes, decals, images, abstract patterns). Patterns can be etched, fritted, or on films and shall have a density of no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule).</li> <li>• Install paned glass with fenestration patterns with vertical and horizontal mullions no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule).</li> </ul>	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<ul style="list-style-type: none"> <li>◦ Install external screens over non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects.</li> <li>◦ Install UV-pattern reflective glass, laminated glass with a patterned UV-reflective coating, or UV-absorbing and UV-reflecting film on the glass since most birds can see ultraviolet light, which is invisible to humans.</li> <li>◦ Install decorative grilles, screens, netting, or louvers, with openings no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule).</li> <li>◦ Install awnings, overhangs, sunshades, or light shelves directly adjacent to clear glass which is recessed on all sides.</li> <li>◦ Install opaque window film or window film with a pattern/design which also adheres to the "two-by-four" rule for coverage.</li> </ul> <p>vii. Reduce light pollution. Examples include the following:</p> <ul style="list-style-type: none"> <li>◦ Extinguish night-time architectural illumination treatments during bird migration season (February 15 to May 15 and August 15 to November 30).</li> <li>◦ Install time switch control devices or occupancy sensors on non-emergency interior lights that can be programmed to turn off during non-work hours and between 11:00 p.m. and sunrise.</li> <li>◦ Reduce perimeter lighting whenever possible.</li> <li>◦ Install full cut-off, shielded, or directional lighting to minimize light spillage, glare, or light trespass.</li> <li>◦ Do not use beams of lights during the spring (February 15 to May 15) or fall (August 15 to November 30) migration.</li> </ul> <p>viii. Develop and implement a building operation and management manual that promotes bird safety. Example measures in the manual include the following:</p> <ul style="list-style-type: none"> <li>◦ Donation of discovered dead bird specimens to an authorized bird conservation organization or museums (e.g., UC Berkeley Museum of Vertebrate Zoology) to aid in species identification and to benefit scientific study, as per all federal, state and local laws.</li> <li>◦ Distribution of educational materials on bird-safe practices for the building occupants. Contact Golden Gate Audubon Society or American Bird Conservancy for materials.</li> <li>◦ Asking employees to turn off task lighting at their work stations and draw office blinds, shades, curtains, or other window coverings at end of work day.</li> <li>◦ Install interior blinds, shades, or other window coverings in windows above the ground floor visible from the exterior as part of the construction contract, lease agreement, or CC&amp;Rs.</li> </ul>			



ATTACHMENT C

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<ul style="list-style-type: none"> <li>Schedule nightly maintenance during the day or to conclude before 11 p.m., if possible.</li> </ul>			
<b>Air Quality</b>			
<p><b>SCA AIR-1: Construction-Related Air Pollution (Dust and Equipment Emissions). (#19)</b></p> <p>The project applicant shall implement all of the following applicable air pollution control measures during construction of the project:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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).</li> <li>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.</li> <li>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.</li> <li>Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).</li> <li>Limit vehicle speeds on unpaved roads to 15 miles per hour.</li> <li>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.</li> <li>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</li> </ol>	During construction	N/A	Bureau of Planning

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Regulations ("California Air Resources Board Off-Road Diesel Regulations").</p> <p>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.</p> <p>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.</p> <p>k. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.</p> <p>l. All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.</p> <p>m. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</p> <p>n. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).</p> <p>o. Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.</p> <p>p. Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind blown dust. Wind breaks must have a maximum 50 percent air porosity.</p> <p>q. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.</p> <p>r. Activities such as excavation, grading, and other ground-disturbing construction activities shall be phased to minimize the amount of disturbed surface area at any one time.</p> <p>s. All trucks and equipment, including tires, shall be washed off prior to leaving the site.</p>			

ATTACHMENT C

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>t. 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.</p> <p>u. All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) must meet emissions and performance requirements one year in advance of any fleet deadlines. Upon request by the City, the project applicant shall provide written documentation that fleet requirements have been met.</p> <p>v. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).</p> <p>w. All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.</p> <p>x. Off-road heavy diesel engines shall meet the California Air Resources Board’s most recent certification standard.</p> <p>y. Post a publicly-visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City’s Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.</p>			
<p><b>Note: Screening analysis presented in Attachment E has demonstrated that the Project would be below the applicable threshold. No further action is required under this SCA.</b></p> <p><b>SCA AIR-2: Exposure to Air Pollution (Toxic Air Contaminants). (#20)</b></p> <p><i>a. Health Risk Reduction Measures</i></p> <p>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 <u>one</u> of the following methods:</p> <p>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</p>	Prior to Approval of Construction-Related Permit	Bureau of Planning	Bureau of Building



Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>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.</p> <p style="text-align: center;">-- or --</p> <p>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:</p> <ul style="list-style-type: none"> <li>◦ 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.</li> <li>◦ Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).</li> <li>◦ Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.</li> <li>◦ 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.</li> <li>◦ Sensitive receptors shall be located on the upper floors of buildings, if feasible.</li> <li>◦ 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 (<i>Pinus nigra</i> var. <i>maritima</i>), Cypress (<i>X Cupressocyparis leylandii</i>), Hybrid poplar (<i>Populus deltoids X trichocarpa</i>), and Redwood (<i>Sequoia sempervirens</i>).</li> <li>◦ Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.</li> <li>◦ Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible.</li> </ul>			

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<ul style="list-style-type: none"> <li>• Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible:               <ul style="list-style-type: none"> <li>○ Installing electrical hook-ups for diesel trucks at loading docks.</li> <li>○ Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.</li> <li>○ Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels.</li> <li>○ Prohibiting trucks from idling for more than two minutes.</li> <li>○ 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.</li> </ul> </li> </ul>			
<p><i>b. Maintenance of Health Risk Reduction Measures:</i></p> <p>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.</p>	Ongoing	N/A	Bureau of Building
<p><b>SCA AIR-3: Stationary Sources of Air Pollution (Toxic Air Contaminants). (#21)</b> The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants.</p>	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building
<p><b>SCA AIR-4: Asbestos in Structures (#23).</b> 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.</p>	Prior to approval of construction-related permit	Applicable regulatory agency with jurisdiction	Applicable regulatory agency with jurisdiction
<b>Biological Resources</b>			
<p><b>SCA BIO-1: Tree Removal During Bird Breeding Season. (#26)</b></p> <p>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</p>	Prior to removal of trees	Bureau of Building.	Bureau of Building.

