

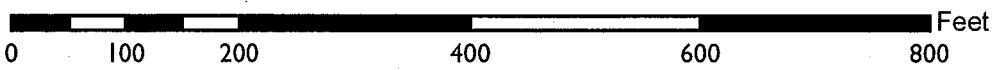
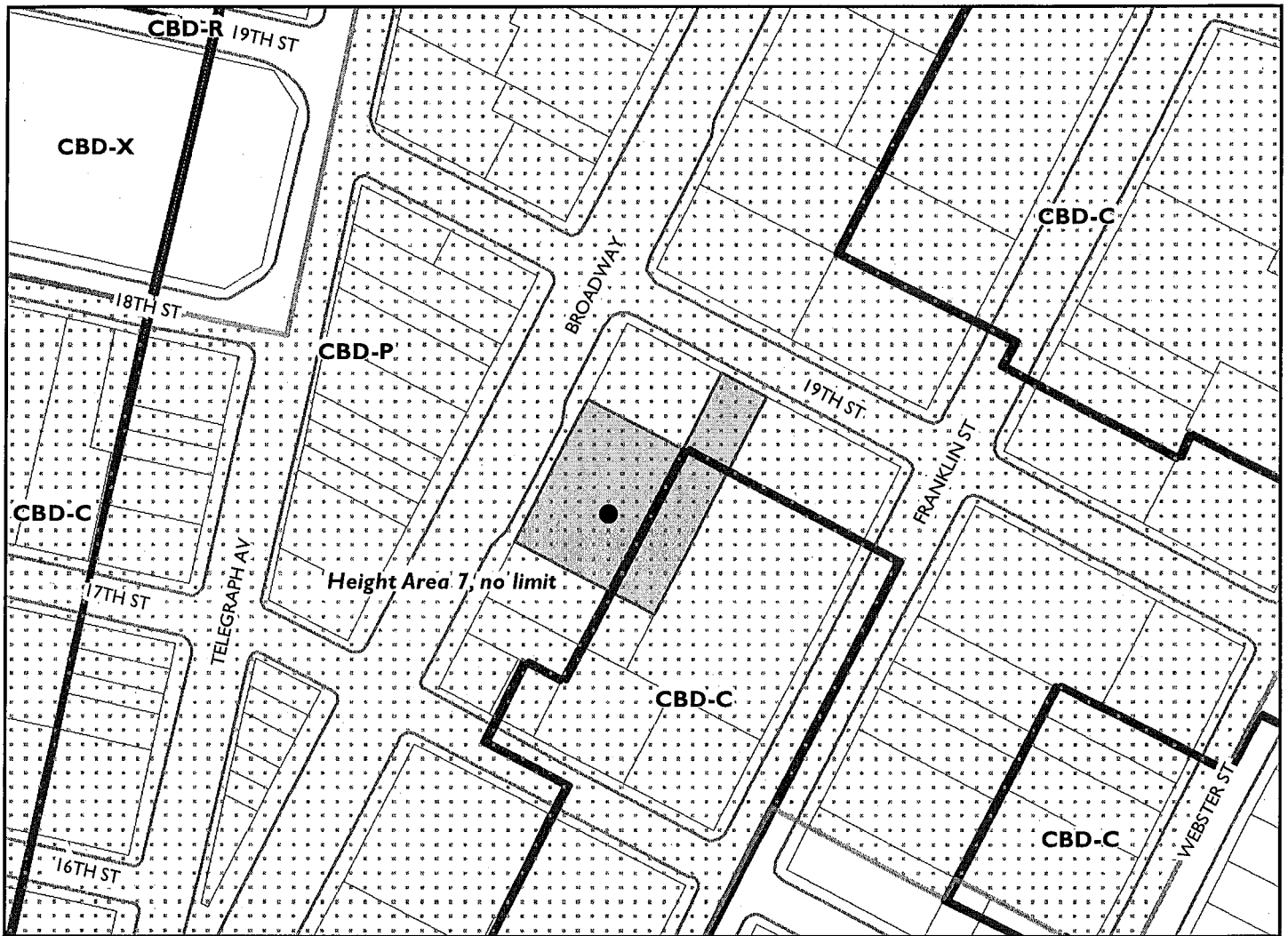
Project Location:	1750 Broadway. The property is located between 17 th and 19 th Streets.
Assessor's Parcel No:	008 062301300
Development Proposal:	To construct a 37-story building consisting of 307 market-rate residential units, approximately 5,000 square feet of retail space, and a five-level parking garage for 170 parking spaces to be accessed from 19 th Street.
Project Applicant / Phone Number:	Rubicon Point Partners, Chris Relf / (415) 500-6410
Property Owner:	1750 Broadway LLC
Case File Number:	PLN18369
Planning Permits Required:	Major Conditional Use Permit for development over 200,000 square feet in floor area in the Central Business District; and Regular Design Review for new building construction.
General Plan:	Central Business District
Zoning District:	CBD-P & CBD-C (Central Business District Pedestrian & Commercial)
Environmental Determination:	<p>A detailed CEQA (California Environmental Quality Act) Analysis was prepared for this project which concludes that the proposed development satisfies each of the following CEQA Guidelines: (A) 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning; (B) 15183.3 - Streamlining for Infill Projects; and (C) 15332-Urban Infill Development. Each of the foregoing provides a separate and independent basis for CEQA compliance.</p> <p>The CEQA Analysis document may be reviewed at the Bureau of Planning offices, located at 250 Frank Ogawa Plaza, 2nd Floor or online at http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157 (1750 Broadway CEQA Analysis Item # 82)</p> <p>The CEQA analysis relied upon in making the Environmental Determination and incorporated by reference within the CEQA Analysis document includes the LUTE (Land Use Transportation Element) EIR which can be viewed here: http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009158 (LUTE / Item #1)</p>
Historic Status:	Non-Historic Property
City Council District:	3- McElhaney
Date Filed:	09/06/18
Action to be Taken:	Decision based on staff report
For Further Information:	Contact Project Case Planner, Mike Rivera at (510) 238-6417 or by email at mrivera@oaklandnet.com

#1

SUMMARY

The development proposal is for the construction of a mixed-use project that consists of an approximately 423-foot high, 37-story residential building with retail space, and a five-level parking garage above. The property is located in the Uptown district, and is surrounded by a mix of commercial, civic and residential properties. The project is also located adjacent to the 19th Street BART Station and entertainment venues. The property contains a three-story commercial building with a rear parking lot that would be removed. The application requires two Planning permits, a Major Conditional Use Permit for new development

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN18369
Applicant: Rubicon Point Partners, Chris Relf
Address: 1750 Broadway
Zones: CBD-P & CBD-C
Height Area: 7, no limit

over 200,000 square foot in area, and Regular Design Review for new construction. The proposal requires a determination by the Planning Commission.

