

Case File Number: PLN14-262-PUDF-01

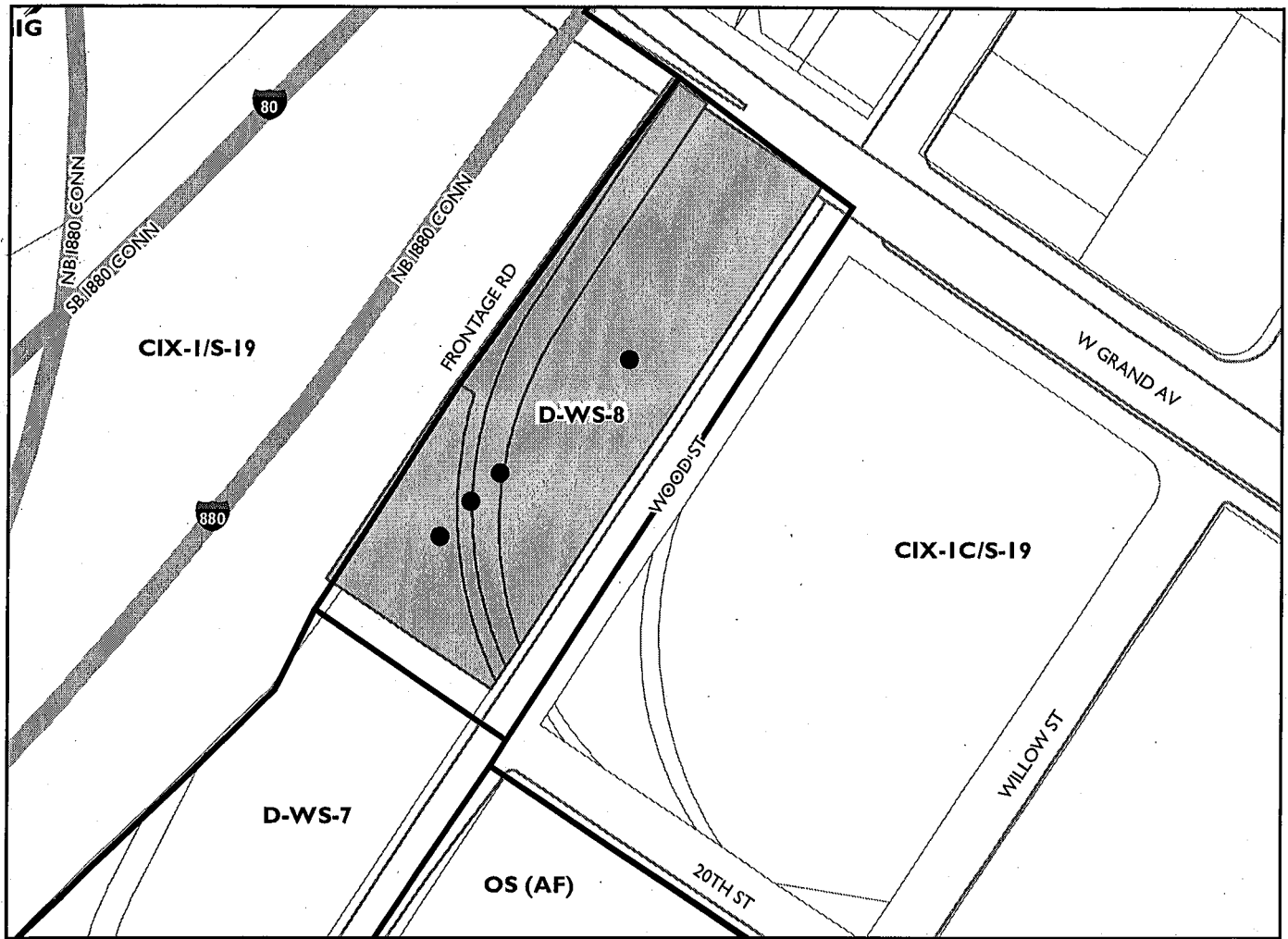
February 6, 2019

Location:	2011-2195 Wood Street (Development Area 8: A vacant 2.54-Acre block bounded by Wood Street, 20th Street, West Grand Avenue, and Frontage Road) (See map on reverse)
Assessors Parcel Number:	018-0310-003-08; 018-0310-003-09; 018-0310-003-10; 018-0310-003-11
Proposal:	One Year Time Extension of the planning entitlements for previously-approved new mixed-use (residential/commercial) development involving 235 residential units and 13,615 flex commercial spaces to be completed in two phases.
Owner:	Central Station Land, LLC
Applicant:	Richard Holliday – (510)588-5134
Case File Number:	PLN14-262-PUDF01
Planning Permits Required:	Time Extension of the Preliminary and Final Development Plan and Design Review for a mixed-use development involving 235 residential units and ground floor commercial spaces; and Minor Variance to allow 239 off-street parking spaces where 274 spaces are required
General Plan:	Urban Residential
Zoning:	D-WS Wood Street Zoning District
Environmental Determination:	State CEQA Guidelines: The project relies on previous EIR (ER03-0023) for Wood Street certified on March 16, 2005 and the West Oakland Specific Plan EIR certified on July 29, 2014 and Section 15183, projects consistent with a community plan, general plan or zoning.
Historic Status:	Not a Potential Designated Historic Property (PDHP); Survey Rating: N/A
City Council District:	3
Status:	Planning Commission approval on December 3, 2014. Entitlements extended through December 3, 2018. Time Extension request was filed on November 28, 2018
Action to be Taken:	Decision on application based on staff report
Staff Recommendation:	Decision based on staff report
Finality of Decision:	Appealable to City Council within 10 days.
For Further Information:	Contact case planner Maurice Brenyah-Addow at (510) 238-6342 or by email at mbrenyah@oaklandnet.com

SUMMARY

The Project applicant, Central Station Land LLC, is requesting approval of an additional one year time extension of entitlements originally approved by the Planning Commission on December 3, 2014 (*Attachment A*) and have subsequently been granted two time extensions that expired on December 3, 2018. The project is a combined Preliminary and Final Development Plan, Design Review for a new 235-unit residential apartment and approximately 13,615 square feet of flex ground floor commercial spaces and a Minor Variance to allow 239 off-street parking spaces where 279 spaces are required. The project is proposed to be constructed in two (2) phases on a vacant 2.54-acre block

CITY OF OAKLAND PLANNING COMMISSION



0 100 200 400 600 800 Feet



Case File: PLN14262-PUDF01

Applicant: David Schenker

Address: 2011-2195 Wood Street (Development Area 8)
A 2.54-Acre block bounded by Wood Street,
20th Street, West Grand Ave, and Frontage Road

Zone: D-WS-8

bounded by Wood Street, 20th Street, West Grand Avenue, and Frontage Road which is designated as Development Area 8 in the Wood Street Zoning District (WSZD). The Project applicant took advantage of the administrative option for a one year extension since the initial expiration date and was granted a one year extension up to December 3, 2017. Pursuant to the project's Condition of Approval #2 that allows for the Project applicant to request for further extensions of the entitlements from the Planning Commission if an extension request is submitted prior to the expiration date, the applicant has filed for an additional one year time extension. The time extension request was submitted on November 13, 2017.

Staff is supportive of the time extension because development of the underutilized project site will provide needed residential units and working spaces within in accordance with the City's zoning and General Plan goals and policies. The project will complement the Wood Street neighborhood's goal of creating an active, pedestrian-oriented urban community in West Oakland and makes adequate provision for parking and transportation demand generated by the project and therefore recommend that the Commission grant the requested one-year time extension.

DISCUSSION

The Planning Commission approved the project on December 3, 2014. On October 27, 2016, prior to the expiration of that approval, the applicant requested for an administrative extension pursuant to project Condition of Approval #2, and the on November 3, 2016, the City granted a one year extension of the Project entitlements until December 3, 2017. On November 13, 2017, the Project applicant requested to extend the project entitlement for an additional one year from the expiration date of December 3, 2017 to December 3, 2018 and that was granted by the Planning Commission.

On November 28, 2018, the Project applicant submitted another request to extend the project entitlement for an additional one year from the current expiration date of December 3, 2018 to December 3, 2019. This additional time extension is to provide needed time for the applicant to finalize negotiations with BNSF for removal of existing railroad spurs at the development site and Staff is supportive of the time extension because the railway spurs at the project site need to be removed for the proposed development to be constructed.

Staff believes that an additional one-year extension would allow the applicant to successfully secure all necessary requirements to remove the railway spurs and file for building permits for the approved project to move forward and get constructed.

On May 3, 2016, the City adopted impact fees for affordable housing, transportation, and capital improvements (Ordinances 13365 and 1366). Development impact fees are a commonly used method of collecting a proportional share of funds from new development for infrastructure improvements and other public facilities to offset the impact of new development. As the applicant did not vest or commence the project, it is now subject to the impact fees and staff has added a Condition of Approval noting this requirement.

CONCLUSION:

The proposed new mixed-use (residential/commercial) development involving 235 residential units and 13,615 flex commercial spaces to be completed in two phases is an appropriate development for the WSZD of West Oakland. The project is consistent with the development standards of the WSZD land use regulations of the Oakland Planning Code. The project would not result in new or more severe environmental impacts beyond those identified in the Wood Street EIR and therefore no subsequent or supplemental environmental review is warranted. The site plan, building designs, layout, heights, materials, colors, open areas, landscaping, and the internal circulation of the project work as a cohesive whole that is appropriate for the subject site. Staff believes that this project will serve as a catalyst for further development within the Wood Street Project area and eventually lead to the rehabilitation and reuse of the 16th Street Train Station and Plaza.

RECOMMENDATIONS:

As noted above, the Project is still in conformance with the General Plan's goals and policies and Planning Code. Staff believes that a one-year extension would allow the applicant to successfully complete the approved, desirable project. At the same time, an additional year would ensure that the site does not remain underutilized for an excessive amount of time. Condition of Approval #2 permits the applicant to request additional extensions from the Planning Commission if needed to complete the Project. Staff believes that an additional one-year extension would allow the applicant to successfully secure all necessary requirements to remove the railway spurs and file for building permits for the approved project.

Therefore, staff recommends that the Planning Commission:

1. Grant a one-year extension of the current project approvals until December 3, 2019, subject to the previously approved Findings and Conditions of Approval, and the attached additional Condition of Approval regarding the imposition of impact fees.

Prepared by:



MAURICE BRENYAH-ADDOW - Planner IV

Approved:



ROBERT MERKAMP - Zoning Manager

Approved for forwarding to the
City Planning Commission:



EDWARD MANASSE – Interim Deputy Director
Bureau of Planning

- ATTACHMENTS:**
- A.** Staff Report and Approval Letter
 - B.** Extension Request Letter

FINDINGS FOR APPROVAL:

See Attachment B: PLN14-262-PUDF01 Staff Report

ADDITIONAL CONDITION OF APPROVAL

The following condition of approval shall be added to the adopted conditions of approval for case file PLN14-262-PUDF01 upon extension of applicable entitlements to December 3, 2019:

The Project approved under Case File PLN14-262-PUDF01 is subject to, and Applicant shall agree to pay, the development impact fees that were adopted by the City Council per Ordinances 13365 and 13366.

APPROVED BY:

City Planning Commission: _____ (date) _____ (vote)

Applicant and/or Contractor Statement

I have read and accept responsibility for the Additional Condition of Approval, as approved by Planning Commission action on February 6, 2019. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant: _____ (date)

Signature of Contractor _____ (date)

FINDINGS FOR APPROVAL:

See Attachment B: PLN14-262-PUDF01 Staff Report

ADDITIONAL CONDITION OF APPROVAL

The following condition of approval shall be added to the adopted conditions of approval for case file PLN14-262-PUDF01 upon extension of applicable entitlements to December 3, 2019:

The Project approved under Case File PLN14-262-PUDF01 is subject to, and Applicant shall agree to pay, the development impact fees that were adopted by the City Council per Ordinances 13365 and 13366.

APPROVED BY:

City Planning Commission: _____ (date) _____ (vote)

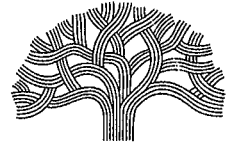
Applicant and/or Contractor Statement

I have read and accept responsibility for the Additional Condition of Approval, as approved by Planning Commission action on February 6, 2019. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant: _____ (date)

Signature of Contractor _____ (date)

CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-2032

Department of Planning and Building
Zoning Division

(510) 238-3911
FAX (510) 238-4730
TDD (510) 238-3254

Kevin Brown – Central Station Land, LLC
1201 Pine Street, #151
Oakland, CA 94607

January 6, 2015

Dear Mr. Brown:

RE: Case File Nos.: PLN14-262-PUDF01; Address: 2011 -2195 Wood Street (APNs: 018-0310-003-08; 018-0310-003-09; 018-0310-003-10; & 018-0310-003-11)

Your application as noted above was **APPROVED** at the City Planning Commission meeting of **December 3, 2014**. The Commission's action is indicated below. This action became final ten (10) days after the date of the Planning Commission meeting since no appeal to the City Council was filed by **December 15, 2014**.

(X) Granted with required conditions. (Vote: 5 Ayes, 0 Nays)

A signed Notice of Determination (NOD) is enclosed certifying that the project is within the scope of the approvals evaluated in the previously certified EIRs (ER03-0023) for the Wood Street Project and (ER12-0018) for the West Oakland Specific Plan, and that none of the circumstances requiring preparation of a subsequent or supplemental EIR under CEQA Section 21166 and CEQA Guidelines Sections 15162 and 15163 are present and that no further environmental review is required, is enclosed for your signature and recordation.

If you have any questions, please contact the case planner, **Maurice Brenyah-Addow** at (510) 238-6342 or **mbrenyah@oaklandnet.com**.

Very Truly Yours,

SCOTT MILLER
Zoning Manager

- cc: Deborah Sandercock, Building Services
- Gay Luster, OPRCA/Tree Section
- Philip Basada, Fire Prevention Bureau
- Kevin Kashi, PWA
- Darin Ranelletti, Bureau of Planning

- Bill Quesada, Inspection Services
- David Harlan, Building Services
- Dave Mog, Building Services
- Jaime Parks, Transportation Planning
- Gil Hayes, City Surveyor

Attachments: Conditions of Approval
Notice of Determination

Attachment A

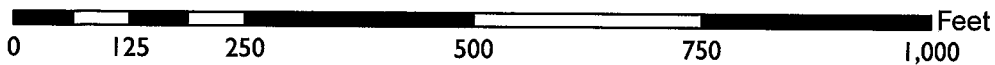
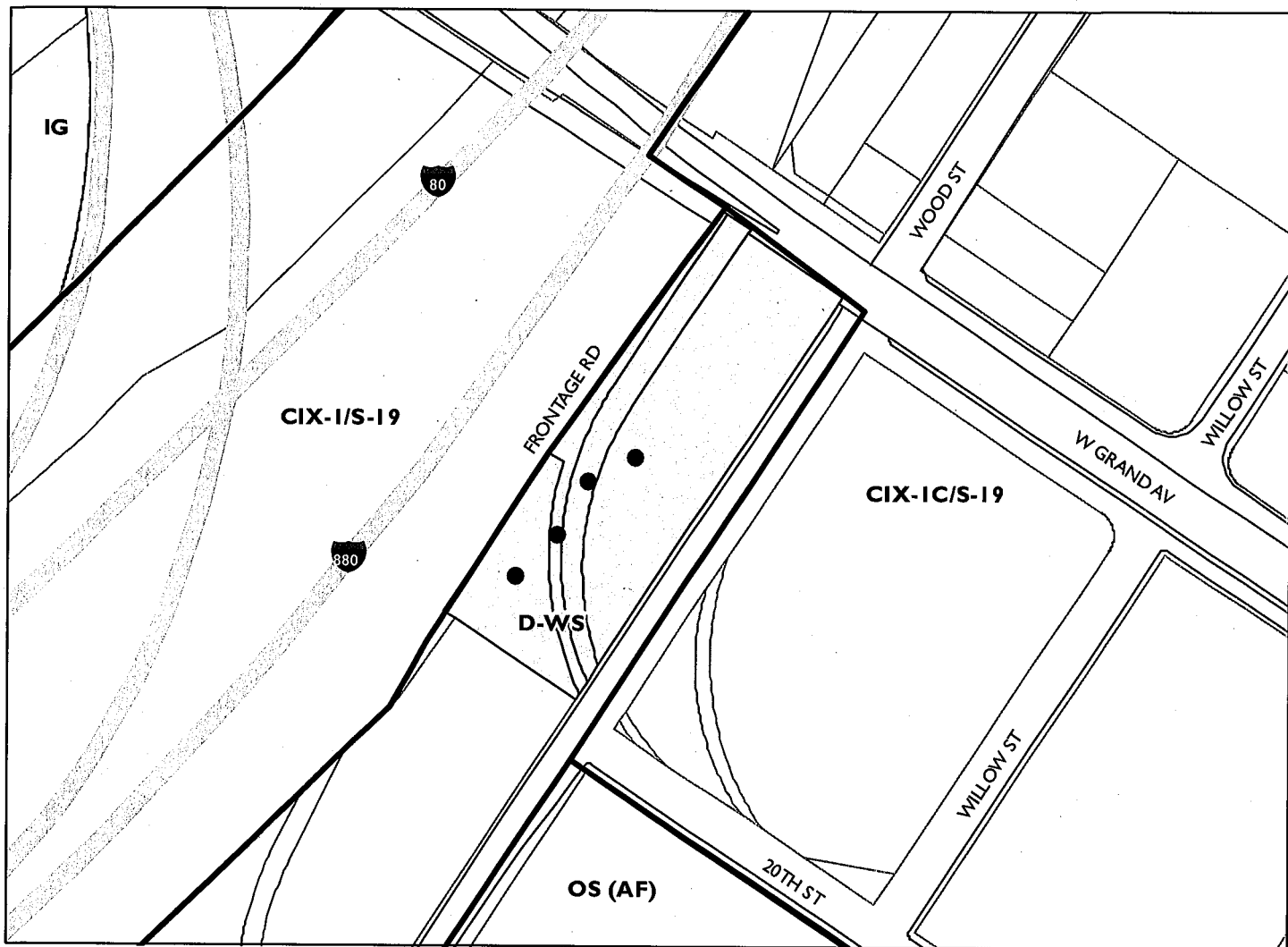
Location:	2011-2195 Wood Street (Development Area 8: A vacant 2.54-Acre block bounded by Wood Street, 20th Street, West Grand Avenue, and Frontage Road) (See map on reverse)
Assessors Parcel Number:	018-0310-003-08; 018-0310-003-09; 018-0310-003-10; 018-0310-003-11
Proposal:	To construct a new mixed-use (residential/commercial) development involving 235 residential units and 13,615 flex commercial spaces to be completed in two phases.
Owner:	Central Station Land, LLC
Applicant:	Kevin Brown – (510)588-5152
Case File Number:	PLN14-262-PUDF01
Planning Permits Required:	Preliminary and Final Development Plan and Design Review for a mixed-use development involving 235 residential units and ground floor commercial spaces; and Minor Variance to allow 239 off-street parking spaces where 274 spaces are required
General Plan:	Urban Residential
Zoning:	D-WS Wood Street Zoning District
Environmental Determination:	State CEQA Guidelines: The project relies on previous EIR (ER03-0023) for Wood Street certified on March 16, 2005 and the West Oakland Specific Plan EIR certified on July 29, 2014 and Section 15183, projects consistent with a community plan, general plan or zoning.
Historic Status:	Not a Potential Designated Historic Property (PDHP); Survey Rating: N/A
Service Delivery District:	1
City Council District:	3
Status:	Pending
Action to be Taken:	Decision on application based on staff report
Staff Recommendation:	Approval subject to conditions
Finality of Decision:	Appealable to City Council
For Further Information:	Contact case planner Maurice Brenyah-Addow at (510) 238-6342 or by email at mbrenyah@oaklandnet.com

SUMMARY

Holliday Development is requesting approval of a combined Preliminary and Final Development Plan, Design Review for a new 235-unit residential apartment and approximately 13,615 square feet of flex ground floor commercial spaces and a Minor Variance to allow 239 off-street parking spaces where 279 spaces are required. The project is proposed to be constructed in two (2) phases on a vacant 2.54-acre block bounded by Wood Street, 20th Street, West Grand Avenue, and Frontage Road which is designated as Development Area 8 in the Wood Street Zoning District (WSZD).