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<p>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.</p>			
<p><b>SCA BIO-3: Tree Permit. (#27)</b>  <i>a. Tree Permit Required</i>                      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.</p>	<p>Prior to approval of construction-related permit</p>	<p>Permit approval by Public Works Department, Tree Division; evidence of approval submitted to Bureau of Building</p>	<p>Bureau of Building</p>
<p><i>b. Tree Protection During Construction</i>                      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:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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</li> </ul>	<p>During construction</p>	<p>Public Works Department, Tree Division</p>	<p>Bureau of Building</p>



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<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>			
<p><i>c. Tree Replacement Plantings</i></p> <p>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:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Replacement tree species shall consist of <i>Sequoia sempervirens</i> (Coast Redwood), <i>Quercus agrifolia</i> (Coast Live Oak), <i>Arbutus menziesii</i> (Madrone), <i>Aesculus californica</i> (California Buckeye), <i>Umbellularia californica</i> (California Bay Laurel), or other tree species acceptable to the Tree Division.</li> <li>• 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.</li> <li>• Minimum planting areas must be available on site as follows: <ul style="list-style-type: none"> <li>○ For <i>Sequoia sempervirens</i>, three hundred fifteen (315) square feet per tree;</li> <li>○ For other species listed, seven hundred (700) square feet per tree.</li> </ul> </li> </ul>	Prior to building permit final	Public Works Department, Tree Division	Bureau of Building

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<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>			
<b>Cultural Resources</b>			
<p><b>SCA CULT-1: Archaeological and Paleontological Resources – Discovery During Construction. (#29)</b></p> <p>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.</p> <p>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 Project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable.</p>	During construction	N/A	Bureau of Building

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<p><b>Standard Conditions of Approval</b></p> <p>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.</p>			
<p><b>SCA CULT-2: Human Remains – Discovery during Construction. (#31):</b> 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.</p>	During Construction	N/A	Bureau of Building
<b>Geology and Soils</b>			
<p><b>SCA GEO-1: Construction-Related Permit(s). (#33)</b> 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.</p>	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building
<p><b>SCA GEO-2: Soils Report. (#34)</b> The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction.</p>	Prior to approval of construction-related permit	Bureau of Building	Bureau of Building
<b>Hazards and Hazardous Materials</b>			
<p><b>SCA HAZ-1: Hazardous Materials Related to Construction. (#39)</b></p>	During construction	N/A	Bureau of Building



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<p>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:</p> <ul style="list-style-type: none"> <li>a. Follow manufacture’s recommendations for use, storage, and disposal of chemical products used in construction;</li> <li>b. Avoid overtopping construction equipment fuel gas tanks;</li> <li>c. During routine maintenance of construction equipment, properly contain and remove grease and oils;</li> <li>d. Properly dispose of discarded containers of fuels and other chemicals;</li> <li>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</li> </ul> <p>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.</p>			
<p><b>SCA-HAZ-2: Hazardous Building Materials and Site Contamination. (#40)</b></p> <p><i>a. Hazardous Building Materials Assessment</i></p> <p>The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p>	<p>Prior to Approval of demolition, grading, or building Permit</p>	<p>Bureau of Building</p>	<p>Bureau of Building</p>

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<p><i>b. Environmental Site Assessment Required</i></p> <p>The Project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the Project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The Project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p>	Prior to approval of construction-related permit	Applicable regulatory agency with jurisdiction	Applicable regulatory agency with jurisdiction
<p><i>c. Health and Safety Plan Required</i></p> <p>The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan.</p>	Prior to Approval of Construction-Related Permit	Bureau of Building	Bureau of Building
<p><i>d. Best Management Practices (BMPs) Required for Contaminated Sites</i></p> <p>The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:</p> <ul style="list-style-type: none"> <li>i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.</li> <li>ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.</li> </ul>	During construction	N/A	Bureau of Building

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<p><b>SCA-HAZ-3: Hazardous Materials Business Plan. (#41)</b>                      The project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following:</p> <ol style="list-style-type: none"> <li>The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.</li> <li>The location of such hazardous materials.</li> <li>An emergency response plan including employee training information.</li> </ol> <p>A plan that describes the manner in which these materials are handled, transported, and disposed.</p>	Prior to building permit final	Oakland Fire Department	Oakland Fire Department
<b>Hydrology and Water Quality</b>			
<p><b>SCA HYD-1: Erosion and Sedimentation Control Measures for Construction. (#44).</b> The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.</p>	Prior to Approval of Construction-Related Permit	Bureau of Building	N/A
<p><b>SCA HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects. (#50)</b></p> <p><i>a. Post-Construction Stormwater Management Plan Required</i>                      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:</p> <ol style="list-style-type: none"> <li>Location and size of new and replaced impervious surface;</li> <li>Directional surface flow of stormwater runoff;</li> <li>Location of proposed on-site storm drain lines;</li> <li>Site design measures to reduce the amount of impervious surface area;</li> <li>Source control measures to limit stormwater pollution;</li> </ol>	Prior to Approval of Construction-Related Permit	Bureau of Planning; Bureau of Building	Bureau of Building

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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.			
<p><i>b. Maintenance Agreement Required</i></p> <p>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:</p> <p>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</p> <p>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.</p> <p>The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.</p>	Prior to Building Permit Final	Bureau of Building	Bureau of Building
<b>Noise</b>			
<p><b>SCA NOI-1: Construction Days/Hours. (#58):</b> The project applicant shall comply with the following restrictions concerning construction days and hours:</p> <p>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.</p> <p>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.</p> <p>c. No construction is allowed on Sunday or federal holidays.</p> <p>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.</p>	During Construction	N/A	Bureau of Building



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<p>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.</p>			
<p><b>SCA NOI-2: Construction Noise. (#59):</b> 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:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>c. Applicant shall use temporary power poles instead of generators where feasible.</li> <li>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.</li> <li>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.</li> </ul>	During Construction	N/A	Bureau of Building
<p><b>SCA NOI-3: Extreme Construction Noise. (#60)</b></p> <ul style="list-style-type: none"> <li>a. <i>Construction Noise Management Plan Required</i></li> </ul>	Prior to Approval	Bureau of Building	Bureau of Building