For the reasons set forth in this report, staff recommends that the Planning Commission (1) affirm staff's Environmental Determination and adopt the attached CEQA Findings; and (2) approve the project, including Major Conditional Use Permit, and Regular Design Review, subject to the attached findings and conditions (including the Standard Conditions of Approval and Mitigation Monitoring and Reporting Program / SCAMMRP) contained in this report and related project documents.

PROJECT SITE AND SURROUNDINGS

The site consists of a 27,600 square feet parcel that has two separate frontages, the main frontage on Broadway and the second one on 19th Street. The property contains a three-story commercial building that operates as an office with a rear parking lot that will be replaced by the new mixed use development. The proposed development abuts to the north a five-story commercial and residential building, to the east a three-story parking garage and south a three-story commercial buildings. The immediate properties across Broadway and 19th Street are a mix of commercial and residential facilities that contain two-and five-story buildings. Other facilities in the surrounding area are offices, schools, restaurant/bars, entertainment venues, and new commercial and residential buildings under construction. The property is in the Uptown district, the streets are a mix of four-lane (Broadway) and two-lane (19th St.) roads, and is adjacent to the 19th Street BART Stations, AC transit bus lines, and the free "B" shuttle bus.

PROJECT DESCRIPTION

The property is located east of Broadway, between 17th and 19 Streets in the Uptown district. The development proposal is to construct a 37-story building with ground-floor containing two lobby lounges, commercial / retail space, mail room, service rooms, residential loading docks and a front transformer utility room. The existing service elevator for the 19th Street BART Station, located on Broadway, will be replaced as part of the project and remain. The main pedestrian entry to the project would be on Broadway and the parking garage would be accessed from 19th Street. A second access to the residential lobby and garage will be from 19th through a recessed articulated metal and glass door and a decorative driveway with a perforated metal garage door. The proposed underground basement contains additional utility rooms and tenant storage.

The five-story parking garage (levels 2-6) whose access is from 19th Street provides 170 parking spaces for the project residents and includes a laundry service, dog run park/ dog wash room and additional bicycle parking storage (levels 2 & 3). The building provides an amenity floor area (level 7) that contains fitness/gym, showers/ sauna, lounge, children's play area, lounge/terrace, raised planters and an outdoor lap pool / hot tub (east side).

The 307 residential units (levels 8-35) include a mix of studios, one-bedroom, two-bedroom and three-bedroom units. The project also contains a second residents' amenity floor area (level 36) that includes residents' lounge/dining, game room, library, screening room, bathrooms/showers, solarium and an outdoor terrace / pool (south west of the building). The project includes three new street trees along Broadway.

BUILDING DESIGN

The proposal contains a building footprint that covers the entire parcel area, and tower that covers approximately 85 percent on the parcel area. The building mass of the 37-story tower is broken-up with inward angled facades, recessed wall planes, courtyard terraces and angular glass balconies to provide an interesting visual façade and help define the urban corridor. The building also provides different window size pattern with tall glazing windows on the building northwest corner and on the top of the tower. Some other windows are semi-recessed from the building façade and some contain small viewing balconies. The tower includes vertical and horizontal metal panel siding materials, angled metal screens for the garage façade (curtain wall) colored vent louvers, glazed storefront and dark cladding for the transformer room facing Broadway. The variation of techniques, materials and colors help to manage mass and scale that resulting in a coherent design that creates a distinctive building that adds visual interest to the character of the area and to the skyline of the City.

GENERAL PLAN ANALYSIS

The development proposal is located in the “Central Business District” General Plan Use Classification. The intent of the Central Business District is to encourage, support, and enhance areas as a high density mixed-use urban center of regional importance and a hub for business, communications, office, government, high technology, retail, entertainment and transportation. The desired character and uses include a mix of large-scale offices, commercial, urban high-rise residential, cultural, educational, arts, services, community facilities and visitor uses.

The Central Business District also sets the goals and vision to enhance the identity of Downtown and its distinctive districts by setting policies that are related to specific project developments. The following are the General Plan Policies applicable to the proposal and the project development should be consistent when a future determination is made by the decision body, the Planning Commission. These are:

Policy D1.1: Enhance the visual quality of downtown by preserving and improving existing housing stock and encouraging new, high quality design. New housing development in downtown will provide urban dwellers with expanded options for living in a revitalized inner city, near major transportation lines, employment centers.

The proposal would provide a mix of type and size of new residential units in an attractive contemporary building that fits with the downtown setting, is adjacent to BART and AC Transit lines, and is within walking distance to the Central Business District.

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

The proposal is a high-rise that is set back approximately 15 feet from the road, contains angled facades, floor-to-ceiling glass windows, metal/stainless steel cladding and architectural features that provide visual interest to the city's skyline.

Policy D5.1: Encouraging twenty-four hour activities and amenities that encourage pedestrian traffic during the work week as well as evenings and weekends should be promoted.

The proposal will create 307 new residential units and ground floor commercial area that would contribute to the increase of foot traffic in the immediate area, and thus serve existing and new commercial and entertainment venues in downtown.

Policy D9.1: Concentrating commercial development in the corridor around Broadway that encourage a pedestrian-friendly environment.

The proposal includes the development of an approximately 5,000 square foot ground-floor retail space, located in the uptown district, on Broadway and in between 17th and 19th Streets. The commercial facility is also adjacent to the 19th Street BART Station that makes it convenient and pedestrian-friendly to the general public.

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

The proposal creates high density residential development that will contribute to the urban setting by adding new residents, thus supporting the downtown functions that are vital components to the operation for a successful 24-hour community presence.

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

The 307-residential unit proposal is located in downtown, in the uptown neighborhood, and in the Central Business District. The project is adjacent to the 19th Street BART station and within two blocks from the City Center BART Station, which will encourage new project residents to use this transit system.

Policy D10.3: Downtown residential areas should generally be within the urban density residential and Central Business District. The height and bulk should reflect existing and desired district character, the overall city skyline.

The proposal is located in downtown, in the uptown neighborhood, and in the Central Business District. The project is surrounded by existing medium-density, new high-density residential buildings under construction and other recently approved high-density buildings. The proposals' building height and bulk reflect some of the new buildings in the area with a contemporary design that contributes to the urban setting of the City's skyline.

Policy D10.5: Housing in the downtown should be safe and attractive and of high quality design and respect the downtown distinctive neighborhoods and its history.