The proposed project is substantially consistent with the applicable land use regulations and property development standards (upon the granting of the proposed parking variance) as specified in the

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN14-262-PUDF01

Applicant: Kevin Brown

Address: 2011-2195 Wood Street (Development Area 8)

Zone: D-WS

WSZD for approving a Preliminary Development Plan (PDP) and Final Development Plan (FDP), and Regular Design Review for new construction subject to the attached conditions of approval (See "Findings" and "Conditions of Approval" sections of this report for details).

Staff believes that the project will complement the Wood Street neighborhood's goal of creating an active, pedestrian-oriented urban community in West Oakland and makes adequate provision for parking and transportation demand generated by the project and therefore recommend that the Commission confirm the environmental determination and approve the Preliminary and Final Development Plans, Design Review and Minor Variance application for the proposed project subject to the attached Conditions of Approval.

BACKGROUND

The Wood Street Zoning District (WSZD) Project is a mixed-use redevelopment of under-utilized industrial land around the 16th Street Train Station in West Oakland with the goal of creating an active, pedestrian-oriented urban community in West Oakland. The 29-acre Wood Street Development Project, including five vesting tentative parcel maps was approved by the City Council in June 2005. The plan area lies between 10th Street to the south, West Grand Avenue to the north, Wood Street to the east and 1-880 Frontage Road to the west.

The WSZD regulations include Land Use Regulations, Development Standards and Design Guidelines aimed at ensuring that individual developments will be visually and functionally integrated, and that collectively the project will be compatible with the existing neighborhood. For the purposes of appropriate regulations, the WSZD is divided into nine (9) Development Areas, each subject to specific regulations and to be developed within specific timelines by the respective owners. The WSZD project also approved a series of Vesting Tentative Maps (VTPM8551-8555) for all the parcels in the district of which VTPM8555 was approved to create Parcel 1 for Development Area 7 and Parcel 2 for Development Area 8 (which is the subject of this application).

Since the WSZD regulations were adopted, three main development projects have been completed for Development Areas 2 and 3. These include 1.) the 163-unit Pacific Cannery Lofts (PCL) by Holliday Developments; 2.) the 130-unit Zephyr Gate townhomes by Pulte Homes; and 3.) the 99-unit Ironhorse rental apartments by Bridge Housing. In 2007 the Planning Commission approved the HFH Apartments project (a 301-unit apartment development) for Development Area 4 but it was not built and this area was recently revised to a 176-unit residential and commercial project which was approved by the Planning Commission on August 6, 2014.

PROPERTY DESCRIPTION

The WSZD Development Area 8 is one of two parcels approved as part of Vesting Tentative Parcel Map 8555 comprises a 2.54-acre vacant site a vacant 2.54-Acre block bounded by Wood Street, 20th Street, West Grand Avenue, and Frontage Road. Opposite the site on Wood Street is the former Horizon Beverage facility which is currently used as a US Customs Inspection center. On the south

side is Development Area 7, a currently vacant City-owned block (between 18th and 20th Streets and across from Raimondi Park). Prominent uses and developments in the vicinity include the historic 16th Street Train Station, the Zephyr Gate townhouses, the Ironhorse housing development, the Pacific Cannery Lofts and a mixture of uses including the Bea's Hotel, the California Waste Solutions recycling facility, historic Victorian homes, warehouses, and construction/light industrial yards.

PROJECT DESCRIPTION

The proposed project involves the construction of a new mixed-use (residential/commercial) development involving 235 residential units and 13,615 flex commercial spaces to be completed in two phases. The approximately 530–950 square-foot studio, one and two bedroom units will be five stories of residential occupancy over a 20-foot tall podium containing two levels of parking and ground floor commercial spaces with mezzanines. A mix of yards, decks, patios and balconies will provide useable open space for the residential units which are intended to be built as condominiums.

The site plan of the proposed development envisions the project within two main 6-7 story structures that would be completed in two phases. The first phase will complete the structure closest to the northern property line and adjacent to West Grand Avenue. The second phase will complete the structure closer to the southern portion of the site. The two structures will connect to each other and share a common central courtyard. The development provides on-site parking in the amount of 239 spaces on the first two levels behind the commercial spaces. The project also provides perpendicular on-street public parking within the Wood Street right-of-way adjacent to the site.

ENVIRONMENTAL DETERMINATION

An Environmental Impact Report (EIR) ER03-0023 was certified for the Wood Street Development Project on March 16, 2005, and an EIR for the West Oakland Specific Plan was certified on July 29, 2014 (collectively, "Previous CEQA Documents"). No legal actions were filed challenging the Previous CEQA Documents, and thus they are presumed valid. No further/additional CEQA review is required. None of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code section 21166 and CEQA Guidelines sections 15162 and 15163 are present, in that:

1. There are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents;
2. There are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents; and

3. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Previous CEQA Documents were certified, which is expected to result in: (a) new significant environmental effects or a substantial increase in the severity of significant environmental effects already identified in the Previous CEQA Documents; or (b) mitigation measures which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the Previous CEQA Documents and which would substantially reduce significant effects of the project, but the City declines to adopt them.

As a separate and independent basis, the project is also exempt from CEQA review pursuant to CEQA Guidelines Section 15183, projects consistent with a community plan, general plan or zoning.

GENERAL PLAN ANALYSIS

The subject site is located in the Urban Residential land use classification according to the City of Oakland General Plan Land Use and Transportation Element (LUTE). According to the LUTE, the intent of the Urban Residential classification is to "create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services." Furthermore, the primary future uses in this classification is residential. Mixed use buildings that house ground floor commercial uses and public facilities of compatible character are also encouraged. The proposed 235 residential with 13,615 square-foot commercial space development is consistent with the general plan in that it is a mixed-use development located within the Wood Street Development Project Area with easy access to major arterial streets such as West Grand Avenue and has good access to public transit such as Bart and AC Transit.

The proposed project is consistent in all significant respects with the following General Plan objectives and policies:

- Objective N3: Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future housing needs of the Oakland community. The project provides the Oakland community with 235 new dwelling units and 13,615 new commercial spaces.
- Policy N3.1, Facilitating Housing Construction: Facilitating the construction of housing units should be considered a high priority for the City of Oakland. The City of Oakland's Planning and Zoning Department has streamlined its systems in order to facilitate the construction of new homes by assisting developers to navigate the permitting process smoothly and in a timely manner.
- Policy N3.2, Encouraging Infill Development: In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City Oakland. The project is proposed for a site located in an urban area of West Oakland. The new development will be an infill development for the vacant site.
- Policy N6.2, Increased Home Ownership: Housing developments that increase home ownership opportunities for households of all incomes are desirable. The project will provide home

ownership opportunities for 235 new households. The developer intends to eventually build these units as condominiums which will create homeownership opportunities and make the units more affordable for purchasing.

ZONING ANALYSIS

The WSZD regulations include Land Use Regulations, Development Standards and Design Guidelines aimed at ensuring that individual developments will be visually and functionally integrated, and that collectively the project will be compatible with the existing neighborhood.

The WSZD requires both a Preliminary and a Final Development Plan which shows such details as streets, location of details of structures, uses, estimated population, landscaping features, phasing plan, public and private infrastructure, etc. for each development area.

Preliminary and Final Development Plan (Wood Street Zoning District)

The Preliminary Development Plan (PDP) and Final Development Plan (FDP) in the context of the Wood Street Zoning District are unique and although similar in concept to a Planned Unit Development (PUD), it is different in format and review criteria from the PUD process in the Planning Code. The procedure for Design Review for PDP/FDP in the WSZD follow the schedule outlined in Section 17.136.060 of the Planning Code, but not the criteria. The WSZD limits Design Review to a determination of whether or not the proposed design is in substantial compliance with the design guidelines specified in WSZD regulations. (See findings and attachment "B" for checklist).

Land Use Regulations

Development Area 8 of the WSZD requires a minimum residential density of 1 unit per 1,000 sq. ft. of lot area and a maximum density of 1 unit per 332 sq. ft. of lot area which translates into a minimum of 110 and a maximum of 333 units for the 2.54 acre project site. However Table 5.10-1 of the WSZD sets a maximum of 264 units for the area. The proposed 235 units are therefore consistent with the Development Area 8 prescribed density. The proposed 235 residential units (Permanent Residential Activities), and the commercial spaces for a variety of potential uses including General Food Sales, General Retail Sales, Administrative Commercial Activities etc., Custom Manufacturing, are either permitted or conditionally permitted uses in Development Area 8 of the WSZD. No specific non-residential activity is proposed at this juncture in the commercial spaces. Future conditionally permitted uses if any, would be required to apply for Conditional Use Permits (CUP) prior to operation.

In order to approve the project, the WSZD regulations require the Planning Commission to make written findings that the Preliminary and Final Development Plan for the project is in substantial conformance with the Wood Street Zoning District Regulations - Design Review criteria (See Findings) and the WSZD development standards (See attachment B). Findings would also be required to approve the requested Minor Variance to allow 239 off-street parking spaces where 279 spaces are required for the project.(See Findings).

Project Consistency with Required Development Standards

Table 5.10.1	Required	Proposed
Max. Residential Density		
1. Min land area/dwelling unit	331.65 sq. ft.	1542.12 sq. ft.
2. Max. dwelling unit/acre	131.3 DU/A	93.25 DU/A
3. Max number of units	264	235
Min. Residential Density	1 unit /1000sf of site area (44 DU/A)	235
Max. FAR	2.947:1	2.19:1
Max. Area - non-residential uses	258,000 sq. ft.	13,615 sq. ft.
Max. Height	90 ft. (some exceptions apply)	74'-10" ft.
Min. Street setbacks		
-Wood Street	10ft.	10 ft.
-12 th Street	0	0
-Frontage Road	0	0
-14 th Street	0	0
-Public Access Areas	0	0
Min. Interior setbacks	0 ft.	5 ft.
Min. useable open space	11,750 (50 sq. ft./unit)	16,280 sq. ft.
Reqd. off-street parking- - Residential	259 (1.1 space/DU)	235 (1 space/DU)
Reqd. off-street parking-- Live/work	1.2 space/LWU	N/A
Reqd. off-street parking - Non-residential	15 (1/900 sq. ft. for retail)	4 (for 13,615 sq. ft. retail space)

KEY ISSUES AND IMPACTS

Overall, the proposed site plan and design for the proposed project is successful and consistent with the Wood Street development plan's goal of creating an active, pedestrian-oriented urban community in West Oakland. The proposed apartment-style building which will be built as condominium units is more appropriate for the northern section of the Wood Street development area since it is closer to larger non-residential facilities as opposed to detached single-family and medium density residential structures in the neighborhood. The key issues and impacts are discussed below:

Density/ Setbacks

The 235-unit project complies with the minimum of 110 and the maximum of 333 units for the 2.54 acre project site. The proposed structure will comply with the 10-foot building setback along Wood Street and 0-foot building setback for the remaining property lines. The project also complies with the requirement for 20 feet deep occupied space on the ground floor of critical streets (30 feet deep occupied space is proposed along Wood Street).

Automobile Parking

The project provides at least one off-street parking space for all the residential units and four spaces for the non-residential component for a total of 239 spaces. The WSZD Development Area 8 requires 1.1 off street parking spaces per residential unit (259 spaces), and 15 spaces for the commercial component for a total requirement of 274 spaces for the entire project. The applicant is

requesting a Minor Variance to waive 35 of the required off-street parking spaces on the basis that the site's proximity to mass-transit (BART and AC Transit lines) together with the proposed Traffic Demand Management (TDM) plan (see attachment C) which includes 289 extra bicycle parking spaces, a car-sharing program, carpooling, bicycle-sharing, alternative transportation programs, etc. reduces the need for parking for all the units and commercial spaces. The site constraints also limits the ability to attain the maximum allowable density while providing all the prescribed off-street parking (see findings for details).

Bicycle Oriented Development

The behavioral patterns of the project's target demographics dictates a bicycle-friendly and bicycle-oriented development. The project is required to have 59 long term bicycle parking spaces in the building but instead provides 280 bicycle parking spaces, exceeding the requirement by 221 spaces. It also provides 80 short term spaces instead of 12, exceeding the requirement by 68 spaces. In total the project provides 289 spaces above and beyond the city's requirements. A planned Class 2 Primary Bikeway per the Bike Master Plan that runs along the northern property line of the project site and west Grand Avenue will connect the site to key destinations of the San Francisco Bay Area for bikers. The proposed project plans to have direct access from the site onto this new bike lane.

Site Plan and Building Design

The site plan presents an urban high-density type development that responds to the context of urbanized development in the vicinity. The proposed 6-7 story building is designed to have two wings that will be completed in two phases and have a contemporary style that blends-in with the recent developments in the Wood Street District as well as the other traditional buildings in the neighborhood. The exterior materials and treatments include standing seam zinc, corten steel, perforated metal, fiber cement board, cement plaster, storefront glazing, anodized aluminum, exposed concrete, etc. The designs incorporate various elements and detailing such as projecting/recessed balconies, moveable perforated shade screens, varied material breaks, etc. to achieve a well-composed building volume that is proportionally scaled to fit the site.

Useable Open Space

The WSZD requires 50 square feet of useable open space per dwelling unit for a total of 11,750 square feet for the proposed 235 residential units. The project provides a total of 16,280 square feet of open space. The project incorporates landscaping (softscape and hardscape) to enhance the open areas to achieve a net reduction of peak flow stormwater run-off.

Pocket Parks

The pocket park concept is different from the internal open spaces in that they will be open to the public and are required by the WSZD project to be developed within the right of way of a number of identified streets including 20th street, with the aim of preventing direct vehicular access to the Frontage Road. The pocket park located on 14th Street is already completed. A recently approved project for Development Area 4 included construction of the 16th Street pocket park. The proposed project will provide for the third pocket park that will be constructed for the Wood Street development area.

Landscaping

The project incorporates various landscaping elements to achieve an attractive street and courtyard ambience. The sidewalk, central courtyard, side and rear yards will be landscaped with trees, shrubs, ground cover, as well as hardscape such as decorative pavers, planters and other sculptural features that enhance the visual quality, functionality, and experience of the open areas.

Project Phasing

The project is proposed to be completed in two phases with schedules as follows:

Phase 1 – Northern Wing – Projected for mid to late 2016

Phase 2 – Southern Wing – Projected for late 2017

Wood Street Improvements

The project would be required to upgrade the segment of Wood Street fronting the project site.

Historic 16th Street Train Station

The project site is located two city blocks away from the historic 16th Street train station. The development is not expected to change the significance of, or have any negative impacts on the train station. Instead, the project involves public improvements that include a pocket park within the 20th Street right-of-way. It will bring more residents to the area and serve as a catalyst for similar developments and subsequently the rehabilitation of the train station building. The project involves ground floor commercial spaces that are expected to generate pedestrian activity and spur economic development in the area.

CEQA Analysis

As described in the “Environmental Determination” section, above, none of the circumstances necessitating further CEQA review are present. Thus, the City can rely on the Previous CEQA Documents.

Traffic Mitigation and fair Share Contributions

As part of mitigation measures for the Wood Street Project, certain traffic mitigation measures were identified to study and improve specific intersections. The project shall be required to comply with the Traffic Mitigations and Fair Share contributions as per the mitigation measures associated with VTPM8555 (Parcel 2) and ER03-0023 for the Wood Street project with details as follows:

VTPM Condition 25 (Fair Share Contribution to Improvements at Frontage Road and W. Grand);

VTPM Condition 26 (Fair Share of Modifications at the West Grand Avenue/Mandela Parkway Intersection);

VTPM Condition 27 (Fair Share of Modifications at the 7th Street/Mandela Parkway Intersection);

VTPM Condition 28 (Fair Share of Improvements at West Grand Avenue/Maritime Street and 3rd Street/Market Street Intersections): See Attachment “ D” (letter of May 29, 2009 from Eric Angstadt, establishing a Fair Share Payment of \$8,705 for COA's 25, 26, 27 and 28 for the "Central Station LLC" site);

VTPM 8555 (Parcel 2) Condition 76 (Public or Private Shuttle Service between the Project Area and the West Oakland BART Station): From 2007 to 2009, the Project Sponsors engaged in a

study of this topic, soliciting a number of bids for private shuttle service, surveying residents and future residents about their potential utilization of such service, and engaging in discussions with AC Transit and BART. As a result of this study, the Project Sponsors elected not to utilize a private shuttle, for the following reasons:

- AC Transit opposed the private shuttle service, which they believed would negatively impact their ridership
- In surveys conducted at the time, incoming homeowners expressed very low levels of support for a private shuttle, a strong indicator that the shuttle was unlikely to be "used sufficiently to result in a substantial reduction in private vehicle use by Project residents and occupants"
- In consultation with AC Transit, the Project Sponsors provided a new stop on the 26 line at 12th and Wood
- In response to anticipated new peak hour utilization, AC Transit agreed to reduce peak hour headways at the new stop to 15 minutes, with a 5 minute travel time to the West Oakland BART station
- Condition 76 explicitly allows latitude on the parts of both the Project Sponsors and the Planning Director to implement the best solution to facilitate use of transit and reduce private vehicle use. Due to more recent budget cutbacks and ridership analysis, headways at the local stop have increased during peak hours to 18 - 20 minutes, although travel time to the West Oakland BART station remains 5 minutes.

For VTPM8555 COA's 26, 27, and 28, the applicant would be required to pay the Fair Share contribution identified in Eric Angstadt's letter of May 29, 2009 prior to issuance of building permit (See Attachment D).