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<p>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:</p> <ul style="list-style-type: none"> <li>i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;</li> <li>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;</li> <li>iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;</li> <li>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</li> <li>v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.</li> </ul> <p>Based on the potential noise impacts from construction equipment to nearby sensitive receptors, the following draft site-specific noise attenuation measures are additionally recommended for inclusion in the Construction Noise Management Plan:</p> <p>Temporary noise barriers will be placed between the proposed construction activities and nearby receptors. The noise barriers may be constructed from plywood and installed on top of a portable concrete K-Rail system to be able to move and/or adjust the wall location during construction activities. A sound blanket system hung on scaffolding, or other noise reduction materials that result in an equivalent or greater noise reduction than plywood, may also be used. Due to the proximity of the commercial and apartment buildings located at the northern and southern borders of project site, respectively, the use of Sound Transmission Class (STC) rated materials, or other materials that could similarly provide high levels of noise reduction above what plywood or sound blankets alone could provide, should be incorporated into the design of the noise barriers installed at these borders. An STC rating roughly equals the decibel reduction in noise volume that a wall, window, or door can provide. Therefore, using STC-rated materials could substantially increase the level of noise reduction provided by the barrier. The composition, location, height, and width of the barriers during different phases of construction will be determined by a qualified acoustical</p>			

Standard Conditions of Approval	Implementation/Monitoring		
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<p>consultant and incorporated into the Construction Noise Management Plan for the project.</p> <p>Best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) will be used for project equipment and trucks during construction wherever feasible. For example, exhaust mufflers on pneumatic tools can lower noise levels by up to about 10 dBA and external jackets can lower noise levels by up to about 5 dBA.</p> <p>Noise control blankets will be utilized on the building structure as the building is erected to reduce noise emission from the site. The use of noise control blankets will particularly be targeted to cover the levels of the building that have line of sight with the windows of adjacent receptors;</p> <p>Construction equipment will be positioned as far away from noise-sensitive receptors as possible. The project site is surrounded by hard surfaces, and therefore, for every doubling of the distance between a given receptor and construction equipment, noise will be reduced by approximately 6 dBA.</p> <p><i>b. Public Notification Required</i></p> <p>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.</p>			
<p><b>SCA NOI-4: Project-Specific Construction Noise Reduction Measures. (#61):</b> 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 noise impacts. The project applicant shall implement the approved Plan during construction.</p>	Prior to Approval of Construction-Related Permit	Bureau of Building	Bureau of Building
<p><b>SCA NOI-5: Construction Noise Complaints. (#62):</b> 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:</p> <ol style="list-style-type: none"> <li>Designation of an on-site construction complaint and enforcement manager for the project;</li> <li>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;</li> </ol>	Prior to Approval of Construction-Related Permit	Bureau of Building	Bureau of Building

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Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>c. Protocols for receiving, responding to, and tracking received complaints; and</p> <p>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.</p>			
<p><b>SCA NOI-6: Exposure to Community Noise. (#63):</b> The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following:</p> <p>a. 45 dBA: Residential activities, civic activities, hotels.</p> <p>b. 50 dBA: Administrative offices; group assembly activities.</p> <p>c. 55 dBA: Commercial activities.</p> <p>d. 65 dBA: Industrial activities.</p>	Prior to Approval of Construction-Related Permit	Bureau of Planning	Bureau of Building
<p><b>SCA NOI-7: Operational Noise. (#64).</b> 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.</p>	Ongoing	N/A	Bureau of Building
<b>Transportation /Traffic</b>			
<p><b>SCA TRANS-1: Construction Activity in the Public Right-of-Way. (#68)</b></p> <p><i>a. Obstruction Permit Required</i></p> <p>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.</p>	Prior to Approval of Construction Related Permit	Bureau of Building	Bureau of Building
<p><i>b. Traffic Control Plan Required</i></p> <p>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.</p>	Prior to Approval of Construction Related Permit	Public Works Department, Transportation Services Division	Bureau of Building



Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p><i>c. Repair City Streets</i></p> <p>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.</p>	Prior to Building Permit Final	N/A	Bureau of Building
<p><b>SCA TRANS-2: Bicycle Parking. (#69).</b> 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.</p>	Prior to approval of construction-related permit	Bureau of Planning	Bureau of Building
<p><b>SCA TRANS-3: Transportation and Parking Demand. (#71)</b></p> <p><i>a. Transportation and Parking Demand Management (TDM) Plan Required</i></p> <p>The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City.</p> <p>i. The goals of the TDM Plan shall be the following:</p> <ul style="list-style-type: none"> <li>a. Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable, consistent with the potential traffic and parking impacts of the project.</li> <li>b. Achieve the following project vehicle trip reductions (VTR):</li> <li>c. Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR</li> <li>d. Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR</li> <li>e. Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate.</li> <li>f. Enhance the City's transportation system, consistent with City policies and programs.</li> </ul> <p>ii. TDM strategies to consider include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>g. Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement.</li> <li>h. Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping.</li> <li>i. Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at</li> </ul>	Prior to Approval of Construction-Related Permit	Bureau of Planning	N/A

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Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>arterials, in addition to safety elements required to address safety impacts of the project.</p> <ul style="list-style-type: none"> <li>j. Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.</li> <li>k. Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.</li> <li>l. Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency).</li> <li>m. Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes.</li> <li>n. Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3).</li> <li>o. Guaranteed ride home program for employees, either through 511.org or through separate program.</li> <li>p. Pre-tax commuter benefits (commuter checks) for employees.</li> <li>q. Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants.</li> <li>r. On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools.</li> <li>s. Distribution of information concerning alternative transportation options.</li> <li>t. Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties.</li> <li>u. Parking management strategies including attendant/valet parking and shared parking spaces.</li> <li>v. Requiring tenants to provide opportunities and the ability to work off-site.</li> <li>w. Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week).</li> <li>x. Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours.</li> </ul>			

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines where feasible. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report.</p>			
<p><i>b. TDM Implementation — Physical Improvements</i></p> <p>For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project.</p>	Prior to Building Permit Final	Bureau of Building	Bureau of Building
<p><i>c. TDM Implementation — Operational Strategies</i></p> <p>For projects that generate 100 or more net new a.m. or p.m. peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.</p>	Ongoing	Bureau of Planning	Bureau of Planning
<b>Utilities and Service Systems</b>			
<p><b>SCA UTIL-1: Construction and Demolition Waste Reduction and Recycling. (#74)</b></p> <p>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</p>	Prior to Approval of Construction-Related Permit	Public Works Department, Environmental Services Division	Public Works Department, Environmental Services Division