The proposal is a high-rise residential development that will meet required Building codes for safety. The building has interesting design features and uses quality materials to create an attractive and distinctive design, while respecting the character of nearby buildings.

ZONING ANALYSIS

The development site is located in the Central Business District Pedestrian, CBD-P (about $\frac{3}{4}$ of the property) and Commercial, CBD-C (towards the rear and about $\frac{1}{4}$ of the property) Zones. The purpose of the CBD-P zone is to create, maintain, and enhance areas of the Central Business District for ground-

level, pedestrian-oriented, active storefront uses, and for upper stories to be available for a wide range of office and residential uses. The purpose of the CBD-C is to create, maintain, and enhance areas of the Central Business District appropriate for a wide range of ground-floor office and other commercial activities. Upper-story spaces are intended to be available for a wide range of residential and office or other commercial activities as determined by the designated zone.

The proposal is located in the core of the City's Downtown (Uptown District) where high density and intensity uses are essential and vital to the success of the existing commercial area and contribute to the support of local and regional transportation infrastructure, communication networks, and service and entertainment establishments. The project proposal is a permitted use because the residential units are located on upper levels, and the retail space is located on the ground-floor of the building.

The project proposal requires two Planning permits, a Major Conditional Use Permit for new buildings containing a floor area over 200,000 square feet, and Regular Design Review for new building construction in the Central Business District. A separate Tree Permit is also required to remove three street trees, located in front of the site along Broadway. The tree permit will be determined by the City's Public Works Tree Division. The following table provides a summary of the applicable standards:

Development Standards	Requirements	Proposed	Comments
Minimum Lot Area	4,000/7,500-sf	27,600-sf	Meets Plan
Minimum Lot Width Mean	25/50-ft	156/50-ft	Meets Plan
Minimum Frontage	25/50-ft	156/50-ft	Meets Plan
Minimum Front Setback	0-ft	3-ft	Meets Plan
Maximum Front / Front Street Side Setbacks for the First Story	5-ft	3/5-ft	Meets Plan
Maximum Front & Street Side Setbacks for the Second and Third Stories or 35 ft. whatever is lower	5-ft	3-ft	Meets Plan
Minimum Interior Side	0-ft	1.5/3-ft	Meets Plan
Minimum Rear	0-ft	1-ft	Meets Plan
Maximum Residential Density	307 units	307 units	Meets Plan
Maximum Floor Area Ratio	20.0	13.0	Meets Plan
Maximum Building Height	No Height Limit	418-ft	Meets Plan
Minimum Residential Parking Spaces	Not Required	210 spaces	Meets Plan
Maximum Residential Parking Spaces	Not Required	210 spaces	Meets Plan

Development Standards	Requirements	Proposed	Comments
Minimum Retail Parking Spaces	Not Required	0 parking spaces	Meets Plan
Minimum Bicycle Spaces (short term)	2 spaces	24 spaces	Meets Plan
Minimum Bicycle Spaces (long term)	2 spaces	200 spaces	
Minimum Residential Loading Berths	1 Space	2 Spaces	Meets Plan

PROJECT BACKGROUND

Design Review Committee / Public Comments

The Design Review Committee of the Planning Commission reviewed preliminary design plans for the proposed project. At its January 31, 2018 Design Review Committee (DRC) meeting, the DRC reviewed the proposal, and recommended the applicant do the following:

- a) Articulate the garage screen wall;
- b) Refine the ground floor façade; and
- c) Keep the existing BART elevator visible to public view.

In addition, at this public meeting, the DRC heard public comments from commercial tenants leasing space at 1750 Broadway, and also received comments from an adjacent residential tenant at 1770 Broadway. The commercial tenant Transdev is a paratransit organization that provides transit program assistance to BART and AC Transit. Transdev expressed concerns to the applicant regarding the leasing terms and relocation of their offices. Furthermore, the adjacent residential tenant expressed concerns regarding shadow casting and length of construction activity from the project. (See Attachment E)

At its scheduled February 28, 2018 Design Review Committee (DRC) meeting, the project applicant requested the DRC continue the application to a later date.

At its November 28, 2018 Design Review Committee (DRC) meeting, the DRC received revisions to the project design and supported the changes recommended in the January 31, 2018 meeting. The DRC also received a letter from the applicant stating that meetings have occurred with the commercial tenant, Transdev to discuss the terms of the tenant's leasing space. The applicant, however, indicated that no formal agreements have been reached with the commercial tenants, but that they will continue to assist in the relocation of tenant offices.

The applicant also indicated that meetings were held with BART officials to discuss ways to maintain the operation of the 19th Street BART Station elevator during the construction of the new project. The applicant intends to keep the elevator, and is planned to be part of the proposed project as shown on the latest design plans submitted for Planning Commission review.

PROJECT KEY ISSUES**Building Design**

The proposed building footprint would cover most of the entire parcel area, however, the tower which is nearly 80 feet away from 17th Street would cover approximately 70 percent on the parcel area. The mass of the 37-story tower is broken-up with inward angled facades, recessed wall planes, courtyard terraces, angular glass balconies, and include various material textures to provide a slender design that promotes and defines the context of the urban corridor. The building also provides different window size pattern with tall glazing windows on the building northwest corner and on the top of the tower. Other windows are semi-recessed from the building façade and some contain small viewing balconies. The tower includes vertical and horizontal metal panel siding materials, angled metal screens for the garage façade, colored vent louvers, glazing storefront and dark cladding for the transformer room facing Broadway. The project manages mass and scale that results with a compatible design to create a distinctive building that would add visual interest to the character of downtown and to the skyline of the City.

California Environmental Quality Act

A Californian Environmental Quality Act Analysis (CEQA) was prepared for this project which concludes that the proposed project satisfies each of the following CEQA Guidelines: (i) 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning; (ii) 15183.3 - Streamlining for Infill Projects; and (C) 15332- Urban Infill Development. Each of the foregoing provides a separate and independent basis for CEQA compliance. The CEQA Analysis document was published and made publicly available on Friday, February 15, 2019 and separately provided to the Planning Commission. The CEQA Analysis document for 1750 Broadway Project can be reviewed at the Bureau of Planning offices, located at 250 Frank Ogawa Plaza, 2nd Floor or online at the following link here:

<http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157>
(Current Environmental Review Documents #82)

The CEQA analysis also relies upon the LUTE (Land Use Transportation Element), EIR which can be viewed at the following links here:

<http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009158>
(LUTE / Item #1)

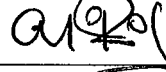
CONCLUSION

The development proposal would provide new residential and retail facilities that are outright permitted in the Central Business District zone. The project also meets the goals and policies of the General Plan by providing new high density housing, ground-floor commercial uses and an attractive building design that are the setting of an urban character and critical to the success of the Downtown District. The requested Planning permits are warranted and are not anticipated to create adverse impacts.