VTPM8555 COA's 29 and 30, which addresses BART ridership and fare gate capacity are no longer CEQA thresholds however they are required as mitigation for traffic impacts. Staff recommends that the applicant collaborate with the other Wood Street Project sponsors to re-engage discussions with BART to see if they have completed and implemented methods to address capacity impacts on BART for new developments.

For VTPM8555 COA 76, the applicant should re-engage discussions with AC Transit to see if service on the 26 line can be returned to 15 minute headways, and as development of the Wood Street Zoning District progresses to the north, in coordination with AC Transit, locate an additional AC Transit stop proximate to the new uses.

City Engineer's Report

Section 3.20 and 3.40 of the WSZD regulations require that the City Engineer review the plans and determine whether the submittal is complete. The PDP/FDP plans were circulated for review and comment to the Public Works agency, Building Services, and Fire Prevention Services and all

departments have reviewed and cleared the project for approval subject to the conditions of approval. (See Conditions of Approval).

CONCLUSION:

The proposed new mixed-use (residential/commercial) development involving 235 residential units and 13,615 flex commercial spaces to be completed in two phases is an appropriate development for the WSZD of West Oakland. The project is consistent with the development standards of the WSZD land use regulations of the Oakland Planning Code. The project would not result in new or more severe environmental impacts beyond those identified in the Wood Street EIR and therefore no subsequent or supplemental environmental review is warranted. The site plan, building designs, layout, heights, materials, colors, open areas, landscaping, and the internal circulation of the project work as a cohesive whole that is appropriate for the subject site. Staff believes that this project will serve as a catalyst for further development within the Wood Street Project area and eventually lead to the rehabilitation and reuse of the 16th Street Train Station and Plaza.

RECOMMENDATIONS:


Based on the analysis contained in this report, the findings, and the conditions of approval attached to this report and elsewhere within the administrative record, staff believes that the proposed project is an appropriate development that will further the overall objectives of the WSZD and the Oakland General Plan, particularly related to new housing development. Thus, staff recommends that the Commission:

1. Affirm staff's CEQA determination; and
2. Approve the Preliminary/Final Development Plan, Design Review and Minor Variance subject to the attached Findings and Conditions of Approval.

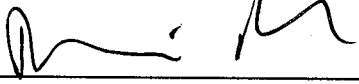
Prepared by:


MAURICE BRENYAH-ADDOW - Planner III

Approved:


SCOTT MILLER - Zoning Manager

Approved for forwarding to the
City Planning Commission:



DARIN RANELLETTI – Deputy Director
Bureau of Planning

- ATTACHMENTS:**
- A. Project Plans
 - B. Project Conformance Checklist
 - C. Traffic Demand Management Plan
 - D. Fair Share Payments for Intersection Improvements
 - E. VTPM8555 Relevant Conditions of Approval

FINDINGS FOR APPROVAL:

This proposal meets the required findings and standards under Section 17.101A DW-S Review and Development Standards and Minor Variance criteria found in Section 17.148.050 of the Oakland Planning Code as set forth below. Required findings are shown in **bold type**; explanations as to why these findings can be made are in normal type.

Findings for Approval of Preliminary development Plan/Final Development Plan

Approval of the PDP/FDP for the Development Area 8 Wood Street project is supported by the following findings: The project conformance with the Wood Street Zoning District is not limited to the findings identified below, but is also included in the previous analysis of this staff report , the Wood Street Development EIR, and the Wood Street Zoning District Development Standards Checklist prepared by Central Station Land LLC (Attachment B, incorporated by reference into these findings) as well as elsewhere in the record of proceedings leading up to these approvals.

I. California Environmental Quality Act (CEQA) Findings

An Environmental Impact Report (EIR) ER03-0023 was certified for the Wood Street Development Project on March 16, 2005, and an EIR for the West Oakland Specific Plan was certified on July 29, 2014 (collectively, "Previous CEQA Documents"). No legal actions were filed challenging the Previous CEQA Documents, and thus they are presumed valid. No further/additional CEQA review is required. None of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code section 21166 and CEQA Guidelines sections 15162 and 15163 are present, in that:

1. There are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents;
2. There are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents; and
3. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Previous CEQA Documents were certified, which is expected to result in: (a) new significant environmental effects or a substantial increase in the severity of significant environmental effects already identified in the Previous CEQA Documents; or (b) mitigation measures which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the Previous CEQA Documents

and which would substantially reduce significant effects of the project, but the City declines to adopt them.

As a separate and independent basis, the project is also exempt from CEQA review pursuant to CEQA Guidelines Section 15183, projects consistent with a community plan, general plan or zoning.

II. Findings for Approval of Preliminary Development Plan (Section 3.20) and Final Development Plan (Section 3.40)

The Planning Commission find that the Preliminary Development Plan (PDP) and final Development Plan (FDP) for the project is in substantial conformance with the Wood Street Zoning District.

- A. The PDP and FDP have been prepared by a professional design team consisting of a licensed architect (David Baker & Partners), registered civil engineer (Lea & Braze Engineering Inc.), and professional landscape architect (Einwiller Kuehl Landscape Architecture).
- B. The layout, design and size of the proposed project are appropriate for the location and compatible with the surrounding area, which has a variety of land uses and building types.
- C. The proposed project is consistent with the applicable Wood Street Zoning District regulations and development standards relating to density, height, building frontage, projections over the street line, useable open space, number of off-street parking spaces (pursuant to the attached Minor Variance findings), location of garages, and public improvements.
- D. The proposed project's substantial conformance to the Wood Street Zoning District regulations and development standards, including the manner in which various project features implement the stated intent behind certain regulations, is described fully in the Wood Street Zoning District Development Standards Checklist prepared by Central Station Land LLC (Attachment B, incorporated by reference into these findings). The analysis contained in the Compliance Checklist is carried forward by the Planning Commission and made part of these findings.
- E. The utility and infrastructure plans meet the requirement of the Wood Street Zoning District.
- F. The public facilities financing plan for the proposed project has improvements to Wood Street and 20th Street being funded in cash by the applicant (Public Facilities Financing Letter provided).

III. Findings for Final Design Review – Sections 3.50 and 6.00 of the Wood Street Zoning District Regulations

The Planning Commission finds that the project is substantially in compliance with the Section 6.00 Design Guidelines, of the Wood Street Zoning District.

General Guidelines

- 1. **Each development project shall by use of massing, articulation, materials and detail establish a coherent integrated architectural character that is consistent with each development project. All built aspects of the development project shall be considered as contributing to the architectural character of the development project, including but not limited to; site structures and furnishings, exterior lighting, paving and signage.**

The 6-7 story structures proposed to be constructed in two phases apply similar exterior materials and treatments such as standing seam zinc, corten steel, perforated metal, fiber cement board, cement plaster, storefront glazing, anodized aluminum, exposed concrete, etc. The design

incorporates various architectural elements and detailing such as projecting and recessed balconies, varied rooflines, decks, etc. to achieve a series of distinct and well-composed building volumes that are proportionally scaled for the site. Together, the two buildings, each with private useable open spaces, create a union of two structures with a central landscaped courtyard and an adjoining public open space that also serves as a community space.

2. Buildings are not restricted to any specific architectural style. Within the overall scope of the Wood Street Zoning District, a variety of architectural styles are encouraged as a means of enhancing the mixed-use character of the development project.

The proposed 6-7 story building is designed to have two wings that will be completed in two phases and have a contemporary style that blend-in with the recent developments in the Wood Street District and other traditional buildings in the neighborhood. The designs incorporate various elements and detailing such as projecting/recessed balconies, moveable perforated shade screens, varied material breaks, etc. to achieve a well-composed building volume that is proportionally scaled to fit the site. The proposed development will preserve the urban residential character of the neighborhood. The new residents will serve as potential new patrons to the local businesses.

Compliance with Guidelines:

- A. The Planning Commission finds that the project satisfies the design intent set forth in the Wood Street Zoning District Design guidelines. The proposed new project is well related to the completed developments (PCL, Zephyr Gate, Ironhorse), planned open spaces (16th Street Train Station Plaza), the planned development (remaining sites) within the Wood Street project and the adjacent uses.
- B. The proposed materials and textures will complement both the residential developments as well as the non-residential structures in the existing neighborhood. The use of multiple building materials and textures will provide some variety and differentiation while enhancing desirable neighborhood characteristics in the area.
- C. The architectural character, pedestrian connections, building massing, building articulation, parking garages, fenestration, exterior materials, colors, lighting, open spaces and landscaping are consistent the Design Guidelines of the Wood Street Zoning District.

IV. Findings relation got Phasing of Development and processing of Final Maps

- A. The Planning Commission finds that it is in the best interest of the City to provide for phased development of the PDP/FDP as proposed by the applicant to commence and completed in two (2) phases between mid to end of 2016 and 2017.
- B. The Planning Commission find that the phasing plan for the proposed project is appropriate, in the best interest of the City, and will result in the optimal development scenario of the proposed 235 residential and 13,615 square-foot commercial space project for Development Area 8.
- C. The Planning Commission finds that this phasing plan is consistent with VTPM8555.
- D. The Planning Commission finds and directs that in the future processing relating to VTPM8555, City staff take all actions necessary to implement this phasing plan, including without limitation, an administrative amendment/adjustment to the phasing plan as needed to extend it as needed.

V. Conditions of Approval for the proposed project including the Preliminary Development Plan, Final Development Plan, and Vesting Tentative Parcel Map 8555 – Section 1.30 Wood Street Zoning District

- A. The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report, and the plans dated October 28, 2014.
- B. Each of the Conditions of Approval and Mitigation measures referenced in the Mitigation Monitoring Reporting Program relating to Vesting Tentative Parcel Map 8555 and incorporated herein by reference shall apply to the subject project site as specified in the conditions themselves.
- C. Public improvements shall be completed to the satisfaction of the City Engineer as set forth in the Subdivision Improvement Agreement.
- D. The project applicant has provided a letter to assure the city that all required public improvements including the 20th Street pocket park, and street improvements within Wood and 16th Street shall be completed as part of this development.
- E. Site improvement and building permit plans shall include information related to site design and security features that may include parking signs and lighting; retail business identification signs, lighting for project identification signs (and/or monument sign); functional security light; street lights and nighttime light.

SECTION 17.148.050

MINOR VARIANCE FINDINGS:

- 1) **That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the Zoning Regulations, due to unique physical or topographical circumstances or conditions of design; or, as an alternative in the case of a Minor Variance, that such strict compliance would preclude an effective design solution improving the livability, operational efficiency, or appearance.**

The proposed Minor Variance is to allow 239 off-street parking spaces (where 274 spaces are required). Staff believes that the site's proximity to mass-transit (Bart and AC Transit lines) together with the proposed Traffic Demand Management (TDM) plan (see attachment C) which includes 289 extra bicycle parking spaces, a car-sharing program, carpooling, bicycle-sharing, alternative transportation programs, etc. reduces the need for automobile parking for all the units and commercial spaces. The site constraints also limits the ability to attain the maximum allowable density while providing all the prescribed off-street parking (see findings for details). Granting the variance allows an effective design solution that maximizes the residential density at the site.

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

The variance procedure in the Planning Code allows for exceptions to be made where appropriate. Where it has been determined that any particular design solution would be beneficial

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to the community, variances have been considered as avenues of achieving the greater goals of the community. Staff believes that strict compliance with the required off-street parking spaces preclude a superior design solution fulfilling the basic intent of the applicable regulation.

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

The variance will not adversely affect the character, livability, or appropriate development of abutting properties in any significant way. The project provides at least one parking space for each of the residential units. The behavioral patterns of the project's target demographics dictates a bicycle-friendly and bicycle-oriented development. The project provides a total of 360 bicycle parking spaces where 71 total is required (289 in excess of the required spaces). A planned Class 2 Primary Bikeway per the Bike Master Plan that runs along the northern property line of the project site and west Grand Avenue will connect the site to key destinations of the San Francisco Bay Area for bikers. The proposed project plans to have direct access from the site onto this new bike lane. The commercial uses would be served by public transportation and on-street parking located directly in front of the subject property.

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

The variance will not constitute a grant of special privilege. Together with the conditions of approval, the site will be improved in accordance with the purposes of the Zoning Regulations. Lots with similar constraints with easy access to public transit have been granted similar variances subject to appropriate conditions of approval.

- 5) **That the elements of the proposal requiring the variance (e.g. elements such as buildings, walls, fences, driveways, garages and carports, etc) conform to the Regular Design Review criteria set forth in the design review procedure at Section 17.136.050.** N/A. The variance is for reduced parking and not a variation in any of the physical elements of the project.

- 6) **For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:**

- a. **The proposal, when viewed in its entirety will not adversely impact abutting residences to the side, rear or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing articulation or other design treatments that mitigate any bulk created but the additional height;** N/A.

Or,

- b. **over 60 percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for**

FINDINGS

height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by that additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street; however the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance. N/A.

Note:

The entire text of the Wood Street Zoning District regulations and associated documents including EIR, is available at:

<http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008410>

The entire text of the West Oakland Specific Plan and associated documents including EIR, is available at:

<http://www2.oaklandnet.com/oakca1/groups/ceda/documents/agenda/oak047695.pdf>

CONDITIONS OF APPROVAL

1. Approved Use

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, **and/or staff report**, and the plans dated **October 28, 2014** and submitted on **November 13, 2014**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.

- b) This action by the City Planning Commission (“this Approval”) includes the approvals set forth below. This Approval includes:
 - Preliminary and Final Development Plans and Design Review for a mixed use development involving 235 residential units and ground floor commercial spaces;
 - Minor Variance to allow 239 off-street parking spaces where 274 spaces are required

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two calendar years** from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, 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 for this project may invalidate this Approval if the said extension period has also expired.

3. Scope of This Approval; Major and Minor Changes

Ongoing

The project is approved pursuant to the **Subdivision Regulations and the Oakland Planning Code** only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. Conformance with other Requirements

Prior to issuance of a demolition, grading, P-job, or other construction related permit

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. 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 of Approval 3.
- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

5. Conformance to Approved Plans; Modification of Conditions or Revocation

Ongoing

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, **Conditions** or project description relating to the Approvals 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 Approvals 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 Conditions of Approval.

6. Signed Copy of the Conditions

With submittal of a demolition, grading, and building permit

A copy of the approval letter and **Conditions** shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

7. Indemnification

Ongoing

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (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, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

- b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

8. Compliance with Conditions of Approval

Ongoing

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. Severability

Ongoing

Approval of the project 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. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval, shall be available for review at the job site at all times.

11. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management

Prior to issuance of a demolition, grading, and/or construction permit

The project applicant may be required to pay for on-call third-party special inspector(s)/inspections as needed during the times of extensive or specialized plancheck review or construction. The project applicant may also be required to cover the full costs of independent technical review and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

12. Required Landscape Plan for New Construction and Certain Additions to Residential Facilities

Prior to issuance of a building permit

Submittal and approval of a landscape plan for the entire site is required for the establishment of a new residential unit (excluding secondary units of five hundred (500) square feet or less), and for additions to Residential Facilities of over five hundred (500) square feet. The landscape plan and the plant materials installed pursuant to the approved plan shall conform with all provisions of Chapter 17.124 of the Oakland Planning Code, including the following:

- a) Landscape plan shall include a detailed planting schedule showing the proposed location, sizes, quantities, and specific common botanical names of plant species.
- b) Landscape plans for projects involving grading, rear walls on downslope lots requiring conformity with the screening requirements in Section 17.124.040, or vegetation management prescriptions in the S-11 zone, shall show proposed landscape treatments for all graded areas, rear wall treatments, and vegetation management prescriptions.
- c) Landscape plan shall incorporate pest-resistant and drought-tolerant landscaping practices. Within the portions of Oakland northeast of the line formed by State Highway 13 and continued southerly by Interstate 580, south of its intersection with State Highway 13, all plant materials on submitted landscape plans shall be fire-resistant. The City Planning and Zoning Division shall maintain lists of plant materials and landscaping practices considered pest-resistant, fire-resistant, and drought-tolerant.
- d) All landscape plans shall show proposed methods of irrigation. The methods shall ensure adequate irrigation of all plant materials for at least one growing season.

13. Landscape Requirements for Street Frontages.

Prior to issuance of a final inspection of the building permit

- a) All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or

alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning.

- b) In addition to the general landscaping requirements set forth in Chapter 17.124, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet, the trees to be provided shall include street trees to the satisfaction of the Director of Parks and Recreation.

14. Assurance of Landscaping Completion.

Prior to issuance of a final inspection of the building permit

The trees, shrubs and landscape materials required by the conditions of approval attached to this project shall be planted before the certificate of occupancy will be issued; **or a bond, cash, deposit, or letter of credit, acceptable to the City**, shall be provided for the planting of the required landscaping. The amount of such **or a bond, cash, deposit, or letter of credit** shall equal the greater of two thousand five hundred dollars (\$2,500.00) or the estimated cost of the required landscaping, based on a licensed contractor's bid.

15. Landscape Requirements for Downslope Lots.

Prior to issuance of a final inspection of the building permit

On downslope lots where the height of the rear elevation of the primary Residential Facility exceeds twenty-eight (28) feet, landscaping that meets the following requirements shall be planted to screen the rear face of the building:

- a) A minimum of one (1) fifteen-gallon tree or five (5) five-gallon shrubs, or substantially equivalent landscaping as approved by the Director of City Planning, shall be provided for each fifteen (15) feet of lot width, measured at the rear face of the residence.
- b) The landscape screening shall be elected and maintained such that it is sufficient in size within five (5) years of planting to screen, at a minimum, the lower ten (10) feet of the structure.

16. Underground Utilities

Prior to issuance of a building permit

The project applicant shall submit plans for review and approval by the Building Services Division and the Public Works Agency, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground. The new facilities shall be placed underground along the project applicant's street frontage and from the project applicant's structures to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.

17. Improvements in the Public Right-of-Way (General)

Approved prior to the issuance of a P-job or building permit

- a) The project applicant shall submit Public Improvement Plans to Building Services Division for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with the conditions and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements- located within the public ROW.
- b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition.
- c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.
- d) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

18. Improvements in the Public Right-of Way (Specific)

Approved prior to the issuance of a grading or building permit

Final building and public improvement plans submitted to the Building Services Division shall include the following components:

- a) Install additional standard City of Oakland streetlights (**Wood Street. Improvements to Wood Street shall be required to go to the gutter on the east side of Wood Street between West Grand Avenue and 20th Street. Curb, sidewalk, ramps, streetlights and other improvements on the east side of Wood Street shall be constructed by future developers of properties fronting on the east side of Wood Street.**)
- b) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- c) Reconstruct drainage facility to current City standard (**Wood Street**).
- d) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- e) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards and address path-of-travel within or around the proposed development such that wheelchairs access is provided at **Wood Street. Improvements to Wood Street shall be required to go to the gutter on the east side of Wood Street between West Grand Avenue and 20th Street. Curb, sidewalk, ramps, streetlights and other improvements on the east side of Wood Street shall be constructed by future developers of properties fronting on the east side of Wood Street.**
- f) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage (**Wood Street**).
- g) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards. (**Wood Street**).