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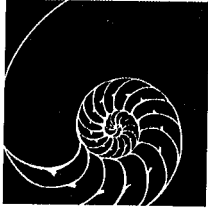
	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p><b>Standard Conditions of Approval</b></p> <p>accordance with current City requirements. The WRRP may be submitted electronically at <a href="http://www.greenhalo.com">www.greenhalo.com</a> or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.</p>			
<p><b>SCA UTIL-2: Underground Utilities. (#75)</b></p> <p>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&amp;E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.</p>	During Construction	N/A	Bureau of Building
<p><b>SCA UTIL-3: Recycling Collection and Storage Space. (#76)</b></p> <p>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.</p>	Prior to Approval of Construction-Related Permit	Bureau of Planning	Bureau of Building
<p><b>SCA UTIL-4: Green Building Requirements. (#77)</b></p> <p><i>a. Compliance with Green Building Requirements During Plan-Check</i></p> <p>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).</p> <p>i. The following information shall be submitted to the City for review and approval with the application for a building permit:</p> <p>Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.</p> <p>Completed copy of the final Green Building checklist approved during the review of the Planning and Zoning permit.</p>	Prior to Approval of Construction-Related Permit	Bureau of Building	N/A



Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.</p> <p>Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.</p> <p>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.</p> <p>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.</p> <p>Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.</p> <p>ii. The set of plans in subsection (i) shall demonstrate compliance with the following:</p> <p>CALGreen mandatory measures.</p> <p>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.</p> <p>A minimum of 23 points (3 Community; 6 IAQ/Health; 6 Resources; 8 Water) as defined by the Green Building Ordinance for Residential New Construction.</p> <p>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.</p> <p>The required green building point minimums in the appropriate credit categories.</p>			
<p>b. <i>Compliance with Green Building Requirements During Construction</i></p>	<p>During Construction</p>	<p>N/A</p>	<p>Bureau of Building</p>

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Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project.</p> <p>The following information shall be submitted to the City for review and approval:</p> <p>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.</p> <p>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.</p> <p>Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.</p>			
<p><i>c. Compliance with Green Building Requirements After Construction</i></p> <p>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.</p>	After Project Completion as Specified	Bureau of Planning	Bureau of Building
<p><b>SCA UTIL-5: Sanitary Sewer System. (#79)</b></p> <p>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.</p>	Prior to Approval of Construction-Related Permit	Public Works Department, Department of Engineering and Construction	N/A
<p><b>SCA UTIL-6: Storm Drain System. (#80)</b></p> <p>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.</p>	Prior to Approval of Construction-Related Permit	Bureau of Building	Bureau of Building



# LAMPHIER-GREGORY

*Technical Memorandum*

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Subject: **2044 Franklin Street Project – Assessment of Project Changes**

Date: October 3, 2018

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## **Background and Purpose**

A prior environmental analysis prepared for compliance with the California Environmental Quality Act (CEQA) for the 2044 Franklin Street Mixed Use Project (the “Original Project”) was completed and approved by the City in January 2018, providing substantial evidence in support of a finding that the project qualified for a Categorical Exemption as an “Infill Development” in accordance with CEQA Guidelines Section 15332. The environmental analysis also used CEQA streamlining and tiering provisions under CEQA Guidelines Sections 15183 and 15183.3 to tier from program level analyses completed in the City of Oakland General Plan Land Use and Transportation Element and its Environmental Impact Report (the LUTE EIR) and the Central District Urban Renewal Plan Amendments EIR (the Redevelopment Plan EIR), together referred to as the “Prior EIRs”. Consistent with these latter two sections of the CEQA Guidelines, the City of Oakland determined that no additional environmental review was required beyond what was included in that January 2018 CEQA Analysis document because that project did not result in “..project-specific significant effects that are peculiar to the project or its site,” and because the environmental effects of that project had already been addressed in the Prior EIRs.

The CEQA Analysis document was adopted by the Oakland Planning Commission at its hearing on January 10, 2018 in connection with the Commission’s approval of the Project (PLN 17050). The Project analyzed in that January 2018 CEQA Analysis document is referred to in this document as the “Original Project.”

Since adoption of the prior CEQA Analysis and approval of the Original Project, the applicant has proposed a number of changes, which, taken together would result in a smaller, less intense use of the site. The changes include removing the previously proposed 58,000 square feet of office space on floors 2 through 5, reducing the height of the building from 353.5 feet to 239 feet, eliminating all off-street parking spaces, revising the mix of residential dwelling units to increase the percentage of studio, 1- and 2-bedroom units and reduce the percentage of 2- and 3-bedroom units, and increasing the overall residential unit count from 184 units to 357 units. These site design and programming changes are more fully described under the *Revisions to the Project* header below. The revised project assessed in this document is referred to as the “Revised Project.”

The purpose of this Technical Memo is to assess whether currently proposed changes to the project would continue to meet the requirements of a CEQA Categorical Exemption as Infill Development under Section 15332 and the CEQA streamlining criteria as provided in California Environmental Quality Act (CEQA) Guidelines Sections 15183 and 15183.3.

These requirements are as follows:

### CEQA Exemption

CEQA Guidelines §15332 applies to urban infill development projects that meet the following conditions:

- (a) *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.*
- (b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*
- (c) *The project site has no value as habitat for endangered, rare or threatened species.*
- (d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- (e) *The site can be adequately served by all required utilities and public services.*

### Exceptions to the Exemption

Here the question is whether any of the exceptions to the use of the Exemption apply to the Revised Project. The exceptions are:

- (a) **Location.** *Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*
- (b) **Cumulative Impact.** *All exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*
- (c) **Significant Effect.** *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*
- (d) **Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*
- (e) **Hazardous Waste Sites.** *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*
- (f) **Historical Resources.** *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

### **Revisions to the Project**

The Revised Project is located on the same site as the Original Project, and the site remains unchanged in terms of its size (at approximately 25,568 square feet, or 0.59 acres) and characteristics. The site is



comprised of one legal parcel located at the northerly third of the block bounded by Webster Street on the east, 21st Street on the north, Franklin Street on the west and Thomas Berkeley Way on the south.