RECOMMENDATIONS

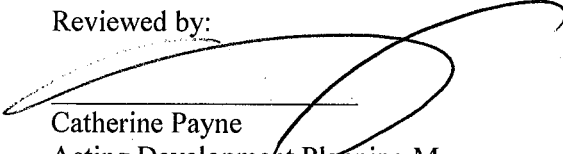
1. Affirm staff's Environmental Determination and adopt the attached CEQA Findings; and
2. Approve the Project, including Conditional Use Permit and Regular Design Review, subject to the attached findings and conditions (including the SCAMMRP).

Prepared by:



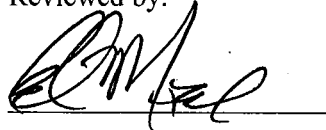
Mike Rivera
Planner II, Development Planning
Bureau of Planning

Reviewed by:



Catherine Payne
Acting Development Planning Manager
Bureau of Planning

Reviewed by:



Ed Manasse, Interim Deputy Director
Bureau of Planning

ATTACHMENTS

- A. Project Findings and CEQA Findings
- B. Conditions of Approval
- C. Standard Conditions of Approval Mitigation Monitoring & Reporting Program (SCAMMRP)
- D. Revised Design Plans, dated March 13, 2019
- E. Public Comments

The CEQA document is provided under a separate cover, and online at or online at <http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157>
(The 1750 Broadway CEQA Analysis / Item # 82)

ATTACHMENT A

Findings for Approval

The findings required for granting approval for this application for Conditional Use Permit, and Regular Design Review are shown in normal type, and the reasons for satisfying these findings are shown in **bold**.

(Note: The Project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report and elsewhere in the record):

SECTION 17.134.050- GENERAL CONDITIONAL USE PERMIT (CUP)

Major CUP for buildings over 200,000 square feet of new floor area in the CBD Zone

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

The development proposal for a residential and commercial-retail mixed use project over 200,000 square foot is conditionally permitted in the downtown district. The size of the approximately 499,676 square foot building and design are in scale with the mix of high-rise buildings under construction in the surrounding area. While the building base covers most of the site, the location and shape of the tower will reduce bulk to allow outdoor areas and views to the project residents. The transportation analysis prepared for this project shows no significant traffic or transportation-related impacts in the surrounding area.

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

The proposal is located in the uptown area of the Central Business District, near transit system and entertainment areas. The building design will provide functional living and working environment to the residents with amenities such as outdoor recreational areas and fitness center. The project includes a retail facility that can also be used by other commercial uses and serve the general public.

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

The proposal for a high-rise building with 307 residential units and ground-floor retail space will increase activity in the surrounding area and increase the patronizing of existing and future commercial development. The project will also encourage the use and support public transportation such as BART, AC Transit, Bike-Share and the free "B" shuttle bus that runs within the downtown area.

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

The proposal for the residential and commercial development meets the Design Review Findings listed below in this report.

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

The project proposal conforms to the policies of the General Plan by providing residential and commercial development in high-density areas and along commercial corridors in the Central Business District. As described within this report, the project also conforms to the applicable design review criteria.

SECTION 17.136.050 (B) - DESIGN REVIEW CRITERIA / Non-Residential Facilities

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

The proposal will create a storefront with approximately 18-foot high glazing surfaces with dark aluminum framing and granite cladding finish (transformer room) along Broadway. The storefront is set back approximately five feet from street line; and the residential entry has a suspended canopy with decorative landscaping on the side wall to create a visual interest and façade articulation. Furthermore, the bronze color perforated aluminum screens with vertical light color aluminum bands on the parking podium (curtain wall) façade results with a design technique that creates interest and provides transition to the tower when seen from different street views, and provides a design rhythm with the adjacent building. The perforated screen panels will be folded and mounted at an angle in seven vertical sections to reduce mass, create depth and visual appeal. The garage screens will also have a backdrop LED lighting for accent.

2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.

The ground-floor commercial space has interesting design and high quality materials that create character and harmony with surrounding retail/commercial uses and development. The development proposal protects and increases the value of private and public investment in the Uptown district by creating a high-quality residential building with active ground floor uses.

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

As discussed earlier in this report, the design proposal conforms to the General Plan by creating an attractive commercial space in downtown and conforms to the design review criteria discussed in the applicable design review findings.

SECTION 17.136.050- DESIGN REVIEW CRITERIA

A. For Residential Facilities.

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

The proposal has a 29-story residential tower over the five-level parking garage and ground-floor commercial area that relates to and is compatible in scale to the site and surrounding high-rise buildings. The residential tower has a slender design to manage building mass to create a compatible scale of development that relates to the mix of new residential high-rise buildings that are under construction in downtown. The tower has inward wall planes, segmented and articulated windows frames with floor to ceiling windows, bronze window mullions, glass railing balconies, metal and stainless steel cladding with reveal-joints, and a mix of colored materials all of which create an interesting design that relates to the style and texture of the surrounding area.

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

The residential tower with its contemporary architecture will enhance the streetscape of downtown by creating a transparent storefront with tall ceilings and prominent entries. The facade articulation and mix of materials and colors of the residential tower will encourage the development of high quality design, thus promoting desirable future neighborhood characteristics. The project has an approximately 15-foot tall wall that runs on the westerly side of the property line (next to the entry lobby on 17th Street). The wall is also adjacent to the neighboring apartment building at 1770 Broadway. To enhance desirable neighborhood characteristics, staff recommends a Condition that the proposed wall has a finish texture. See Condition of Approval # 15

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

The property has a three-story commercial building and paved surface parking lot that would be removed and developed with the proposed building. There are three street trees along Broadway that would be removed and will require a separate tree permit. The applicant proposes to install new street trees on Broadway. Staff recommends a Condition that at least three new 36-inch box size London Plane street trees are installed in front of the property. See Condition of Approval # 16

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

The site is not situated on a hill or on a hillside property.

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

As discussed earlier in this report, the proposal conforms to the related policies of the General Plan by providing residential and commercial uses in high-density areas and along major corridors in the Central Business District. The project also conforms to the applicable design review criteria as discussed in the findings sections within this report.