CONDITIONS OF APPROVAL

19. Payment for Public Improvements***Prior to issuance of a final inspection of the building permit.***

The project applicant shall pay for and install public improvements made necessary by the project including damage caused by construction activity. The applicant shall replace all street paving and sidewalk that will be damaged or compromised by construction activities.

The proposed sewer discharge of 33,380 gallon per day submitted for the project exceeded the sub-basin allocation and mitigation fee will be required. The estimated sewer mitigation fee is \$58,930 based on the Construction Cost Index (CCI) of June 2014 (10899.59). This fee will be adjusted using CCI when the actual date of paying the final approval of the building permit. The applicant will be responsible to calculate the capacity of local sewer main (where the lateral discharge to the sewer main) by assuming that the main pipe is flowing at 30% full.

20. Compliance Matrix***Prior to issuance of a demolition, grading, or building permit***

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division a **Conditions/ Mitigation Measures** compliance matrix that lists each condition of approval **and/or mitigation measure**, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions **and/or mitigations**. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance matrix for review and approval. The compliance matrix shall be organized per step in the plancheck/construction process unless another format is acceptable to the Planning and Zoning Division and the Building Services Division. The project applicant shall update the compliance matrix and provide it with each item submittal.

21. Construction Management Plan***Prior to issuance of a demolition, grading, or building permit***

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division for review and approval a construction management plan that identifies the conditions of approval **and mitigation measures** related to construction impacts of the project and explains how the project applicant will comply with these construction-related conditions of approval **and mitigation measures**.

22. Parking and Transportation Demand Management***Prior to issuance of a final inspection of the building permit.***

The applicant shall submit for review and approval by the Planning and Zoning Division a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The applicant shall implement the approved TDM plan. The TDM shall include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use. All four modes of travel shall be considered. Strategies to consider include the following:

- a) Inclusion of additional bicycle parking, shower, and locker facilities that exceed the requirement
- b) Construction of bike lanes per the Bicycle Master Plan; Priority Bikeway Projects
- c) Signage and striping onsite to encourage bike safety
- d) Installation of safety elements per the Pedestrian Master Plan (such as cross walk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient crossing at arterials
- e) Installation of amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.
- f) Direct transit sales or subsidized transit passes
- g) Guaranteed ride home program
- h) Pre-tax commuter benefits (checks)
- i) On-site car-sharing program (such as City Car Share, Zip Car, etc.)
- j) On-site carpooling program
- k) Distribution of information concerning alternative transportation options
- l) Parking spaces sold/leased separately
- m) Parking management strategies; including attendant/valet parking and shared parking spaces

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

Ongoing throughout demolition, grading, and/or construction

During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the Bay Area Air Quality Management District (BAAQMD):

- a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). 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 possible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- e) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f) Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne

toxics control measure Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.

- h) 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.
- i) Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required on-site signage.
- j) 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.
- k) All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.
- l) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- m) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).
- n) 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.
- o) 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) 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.
- q) The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- r) All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- s) 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.
- t) Minimize the idling time of diesel-powered construction equipment to two minutes.
- u) The project applicant shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate matter (PM) reduction compared to the most recent California Air Resources Board (CARB) fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative

- fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as they become available.
- v) Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).
 - w) All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.
 - x) Off-road heavy diesel engines shall meet the CARB's most recent certification standard.

24. Days/Hours of Construction Operation

Ongoing throughout demolition, grading, and/or construction

The project applicant shall require construction contractors to limit standard construction activities as follows:

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving 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. Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.
- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
 - i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
 - ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction activity shall take place on Sundays or Federal holidays.
- f) 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.

- g) Applicant shall use temporary power poles instead of generators where feasible.

25. Noise Control

Ongoing throughout demolition, grading, and/or construction

To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures:

- a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
- b) Except as provided herein, Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.
- c) Stationary noise sources shall be located as far from adjacent receptors 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.
- d) 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.

26. Noise Complaint Procedures

Ongoing throughout demolition, grading, and/or construction

Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

- a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);
- b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);

- c) The designation of an on-site construction complaint and enforcement manager for the project;
- d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and
- e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

27. Interior Noise

Prior to issuance of a building permit and Certificate of Occupancy

If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls), and/or other appropriate features/measures, shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval prior to issuance of building permit. Final recommendations for sound-rated assemblies, and/or other appropriate features/measures, will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phases. Written confirmation by the acoustical consultant, HVAC or HERS specialist, shall be submitted for City review and approval, prior to Certificate of Occupancy (or equivalent) that:

- (a) Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and
- (b) Demonstrates compliance with interior noise standards based upon performance testing of a sample unit.
- (c) Inclusion of a Statement of Disclosure Notice in the CC&R's on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity and the single event noise occurrences. Potential features/measures to reduce interior noise could include, but are not limited to, the following:
 - a) Installation of an alternative form of ventilation in all units identified in the acoustical analysis as not being able to meet the interior noise requirements due to adjacency to a noise generating activity, filtration of ambient make-up air in each unit and analysis of ventilation noise if ventilation is included in the recommendations by the acoustical analysis.
 - b) Prohibition of Z-duct construction.

28. Operational Noise-General

Ongoing.

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 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 Planning and Zoning Division and Building Services.

29. Construction Traffic and Parking

Prior to the issuance of a demolition, grading or building permit

The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:

- a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.
- d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.
- e) Provision for accommodation of pedestrian flow.

Major Project Cases:

- f) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces **Wood Street and 14th Street**.
- g) Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's 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 issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy.
- h) Any heavy equipment brought to the construction site shall be transported by truck, where feasible.
- i) No materials or equipment shall be stored on the traveled roadway at any time.

- j) Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.
- k) All equipment shall be equipped with mufflers.
- l) Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.

30. Erosion and Sedimentation Control

Ongoing throughout demolition grading, and/or construction activities

The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. Plans demonstrating the Best Management Practices shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division. 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.

31. Hazards Best Management Practices

Prior to commencement of demolition, grading, or construction

The project applicant and construction contractor shall ensure that construction of Best Management Practices (BMPs) are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

- a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;
- b) Avoid overtopping construction equipment fuel gas tanks;
- c) During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d) Properly dispose of discarded containers of fuels and other chemicals.
- e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.
- f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the 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 notification of 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.

32. Waste Reduction and Recycling

The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.

Prior to issuance of demolition, grading, or building permit

Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

Ongoing

The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.

33. Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP)

Ongoing

All mitigation measures identified in the **ER030023** are included in the Standard Condition of Approval and Mitigation Monitoring Program (SCAMMRP) which is included in these conditions of approval and are incorporated herein by reference, as conditions of approval of the project. The Standard Conditions of Approval identified in the **ER030023** are also included in the SCAMMRP, and are therefore, not repeated in these conditions of approval. To the extent that there is any inconsistency between the SCAMMRP and these conditions, the more restrictive conditions shall govern. The project sponsor (also referred to as the Developer or Applicant) shall be responsible for compliance with the recommendation in any submitted and approved technical reports, all applicable mitigation measures adopted and

with all conditions of approval set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. The SCAMMRP identifies the time frame and responsible party for implementation and monitoring for each mitigation measure. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. 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.

34. Pile Driving and Other Extreme Noise Generators

Ongoing throughout demolition, grading, and/or construction

To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. **The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved.** A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of **implementing** the following measures. These attenuation measures shall include as many of the following control strategies as **applicable to the site and construction activity**:

- a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;
- b) 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;
- c) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- d) 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

- e) Monitor the effectiveness of noise attenuation measures by taking noise measurements.

35. Lighting Plan

Prior to the issuance of an electrical or building permit

The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

36. Asbestos Removal in Soil

Prior to issuance of a demolition, grading, or building permit

To minimize the release of naturally occurring asbestos in the soil during construction, the project applicant shall require the construction contractor to demonstrate compliance with Bay Area Air Quality Management District's (BAAQMD) Asbestos Airborne Toxic Control Measures for Construction, Grading, Quarrying and Surface Mining Operations (implementing CCR section 93105) for activities that disturb the soil, such as grading, etc.

Administrative (Prior to the start of work)

- a) Asbestos Dust Minimization Plan shall be submitted to BAAQMD and approved prior to engaging in the any construction or grading operation.
- b) The Asbestos Dust Minimization Plan provisions shall be implemented at the beginning and maintained throughout the duration of the construction or grading activity.

Dust Control Requirements

The Asbestos Dust Minimization Plan shall include one or more provisions to address the following topics:

- a) Control for traffic on on-site unpaved roads, parking lots, and staging areas shall include: limiting vehicle speed to less than 15 mph, and one or more of the following: watering every two hours of active operations or sufficiently often to keep area wetted; applying chemical dust suppressants to consistent with manufacturer's directions; maintaining gravel cover with a silt content less than 5% and asbestos content less than .25% as determined using the asbestos bulk test method; or any other measure as effective as those listed above.
- b) Control for earthmoving activities shall include one or more of the following: pre-wetting the ground to the depth of the anticipated cuts; suspending grading operations when wind speeds are high enough to result in dust emissions crossing the property line despite applicable of dust measures; application of water prior to any land clearing; or any other measure as effective.
- c) Storage piles shall be kept adequately wetted or covered with tarps when the material is not being added or removed.
- d) Storage piles must be stabilized when inactive for more than 7 days by implementing one or more of the following: adequately wetting the site, establishing and maintaining surface crusting material, chemical dust suppressant or stabilizer, covering with tarps or

vegetative cover, installation of wind barriers of 50% porosity around three sides of the pile areas, or any measure as effective.

- e) Equipment must be washed down before moving from the property onto paved roadway.

Track-out prevention and control measures shall include:

- i. Removal of visible track-out on paved public road at any location where vehicles exit the work site using wet sweeping or High Efficiency Particulate Air (HEPA) filter equipped vacuum device at least one time per day.
 - ii. Installation of one or more of the following track-out prevention devices: gravel pad, tire shaker, wheel wash system, not less than 50 feet of pavement extending from intersection with paved public road, or other measure as effective.
- f) Control for offsite-transport shall include the following: maintenance of trucks such that no spillage can occur from holes or openings in cargo compartments; loads are adequately wetted; and either covered with tarps or loaded such that the material does not touch the front, back, or sides of the cargo compartment at any point less than 6" from the top and that at no point of the load extends above the top of the cargo compartment.
- g) Post project stabilization of disturbed surfaces shall occur using one or more of the following: establishing vegetative cover; placement of at least 3" of non-asbestos-containing material, paving, or other measure deemed sufficient to prevent 10 mph winds from causing visible emissions.

Administrative (After completion of work)

- a) If required by the BAAQMD's APCO, the plan must include an air-monitoring component which shall specify the following: type of air sampling device; siting of the device; sampling of the device; sampling duration and frequency; and analytical method.
- b) The plan shall state the frequency with which the information will be reported to BAAQMD.
- c) The owner/operator shall keep maintain the following records for at least 7 years following completion of the project: results of any required air monitoring; documentation for any geologic evaluation conducted for the purposes of obtaining an exemption; and results of any bulk sampling conducted by the owner/operator to document applicability done or at the request of APCO.

37. Tree Removal During Breeding Season

Prior to issuance of a tree removal permit

To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites 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 start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-

removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, 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.

38. Tree Removal Permit

Prior to issuance of a demolition, grading, or building permit

Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Agency, and abide by the conditions of that permit.

39. Tree Replacement Plantings

Prior to issuance of a final inspection of the building permit

Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:

- a) 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.
- b) Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye) or Umbellularia californica (California Bay Laurel) or other tree species acceptable to the Tree Services Division.
- c) Replacement trees shall be at least of 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.
- d) Minimum planting areas must be available on site as follows:
 - i. For Sequoia sempervirens, three hundred fifteen square feet per tree;
 - ii. For all other species listed in #2 above, seven hundred (700) square feet per tree.
- e) In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.

- f) Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer of the Tree Division of the Public Works Agency may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project applicant's expense.

40. Tree Protection During Construction

Prior to issuance of a demolition, grading, or building permit

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:

- a) 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 City Tree Reviewer. 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.
- b) 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 City Tree Reviewer 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.
- c) 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 Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. 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.
- d) 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.
- e) 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 Agency of such damage. 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.

- f) 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.

41. Archaeological Resources

Ongoing throughout demolition, grading, and/or construction

- a) Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.
- b) In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light 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) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.
- c) Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.

42. Human Remains

Ongoing throughout demolition, grading, and/or construction

In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines 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 Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. 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.

43. Paleontological Resources

Ongoing throughout demolition, grading, and/or construction

In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

44. Erosion and Sedimentation Control Plan

Prior to any grading activities

- a) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.660 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the

project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

Ongoing throughout grading and construction activities

- b) The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.

45. Vibrations Adjacent Historic Structures

Prior to issuance of a demolition, grading or building permit

The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage the **16th Street Train Station** (Historic Structure) and design means and methods of construction that shall be utilized to not exceed the thresholds.

46. Radon or Vapor Intrusion from Soil or Groundwater Sources

Ongoing

The project applicant shall submit documentation to determine whether radon or vapor intrusion from the groundwater and soil is located on-site as part of the Phase I documents. The Phase I analysis shall be submitted to the Fire Prevention Bureau, Hazardous Materials Unit, for review and approval, along with a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer. Applicant shall implement the approved recommendations.

47. Fire Safety Phasing Plan

Prior to issuance of a demolition, grading, and/or construction and concurrent with any p-job submittal permit

The project applicant shall submit a separate fire safety phasing plan to the Planning and Zoning Division and Fire Services Division for their review and approval. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. Fire Services Division may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase.

48. Hazardous Materials Business Plan

Prior to issuance of a business license

The project applicant shall submit a Hazardous Materials Business Plan for review and approval by Fire Prevention Bureau, Hazardous Materials Unit. Once approved this plan shall be kept on file with the City and will be updated as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle the materials and provides information to the Fire Services Division should emergency response be required. The Hazardous Materials Business Plan shall include the following:

- a) The types of hazardous materials or chemicals stored and/or used on site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.
- b) The location of such hazardous materials.
- c) An emergency response plan including employee training information
- d) A plan that describes the manner in which these materials are handled, transported and disposed.

49. Stormwater Pollution Prevention Plan (SWPPP)

Prior to and ongoing throughout demolition, grading, and/or construction activities

The project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a notice of intent (NOI) with the SWRCB. The project applicant will be required to prepare a stormwater pollution prevention plan (SWPPP) and submit the plan for review and approval by the Building Services Division. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit to the Building Services Division a copy of the SWPPP and evidence of submittal of the NOI to the SWRCB. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.

50. Post-Construction Stormwater Management Plan

Prior to issuance of building permit (or other construction-related permit)

The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Construction-Permit-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for

the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

- a) The post-construction stormwater management plan shall include and identify the following:
 - i. All proposed impervious surface on the site;
 - ii. Anticipated directional flows of on-site stormwater runoff; and
 - iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and
 - iv. Source control measures to limit the potential for stormwater pollution;
 - v. Stormwater treatment measures to remove pollutants from stormwater runoff; and
 - vi. Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit.

- b) The following additional information shall be submitted with the post-construction stormwater management plan:
 - i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
 - ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e. non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.

All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.

Prior to final permit inspection

The applicant shall implement the approved stormwater management plan.

51. Maintenance Agreement for Stormwater Treatment Measures

Prior to final zoning inspection

For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in

accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:

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

52. Regulatory Permits and Authorizations

Prior to issuance of a demolition, grading, or building permit

Prior to construction within the floodway or floodplain, the project applicant shall obtain all necessary regulatory permits and authorizations from the Alameda County Flood Control and Water Conservation District and shall comply with all conditions issued by that agency.

53. Structures within a Floodplain

Prior to issuance of a demolition, grading, or building permit

- a) The project applicant shall retain the civil engineer of record to ensure that the project's development plans and design contain finished site grades and floor elevations that are elevated above the Base Flood Elevation (BFE) if established within a 100-year flood event.
- b) The project applicant shall submit final hydrological calculations that ensure that the structure will not interfere with the flow of water or increase flooding.

54. Stormwater and Sewer

Prior to completing the final design for the project's sewer service

Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

55. Exposure to Air Pollution (Toxic Air Contaminants: Particulate Matter)***Prior to issuance of a demolition, grading, or building permit***

A. Indoor Air Quality: In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential health risk due to exposure to diesel particulate matter to achieve an acceptable interior air quality level for sensitive receptors. The appropriate measures shall include **one** of the following methods:

- 1) The project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air pollutants prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning and Zoning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.
- 2) The applicant shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These features shall be submitted to the Planning and Zoning Division and the Building Services Division for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the project.
 - a) Redesign the site layout to locate sensitive receptors as far as possible from any freeways, major roadways, or other sources of air pollution (e.g., loading docks, parking lots).
 - b) Do not locate sensitive receptors near distribution center's entry and exit points.
 - c) Incorporate tiered plantings of trees (redwood, deodar cedar, live oak, and/or oleander) to the maximum extent feasible between the sources of pollution and the sensitive receptors.
 - d) Install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual residential unit, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters shall be used.
 - e) Retain a qualified HV consultant or HERS rater during the design phase of the project to locate the HV system based on exposure modeling from the pollutant sources.

- f) Install indoor air quality monitoring units in buildings.
- g) Project applicant shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the CC&Rs for residential projects and distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HV system and the filters.

B. Outdoor Air Quality: To the maximum extent practicable, individual and common exterior open space, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.

56. Air Pollution Buffering for Private Open Space

Prior to approval of Final Development Plan for each stage

To the maximum extent practicable, private (individual and common) exterior open space, including playgrounds, patios, and decks, shall either be shielded from the stationary source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.

57. Traffic Mitigation

Prior to issuance of a certificate of occupancy for the first unit

The project shall be required to comply with the Traffic Mitigations and Fair Share contributions to study and improved identified intersections as per the mitigation measures associated with VTPM8555 and ER03-0023 for the Wood Street project.

For VTPM8555 COA's 26, 27, and 28, the applicant would be required to pay the Fair Share contribution identified in Eric Angstadt's letter of May 29, 2009 (See Attachment D) prior to issuance of building permit.

For VTPM8555 COA 76, the applicant in collaboration with the other Wood Street Project sponsors shall re-engage discussions with AC Transit to see if service on the 26 line can be returned to 15 minute headways, and as development of the Wood Street Zoning District progresses to the north, in coordination with AC Transit, locate an additional AC Transit stop proximate to the new uses.