The significant changes proposed under the Revised Project are removal of the previously proposed commercial office space from floors 2 – 5 (approximately 58,000 square feet), elimination of the low-rise townhouse element (5 dwelling units), and redesign of the residential floor plans of the main building to achieve a greater percentage of smaller units and an increase in the overall number of residential dwelling units. The Revised Project would continue to provide at-grade commercial retail space.

The Revised Project would designate 5 percent of the total dwelling units (or 20 units) as affordable (i.e., price-restricted) to very low-income households. The nominal allowable residential density for the site under Planning Code regulations enables 1 dwelling unit per 90 square feet of lot area, resulting in a maximum of 285 dwelling units. However, the commitment for very low-income units enables a 25 percent density bonus; hence the Revised Project proposal includes 357 dwelling units (285 units at base density, times 25 percent density bonus equals 357 units total).

Other changes under the Revised Project include the following:

- The number of occupied floors would be reduced from 29 to 22
- The building height would be reduced from 353 feet to 239 feet
- The total gross floor area of the building would be reduced from 330,527 square feet to 314,036 square feet
- The previously proposed 58,000 square feet of commercial office space on floors 2 – 5 would be eliminated
- Ground floor commercial/retail space would be increased slightly from 5,350 square feet to 5,385 square feet
- All 86 off-street parking spaces would be eliminated
- The number of residential dwelling units would be increased from 184 units to 357 units
- The mix of residential dwelling units would be changed:

	<u>Studio</u>	<u>1 BR</u>	<u>2 BR</u>	<u>Penthouse</u>	<u>Townhouse</u>	<u>Total</u>
Original Project	0	44	132	3	5	184
Revised Project	126	126	105	0	0	357

- The provision of open space for building residents would change:

	<u>Private OS</u>	<u>Group OS</u>	<u>Total OS</u>
Original Project	7,760 sf	6,340 sf	14,100 sf
Revised Project	0 sf	12,872 sf	12,872 sf

- The single off-street loading space would move from the Webster St. side to the Franklin St. side and be enlarged to accommodate two off-street loading spaces.
- The amount of parking for bicycles would change:

	<u>Long Term</u>	<u>Short Term</u>	<u>Total</u>
<i>Residential</i>			
Original Project	46	9	55
Revised Project	90	18	108

*Office & Retail*

Original Project	10	5	15
Revised Project	2	2	4

- The architectural design of the building would change and proposed façade details are reflected in the drawings shown in **Figure 1**. Further details are available as part of the project file at the City of Oakland. The following is a summary of the proposed changes: Glazing and metal panel material that comprised the curtain wall of the Original Project are being used in a different pattern for the Revised Project. A dark colored, textured metal panel has been added at the base and intermittently as the building rises to add depth and interest to the façade. A prominent ground floor has been added, clad in the dark, textured panel to break up the massing. Building articulation has been modified to respond to the height reduction and appropriately address pedestrian level functions.

Further details about the Revised Project design and architecture are available as part of the project file at the City. The general rectangular massing of the Original Project's building is retained, but programing features of the building are either reduced in numbers or eliminated.

**CEQA Assessment**

Environmental topics for which changes as indicated in the Revised Project could potentially result in changes to the findings of the prior (January 2018) CEQA Analysis are addressed below.

Consistency with CEQA Guidelines Section 15332: CEQA Exemption as Infill Development

The discussion below focuses on whether the Revised Project would continue to meet criteria for a CEQA Exemption for Infill Development.

*Consistency with General Plan and zoning*

The prior CEQA Analysis found that the Original Project was consistent with applicable provisions and policies of the City's General Plan, as a site located within the downtown area of Oakland and with a land use designation of Central Business District (CBD). The Revised Project does not change to the City's General Plan or zoning designation for the site, and the Revised Project would remain consistent with those General Plan policies cited in the prior CEQA Analysis:

- **Policy D10.2: Locating Housing** - The Revised Project would provide housing in the downtown area, with easy access to public transit services
- **Policy D11.1: Promoting Mixed Use Development** - The Revised Project would provide space for commercial/retail use at the ground floor
- **Policy D11.2: Locating Mixed Use Development** - The Revised Project would provide space for commercial retail use at the ground floor

The Revised Project would be consistent with applicable provisions of the City's Zoning Ordinance (Chapter 17 of the Oakland Municipal Code, or OMC) in regards to the proposed number of dwelling units. The site is in zoning district Central Business District – Commercial (CBD-C) in which residential density is based on a ratio of 1 dwelling unit per 90 square feet of lot area. Based on that ratio, the 25,568 square-foot lot would yield a total of 285 units. Pursuant to OMC section 17.107.090, the base density can be increased by 25% in return for a commitment to provide for at least 5% of the total units at prices affordable to very low-income households (25% density bonus x 285 units of base density = 357 units).

The Revised Project would be consistent with the City's General Plan and zoning provisions and consistent with similar conclusions reached in the prior CEQA Analysis for the Original Project. The Revised Project meets this criteria for an Urban Infill exemption from CEQA.

*Site size and location*

The Revised Project is on the same site as the Original Project. That site is less than 5 acres and located within the incorporated City of Oakland. There is no change in the location or other characteristics of the site that would change the conclusion reached in the prior CEQA Analysis.

*Value as habitat for endangered, rare or threatened species*

The site of the Revised Project is the same as the Original Project which was determined to not include habitat for endangered, rare or threatened species. There is no change in the physical characteristics of the site that would change the conclusion reached in the CEQA Analysis, and the Revised Project meets this criterion for an Urban Infill exemption from CEQA.

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

Traffic

A Traffic Impact Study was prepared for the Original Project by Fehr & Peers, in accordance with the City's *CEQA Thresholds of Significance and Transportation Impact Study Guidelines*. That study used the Vehicle Miles Traveled (VMT) metric as its methodology for assessing impacts. Based on that study, the prior CEQA Analysis determined that the Original Project met the screening criteria for projects having a less than significant traffic impact.

The following demonstrates that the Revised Project also meets at least two VMT screening criteria and would also have a less than significant traffic impact:

*Criterion #2:* Like the Original Project, the Revised Project is located on a site within City of Oakland Traffic Analysis Zone (TAZ) #971. As indicated in the prior traffic impact study, this TAZ an average daily VMT per capita that is more than 15 percent below regional averages. Therefore, it is presumed that, like the Original Project, the Revised Project would not result in substantial additional VMT and project impacts according to the VMT criteria would be less than significant.