CEQA COMPLIANCE FINDINGS

- I. Introduction: These findings are made pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et seq.; "CEQA") and the CEQA Guidelines (Cal. Code Regulations title 14, section 15000 et seq.; "CEQA Guidelines") by the Planning Commission in connection with the environmental analysis of the effects of implementation of the 1750 Broadway-Mixed Use project, as more fully described elsewhere in this Staff Report and in the City of Oakland ("City") CEQA Analysis document entitled "1750 Broadway CEQA Analysis" dated February 2019 ("CEQA Analysis") (the "Project"). The City is the lead agency for purposes of compliance with the requirements of CEQA. These CEQA findings are attached and incorporated by reference into each and every decision associated with approval of the Project and are based on substantial evidence in the entire administrative record.
- II. Applicability/Adoption of Previous CEQA Documents
 - A. Adoption of General Plan Land Use and Transportation Element (LUTE) and Certification of the 1998 LUTE EIR: The City finds and determines that (a) the Oakland City Council on March 24, 1998 adopted Resolution No. 74129 C.M.S. which adopted the General Plan Land Use and Transportation Element, made appropriate CEQA findings, including certification of the 1998 LUTE Environmental Impact Report ("EIR"); and (b) the LUTE satisfies the description of "Community Plan" set out in Public Resources Code section 21083.3(e) and in CEQA Guidelines section 15183, as well the description of "Planning Level Document" set out in Public Resources Code section 21094.5 and in CEQA Guidelines section 15183.3. The City Council, in adopting the LUTE following a public hearing, approved applicable mitigation measures which are largely the same as those identified in the other Program EIRs prepared after the 1998 LUTE EIR, either as mitigation measures or as a part of newer Standard Conditions of Approval ("SCAs") which constitute uniformly applied development policies or standards (together with other City development regulations) and determined that the mitigation measures set out in the 1998 LUTE EIR, would substantially mitigate the impacts of the LUTE and future projects thereunder. While approved after certification of the 1998 LUTE EIR, growth and potential effects of the development of the Project would have been considered in the cumulative growth projections factored into the LUTE EIR analysis.
- III. CEQA Analysis Document: The CEQA Analysis and all of its findings, determinations and information is hereby incorporated by reference as if fully set forth herein. The CEQA Analysis concluded that the Project satisfies each of the following CEQA provisions, qualifying the Project for three separate CEQA exemptions as summarized below and provides substantial evidence to support the following findings.

The City hereby finds that, as set forth below and as part of the CEQA Analysis, the Project is exempt from any additional CEQA Analysis under Public Resources Code section 21083.3 (CEQA Guidelines §15183) for Projects Consistent with a Community Plan, General Plan, or Zoning and/or under Public Resources section 21094.5 (CEQA Guidelines §15183.3) for Qualified Infill Projects, thus no additional environmental analysis beyond the CEQA Analysis is necessary. As a separate and independent basis, the Project meets the conditions for a categorical exemption under CEQA Guidelines §15332 (In-Fill Development Projects) and no exceptions to the CEQA categorical exemptions under CEQA Guidelines §15300.2 apply. The specific statutory exemptions and the categorical exemption are discussed below in more detail.

- A. Projects Consistent with a Community Plan, General Plan, or Zoning; Public Resources Code Section 21083.3 (CEQA Guidelines §15183): The City finds and determines that, for the reasons set out below and in the CEQA Analysis, streamlining under CEQA Guidelines §15183 applies to the Project. No further environmental analysis is required because the Project is consistent with the development density and land use characteristics established by existing zoning and General Plan policies for which an EIR was certified, and all of the Project's effects on the environment were adequately analyzed and mitigation measures provided in the 1998 LUTE EIR for the overall project (collectively called "Previous CEQA Documents"); there are no significant effects on the environment which are peculiar to the Project or to the parcel upon which it is located not addressed and mitigated in the Previous CEQA Documents; and there is no new information showing that any of the effects shall be more significant than described in the Previous CEQA Documents.

As set out in detail in the attached CEQA Analysis, the City finds that, pursuant to CEQA Guidelines section 15183 and Public Resources Code section 21083.3, the Project is consistent with the development density analyzed in the Previous CEQA Documents and that there are no environmental effects of the Project peculiar to the Project or the Project Site which were not analyzed as significant effects in the Previous CEQA Documents or that will not be substantially mitigated by the imposition of the City's SCAs, nor are there potentially significant off-site impacts and cumulative impacts not discussed in the Previous CEQA Documents or that will not be substantially mitigated by the imposition of the City's SCAs; nor are any of the previously identified significant effects which, as a result of substantial information not known at the time of certification of the Previous CEQA Documents, are now determined to present a more severe adverse impact than discussed in the Previous CEQA Documents. As such, no further analysis of the environmental effects of the Project is required.

- B. Streamlining for In-Fill Projects; Public Resources Code Section 21094.5 (CEQA Guidelines §15183.3): The City finds and determines that, for the reasons set forth below and in the CEQA Analysis, Streamlining for In-Fill Projects applies to the Project and no further environmental analysis is required since the Project meets the criteria under CEQA Guidelines §15183.3, and all the Project's effects on the environment were adequately analyzed and mitigation measures provided in the Previous CEQA Documents; the Project will cause no new specific effects not addressed in the Previous CEQA Documents that are specific to the Project or the Project Site; and there is no substantial new information showing that the adverse environmental effects of the Project are more significant than described in the Previous CEQA Documents.

The City finds that, pursuant to CEQA Guidelines section 15183.3, the CEQA Analysis contains in Attachment A, a written analysis consistent with Appendix M to the CEQA Guidelines examining whether the Project will cause any effects that require additional review under CEQA. The contents of Attachment A documents that the Project is located in an urban area satisfying

the requirements of CEQA Guidelines §15183.3(a), satisfies the applicable performance standards set forth in Appendix M to the CEQA Guidelines, and is consistent with the General Plan land use designation, density, building intensity and applicable policies satisfying the requirements of CEQA Guidelines §15183.3(c). It also explains how the effects of the Project were analyzed in the Previous CEQA Documents; and indicates that the Project incorporates all applicable mitigation measures and SCAs from the Previous CEQA Documents. Attachment A also determines that the Project will cause no new specific effects not analyzed in the Previous CEQA Documents; determines that there is no substantial new information showing that the adverse environmental effects of the Project are more significant than described in the Previous CEQA Documents, determines that the Project will not cause new specific effects or more significant effects, and documents how uniformly applicable development policies or standards (including, without limitation, the SCAs) will mitigate environmental effects of the Project. Based upon the CEQA Analysis and other substantial evidence in the record, the City finds and determines that no further environmental analysis of the effects of the Project is required.