58. Public Improvements – Vesting Tentative Parcel map 8555

Ongoing

All public improvements shall be constructed in substantial conformance with the individual vesting tentative maps submitted by the project sponsors for each Development Area for the approval of the Wood Street Project. The project Sponsor for Development Area 8 shall

construct all public improvements to Wood Street between 20th Street and West Grand Avenue, unless development has occurred on an adjacent parcel and the public improvements are already installed. Except as otherwise provided in this condition, the improvements referred to in this condition include complete street width, curb, gutter, sidewalk, and installation of utilities in accordance with the standards of the City of Oakland to the limits shown on VTPM8555. Sidewalks on the opposite side of Wood Street Zoning District perimeter streets (i.e. outside the District) will get minor repairs only.

59. Conditions of approval associated with VTPM8555

Ongoing

All the conditions of approval associated with VTPM8555 shall apply to PLN14-262-PUDF01 unless expressly modified by those associated with PLN14-262-PUDF01 .

60. Orientation of on-street Parking

Ongoing

The proposed perpendicular street parking in adjacent to the subject site on Wood Street shall be modified and replaced with angled parking consistent with and as depicted in the plan for VTPM8555 to prevent vehicles that are backing out from blocking both travel lanes.

APPROVED BY:

City Planning Commission: _____ (date) _____ (vote)

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on December 3, 2014. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant: _____ (date)

Signature of Contractor _____ (date)

**Central Station Development Area 8
Wood Street Zoning District Submittal Requirements Checklist
And
Wood Street Zoning District Development Standards Checklist**

Please find below the requirements for plan submittal within the Wood Street Zoning District (per sections 3.1 and 3.3) and where to find each of the required items within our submittal. Following this table is an outline of development standards from the Wood Street Zoning and discussion of how the proposed project complies with each.

Wood Street Zoning District Submittal Requirements Checklist

3.1 Preliminary Development Plan	
1. Streets, driveways, sidewalks, pedestrian and bike ways, and off-street parking and loading areas, including integration with surrounding uses;	Various sheets (including P2.1, A001, C-1)
2. Location and dimensions of structures;	Various sheets (including P2.1, A001, C-1)
3. Utilization of property for residential and non-residential use;	See sheet P1.2 for area tabulations
4. Estimated population;	See sheet P1.2 for unit mix
5. Reservations for public uses, including schools, parks, playgrounds, and other open spaces;	See Landscape Set, esp. L1
6. Major landscaping features, including trees protected by O.M.C. Chapter 12.36, as it may be amended;	See Landscape Set, sheets L1-L14. No protected trees (see affidavit included in application)
7. Creeks protected by O.M.C. Chapter 13.16, as it may be amended.	No creeks (see affidavit included in application)
8. Historic resources pursuant to the City's Historic Preservation Element Policy 3.8 or as defined in Section 15064.5 of Title 22 of the California Code of Regulations; and	No historic resources (see affidavit included in application)
9. Plan and elevation drawings establishing the scale, character, and relationship of buildings, streets, and open spaces, and a description of all exterior building materials.	See Plans/Elevations, sheets 2.1-2.5 and 3.1-3.3 See renderings, sheets P1.9a and P1.9b See materials list, sheet P1.6
10. A tabulation of the land use area and gross floor area to be devoted to various uses and a calculation of the average residential density per net acre and per net residential acre.	See sheet P1.2 for area tabulations
11. Preliminary Phasing Plan generally depicting projected development time frames including quantitative data, such as population, housing units, land use acreage, and other data sufficient to illustrate the	See sheet G003 for Phasing Plan

relationship between the phasing of development and the provision of public facilities and services.	
12. Preliminary public services and facilities plan including proposed location, extent and intensity of essential public facilities and services such as public and private streets and transit facilities, pedestrian access, bikeways, sanitary sewer service, water service, storm drainage structures, solid waste disposal and other utilities; and a table comparing the description to the existing location, extent, and intensity of such essential public facilities and services.	See sheets C-1, C-2, ER-1, ER-2, and SW-2
13. A public facilities financing plan.	See Public Facilities Financing Letter.
3.3 Final Development Plan	
1. The location of all public infrastructure that provides water, sewage, and drainage facilities and other utility services;	See sheets C-1, C-2, ER-1, ER-2, and SW-2
2. The location of all private infrastructure that provides gas, electric, and other utility services;	See sheets C-1, C-2, ER-1, ER-2, and SW-2
3. Detailed building plans, elevations, sections, and a description of all exterior materials;	See Plans/Elevations, sheets 2.1-2.5 and 3.1-3.3 See renderings, sheets P1.9a and P1.9b See materials list, sheet P1.6
4. Landscape plans prepared by a landscape architect;	See Landscape Set, sheets L1-L14.
5. The character and location of signs;	See Preliminary Sign Plan, Sheet G002
6. Improvement plans for all public and private streets, driveways, sidewalks, pedestrian and bike ways, and off-street parking and loading areas;	See sheets C-1, C-2, ER-1, ER-2, and SW-2
7. Grading or other earth-moving plans; and	See sheets C-1, C-2, ER-1, ER-2, and SW-2
8. The public facilities financing plan approved as part of the Preliminary Development Plan modified as necessary to reflect changed conditions or new information.	See Public Facilities Financing Letter

Wood Street Zoning District Development Standards Checklist

Wood Street Zoning Section	Applicable Standard	Proposed Project
4.0 Land Use Regulations		
4.10 Land Use Regulations	Permitted, Conditional, Limited, and Prohibited uses allowed per table 4.10-1.	<p>The proposed project includes the following uses:</p> <p><u>Residential Units:</u> <u>Residential Activities</u> Permanent (P – Permitted in DA 8)</p> <p><u>Ground Floor Commercial Flex:</u> Ground floor Commercial Flex may include any activities subject to table 4.10-1, but is anticipated to likely include:</p> <p><u>Commercial Activities</u> General Food Sales (P(L5) – Permitted in DA 8 but limited to no more than 3,000 sq ft and hours limited to 6am-10pm) Convenience Sales and Service (P – Permitted in DA 8) General Retail Sales (P – Permitted in DA 8) General Service (P – Permitted in DA 8) Business and Communication Service (P – Permitted in DA 8)</p> <p><u>Manufacturing Activities</u> Custom (P – Permitted in DA 8)</p>
4.20 Activity Classifications	General. No applicable standards.	
4.20 Accessory Activities	General. No applicable standards.	
4.30 Joint. Living and Working Quarters.	1. c. "Category II Work/Live Unit." A unit specifically created to be used for both nonresidential and residential activities but that emphasizes accommodating the	It is anticipated that ground floor Flex Commercial space may be converted to Work/Live units if there is inadequate demand for permitted commercial uses. Each space will be outfitted with rough plumbing that can

	<p>nonresidential activity. This type of unit only contains incidental residential accommodations, has no less than two-thirds of floor area devoted to work activities, and contains an active business. A Category II Live/Work is considered a nonresidential facility.</p> <p>2. b. Category II Work/Live Units, including New Construction and Converted facilities, are permitted in all Development Areas upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17. 134 and subject to the Conditional Use Permit Criteria listed in Section 17.1 02.190E.</p>	<p>serve anticipated commercial uses and could allow for addition of a code-compliant kitchen and bathroom, which facilities might be required by commercial uses or would be required in order for work/live conversion.</p> <p>Such conversions would be subject to application for a conditional use permit at a later date, prior to such conversion, and would be required to meet applicable conditions of the planning code and Wood Street Zoning standards for work/live.</p>
5.0 Development Standards		
5.10 Introduction to Development Standards	Table 5.10-1 Regulations for Development Area 8	
5.20 Maximum Density (per Table 5.10-1 Regulations for Development Area 8)	<p>Maximum Residential Density</p> <p>1-Min. land area per dwelling unit 331.65 sf</p> <p>2-Max. dwelling units per acre 131.3 DU/A</p> <p>3-Max. number of units 265</p>	The proposed project includes 235 units (93.25 DU/A), below the maximum residential density.
Max Area of Non-Residential Uses (per Table 5.10-1 Regulations for Development Area 8)	Max. Area of Non-Residential Uses: 258,000 sq ft	Less than 20,000 sq ft proposed
5.21 Minimum Density (per Table 5.10-1 Regulations for Development Area 8)	Minimum Density for Residential Units: 1 unit per 1,000 sf of site area (44 DU/acre)	The proposed project includes 235 units (93.25 DU/A), above the minimum residential density.
5.22 Floor Area Ratio (per Table 5.10-1 Regulations for Development Area 8)	Maximum FAR: 2.947: 1	2.19 Proposed
5.23 Maximum Height (per Table 5.10-1 Regulations for Development Area 8)	Maximum Height: 90 ft	74' 10" proposed

Additional Standards for Development Area 8	6. A maximum height of fifty (50) feet shall apply to any portion of a structure located within fifteen (15) feet of the street setback line at Wood Street.	The building height is 24'4" within 15 feet of the street setback line at Wood Street.
5.24 Minimum Setbacks	<p>Minimum Street Setbacks</p> <ul style="list-style-type: none"> -Wood Street: 10 ft -12th Street: NA -Frontage Road: 0 ft -14th Street: NA -Public Access Areas: 0 ft 	<p>Proposed:</p> <ul style="list-style-type: none"> 10 ft proposed NA > than 0 NA > than 0
	Minimum Interior Setbacks: 0 ft	Not Applicable.
5.30 Building Frontage	<p>1. For each lot, a minimum percentage of each street line or street setback line shall be occupied by building frontage as indicated below.</p> <p><i>Standards for Development Area 8</i></p> <p>1. A minimum of 50% of the required building frontage at Wood Street shall contain occupied space. The remainder of the required building frontage may contain parking or other non-occupied uses.</p>	444 feet of total 605.5' of Wood Street Frontage is occupied by buildings. = 73.5%
	2. The required building frontage, shall be located within five feet of the street line or street setback line.	Building frontage immediately abuts the street setback line.
	3. Required building frontage shall be at least one story or fifteen (15) feet in height, at least twenty (20) feet in depth and shall contain occupied space at the ground floor.	<p>Building frontage is 24'4" in height.</p> <p>Ground floor commercial flex uses are 30' or greater in depth.</p>
	4. Covered arcades, porches, gate houses and similar architectural elements that create sheltered outdoor space may be considered building frontage, provided these elements adjoin or provide access to occupied space.	Not Applicable.
5.31 Building Frontage at Corner Locations on Wood Street (Note – corner with West Grand is explicitly exempted from all standards under this section)	1. At corner locations on Wood Street a continuous building frontage shall be provided at the street setback line for a distance of thirty (30) feet minimum along Wood Street, and twenty (20) feet minimum along the intersecting street line.	At all building corners on Wood Street, a continuous building frontage greater than 30' is proposed. The frontage is continuous for at least 20' along the intersecting street line at 20th street.

	3. Recessed or beveled comer entries are acceptable at comer frontages.	
	2. Required building frontage at corner locations shall be at least one story or fifteen (15) feet in height, at least twenty (20) feet in depth and shall contain occupied space at the ground floor.	At all corners on Wood Street, building frontage is 24'4" in height. Ground floor commercial flex uses at least 20' deep and typically 30' deep or more. All corners contain occupied space.
	3. Recessed or beveled comer entries are acceptable at comer frontages.	Not Applicable.
	4. A minimum of one pedestrian entry into the building is required to be provided from either Wood Street or the intersecting street (or Public Access Area). Required entry shall be within thirty (30) feet of the corner, as measured from the intersection of the street line at Wood Street and the street line at the intersecting street.	Pedestrian entries to ground floor commercial flex space are provided at or near (less than 30 feet) corners.
5.32 Street Front Entries	Exceptions The locations and conditions indicated below are exempt from the standards set forth in this section: I. Building frontage located in Development Area 8	Not Applicable
5.33 Street Front Openings	Applicability The following standards apply at all ground floor building frontage located within the Wood Street Overlay Zone.	Not Applicable
5.34 Projections over the Street Line or Street Setback Line		The proposed project does not include any projections over the Street Line or Street Setback Line.
5.40 Usable Open Space for Residential Uses	Minimum Usable Open Space (per DU): 50 sq ft	See Sheet G002. TOTAL REQUIRED: 50SF X 235 UNITS = 11,750 SF 16,280 SF PROPOSED
	2. A minimum of 30% of the required usable open space shall be group open space. The remainder of required usable open space may consist of either group or private open space, or a combination of the two.	Group Open Space: Common Entry Plaza 2,200 sq ft Roof Deck 1,778 sq ft TOTAL: 3,978 sq ft group open space 3,978 is 34% (greater than 30%) of required 11,750 sq ft
	3. Location of group usable open space: a. No more than fifty percent (50%) of the required group	Roof Deck is 1778 sq ft out of total 3978 sq ft of group

	open space shall be located on the roof of a building.	open space. (Less than 50%)
	4. Private usable open space shall be adjacent to and readily accessible from the living unit served.	All private usable open spaces are immediately adjacent to and accessed from unit living spaces served.
	5. Size and shape: An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions show a in the following table: a. Private usable open space: 5 ft b. Group usable open space: 10 feet	See Sheet G002. All private open spaces have a minimum short side dimension of 5 feet. All group usable open spaces have minimum short side dimension of 10 feet.
5.41 Minimum Separation Between Opposite Walls on the Same Lot	1. The minimum separation between opposite walls on the same lot containing windows of habitable rooms shall be equal to the average height of the two opposite walls containing those windows. 4. Where any Opposite wall exceeds 50 feet in height, the maximum required separation is forty (40) feet.	The opposing walls of the two buildings have windows no closer than 40'. Opposing windows will be greater than 40' apart per sheet P2.1.
5.50 Required Off-Street Parking (per Table 5.10-1 Regulations for Development Area 8)	Required off-street Parking for Residential Uses: 1.1 per DU	Phase 1: 125 units X 1.1= 138 required 138 proposed (1.1:1) Phase 1+2: 235 units X 1.1 = 259 required 239 proposed (1.02:1)
(per Table 5.50-1)	Required on-Street Parking for non-Residential Uses	Each individual use is not expected to exceed 3,000 sq ft. As a result, technically, the requirement for each use is 0. However, considering all ground floor commercial flex space cumulatively, 14 spaces are required. All anticipated uses fall within One space for each 1,000 square feet of floor area requirement. Per Section 5.52 Joint Use Parking, residential uses shall be allowed to utilize off-street parking serving other uses provided provisions a-d and 2 are met. All provisions are met in this case.
5.51 Dimensional Requirements for Off-Street Parking	Standards For Parking Serving Residential Uses 2. A standard parking stall size of 8'x17' may be provided for all required spaces serving residential	All parking provided in phase 1+ 2 buildout conforms to these standards.

	<p>uses.</p> <p>3. In parking garages where the layout of stalls conforms to a regular grid of structural columns, the dimensions indicated in Figure 5.51-1 shall be considered to provide the minimum allowable clearance related to the obstruction created by the structural columns.</p>	
	<p>Standards For Parking Serving Uses Other Than Residential Uses</p> <p>4. Required dimensions for parking serving activities other than residential shall be as set forth in Section 17.116 of the Planning Code.</p>	<p>Per 17.116.200 Parking space dimensions, all on-site surface parking (parking which would be utilized by non-residential uses) and parking on wood street complies with regular dimensions.</p>
	<p>Standards For Other Parking Arrangements</p> <p>5. Mechanical Parking Systems:</p> <p>a. Mechanical parking systems including vertical stacking systems are allowed subject to approval by the Building Official. The Parking Stall Dimension for such systems shall be as required for safe operation of the systems.</p> <p>6. Tandem Parking:</p> <p>a. Tandem parking is allowed provided at least one independent parking space is provided for each dwelling unit.</p>	<p>No mechanical or tandem parking provided.</p>
<p>5.52 Joint Use Parking</p>	<p>1. Residential uses shall be allowed to utilize off-street parking serving other uses, provided the following conditions are met.</p> <p>a. Joint use parking shall be located on the same lot or within three hundred (300) feet of the uses served.</p> <p>b. Joint use parking spaces are guaranteed to be available for residential use between the hours of 6:00 PM and 8:00 AM.</p> <p>c. Joint use parking shall be arranged to provide security and access at least equal to other required off-street parking.</p>	<p>All commercial spaces are anticipated to be daytime use and meet conditions 1 a through d and condition 2.</p> <p>a. spaces are located on same lot and within 300 feet of uses served.</p> <p>b. spaces will be available from 6pm to 8 am.</p> <p>c. same security will be provided for these spaces as other residential spaces.</p>

	<p>d. Joint use parking arrangements shall be included as Conditions of Approval for the development project.</p> <p>2. Joint use parking shall not account for more than thirty percent (30%) of the required off-street residential parking.</p>	<p>d. this may be included in conditions of approval</p> <p>2. joint use spaces = 14 of total 239 provided = 5.8%</p>
5.53 Curb Cuts	<p>1. The maximum total allowable width of an individual curb cut is twenty-four (24) feet.</p> <p>2. The distance between curb cuts on public streets shall not be less than twenty-four (24) feet.</p>	<p>Curb cut is 26' wide as this is the required solid surface width dictated by fire department requirements. There is only one curb cut for vehicular traffic.</p>
5.54 Off-Street Loading Requirements	<p>1. Designated loading zones shall be provided at Public Access Areas subject to approval by the Planning Official.</p> <p>2. There is no requirement for off-street loading areas other than those provided at Public Access Areas.</p>	<p>Per municipal code section 17.116, Loading requirements for 10,000-24,999 sq ft non-residential require 1 loading birth, which is provided on Wood Street, as indicated on sheets including C-1 on Wood Street in the center of the site. The indicated loading space is longer than the longest minimum required loading birth dimensions for any use as outlined in section 17.116.220</p>
5.60 Location and Screening of Surface Parking	<p>1. Surface parking areas containing more than four stalls are not allowed less than twenty (20) feet from a street line or street setback line.</p>	<p>Surface parking in Phase 1 + 2 condition is located behind the buildings, not less than 100 feet from the street line.</p>
	<p>4b. Surface parking in the Frontage Road Overlay Zone shall be screened as indicated in item 1b above.</p>	<p>Surface parking in Phase 1 + 2 condition is screened behind the buildings.</p>
Phase I only condition	<p>Exceptions</p> <p>The locations and conditions indicated below are exempt from the standards set forth in this section:</p> <p>1. Facilities located adjacent to elevated roadways</p>	<p>Phase I only surface parking is not subject to these requirements.</p>
5.61 Shade Trees at Surface Parking Areas	<p>General Standards</p> <p>1. For every eight (8) parking spaces, a minimum of one tree shall be provided.</p> <p>2. All required trees shall be 15 gal. minimum size at time of planting and shall be provided with an automatic irrigation system.</p> <p>3. Tree wells shall be a minimum of 9 square feet in an</p>	<p>In Phase 1 + 2 condition, surface parking along western boundary of site will have 11 trees clustered at center, and additional trees will be distributed along the western site boundary.</p> <p>In Phase 1 only temporary condition, street trees will be planted along Wood Street, however no trees will be</p>