*Criterion #3:* The Revised Project site is located about 0.2 miles from the 19th Street BART Station and within 0.3 miles of frequent bus service along Broadway and 20th Street. The Revised Project would satisfy Criterion #3 because; 1) the Revised Project has an FAR of greater than 0.75, 2) the Revised Project does not provide more parking for use by residents, customers or employees than other typical nearby uses, nor would it provide more parking than allowed by the City Code (the Revised Project provides no off-street parking), and 3) the site on which the Revised Project is located is within the Downtown Priority Development Area (PDA) as defined by Plan Bay Area and is therefore consistent with the region's Sustainable Communities Strategy.

*Criterion #1:* This criterion applies to smaller projects that do not generate fewer than 100 vehicle trips per day. Since the Revised Project does not include any off-street parking, it is unlikely that it would generate more than 100 vehicle trips per day. However, no trip generation calculation has been prepared for the Revised Project that might identify potential use of transportation network companies (TNCs), car sharing, and reliance on nearby parking garages for vehicles owned by project residents, or other

types of vehicle trips that might be generated by the Revised Project. Therefore, this analysis does not rely on Criterion #1 for concluding that the Revised Project would not exceed VMT thresholds.

VMT Screening Conclusions: Like the Original project, the Revised Project would satisfy the low-VMT area criteria and the near-transit station criteria, and is therefore presumed to have a less than significant impact related to VMT.

### Noise

The prior CEQA Analysis concluded that the Original Project would not result in significant noise or vibration impacts because that project would be subject to the City of Oakland Standard Conditions of Approval (SCAs). The relevant SCAs were SCA NOI-1: Construction Days/Hours, SCA NOI-2: Construction Noise, SCA NOI-3: Extreme Construction Noise, SCA NOI-4: Project-Specific Construction Noise Reduction Measures, SCA NOI-5: Construction Noise Complaints, SCA NOI-6: Exposure to Community Noise, SCA NOI-7: Operational Noise, and SCA NOI-8: Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities. Compliance with the foregoing SCAs was deemed to ensure that the Original Project would not result in significant effects related to noise and vibration. Therefore, the Original Project was found consistent with CEQA Guidelines Section 15332(d)

In light of its smaller building size, the construction activities for the Revised Project would be somewhat shorter, resulting in a shorter duration of construction-related noise impacts to surrounding areas. Construction noise-related SCAs identified in the prior CEQA Analysis would be required of the Revised Project to ensure that noise related impacts are less than significant.

### Air Quality

The air quality study that was included in the prior CEQA Analysis found that all air quality and health risk related impacts of the Original Project would be less than significant, provided that the Original Project complied with all identified SCAs related to air quality. Given that the Revised Project would be smaller, and that it would not include any off-street parking, emission of pollutants both during construction and during on-going operations would likely be less than reported in the prior CEQA Analysis (i.e., remain less than significant). The same SCAs related to air quality would be required for the Revised Project to ensure that its impacts remain less than significant.

### Water Quality

The consideration of potential water quality impacts presented in the prior CEQA Analysis for the Original Project is similar for the Revised Project, because those factors that affect water quality (e.g., stormwater flows and the extent of pervious versus impervious surface area) remain essentially unchanged with a smaller Revised Project. All water quality impacts were found to be less than significant with implementation of applicable SCAs. The same SCAs included in the prior CEQA Analysis would continue to apply to the Revised Project.

### *Site can be adequately served by required utilities and services*

As with the Original Project, existing utilities including water, sewer, stormwater, electricity, natural gas and telecommunications systems are all available at the site, and at levels adequate to meet the demands of the Revised Project. Both the Original and Revised Projects are consistent with growth assumptions and supply planning for utilities and services, and no public facility improvements are anticipated as required to accommodate future demands. The Revised Project would not change the prior CEQA Analysis' conclusions related to public utilities.

With regard to public services, the increased number of dwelling units as proposed in the Revised Project would potentially result in a greater number of school-aged children among future residents, placing a greater demand on the public school system. However, the Revised Project's emphasis on smaller-sized dwelling units would partially offset this potential impact. The Revised Project would be subject to payment of school impact fees, which are deemed to reduce the potential impact to a less than significant level. Overall, potential impacts to public utilities and services would be similar or less than indicated for the Original Project and, in all cases, less than significant with implementation of the SCAs identified in the prior CEQA Analysis.

### Exceptions to the Use of a Categorical Exemption

CEQA provides that even if a project is exempt from environmental review because it meets the criteria of a categorical exemption, CEQA Guidelines Section 15300.2 provides specific instances where exceptions to otherwise applicable exemptions apply. The prior CEQA Analysis for the Original Project provided substantial evidence demonstrating that none of the exceptions to the use of the Infill Exemption were present. The discussion below reviews the findings of the prior CEQA Analysis in regards to the changes proposed with the Revised Project.

#### *Location*

The prior CEQA Analysis found that this exception did not apply to Class 32 Urban Infill exemptions. There are no changes to the location of the site and, and this exception does not apply to the Revised Project.

#### *Cumulative Impacts*

The CEQA Analysis found that this exception did not apply to the Original Project because that project was found consistent with applicable provisions of the City's General Plan and zoning, and that cumulative impacts from development in downtown Oakland had already been adequately addressed in the referenced Prior EIRs. The Revised Project does not include any changes that would result in greater or more severe cumulative impacts as compared with the Original Project, or as compared to the cumulative impacts addressed in the Prior EIRs. Therefore, this exception does not apply.

#### *Significant Effect*

The prior CEQA Analysis found that there were no known unusual circumstances applicable to the Original Project or its site that may result in a significant effect on the environment. Given that the Revised Project would be smaller and a less intense use of the same site, and would be subject to the same City of Oakland SCAs, there remains no known unusual circumstances applicable to the Revised Project or its site that may result in a significant effect on the environment. The exception under CEQA Guidelines Section 15300.2(c) does not apply to the Revised Project.

#### *Scenic Highway*

The prior CEQA Analysis found that the site does not contain trees, historic buildings, rock outcroppings or similar visual resources, and that it is not visible from any State Scenic Highways described in the General Plan's Scenic Highway Element or as identified by California Department of Transportation. There is nothing about the Revised Project that would change the previously described characteristics of the site in regards to potential impacts on resources visible from a scenic highway. The exception under CEQA Guidelines Section 15300.2(d) does not apply to the Revised Project.