C. Infill Exemption under Public Resources Section 21084 (CEQA Guidelines §15332):

The City finds and determines that for the reasons set forth in the CEQA Analysis, that the Project is consistent with CEQA Guidelines section 15332 and that no exceptions apply to the Project (per CEQA Guidelines Section 15300.2). Specifically, the Project (a) is consistent with applicable general plan policies and zoning designations; (b) occurs within a project site smaller than five acres and is substantially surrounded by urban uses; (c) has no value as habitat for endangered, rare or threatened species; (d) would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) is located on a site that can be adequately served by all required utilities and public services. In addition, none of the specific exceptions to CEQA categorical exemptions (CEQA Guidelines Section 15300.2) are applicable to the Project.

IV. Severability: The City finds that all three CEQA provisions discussed and determined to be applicable in Section III above are separately and independently applicable to the consideration of the Project and should any of the three be determined not to be so applicable, such determinations shall have no effect on the validity of these findings and the approval of the 1750 Broadway Project on any of the other grounds.

V. Incorporation by Reference of Statement of Overriding Considerations: Each of the Previous CEQA Documents identified significant and unavoidable impacts.¹ The 1998 LUTE EIR identified six areas of environmental effects of the LUTE that presented significant and unavoidable impacts. Because the Project may contribute to some significant and unavoidable impacts identified in the Previous CEQA Documents identified above, but a Subsequent and/or Supplemental EIR is not required in accordance with CEQA Guidelines sections 15162, 15163, 15164, 15168, 15180, 15183 and 15183.3, a Statement of Overriding Considerations is not legally required. Nevertheless, in the interest of being conservative, the Statements of Overriding Consideration for the 1998 LUTE EIR, adopted by the City Council on March 24, 1998, via Resolution No. 74129 C.M.S are all hereby incorporated by reference as if fully set forth herein.

¹ If these or any other findings inaccurately identify or fail to list a significant and unavoidable impact identified in the analysis, findings and conclusions of the 1988 LUTE EIR or their administrative records as a whole, the identification of that impact and any mitigation measure or SCA required to be implemented as part of the Project is not affected.

ATTACHMENT B

CONDITIONS OF APPROVAL

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and staff report dated, March 20, 2019, and the approved design plans, dated received March 13, 2019, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

2. Effective Date, Expiration, Extensions and Extinguishment

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten (10) calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire two years from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Bureau of Building and diligently pursued towards completion, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. Compliance with Other Requirements

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

4. Minor and Major Changes

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

5. Compliance with Conditions of Approval

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

6. Signed Copy of the Approval/Conditions

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

7. Blight/Nuisances

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

8. Indemnification

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b. Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations.

These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. Severability

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

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

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

11. Public Improvements

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

12. Compliance Matrix

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

13. Construction Management Plan

Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments.

such as the Fire Department, Department of Transportation, and the Public Works Department as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management (see applicable Conditions below). The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

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

- a. All mitigation measures identified in the 801 Pine Street CEQA Analysis are included in the Standard Condition of Approval / Mitigation Monitoring and Reporting Program (SCAMMRP) which is included in these Conditions of Approval and are incorporated herein by reference, as Attachment C as Conditions of Approval of the project. The Standard Conditions of Approval identified in the 801 Pine Street CEQA Analysis document are also included in the SCAMMRP, and are, therefore, incorporated into these Conditions by reference but are not repeated in these Conditions. To the extent that there is any inconsistency between the SCAMMRP and these Conditions, the more restrictive Conditions shall govern. In the event a Standard Condition of Approval or mitigation measure recommended in the 801 Pine Street CEQA Analysis document has been inadvertently omitted from the SCAMMRP, that Standard Condition of Approval or mitigation measure is adopted and incorporated from the 801 Pine Street CEQA Analysis document into the SCAMMRP by reference, and adopted as a Condition of Approval. The project applicant and property owner shall be responsible for compliance with the requirements of any submitted and approved technical reports, all applicable mitigation measures adopted, and with all Conditions of Approval set forth herein at his/her sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or Condition of Approval, and subject to the review and approval by the City of Oakland. The SCAMMRP identifies the timeframe and responsible party for implementation and monitoring for each Standard Condition of Approval and mitigation measure. Unless otherwise specified, monitoring of compliance with the Standard Conditions of Approval and mitigation measures will be the responsibility of the Bureau of Planning, with overall authority concerning compliance residing with the Environmental Review Officer. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in section 21081.6 of CEQA.
- b. Prior to the issuance of the first construction-related permit, the project applicant shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

PROJECT SPECIFIC CONDITIONS

15. Building Wall Finish Along Property Line

Prior to issuance of a demolition, grading, or building permit to construct / Ongoing

The applicant shall include on final construction plans that the new wall along the property line and adjacent to the building at 1770 Broadway has a finish texture material.

16. New Street Trees in Front of the Property

Prior to issuance of a demolition, grading, or building permit to construct / Ongoing

Subject to City review and approval, the applicant shall install at least three (3) new city street trees on Broadway in front of the property. The plans shall indicate at least 36-box size trees and include tree metal grates. Said trees shall also meet the City's standard specifications for tree planting of the Public Works/Tree Division. In case that the street trees and wells cannot be installed, the applicant shall consult with the City to install instead large trees with decorative vase planters above the sidewalk, subject to any required permits.

17. Improvements-Ongoing

The approval of this development application does not constitute approval of public improvements. It is the applicant's responsibility to seek and service any required permits from the appropriate departments or agencies.

18. Storefront Windows and Doors

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

The applicant shall submit construction plans, for City review and approval that provide details for the new storefront windows and doors. All of the windows and door glass shall be clear. The applicant shall keep all of the façade windows and doors clear of visual obstruction including window/door coverage materials, except for the submittal of any future proposal of new business signage that meets Section 17.104.020 (k) of the Oakland Planning Code.

19. New Business Signage

Ongoing

Any new business signage on the property shall require a separate small project design review application and permit by the Planning and Building Service Divisions. All future proposed business and residential signage shall be designed to be compatible to the building design. New signs are not allowed to be above the storefront awning and/or block the curtain wall of the garage.

20. Garage and Utility Doors

Prior to issuance of a demolition, grading or building permit

The applicant shall submit for staff review and approval plans that show design details for the garage, and utility doors. The doors shall be designed to be inconspicuous and blend in with the building design.

21. Screening of PG&E Transformers, Utility Meters, HVAC and other Equipment

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

The applicant shall submit plans for City review and approval that show within the property and not within the public right-of-way the placement and details for screening from public view all exterior PG&E transformers, utility meters, HVAC and related equipment.