	<p>area, measured to the inside face of curb or paving.</p> <p>4. Required trees shall be located within the parking area and shall be distributed evenly. See Figure 5.61-1</p> <p>5. All required trees shall be protected from vehicular traffic by a curb, bollard or metal tree guard.</p> <p>6. Trees may be omitted where a covered structure is provided at parking stalls.</p>	<p>planted in temporary parking area as it would not be practical to plant according to these guidelines then relocate them in subsequent years.</p>
5.62 Location and Screening of Tuck-under Parking	<p>Exceptions</p> <p>The locations and conditions indicated below are exempt from the standards set forth in this section:</p> <ol style="list-style-type: none"> 1. Existing Buildings 2. Adjacent to elevated roadways 	<p>No tuck under parking. Not applicable.</p>
5.63 Location & Screening of Parking Garages	<p>Exceptions</p> <p>The locations and conditions indicated below are exempt from the standards set forth in this section:</p> <ol style="list-style-type: none"> 1. Parking garages developed within the shell of existing buildings 2. Parking garages adjacent to elevated roadways 	<p>The structured parking provided under Phase II building is adjacent to elevated roadways on two sides.</p>
5.70 Limitations on Signs	<ol style="list-style-type: none"> 1. All signage shall be subject to the standards set forth in Planning Code Section 17.104.010 General Limitations On Signs in Residential and Open Space Zones except as otherwise provided in the following standards. 2. The display area and number of signs shall conform to the limitations set forth in Table 5.70-1, Summary of Signs Standards. 3. For activities with frontage exceeding seventy-five (75) feet on two or more public streets or Public Access Areas, the allowable aggregate display area and allowable number of signs may be doubled. 4. Billboards and other free standing commercial signs are not allowed. 	<p>See Signage Plan, Sheet G002.</p>
5.80 16th Street Station and 16th Street Signal Tower	<p>Not applicable.</p>	<p>Not applicable.</p>

5.90 16th Street Plaza	Not applicable.	Not applicable.
6.0 Design Guidelines		
6.10 Introduction to Design Guidelines	General. No applicable Standards.	General. No applicable Standards.
6.20 Architectural Character	<p>1. Each development project shall by use of massing, articulation, materials and detail establish a coherent, integrated architectural character that is consistent within each development project. All built aspects of the development project shall be considered as contributing to the architectural character of the development project, including but not limited to; site structures and furnishings, exterior lighting, paving and signage.</p> <p>2. Buildings are not restricted to any specific architectural style. Within the overall scope of the Wood Street Zoning District, a variety of architectural styles are encouraged as a means of enhancing the mixed-use, urban character of the development project.</p>	Compliance subject to planning commission design review.
6.21 Pedestrian Connections	<p>Exceptions The locations or conditions indicated below are exempt from the guidelines contained in this section:</p> <ol style="list-style-type: none"> 1. Existing buildings 2. Development Area 8 	Not applicable.
6.23 Building Massing	<p>General Guidelines</p> <ol style="list-style-type: none"> 1. Massing should reduce the visual scale of large development projects and to respond to specific adjoining conditions. <p>Encouraged</p> <ol style="list-style-type: none"> a. Articulation of separate building volumes. b. Building massing that emphasizes corner locations c. Building massing that emphasizes major entry points into the site 	<p>See sheet P1.5 conceptual massing strategy.</p> <ol style="list-style-type: none"> a. Push/pull concept articulates building volumes b. Corner locations emphasized by commercial uses, building projections c. Major entry plaza “notch” is a primary feature of the massing. d. Roof line “notch”

	d. Creation of a varied building silhouette by incorporating significant changes in massing at the roof lines	
6.24 Building Articulation	<p>Exceptions</p> <p>The locations or conditions indicated below are exempt from the guidelines contained in this section:</p> <ol style="list-style-type: none"> 2. Building frontage on the 20th Street Public Access Area 3. Building frontage adjacent to elevated roadways 5. Commercial uses at Development Area 8 	Not applicable to any project frontage
6.25 Parking Garages Facades	... guidelines apply to all parking garage facades visible from and located within sixty (60) feet of a street line or street setback line except as specified below.	No parking garage facades located within sixty feet of a street line.
6.26 Balconies	Where provided, balconies shall be visually integrated with the architectural character of the project and shall not be the predominant element on any facade facing the street line.	Balconies are visually integrated with the architectural character of the project and are not the predominant element on any façade facing the street line.
6.27 Awnings & Canopies	Storefront awnings and/or canopies are encouraged at ground level commercial locations to provide articulation to the building facade	Encouraged but not required, canopies and awnings are inconsistent with the architectural character of the commercial façade.
6.30 Windows	<ol style="list-style-type: none"> 1. The proportion and subdivision of typical windows should reflect the overall proportion and character of the building. 2. Window materials, trim (if any), and detailing should be of good quality and consistent with the architectural character of the building and compatible with the other exterior materials. 3. Windows set flush with cement plaster (stucco) finish without provision of trim, projecting sills, or other perimeter detailing are discouraged 4. Glazing shall be transparent to the greatest degree practical 5. Window grills or security screens are discouraged in 	<ol style="list-style-type: none"> 1. Windows are large and in a regular pattern, reflecting the overall proportions and character of the building. 2. Window materials and trim will be of high quality and consistent with the architectural character of the building. 3. Windows will be recessed where applicable 4. Window glazing will be clear. 5. No security grills or screens.

	ail Development Areas, particularly at locations less than twenty (20) feet from a street line or street setback line.	
6.31 Garage Doors	The following guidelines apply to all garage doors visible from and located less than sixty (60) feet from a street line or street setback line...	Not applicable. No garage doors within 60 feet from street line.
6.32 Service Access	The following guidelines apply to all ground level service doors or gates visible from and located less than twenty (20) feet from a street line or street setback line...	Not applicable. No service doors or gates visible from or located less than twenty feet from street line. All service doors on back of building or sides facing elevated roadways, and more than 20' from street line.
6.33 Underground Utility Connections	All utility lines serving lots within the Wood Street Zoning District shall be underground to point of entry at building, including electrical, telephone, data and cable services.	All utility lines will be underground.
6.34 Screening of Equipment	<ol style="list-style-type: none"> 1. All equipment located within twenty (20) feet of a street line or adjoining setback line shall be screened... 2. Equipment located more than twenty (20) feet from a street setback line or street setback line shall be integrated into the overall building and site design. 3. All equipment located on the roof of a building shall be screened by one of the following means... 	<ol style="list-style-type: none"> 1. Not applicable. No equipment anticipated within 20 feet of street line or setback line. 2. Not applicable. 3. Any rooftop equipment will be appropriately screened or housed within a mechanical penthouse of appropriate architectural character and quality.
6.35 Mechanical Penetrations at Facades and Roofs	<ol style="list-style-type: none"> 1. The following guidelines apply to roof penetrations at buildings located less than sixty (60) feet from a street line or street setback line. <ol style="list-style-type: none"> a. Appliance vents, exhaust fans, and similar roof penetrations shall be located so as to not be visible from the street, to the greatest degree practical. b. Where visible from street, roof penetrations shall be aligned to present an organized appearance. c. All exposed metal penetrations and roof accessories shall be finished to match or blend with the roof color. 2. Mechanical penetrations at building facades, including kitchen and dryer vents, bath exhausts and other penetrations shall be aligned horizontally and 	<ol style="list-style-type: none"> 1. all applicable roof penetrations will be located so as not to be visible from the street, and will be organized and finished as described to the maximum extent practicable. 2. all applicable penetrations at building facades shall be aligned vertically and horizontally with other penetrations, openings, and architectural features to the maximum extent practicable.

	vertically with other penetrations, window openings and/or other architectural features to present an organized appearance consistent with the architectural character of the building.	
6.36 Waste Handling Areas	<ol style="list-style-type: none"> 1. All waste handling areas shall either be enclosed in the structure of the building or screened by a wall or fence consistent with architectural character of the building and adequate to prevent view of trash or recycling containers from the street, public access areas, common circulation areas or group open space areas. 2. At dwelling units to be served by individual waste bins, provide a dedicated location for bins, screened as indicated in item 1. above. 3. Adequate lighting shall be provided at the path leading to the waste handling enclosure as well as within the enclosure. 4. Space allocated for recycling shall be consistent with the requirements of Section 17.118 of the Planning Code. 	<ol style="list-style-type: none"> 1. waste handling areas will be enclosed in the structure of the building as shown in plans. 2. not applicable 3. adequate lighting will be provided 4. space shall be allocated for recycling and composting consistent with code.
6.40 Exterior Materials	<ol style="list-style-type: none"> 1. All exterior materials and building components shall be durable and of a high-quality. 2. Exterior Wall Materials Encouraged: cement plaster (stucco), cement board (panels or planks); wood panels, planks; metal-corrugated panels, flat panels; stone; brick & split face block. 3. Roofing Materials at Sloped Roofs where visible from the street (roofs of 2:12 slope or greater) 4. Roofing Materials at flat roofs (roofs less than 2:12 slope) No limitations 	<ol style="list-style-type: none"> 1. Exterior materials will be durable and high quality materials. 2. Exterior wall materials will include encouraged materials such as finished poured concrete, metal panels, cement board, cement plaster, or other similar. 3. Not applicable. 4. No limitations.
6.41 Exterior Color	<ol style="list-style-type: none"> 1. Each project shall create a cohesive color palette that takes into consideration the finish of all exterior 	<p>See renderings pages p1.9A and 1.9B</p> <ol style="list-style-type: none"> 1. A cohesive color palette is proposed.

	<p>elements.</p> <p>2. Projects are encouraged to employ more than one body color to articulate the form, rhythm and scale of the building.</p> <p>3. Accent colors are encouraged where they enhance the architectural character of the development project.</p>	<p>2. the project employs multiple colors, which articulate form, rhythm and scale.</p> <p>3. accent colors are used to enhance the architectural character and rhythms of the project, such as windows, balconies, and openings.</p>
6.42 Exterior Lighting	<p>1. A minimum average lighting level of one foot candle shall be provided along all designated paths of travel between dwelling units, buildings and site entrances, public streets, and open spaces.</p> <p>2. Exterior lighting shall be provided immediately adjacent to all entries to the site, buildings, dwelling units and commercial spaces.</p> <p>3. All exterior light fixtures shall be designed and situated to avoid glare at occupied space.</p> <p>4. Exterior light fixtures shall be compatible in location, design and finish with the architectural character of the development project.</p> <p>5. The location and design of exterior lighting adjacent to a street or public access area shall be coordinated with lighting at the adjoining streetscape design.</p> <p>6. High-pressure and low-pressure sodium lamps are not allowed due to poor color rendition.</p>	<p>All exterior lighting guidelines will be met in lighting design for the project.</p>
6.50 Signage & Graphics	<p>1. Signs shall respect the architectural elements of the buildings they identify and shall be designed as architectural elements in their own right.</p> <p>2. Signs shall not obscure architectural elements such as transoms or columns.</p> <p>3. All exterior signage shall be professionally designed and fabricated of high-quality durable materials.</p> <p>4. The size of signs and sign letters shall be in scale and proportion to the space in which they are located.</p> <p>5. The design and alignment of adjacent signs shall be</p>	<p>See Sheet G002 Sign Plan</p> <p>1. Vertical blade signage will respect and accentuate the architectural character of the building.</p> <p>2. Blade signs will be mounted perpendicularly to not obscure architectural elements.</p> <p>3. Signs will be professionally designed and fabricated of high quality durable materials.</p> <p>4. size of signs and letters will be in appropriate proportion and scale to commercial facades.</p> <p>5. Design and alignment of signs will be standardized to</p>

	<p>coordinated in order to achieve an organized appearance.</p> <p>6. The following sign types are not allowed</p> <ol style="list-style-type: none"> a. Internally lit 'cabinet' signs b. Moving signs c. Blinking or flashing signs <p>7. Sign lighting shall utilize spotlighting or exposed or halo-lit neon and shall not create glare for pedestrians or motorists.</p>	<p>achieve an organized appearance.</p> <p>6. prohibited sign types will not be used.</p> <p>7. sign lighting will not create glare.</p>
	<p>Guidelines for Projecting Signs</p> <p>1. Location of projecting signs shall be coordinated to avoid obscuring other signage.</p>	<p>Project sign will be located near the residential front door and will not obscure other signage.</p>
	<p>Guidelines for Freestanding Project Signs Serving Residential Uses</p> <ol style="list-style-type: none"> 1. Free standing signs shall be designed to avoid blocking vehicular or pedestrian site lines. 2. Free standing signs shall not exceed five (5) feet in height. 	<p>Residential signage will conform to these guidelines.</p>
<p>6.60 Planting Areas</p>	<p>General Guidelines</p> <ol style="list-style-type: none"> 1. Planting areas should be designed to be attractive year round through provision of a variety of textures and seasonal color. 2. Planting shall be utilized for the following purposes: <ol style="list-style-type: none"> a. to emphasize and enhance pedestrian and vehicular entries. b. to screen service areas c. to provide buffering between non-compatible site uses. d. to provide buffering between private and group usable outdoor space e. to improve appearance and usability of outdoor space. 3. Planting shall take into consideration public safety, 	<ol style="list-style-type: none"> 1. planting areas will be attractive year round and include a variety of textures and seasonal color. 2. planting is designed appropriately to enhance architecture and placemaking of public spaces. 3. landscape design and planting at both the project ground level and 20th street pocket park is designed to consider public safety and vagrancy concerns in the neighborhood and not interfere with site lines.

	and shall not interfere with the site lines or movement for motorists, pedestrians, or bicyclists.	
	<p>Guidelines for Planting at Street Frontage</p> <ol style="list-style-type: none"> 1. Setback areas between the back of sidewalk and the building line shall be designed to provide the maximum amount of planted area. A minimum of 75% of the required setback areas shall be planted. 2. Planting in required street setbacks shall be designed to not exceed 36" in height to maintain sight lines for pedestrian and residents except for trees limbed to provide visibility through and below the canopy. Higher planting are acceptable adjacent to buildings to provide privacy at street facing windows. 3. Trees shall be limbed to provide visibility through and below the canopy. 4. Where no street setback is required, planting areas are encouraged between the building face and the back of sidewalk to soften and enhance the street frontage. 	<ol style="list-style-type: none"> 1. an active occupied commercial street frontage is anticipated and will not be planted at ground level, however 100% of the building elevation will be planted at the podium level with plants that will overhang the podium ledge creating a green frontage above windows and active frontage. 2. Not applicable per #1 above. 3. Street trees will be appropriately maintained. 4. Not applicable, per #1 above.
	<p>Pot Sizes</p> <ol style="list-style-type: none"> 1. Soil depth in pots should not be less than 18 inches. 	Not applicable. No pots anticipated.
	<p>Selection of Plant Materials</p> <ol style="list-style-type: none"> 1. Trees, shrubs and ground covers should be selected primarily from drought tolerant native or Mediterranean species. 2. Selection of plant materials should take into account solar orientation, building shadow and soil characteristics to ensure sustained growth. 3. Trees should be a mix of deciduous and evergreen, and should be selected on the basis of hardiness and ease of maintenance. 4. Plant sizes should meet the following minimum sizes at the time of planting <ol style="list-style-type: none"> a. Deciduous Shade Trees: 2 inch caliper 	Plant selection indicated in sheets L9-L14 reflects these guidelines.

	<ul style="list-style-type: none"> b. Ornamental trees: 1.5 inch caliper c. Evergreen trees: 2 inch caliper d. Multi-stem ornamental trees: 6-8 feet in height e. Shrubs: 5 gallon container f. Vines: 1 gallon container g. Ground cover and perennials: 2- J/4 inch pots 	
	<p>Irrigation</p> <ul style="list-style-type: none"> 1. All planting areas should be provided with an automatic irrigation system that meets the following criteria <ul style="list-style-type: none"> a. Utilization of bubblers, drip systems, and other water efficient strategies b. Provision of sufficient coverage to all landscape areas c. Minimum overspray on non-planted areas. d. Easily maintained. 	An efficient irrigation system will be designed and constructed consistent with these requirements.
	<p>Maintenance of Planted Areas</p> <ul style="list-style-type: none"> 1. All landscape areas shall be maintained in conformance with standards set forth in Section 17.124.020 of the Planning Code. 	Landscaped areas will be properly maintained in accordance with the referenced section by project property management or contractors.

Central Station Development Area 8 Public Facilities Financing Letter

As part of development of Wood Street Development Area 8, we anticipate that our construction scope would include the following public facilities:

- Wood Street public right-of-way improvements including sidewalk, curb, gutter,
- Utility undergrounding, and other necessary utility connections to serve the project
- Private drive around the project to provide driveway access and emergency vehicle access
- 20th Street Pocket Park

Holliday Development has over 25 years of successful infill mixed-use development experience in the San Francisco Bay Area and beyond. The firm currently has two apartment projects under construction: one in San Francisco and one in Emeryville. As part of both projects as well as in many prior projects, Holliday is constructing a number of public improvements similar to those required as part of development of Central Station Development Area 8, including public plaza and green spaces, fire access roads and EVA easements, utility undergrounding and sidewalk/curb/gutter as well as public roadway improvements. We typically integrate these costs into our project proforma and finance them as part of project construction financing.

Based on our successful track record of development in the Bay Area, we enjoy strong capital relationships for both debt and equity to finance our projects. Our equity relationships range from small to large and include local and national institutional investors and small family and high net worth individual investors who are eager to provide equity financing for our projects. For construction and long-term debt we have long-term relationships with regional and national banks including Mechanics Bank, Citibank, Bank of America, and others who compete for our business on each project. These debt and equity sources will finance the public improvements as part of the project costs.

Central Station Land LLC
1201 Pine Street #151
Oakland CA 94607

Maurice Brenyah-Addow
City of Oakland
Bureau of Planning
250 Frank H. Ogawa, Suite 2114
Oakland CA 94612

RE: Development Area 8 – Parking and Transportation Demand Management

Dear Maurice,

Please find the following review of our transportation and parking strategies for Development Area 8 at Central Station. Development Area 8 is being designed to maximize a multi-modal approach, with a particularly emphasis on bike friendly and bike-oriented development. This is because of our passion for supporting alternative modes of transit, because it speaks to the behavioral patterns of our target demographic, and because this location is so central to all forms of transit and infrastructure. To that end, we are implementing the following strategies to insure that our proposed parking more than satisfies the requirements of our tenants:

Inclusion of Additional Bicycle Parking and Locker Facilities

We are required to provide 59 long term bike parking spaces in the building. We have instead provided 280 bicycle parking spaces, exceeding the requirement by over 221 spaces.

We are required to provide 12 short term bicycle parking spaces, and we are proposing 80 short term spaces, exceeding the requirement by 68 spaces.

In total we are providing 289 spaces above and beyond the city's requirements.

If we apply the Automobile Parking Credit of 5% of our off-street parking, that accounts for 13 automobile parking spaces and only requires counting 78 of our added bike parking spaces.