### *List of Known Hazardous or Contaminated Sites*

The prior CEQA Analysis found that the site is not identified on any list compiled pursuant to Section 65962.5 of the Government Code (i.e., the Cortese List) and on that basis, concluded that the exception related to the presence of hazardous waste or known contamination did not apply. There have been no changes to the conditions at the site that would result in it being listed as an identified hazardous waste or known contaminated site, or that would make this exception applicable to the Revised Project.

### *Historic Resources*

The prior CEQA Analysis found that the existing building on the Project site does not qualify as an historic resource and therefore demolition of that building would not result in an environmental impact to historic resources. Potential impacts of the Original Project on the adjacent, historic Kaiser Center roof garden were found to be less than significant. The reduced height of the Revised Project would not result in any greater impacts on nearby historical resources as compared to that analyzed in the prior CEQA Analysis. City of Oakland SCAs (SCAs CULT-1 and CULT-2) would continue to apply to the Revised Project, assuring that potentially significant impacts to as-yet unknown archaeological or paleontological resources would remain less than significant. No aspect of the Revised Project would make this exception applicable.

### *Other Potential Effects*

#### *Shade and Shadow*

The prior CEQA Analysis included a study of shadow effects resulting from the 353-foot, 29-story Original Project, and concluded that shadow effects would be less than significant, including less than significant shading effects on the adjacent Kaiser Center Roof Garden. With the reduction in height to 239 feet, shadows from the Revised Project would shorter than the Original Project, and would remain less than significant.

#### *Wind*

The Original Project was subjected to a wind tunnel analysis, prepared by WindTech Consultants. The results of the wind tunnel test, included in the CEQA Analysis, were that the Original Project would not result in wind impacts in excess of the City of Oakland's significance threshold. Architectural plans for the Revised Project were submitted to WindTech for further assessment of potential wind impacts using their wind tunnel methodology. The results from WindTech's second wind tunnel study indicate that all 39 sensor locations tested within and around the project site satisfy the City of Oakland CEQA wind hazard threshold. Key excerpts from the study are presented below; the full report is included at the rear of this Tech Memo as **Attachment A**.

Under existing conditions, study results indicate that sidewalks along 21st Street and Franklin Street are exposed to an existing direct wind effect from the westerly direction as the winds travel along these streets and accelerate around the corners of the proposed and neighboring buildings. The outdoor trafficable areas along the western perimeter edge of the Kaiser Rooftop Garden are also exposed to an existing strong wind effect as the prevailing westerly winds are up-washed off the western building façade and subsequently reattaching on the rooftop garden. Similarly, the corner intersection of 21st Street and Franklin Street is exposed to strong reattachment flows over the existing building on the subject development site from the south-easterly direction.

For the scenario that assumes the proposed 2044 project, the results indicate the local wind conditions on the Kaiser Rooftop Garden and on the majority of the sidewalks

around the development site will be enhanced due to the shielding effect provided by the inclusion of the proposed development. The southern communal landscape area however is exposed to westerly winds funneling between the proposed development and the neighboring mid-rise building to the south. However, the wind conditions within these areas still satisfy the City of Oakland CEQA Wind Hazard Threshold.

For the cumulative scenario, the results indicate the inclusion of the cumulative surrounding buildings has a positive impact on the majority of the outdoor trafficable areas within and around the subject development. The outdoor trafficable areas where the future buildings will have an adverse impact on the local wind conditions will be on the northern boundary of the Kaiser Rooftop Garden (which will be exposed to reattachment flows around the future tower from the westerly direction) and on the sidewalks to the north and south of the subject development site on Webster Street due to funneling wind effects or recirculating down-wash wind effects off the future buildings. Nonetheless, wind conditions within these areas will still satisfy the City of Oakland CEQA Wind Hazard Threshold.

### Greenhouse Gas Emissions (GHG)

The prior CEQA Analysis included modeling of GHG emissions using the CalEEMod emission model. That prior analysis found that the Original Project's GHG emissions would exceed the 1,100 metric tons of carbon dioxide equivalent (MT CO<sub>2</sub>e) threshold, but would not exceed the 4.6 MT CO<sub>2</sub>e per effective service population ratio, and GHG emissions would be less than significant. That analysis also concluded that the Original Project's GHG emissions would be below the City of Oakland's threshold requiring preparation of a GHG Reduction Plan.

Additional modeling of GHG emissions using the CalEEMod emission model for the Revised Project has not been conducted, but comparisons using very conservative (i.e., worst-case) assumptions can be made between the Original and the Revised Project to estimate the Revised Project's GHG emission levels:

1. Based on the CalEEMod emission model results presented in Attachment B to the prior CEQA Analysis, the Original Project was estimated to generate total emissions of approximately 2,500 MT CO<sub>2</sub>e per year, including annualized construction emissions over a 40-year period. Of those total GHG emissions, 1,602 MT CO<sub>2</sub>e/year (64%) were from mobile sources, and 887 MT CO<sub>2</sub>e/yr (36%) were from other non-mobile sources.

**Conservatively Assume:** GHG emissions from non-mobile sources under the Original Project (annualized construction, area sources, energy consumption, solid waste and water use) remains constant under the Revised Project at 887 MT CO<sub>2</sub>e/yr, even though the Revised Project is smaller in size than the Original Project.

2. Attachment B to the prior CEQA Analysis showed that 184 apartment units would result in a total of approximately 1.73 million VMTs per year, generating approximately 795 MT CO<sub>2</sub>e/yr. Dividing the total apartment-based mobile source GHG emissions by the 184 units of apartments under the Original Project results in an average of approximately 4.39 MT CO<sub>2</sub>e/yr of mobile source emissions per apartment.

**Conservatively Assume:** The ratio of mobile source GHG emission per apartment unit as predicted for the Original Project remains similar under the Revised Project. Thus, the Revised Project's 357 apartment units would generate approximately 3.4 million VMTs per year, generating approximately

1,567 MT CO<sub>2</sub>e/yr. This very conservative assumption does not take into account that the Revised Project does not include any off-street parking, such that residents of the Revised Project would likely generate only a small fraction of the annual VMTs and associated GHG mobile source emissions as assumed for the Original Project. This assumption is used in this analysis for comparative purposes only.

3. Attachment B to the prior CEQA Analysis also showed that approximately 5,400 square feet of ground-floor retail space would generate 716,000 VMTs per year, resulting in approximately 328 MT CO<sub>2</sub>e/yr.