22. Trash and Recyclable Containers Odor Control/Loading Area***Ongoing***

The trash and recycling containers shall be kept and maintained and placed away from public view, except for during regular service pick up dates. The applicant shall sweep around these containers and the loading commercial area daily, and use power-generated steam equipment in this area once weekly or as often as required.

23. Recommendations by Project Transportation Consultant. Incorporated as Conditions of Approval / Ongoing. Subject to City review and approval**Recommendation 1:**

- Install mirrors on all curved ramps in the garage to ensure that motorists can see on-coming vehicles.
- Designate one parking space near the residential lobby on 19th Street for passenger pick-up/drop off.
- Convert one of the no parking zones in the Broadway pull-out to either a metered parking space or passenger pick-up/drop off.

Recommendation 2:

- Explore the feasibility of and, only if feasible, install directional curb ramps at all four corners of the Broadway/19th Street, Franklin Street/19th Street, and Broadway/17th Street intersections that the East Bay BRT Project would not upgrade. Considering that fire hydrants, signal poles, light poles, and/or storm drain inlets may be present at these locations, construction of curb extensions (bulbouts) may also be required at some locations to accommodate the directional curb ramps.
- Explore the feasibility and only if feasible, install the City of Oakland *2017 Pedestrian Plan Update* recommendations at the Broadway/17th Street and Broadway/19th Street intersections, which consist of converting signal operations to fixed pedestrian recall, reducing signal cycle lengths, and implementing Leading Pedestrian Interval.
- Explore the feasibility and only if feasible, install the City of Oakland *2017 Pedestrian Plan Update* recommendations at the Broadway/17th Street and Broadway/19th Street intersections, which consist of converting signal operations to fixed pedestrian recall, reducing signal cycle lengths, and implementing Leading Pedestrian Interval.

Recommendation 3:

- Coordinate with City of Oakland and AC Transit to explore the feasibility and if feasible, install bus stop amenities such as shelter, bench, and trash receptacle at the bus stops on northbound Broadway just north of 17th Street and on southbound Broadway just north of 19th Streets and midblock between 15th and 17th Streets.

Applicant Statement

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

Name of Project Applicant

ATTACHMENT C

STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

This standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCA/MMRP) is based on CEQA Analysis prepared for the **1750 Broadway Project**.

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

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

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

- The first column identifies the SCA applicable to that topic in the CEQA Analysis.
- The second column identifies the monitoring schedule or timing applicable to the project.
- The third column names the party responsible for monitoring the required action for the project.

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

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

Note that the SCAs included in this document are referred to using an abbreviation for the environmental topic area and are numbered sequentially for each topic area—i.e., **SCA-AIR-1**, **SCA-AIR-2**, etc. The SCA title and the SCA number that corresponds to the City’s Master SCA list are also provided—i.e., **SCA-AIR-1: Construction-Related Air Pollution (Dust and/or Equipment Emissions) (#21)**.