Additionally, we will be providing a bike work stations and lockers to accommodate bike maintenance, repair, and storage for easy day to day use and bicycle commuters.

Construction of Bike Lanes or Bikeway Projects

We are proposing to coordinate access directly from our building onto the new bike lane cantilevering off West Grand, providing access directly into downtown Oakland, to AC Transit into San Francisco, or across the Bay Bridge to Treasure Island. This pathway is considered a Class 2 Primary Bikeway per the Bike Master Plan. At a minimum, this location will have immediate access to this bike network even if there is not direct access into the building itself onto the cantilevered portion.

ATTACHMENT C

Installation of amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.

We are designing and constructing the 20th Street Pocket Park, in addition to providing new lighting, street trees, and much needed infrastructure along Wood Street.

Onsite Car-sharing Program

We commit to providing 2-3 Car Share spaces either onsite with our surface parking or on the newly provided on-street parking. This addition will greatly enhance the ability for reduced automobile parking.

Onsite Carpooling Program and Distribution of Information Concerning Alternative Transportation Options

We will facilitate an online and physical message board to encourage resident carpooling and distribution of information on alternative transportation options. In our building in Development Area 2, this has proven highly successful in promoting carpooling between residents.

Parking spaces sold/lease separately

We believe that we will have ample parking as proposed, but at full build-out, we will transition our phase 2 garage to being leased separately if there is an oversubscription of parking beginning to occur. This will encourage residents to consider more alternative transit options.

Bike Share

Another unique and impactful addition to the building will be bike sharing. Upon completion of the project, we will supply 30 bicycles for open resident use to encourage more bike transit. This not only supplies bikes for those without them, but it helps address concerns for those residents that are not comfortable leaving their own bikes parked outside at a BART station, as an example.

Combined, the enhancements outlined above provide support to alternative transit that goes far beyond that of most any building in the City. Not only do we want to facilitate this proactively, but we believe it makes for the types of amenities that our residents care about and value. If the Automobile Parking Credit exceeded 5%, on bike parking alone we would more than suffice in making up for the parking differential. We have opted, however, to go far beyond just providing excess bike parking to support a culture of alternative transit. In our project in Development Area 2, we currently have empty parking spaces in the garage and are constantly making adjustments to our bike storage and work rooms to accommodate more bicycles. Our strategies above are based on real life experiences from our work just a few blocks down the road.



CITY OF OAKLAND

Community and Economic Development Agency, Planning & Zoning Division
250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612-2032

May 29, 2009

Mr. Andy Getz
HFII, J.t.d.
6450 Hollis Street
Emeryville, CA 94608

Fair Share Payments for Intersection Improvements Oakland Army Base Redevelopment Area

Dear Mr. Getz:

This letter is being sent to all property owners in the Oakland Army Base Wood Street Sub-Area, as shown on the attached map, which includes all of the Wood Street Development Project as well as three parcels to the south of the Wood Street Development Project.

When the Army Base Redevelopment Area was adopted, the Environmental Impact Report (EIR) prepared for the project identified a number of intersections that needed to be improved based on the expected amount of new traffic that would be passing through the intersections. The Mitigation Measures adopted in the EIR specified that the costs of improving these intersections would be shared among all property owners, including the Port of Oakland, the Oakland Redevelopment Agency, and the private property owners within the Sub-District. These Mitigation Measures were also adopted as part of the Wood Street Development EIR and included as Conditions of Approval 25, 26, 27 and 28 in the Wood Street Development Project.

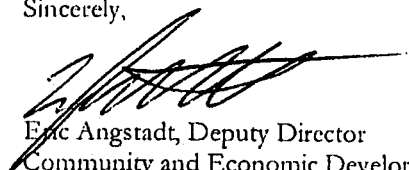
A consultant was hired by staff to calculate the fair share costs of funding these improvements. As shown in Table 2, attached, the Wood Street Sub-Area is responsible for \$162,196 of the intersection improvement costs.

Using the same method that was used for the formation of the Community Facilities District for the Wood Street Development Project, staff allocated the costs based on the number of acres for each approved parcel. Dividing the total improvement cost of \$162,196 by the total number of acres in the sub-area, 37.45, yielded a per acre cost of \$4,331. The allocation of the costs per property owner is shown in the attached table.

A property owner is required to pay this fair share cost only when a building permit is approved for **new construction** on each individual site. If no new development is proposed or approved, then the fair share cost does not need to be paid. To date, the only new project that has been completed and has paid its fair share is the Pacific Cannery Lofts.

If you have any questions about this information, please contact Marge Stanzione, Project Planner, at (510) 238-4932 or by email at mstanzione@oaklandnet.com.

Sincerely,


Eric Angstadt, Deputy Director
Community and Economic Development Agency
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612-2032

ATTACHMENT D

**PROPERTY OWNERS MAILING LIST
FAIR SHARE INTERSECTION IMPROVEMENTS**

Wood Street Developers

Lydia Tan
BUILD West Oakland, LLC
345 Spear Street, Suite 700
San Francisco, CA 94105-1673

Ben Metcalf
Project Manager
BRIDGE Housing
345 Spear Street, Suite 700
San Francisco, CA 94105-1673

Andy Cost
Pulte Homes
Land Department-Bay Area Division
6210 Stoneridge Mall Road, 5th Floor
Pleasanton, CA 94588

Richard Holliday
Holliday Development
1500 Park Avenue, Suite 200
Emeryville, CA 94608

Andy Getz
HFH, Ltd.
6450 Hollis Street
Emeryville, CA 94608

David Truong Duong
California Waste Solutions
1820 10th Street
Oakland, CA 94607-1450

Vishav Bhushan
1755 16th Street
Oakland, CA 94607-1545

Al Auletta, Redevelopment Agency
Diana Downton, Housing
City of Oakland Redevelopment Agency
250 Frank H. Ogawa Plaza
Oakland, CA 94612

Remaining Parcels

Clyde D., Gail S. & Clar Mark Batavia
P.O. Box 217
Carnelian Bay, CA 96140-0217

State of California
P.O. Box 7444
San Francisco, CA 94120-7444

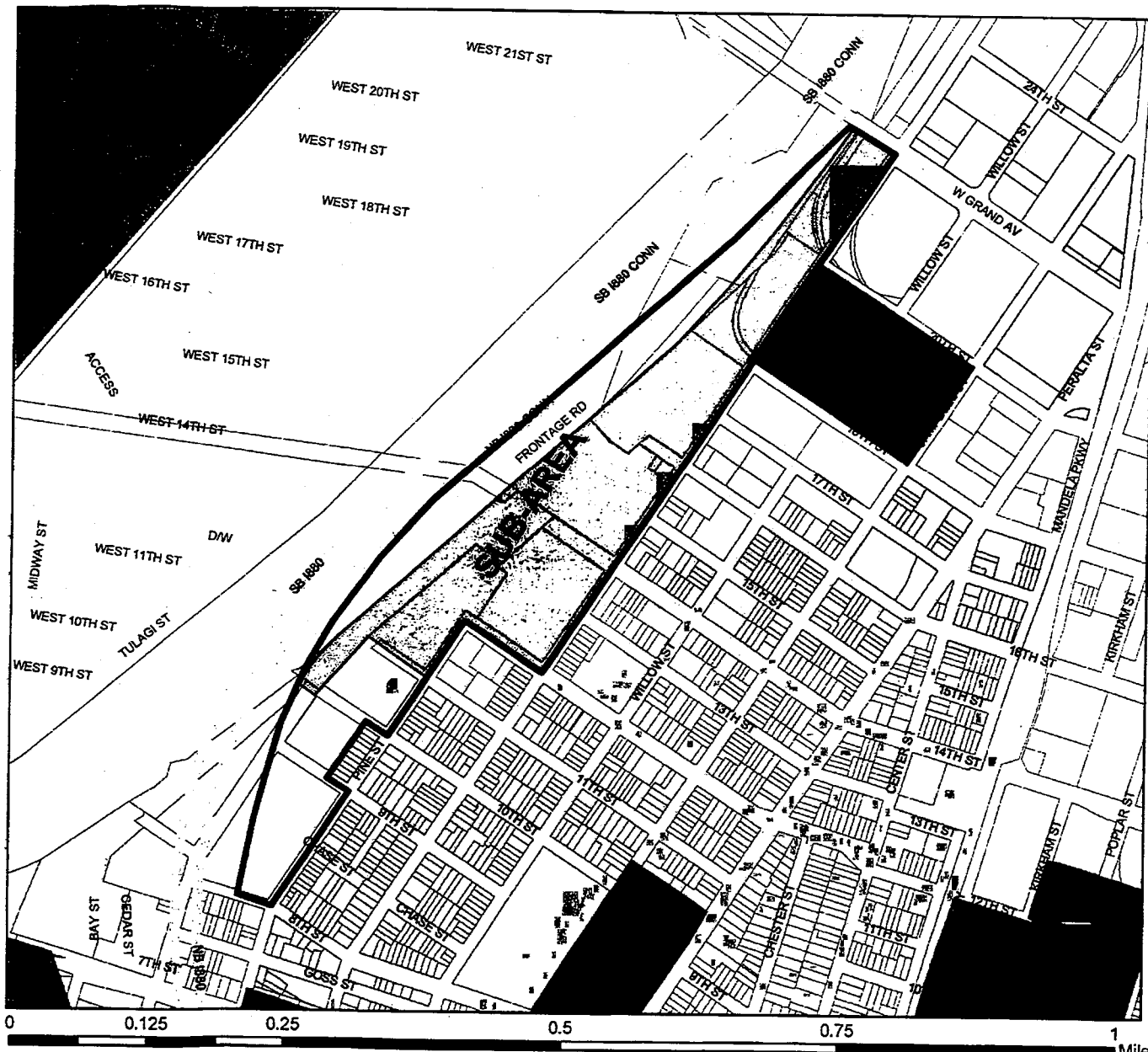
David Truong Duong
California Waste Solutions
1820 10th Street
Oakland, CA 94607-1450

Oakland Army Base Redevelopment, Sixteenth and Wood Street Sub-Area

Land Use Map

Legend

- Sixteenth & Wood Sub-Area
- Wood Street Development Project
- Freeways
- Parcels
- General Plan Landuse
 - Hillside Residential
 - Detached Unit Residential
 - Mixed Housing Type Residential
 - Urban Residential
 - Neighborhood Center Mixed Use
 - Community Commercial
 - Housing and Business Mix
 - Central Business District
 - Regional Commercial
 - Business Mix
 - Gen Industrial/Transportation
 - Institutional
 - Resource Conservation Area
 - Urban Open Space
 - Estuary Plan Area



March 2005

ATTACHMENT NO. 3 C

Table 2: Intersection Improvements - Fair-Share Cost Allocations (2009 with North Gateway Mixed Use)									
	Total Cost	Cost Attributable to OARB Redevelopment	Split of OARB		Split of City Share				
			Port Share	City Share	North Gateway	West Gateway	Central Gateway	East Gateway	16th/Wood
W. Grand & Maritime	\$7,554,000	100% \$7,554,000	9% \$679,860	91% \$6,874,140	26% \$1,787,276	27% \$1,856,018	41% \$2,818,397	3% \$206,224	2% \$137,483
7th Street & Maritime	\$1,600,000	100% \$1,600,000	63% \$1,008,000	37% \$592,000	29% \$171,680	14% \$82,880	54% \$319,680	3% \$17,760	0% \$0
7th Street & I-880	\$50,000	66% \$33,000	55% \$18,150	45% \$14,850	14% \$2,079	34% \$5,049	24% \$3,564	0% \$0	27% \$4,010
3rd Street & Adeline	\$150,000	65% \$97,500	100% \$97,500	0% \$0	0% \$0	0% \$0	0% \$0	0% \$0	0% \$0
3rd Street & Market	\$150,000	53% \$79,500	74% \$58,830	26% \$20,670	0% \$0	0% \$0	0% \$0	0% \$0	100% \$20,670
12th Street & Brush	\$150,000	3% \$4,500	100% \$4,500	0% \$0	0% \$0	0% \$0	0% \$0	0% \$0	0% \$0
Total	\$9,654,000	97% \$9,368,500	20% \$1,866,840	80% \$7,501,660	26% \$1,961,035	26% \$1,943,947	42% \$3,141,641	3% \$223,984	2% \$162,162
Difference from 2007:	\$0	\$4,500	\$42,900	(\$38,400)	\$907,671	\$865,717	(\$2,046,069)	\$223,984	\$10,148
Additional Intersections:									
S. Auto Mall & Maritime	\$250,000	89% \$222,500	10% \$22,250	90% \$200,250	7% \$14,018	32% \$64,080	56% \$112,140	5% \$10,013	0% \$0
Parcel I & Maritime	\$250,000	100% \$250,000	12% \$30,000	88% \$220,000	8% \$17,600	42% \$92,400	51% \$112,200	0% \$0	0% \$0
Total	\$10,154,000	97% \$9,841,000	20% \$1,919,090	80% \$7,921,910	25% \$1,992,653	27% \$2,100,427	42% \$3,365,981	3% \$233,997	2% \$162,162
Difference from 2007:	\$500,000	\$477,000	\$95,150	\$381,850	\$939,288	\$1,022,197	(\$1,821,729)	\$233,997	\$10,148

OAKLAND ARMY BASE REDEVELOPMENT AREA
FAIR SHARE CALCULATION
WOOD STREET SUB-AREA

PROPERTY OWNER	VTPM No.	No. Acres	Fair Share Cost/Acre	Share of Total Cost
Cal Waste Solutions	8551/1	0.78	\$4,331	\$3,378
BUILD	8551/2	2.52	\$4,331	\$10,914
Icehouse/Holliday	8552/1	0.94	\$4,331	\$4,071
Pacific Cannery Lofts	8552/2	2.74	\$4,331	\$11,867
14th Street Apts - BRIDGE	8551/3	1.56	\$4,331	\$6,756
Zephyr Gate - Pulte	8551/4	4.03	\$4,331	\$17,454
HFH Apts	8553/1	5.67	\$4,331	\$24,557
HFH Apts	8553/2	0.49	\$4,331	\$2,122
Bea's Hotel	8553/3	0.17	\$4,331	\$736
BUILD - Train Station Plaza	8554/1	0.75	\$4,331	\$3,248
BUILD - Train Station	8554/2	1.19	\$4,331	\$5,154
BUILD	8554/3	2.71	\$4,331	\$11,737
Oakland Redevel Agency	8555/1	2.65	\$4,331	\$11,477
Central Station LLC	8555/2	2.01	\$4,331	\$8,705
WOOD STREET DEVELOPMENT PROJECT		28.21		\$122,178
REMAINING PARCELS				
800 Cedar Street (State of CA)	006 004700100	5.49	\$4,331	\$23,777
1819 10th Street	006 004902501	1.6	\$4,331	\$6,930
1820 10th Street (Cal Waste)	006 002900302	2.15	\$4,331	\$9,312
SUB-TOTAL REMAINING		9.24		\$40,018
TOTAL		37.45	\$4,331	\$162,196

24. Recordation of Mitigation Monitoring and Reporting Program and Conditions of Approval.

Prior to issuance of first demolition, grading or building permit.

The Project Sponsor shall execute and record with the Alameda County Recorder's Office a copy of the MMRP and Conditions of Approval for the project, on a form approved by the Planning and Zoning Division. Proof of recordation shall be provided to the Planning and Zoning Division.

FAIR SHARE IMPROVEMENTS

25. West Grand Avenue/Frontage Road Intersection.

Prior to issuance of the first building permit.

The Project Sponsor shall fund, on a fair share basis, the following improvements at the intersection of West Grand Avenue/frontage road:

- Revise the northbound frontage road lanes to provide:
 - one left-turn lane
 - one combination left-through lane
 - one through lane
 - one right-turn lane with overlap signal phasing (green arrow)
- Revise the southbound I-80 East Ramp lanes to provide:
 - one left-turn lane
 - one combination left-through lane
 - one through lane
 - one right-turn lane with overlap signal phasing (green arrow)
- Revise the eastbound West Grand Avenue lanes to provide:
 - one left-turn lane
 - one through lane
 - one combination through-right lane
- Revise the westbound West Grand Avenue lanes to provide:
 - one left-turn lane
 - two through lanes
 - one right-turn lane

The estimated amount of the Project Sponsor's contribution is \$1.596 million. Final determination of the Project Sponsor's contribution shall be based on a reasonable formula of the expected growth in traffic at the intersection. This formula shall be devised at the sole and complete discretion of the City of Oakland, and final cost estimates shall include right-of-way costs and all project support costs including design and engineering, construction oversight, preparation of plans and specifications, and detailed project cost estimates. The measured

growth in traffic is based on the traffic analysis in the EIR and the City has no obligation to fund any required improvements in the future. [WS MM TR-9.1]

26. West Grand Avenue/Mandela Parkway Intersection

Prior to issuance of the first certificate of building occupancy.

The Project Sponsor shall contribute its fair share of modifications at the West Grand Avenue/Mandela Parkway intersection estimated at \$180,000 (in combination with condition of approval #27, including design and engineering, construction oversight, preparation of plans and specifications and detailed project costs estimates.) The modifications at the intersection shall include providing protected left-turn signal phasing (left-turn green arrows) for the West Grand Avenue approaches to the intersection. [WS MM TR-9.2]

27. 7th Street/Mandela Parkway Intersection.

Prior to issuance of the first certificate of building occupancy.

The Project Sponsor shall contribute its fair share of modifications at the 7th Street/Mandela Parkway intersection estimated at \$180,000 (in combination with condition of approval #26, including design and engineering, construction oversight, preparation of plans and specifications and detailed project costs estimates). The modifications at the intersection shall include adding a northbound lane on the 3rd Street extension to provide one left-turn lane, one combination through-right turn lane, and protected left-turn signal phasing (left-turn green arrows) for all four approaches to the intersection. [WS MM TR-9.3]

28. West Grand Avenue/Maritime Street and 3rd Street/Market Street Intersections.

Prior to issuance of the first certificate of building occupancy.

As part of the cumulative growth of the OARB Area Redevelopment Plan, the Project Sponsor shall pay an amount equal to its fair share, estimated at \$180,000, as determined by the OARB Area Redevelopment Plan EIR, 2002, of future improvements at West Grand Avenue/Maritime Street and 3rd Street/Market Street intersections. [WS MM TR-9.4]

29. BART Train Capacity.

Prior to issuance of the first certificate of building occupancy.

The Project Sponsor shall participate in efforts to ensure that adequate BART train capacity will be available for riders to and from the Project Area, and fund BART train capacity improvements on a fair share basis. [WS MM TR-12.1]

30. West Oakland BART Station.

Prior to issuance of the first certificate of building occupancy.