*Conservatively Assume:* The relatively similar amount of ground floor retail space of the Revised Project would generate the same VMTs and the same GHG emissions as assumed for the Original Project. This conservative assumption does not take into account that the Revised Project does not include any off-street parking, such that this ground floor retail space will be almost exclusively local serving and would likely generate only a small fraction of these annual VMTs and associated GHG emissions.

4. The prior CEQA Analysis assumed an average of 2.53 persons per household based on the latest US Census data for the City of Oakland, and 3 employees per 1,000 square feet of retail space.

*Conservatively Assume:* The Revised Project's emphasis on smaller-sized dwelling units (studios and 1-bedroom units) would instead have a lower per household population, assumed at approximately 1.87 persons per household.<sup>1</sup> At this ratio, The Revised Project's service population is estimated at approximately 667 persons in 357 households, plus of approximately 16 employees, or a total service population of 683 people.

Based on the aggregate of each of these conservative assumptions for the Revised Project, it can be calculated that the Revised Project could generate approximately 2,782 MT CO<sub>2</sub>e/yr in total GHG emissions (887 MT CO<sub>2</sub>e/yr from non-mobile sources, plus 1,567 MT CO<sub>2</sub>e/yr from residential mobile sources, plus 328 MT CO<sub>2</sub>e/yr from commercial mobile sources), or an effective per service population ratio of 4.07 MT CO<sub>2</sub>e/yr. Even under these very conservative assumptions, the Revised Project's per capita emissions would be below the effective threshold of 4.6 MT/service population/year, and impacts pertaining to GHG emissions for the Revised Project would be less than significant. It is likely that the actual GHG emissions attributed to the Revised Project would be substantially lower than these conservative calculations suggest, given that it is located in an area with an average daily VMT per capita that is more than 15 percent below regional averages, that it is located less than ¼ mile from the 19th Street BART Station and within 1/3 mile from frequent bus service along Broadway and 20th Street, and does not include any off-street parking.

#### Compliance with Guidelines 15183 as a Project Consistent with a Community Plan or Zoning

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

The prior CEQA Analysis found that the Original Project qualified for a Community Plan Exemption under this section of the CEQA Guidelines because:

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<sup>1</sup> Per Broadway Valdez District Specific Plan Draft EIR, page 4.11-8, as being "appropriate for higher-density housing"

- The land uses proposed for the Original Project (residential, commercial office and retail) were consistent with the site's General Plan land use designation (CBD);
- The intensity of the Original Project was consistent with applicable provisions of the City's zoning and General Plan policies for the site, and there were no peculiar aspects of the Original Project that would have increased the severity of any of the previously identified significant cumulative effects in the LUTE EIR.
- The Original Project was found consistent with expressed development goals stated in the Central District Urban Redevelopment Plan.

Because the prior CEQA Analysis found consistency with CEQA Guidelines Section 15183, it needed only to consider whether there were project-specific effects peculiar to the Original Project or its site not previously addressed in the Prior EIRs that would trigger the need for additional environmental review. It summarized the scope and findings of the relevant prior EIRs and concluded that:

- the potential environmental effects of the Original Project were fully disclosed and addressed in the Prior EIRs, including cumulative effects;
- the Original Project would not have substantially increased the severity of any significant impacts identified in the Prior EIRs;
- the Original Project would not have resulted in new significant impacts not previously identified in the Prior EIRs;
- there were no substantial changes in circumstances following certification of the Prior EIRs that would have resulted in any new specific effects;
- there was no new information that was not known at the time the Prior EIRs were certified that would cause more severe adverse impacts than discussed in the Prior EIRs;
- there had been no significant changes in the underlying development assumptions, nor in the applicability or feasibility of mitigation measures or SCAs as included in the Prior EIRs;
- the Original Project was subject to specific SCAs, the implementation of which would substantially mitigate identified environmental effects

On that basis, the prior CEQA Analysis found that the Original Project did not require further environmental review because it met the requirements of CEQA Guidelines Section 15183 as a Project Consistent with a Community Plan.

In light of the foregoing findings as set forth in the prior CEQA Analysis prepared for the Original Project, and that changes proposed pursuant to the Revised Project involve only reductions in the height, bulk and intensity of the project, and that no new or more significant effects have been found to result from Revised Project as compared to the Original Project, it is reasonable to conclude that the Revised Project is likewise consistent with the criteria of Section 15183 as a Project Consistent with a Community Plan or Zoning and does not require additional environmental review.

#### Compliance with CEQA Guidelines 15183.3, Streamlining for Infill Projects

Use of the streamlining provisions of CEQA Guidelines Section 15183.3 requires substantial evidence demonstrating that an eligible infill development project would not cause a new environmental impact that is

specific to the infill project, or that was not previously analyzed in a prior EIR, or that is more severe than was analyzed in a prior EIR. The prior CEQA Analysis found that the Original Project was eligible for permit streamlining pursuant to CEQA Guidelines Section 15183.3 as a Qualified Infill Project, and fulfilled the review requirements of these provisions.

In light of the findings set forth in the prior CEQA Analysis prepared for the Original Project, and that changes proposed pursuant to the Revised Project involve only reductions in the height, bulk and intensity of the project, and that no new or more significant effects have been found to result from Revised Project as compared to the Original Project, it is reasonable to conclude that the Revised Project likewise meets the eligibility criteria for streamlining pursuant to Section 15183.3.

## **Conclusions**

Given the substantial evidence presented above, the Revised Project qualifies for an exemption from CEQA as provided in CEQA Guidelines Section 15332, as confirmed by the following statements:

- (1) The Revised Project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) There are no changes in circumstances that would result in the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- (3) There is no new information that would indicate a new significant effect not discussed in the prior CEQA Analysis, that would result in a substantial increase in the severity of a previously identified significant effect, or that would change the feasibility for acceptance of mitigation measures previously found to be infeasible.

This assessment demonstrates that no further documentation is required and that the prior CEQA Analysis continues to serve as the applicable environmental review document pursuant to the requirements of CEQA for approval of the Revised Project. All City of Oakland Standard Conditions of Approval as identified in that prior CEQA Analysis remain fully applicable to the Revised Project.



## Attachment A

WindTech Consultants, *Pedestrian Wind Environment Study 2044 Franklin Street, Oakland, Ca*  
October 4, 2018.