The Project Sponsor shall participate in efforts to provide adequate fare gate capacity at the West Oakland BART Station to accommodate the Project. The City and the Project Sponsor shall provide detailed information regarding development to BART to enable BART to conduct a comprehensive fare gate capacity assessment at the West Oakland BART Station. Based on the results of that assessment, the Project Sponsor shall fund its fair share for adding one or more new fare gates at the West Oakland BART Station. *[This condition will be attached to the subdivision maps for Parcels 1, 2, 3, and 4 of VTPM 8551, Parcels 1 and 2 for VTPM 8552,*

Parcels 1, 2, and 3 for VTPM 8553, Parcel 3 of VTPM 8554, and Parcels 1 and 2 of VTPM 8555 only.] [WS MM TR-8.1].

31. Cul-de-Sac or other Turn-Arounds.

Prior to approval of Final Development Plan and specifications.

The Project Sponsors shall incorporate the design of a cul-de-sac or other appropriate turn-around at the end of 11th Street and at the end of the 18th and 20th Street extensions and construct these extensions in compliance with City of Oakland Design Standards. Appropriate turn-around designs would allow vehicles to return along 11th Street and enter Wood Street in a front-end-first manner. *[This condition will be attached to the subdivision maps for Parcels 1 and 2 of VTPM 8552, Parcel 3 of VTPM 8554, and Parcels 1 and 2 of VTPM 8555 only.] [WS MM TR-4.1]*

32. Underground Utilities.

Prior to issuance of a building permit.

The Project Sponsor shall submit plans for review and approval of the Planning and Zoning Division, Building Services Division and the Public Works Agency, and other relevant agencies as appropriate. The plans shall show all new electric and telephone facilities; fire alarm conduits; street light wiring; other wiring, conduits, and similar facilities placed underground by the developer from the Project Sponsor's structures to the point of service; and all electric and telephone facilities installed in accordance with standard specifications of the serving utilities.

33. Maintenance of Land Dedicated to Public.

Prior to recordation of the Final Map.

The Project Sponsor shall enter into a Maintenance Agreement in a form acceptable to the City Attorney, which shall be made binding on all successors and assigns and which obligates the owner(s) of each parcel included in the VTPM to pay, on a fair share basis, for the City's reasonable costs of maintaining the public access areas (also referred to as pocket parks), that are located between the terminus of 14th, 16th, 18th and 20th Streets and frontage road to be offered for dedication to the City. As used herein, "fair share" means dividing the number of residential units owned by the number of residential units built within Parcels 1, 2, 3 and 4 of VTPM 8551, Parcels 1 and 2 of VTPM 8552, Parcels 1, 2 and 3 of VTPM 8553, Parcel 3 of VTPM 8554, and Parcels 1 and 2 of VTPM 8555. Concurrently with the execution of the Maintenance Agreement, the Project Sponsor shall submit security in a form acceptable to the City Attorney (e.g., set-aside letter of credit) securing this obligation for a period of five years. Although the obligation is secured for five years only, the Maintenance Agreement will require an annual payment of the fair share amount for the life of the project. This covenant shall expire as to any streets or parks that are modified to meet City standards, as determined by the Planning Director. *[This condition will be attached to the subdivision maps for Parcels 1, 2, 3 and 4 of VTPM 8551, Parcels 1 and 2 of VTPM 8552, Parcels 1, 2 and 3 of VTPM 8553, Parcel 3 of VTPM 8554, and Parcels 1 and 2 of VTPM 8555.]*

82. Public Improvements – Vesting Parcel Map 8555.

Prior to the issuance of certificate of occupancy for development on each parcel.

The Project Sponsor of Parcel 1 of VTPM No. 8555 shall construct or cause the construction of improvements to Wood Street, from 18th Street to 20th Street, (unless preceded by Parcel 2 of VTPM 8555), 18th Street (unless preceded by Parcel 3 of Map 8554), and 20th Street if needed for access. The Project Sponsor of Parcel 2 of VTPM No. 8555 shall construct or cause to be constructed public improvements to Wood Street, from 20th Street to West Grand Avenue (unless it precedes the development of Parcel 1 of VTPM 8555, in which case I shall construct Wood Street from 18th Street to West Grand Avenue), and 20th Street, if not already installed by Project Sponsor of Parcel 1.

Except as otherwise provided in this condition, the street improvements referred to in this condition include complete street width, curb, gutter, sidewalk, and installation of utilities in accordance with the standards of the City of Oakland to the limits shown on VTPM 8555. Sidewalks on the opposite side of Wood Street Zoning District perimeter streets (i.e. outside the District) will get minor repairs only.

SHARED MAINTENANCE

83. Use and Maintenance Easement.

Prior to submittal of Final Map.

The Project Sponsor shall indicate on the Final Map a Use and Maintenance Easement reserved for all parcels to ensure the continued shared maintenance of the entire plaza (Parcel 1 on VTPM No. 8554) and the planned access road across Parcel 3 of VTPM No. 8554 and Parcels 1 and 2 of VTPM No. 8555.

84. Recordation of Agreement.

Prior to submittal of Final Map.

The Project Sponsor shall ensure that a Joint Maintenance Agreement in a form acceptable to the City Attorney is executed and recorded with the Alameda County Recorder concurrent with the recordation of the Parcel Map. Said agreement shall ensure the shared maintenance of the plaza (Parcel 1 on VTPM No. 8554) and the planned access road across Parcel 3 of VTPM No. 8554 and Parcels 1 and 2 of VTPM No. 8555. A copy of this document shall be submitted for review and approval by the Planning and Zoning Division prior to its execution.

SUBDIVISIONS

85. Recordation of Legal Descriptions.

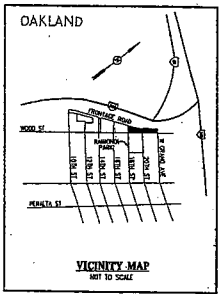
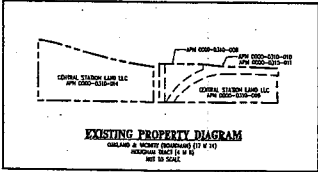
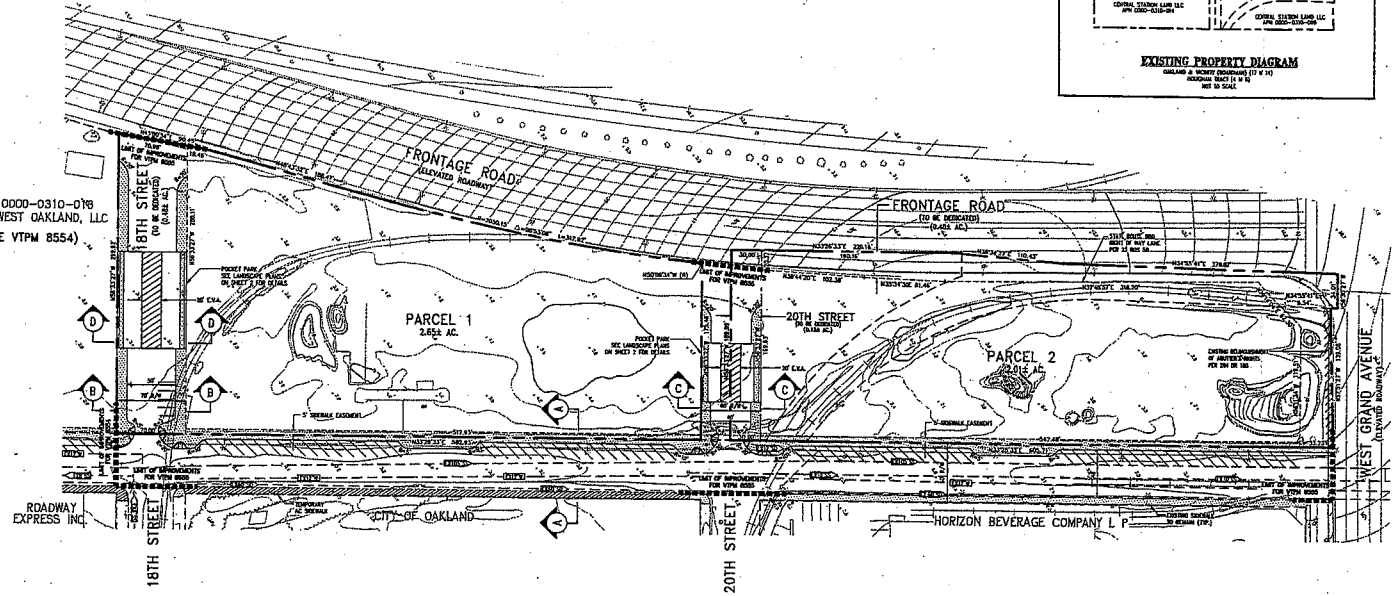
Within sixty (60) days of the effective date of this approval.

The Project Sponsor shall record a written legal description of the new configuration of the parcels at the Alameda County Offices as part of the deed for the site; and shall provide evidence of recordation to the Planning and Zoning Division within 60 days of the effective date of this approval.

**CITY OF OAKLAND
TENTATIVE MAP NOTES**

- FINAL MAP**
- FINAL MAPS FOR THIS TENTATIVE PARCEL MAP (VPM) ARE PREPARED BY PARCELS AS THE APPLICATOR'S RESPONSIBILITY. THE CITY OF OAKLAND WILL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE FINAL MAP. THE CITY OF OAKLAND WILL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE FINAL MAP. THE CITY OF OAKLAND WILL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE FINAL MAP.
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APN 0000-0310-018
BUILD WEST OAKLAND, LLC
(SEE VTPM 8554)

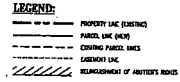
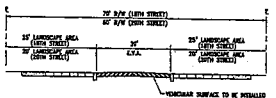
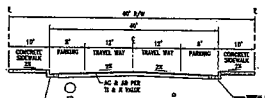
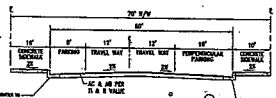
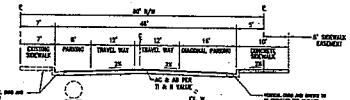


GENERAL NOTES

1. OWNER/APPLICATOR: BUILD WEST OAKLAND, LLC, 1000 BAY STREET, OAKLAND, CA 94612
2. OWNER: CAROLAN BARBOO & GILMAN, INC., 1000 BAY STREET, OAKLAND, CA 94612
3. USE: COMMERCIAL
4. ZONING: COMMERCIAL
5. RECORDING: CITY OF OAKLAND RECORDING DEPARTMENT
6. BASIS OF RECORDING: TENTATIVE MAP
7. AREA: 2.814 AC
8. EXISTING LAND USE: COMMERCIAL
9. EXISTING ZONING: COMMERCIAL
10. PROPOSED LAND USE: COMMERCIAL
11. SITE AREA: 2.814 AC
12. EXISTING PUBLIC UTILITY: WATER, SEWER, GAS, ELECTRIC
13. EXISTING PUBLIC UTILITY: WATER, SEWER, GAS, ELECTRIC
14. EXISTING PUBLIC UTILITY: WATER, SEWER, GAS, ELECTRIC
15. EXISTING PUBLIC UTILITY: WATER, SEWER, GAS, ELECTRIC
16. EXISTING PUBLIC UTILITY: WATER, SEWER, GAS, ELECTRIC
17. EXISTING PUBLIC UTILITY: WATER, SEWER, GAS, ELECTRIC
18. EXISTING PUBLIC UTILITY: WATER, SEWER, GAS, ELECTRIC
19. EXISTING PUBLIC UTILITY: WATER, SEWER, GAS, ELECTRIC
20. EXISTING PUBLIC UTILITY: WATER, SEWER, GAS, ELECTRIC

UTILITY NOTES

1. WATER: TO BE PROVIDED BY EAST BAY MUNICIPAL WATER DEPARTMENT
2. SEWER: TO BE PROVIDED BY EAST BAY MUNICIPAL WATER DEPARTMENT
3. GAS: TO BE PROVIDED BY EAST BAY MUNICIPAL WATER DEPARTMENT
4. ELECTRIC: TO BE PROVIDED BY PACIFIC GAS & ELECTRIC (PG&E)
5. TELEPHONE: TO BE PROVIDED BY THE LOCAL TELEPHONE COMPANY



**VESTING
TENTATIVE PARCEL MAP 8555**

CITY OF OAKLAND COUNTY OF ALAMEDA CALIFORNIA

SCALE: 1" = 40'

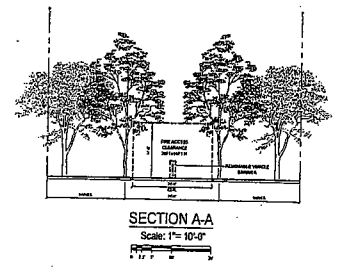
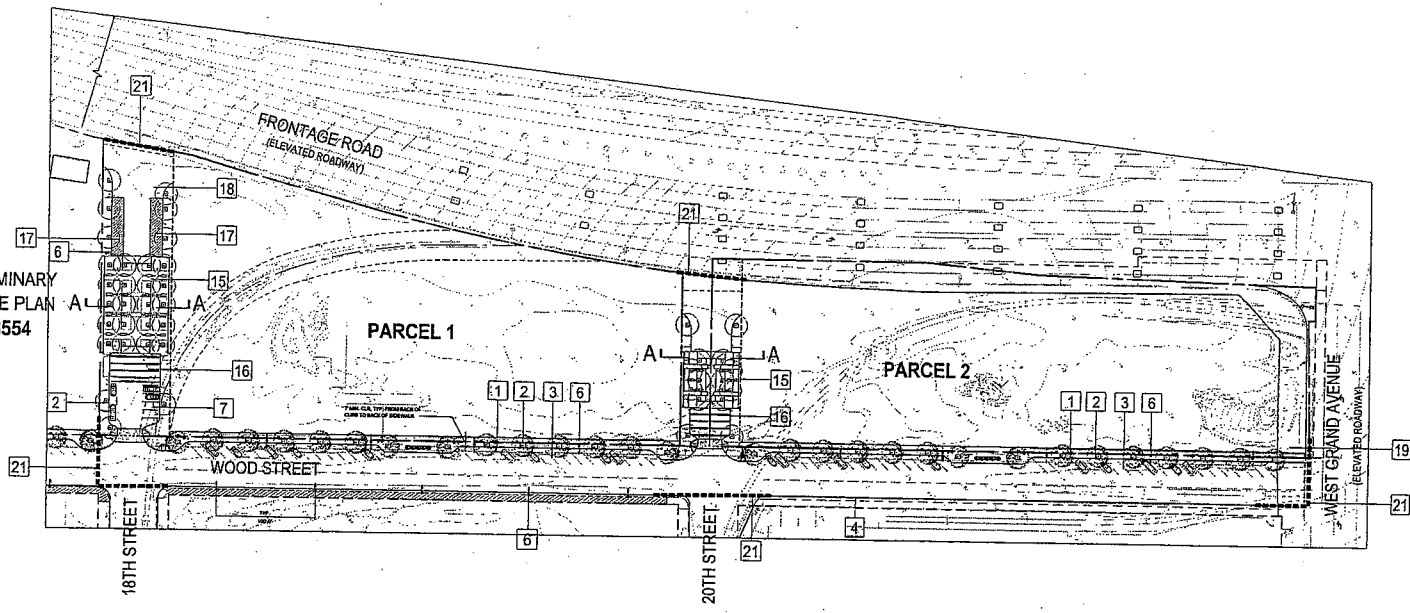
DATE: MARCH 9, 2005

308 RD. 1220-00

Carolan Barboo & Gilman, Inc.

1

SEE PRELIMINARY
LANDSCAPE PLAN AL
VTPM 8554



KEY NOTES

1. NEW CURB LINE
2. NEW STREET TREES
3. NEW ON-STREET DIAGONAL PARKING
4. EXISTING CURB LINE
5. FUTURE STREET TREES BY OTHERS
6. NEW STREET LIGHTS
7. PERPENDICULAR PARKING
8. PARALLEL PARKING
9. NEW CROSSWALK
10. NEW SIDEWALK
11. EXISTING SIDEWALK TO REMAIN
12. FUTURE SIDEWALK BY OTHERS
13. (NOT USED)
14. EXISTING STREET LIGHTS TO REMAIN AT FRONTAGE ROAD
15. EVH - POCKET PARK, EMERGENCY VEHICLE, PEDESTRIAN AND BICYCLE ACCESS ONLY, NO THROUGH TRAFFIC
16. REMOVABLE VEHICLE BARRIER, EMERGENCY ACCESS ONLY
17. LOADING ZONE
18. TURN-AROUND, NO PARKING ZONE
19. LIMIT OF IMPROVEMENT LINE
20. LINE OF EXISTING BUILDING
21. EXISTING CURB-CUT

PRELIMINARY LANDSCAPE PLAN
VESTING
TENTATIVE PARCEL MAP 8555

CITY OF OAKLAND COUNTY OF ALAMEDA CALIFORNIA

SCALE: 1"=40'
DATE: MARCH 5, 2005
JOB NO. 1220-00

Pyatok Architects Inc.
architects@pyatok.com pyatok.com

SHEET NUMBER
2
OF 2 SHEETS

Central Station Land LLC
1201 Pine Street #151, Oakland CA 94607

November 15th, 2018

Scott Miller, Zoning Manager
C/O Maurice Brenyah-Addow
City of Oakland
Bureau of Planning
250 Frank H. Ogawa, Suite 2114
Oakland, CA 94612

RE: Case File Number PLN14-262-PUDF-01, 2011-2195 Wood Street (Development Area 8)

Dear Mr. Miller,

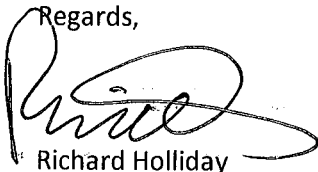
In December 2014, we were unanimously granted a Preliminary and Final Development Plan and Design Approval by the Oakland Planning Commission for a mixed use development on Development Area 8 within the Wood Street Zoning District (Case File Number PLN14-262-PUDF-01). Following the two year approval, we were granted a 1-year administrative extension and a subsequent 1-year Planning Commission extension. Current approvals are set on expire on December 3, 2018.

I am formally requesting another 1-year extension from the Planning Commission to expire on December 3rd, 2019. In December 2014, we received numerous public comments in support of the project and no opposition, and in the last 4 years, we have had incredible community support for the development of this project. The Wood Street Zoning area has seen a great wave of momentum over the past year, stemming from the incredible success of the Station House Solar Townhomes and the ensuing affordable housing project to be built on Parcel 7. We believe that the development of 235 residential units on Parcel 8 will continue this momentum and help support the growth of the entire neighborhood.

A portion of the project currently has a railroad spur belonging to BNSF that restricts full build-out of the project and has slowed down the pace of the development. We have had a great deal of communication with BNSF and are making progress towards the timely removal of their spurs. We are confident in our ability to finalize a deal with BNSF in 2019, and we are prepared to commence the buildout of Phase 1 – which includes 125 residential units – while we are finalizing the deal with BNSF.

We look forward to building this important project in 2019, and we appreciate your consideration.

Regards,



Richard Holliday
Central Station Land LLC

(510) 588-5147

Attachment B