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
General		
<p>a. SCA GEN-1 (Standard Condition of Approval 15) Regulatory Permits and Authorizations from Other Agencies <u>Requirement:</u> The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.</p>	Prior to activity requiring permit/authorization from regulatory agency.	City of Oakland Bureau of Planning and applicable regulatory agency with jurisdiction
Aesthetics, Shadow, and Wind		
<p>SCA AES-1 (Standard Condition of Approval 16) Trash and Blight Removal <u>Requirement:</u> The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.</p>	Ongoing.	City of Oakland Bureau of Building
<p>SCA AES-2 (Standard Condition of Approval 17) Graffiti Control <u>Requirement:</u></p> <p>a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:</p> <ol style="list-style-type: none"> i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces. ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces. iii. Use of paint with anti-graffiti coating. iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED). v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement. <p>b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:</p> <ol style="list-style-type: none"> i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system. ii. Covering with new paint to match the color of the surrounding surface. 	Ongoing.	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
iii. Replacing with new surfacing (with City permits if required).		
Aesthetics, Shadow, and Wind (cont.)		
<p>SCA AES-3 (Standard Condition of Approval 18) Landscape Plan</p> <p>a. Landscape Plan Required The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf and http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf, respectively), and with any applicable streetscape plan.</p> <p>b. Landscape Installation The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.</p> <p>c. Landscape Maintenance All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.</p>	<p>a. Prior to approval of construction-related permit.</p> <p>b. Prior to building permit final.</p> <p>c. Ongoing</p>	<p>a. City of Oakland Bureau of Planning</p> <p>b. City of Oakland Bureau of Building</p> <p>c. City of Oakland Bureau of Building</p>
<p>SCA AES-4 (Standard Condition of Approval 19): Lighting <u>Requirement:</u> Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties.</p>	Prior to building permit final.	City of Oakland Bureau of Building
<p>SCA AES-5 (Standard Condition of Approval 20) Public Art for Private Development <u>Requirement:</u> The project is subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). The public art contribution requirements are equivalent to one-half percent (0.5%) for the "residential" building development costs, and one percent (1.0%) for the "non-residential" building development costs. The contribution requirement can be met through: 1) the installation of freely accessible art at the site; 2) the installation of freely accessible art within one-quarter mile of the site; or 3) satisfaction of alternative compliance methods described in the Ordinance, including, but not limited to, payment of an in-lieu fee contribution. The applicant shall provide proof of full payment of the in-lieu contribution and/or provide plans, for review and approval by the Planning Director, showing the installation or improvements required by the Ordinance prior to issuance of a building permit. Proof of installation of artwork, or other alternative requirement, is required prior to the City's issuance of a final certificate of occupancy for each phase of a project unless a separate, legal binding instrument is executed ensuring compliance within a timely manner subject to City approval.</p>	Payment of in-lieu fees and/or plans showing fulfillment of public art requirement – Prior to Issuance of Building permit Installation of art/cultural space – Prior to Issuance of a Certificate of Occupancy.	City of Oakland Bureau of Planning and Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Also SCA UTIL-2, Underground Utilities. See <i>Utilities and Service Systems</i> , below.		
Air Quality		
<p>SCA AIR-1 (Standard Condition of Approval 21) Dust Controls – Construction Related <u>Requirement:</u> The project applicant shall implement all of the following applicable dust control measures during construction of the project:</p> <ol style="list-style-type: none"> Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible. 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). 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. Limit vehicle speeds on unpaved roads to 15 miles per hour. All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph. All trucks and equipment, including tires, shall be washed off prior to leaving the site. 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. Apply and maintain vegetative ground cover (e.g., hydroseed) or non-toxic soil stabilizers to disturbed areas of soil that will be inactive for more than one month. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). 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. When working at a site, install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of the site, to minimize wind-blown dust. Windbreaks must have a maximum 50 percent air porosity. Post a publicly visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours. 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. 	During construction.	City of Oakland Bureau of Building
<p>SCA AIR-2 (Standard Condition of Approval 22) Criteria Air Pollutant Controls – Construction Related <u>Requirement:</u> The project applicant shall implement all of the following applicable basic control measures for criteria air pollutants during construction of the project as applicable:</p> <ol style="list-style-type: none"> Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points. 	During construction.	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Air Quality (cont.)		
<p>b. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”).</p> <p>c. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.</p> <p>d. Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and use propane or natural gas generators cannot meet the electrical demand.</p> <p>e. Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.</p> <p>f. All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City, the project applicant shall provide written documentation that fleet requirements have been met.</p>		
<p>SCA AIR-3 (Standard Condition of Approval 23) <u>Diesel Particulate Matter Controls-Construction Related</u></p> <p>a. Diesel Particulate Matter Reduction Measures</p> <p>Requirement: The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) from construction emissions. The project applicant shall choose one of the following methods:</p> <p>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment to determine the health risk to sensitive receptors exposed to DPM from project construction emissions. The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then DPM reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, DPM reduction measures shall be identified to reduce the health risk to acceptable levels as set forth under subsection b below. Identified DPM reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM reduction measures shall be implemented during construction.</p> <p>- or -</p> <p>ii. All off-road diesel equipment shall be equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through an equipment inventory submittal and Certification Statement that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract.</p>	<p>a. Prior to issuance of a construction related permit (i), during construction (ii).</p> <p>b. Prior to issuance of a construction related permit.</p>	<p>a. City of Oakland Bureau of Planning and Bureau of Building.</p> <p>b. City of Oakland Bureau of Planning and Bureau of Building.</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Air Quality (cont.)		
<p>b. Construction Emissions Minimization Plan (if required by a above)</p> <p>Requirement: The project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified DPM reduction measures (if any). The Emissions Plan shall be submitted to the City (and the Bay Area Air Quality District if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following:</p> <ol style="list-style-type: none"> i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date. ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. 		
<p>SCA AIR-4 (Standard Condition of Approval 24) Exposure to Air Pollution (Toxic Air Contaminants)</p> <p>a. Health Risk Reduction Measures</p> <p>Requirement: The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose <u>one</u> of the following methods:</p> <ol style="list-style-type: none"> i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. <p>- or -</p> <ol style="list-style-type: none"> ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City: <ul style="list-style-type: none"> • Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required. • Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph). • Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible. • The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these 	<ol style="list-style-type: none"> a. Prior to issuance of a construction related permit. b. Ongoing. 	<ol style="list-style-type: none"> a. City of Oakland Bureau of Planning and Bureau of Building b. City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.</p> <ul style="list-style-type: none"> Sensitive receptors shall be located on the upper floors of buildings, if feasible. 		
Air Quality (cont.)		
<p>Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (<i>Pinus nigra</i> var. <i>maritima</i>), Cypress (<i>X Cupressocyparis leylandii</i>), Hybrid poplar (<i>Populus deltoids X trichocarpa</i>), and Redwood (<i>Sequoia sempervirens</i>).</p> <ul style="list-style-type: none"> Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible. Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible. Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible: <ul style="list-style-type: none"> Installing electrical hook-ups for diesel trucks at loading docks. Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards. Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels. Prohibiting trucks from idling for more than two minutes. Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented. <p>b. Maintenance of Health Risk Reduction Measures</p> <p>Requirement: The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.</p> <p>NOTE: This Standard Condition of Approval has been implemented by the project applicant and no further action is required. An HRA for the Proposed Project was prepared and presented in the 1750 Broadway Project CEQA Checklist/Exemption Report, Consistent with Measure SCA AIR-3.a.i, no health risk reduction measures are required.</p>		
<p>SCA AIR-5 (Standard Condition of Approval 25) Stationary Sources of Air Pollution (Toxic Air Contaminants)</p> <p>Requirement: The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants. The project applicant shall choose <u>one</u> of the following methods:</p> <p>a. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk associated with proposed stationary sources of pollution in the project. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Planning and Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City.</p> <p>- or -</p> <p>b. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p>		
Air Quality (cont.)		
<p>i. Installation of non-diesel fueled generators, if feasible, or;</p> <p>ii. Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy, if feasible.</p>		
<p>SCA AIR-6 (Standard Condition of Approval 27) Asbestos in Structures <u>Requirement:</u> The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.</p>	Prior to approval of construction-related permit	Applicable regulatory agency with jurisdiction
See SCA TRA-4, Transportation and Parking Demand Management Plan . See <i>Transportation and Circulation</i> , below.		
Biological Resources		
<p>SCA BIO-1 (Standard Condition of Approval 30) Tree Removal During Bird Breeding Season <u>Requirement:</u> To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.</p>	Prior to removal of trees	City of Oakland Bureau of Planning and Bureau of Building
<p>SCA BIO-2 (Standard Condition of Approval 31) Tree Permit a. Tree Permit Required <u>Requirement:</u> Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit.</p>	<p>a. Prior to approval of construction-related permit</p> <p>b. During construction.</p>	<p>a. City of Oakland Public Works Department, Tree Division and Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p><i>b. Tree Protection During Construction</i></p> <p><u>Requirement:</u> Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:</p> <p>i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project's consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.</p>	<p>c. Prior to building permit final</p>	<p>b. City of Oakland Public Works Department, Tree Division and Bureau of Building</p> <p>c. City of Oakland Public Works Department and Tree Division; Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Biological Resources (cont.)		
<ul style="list-style-type: none"> ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree. iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree. iv. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration. v. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed. vi. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations. <p>c. Tree Replacement Plantings <u>Requirement:</u> Replacement plantings shall be required for tree removals for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade, in accordance with the following criteria:</p> <ul style="list-style-type: none"> i. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered. ii. Replacement tree species shall consist of <i>Sequoia sempervirens</i> (Coast Redwood), <i>Quercus agrifolia</i> (Coast Live Oak), <i>Arbutus menziesii</i> (Madrone), <i>Aesculus californica</i> (California Buckeye), <i>Umbellularia californica</i> (California Bay Laurel), or other tree species acceptable to the Tree Division. iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate. 		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Biological Resources (cont.)		
<p>iv. Minimum planting areas must be available on site as follows:</p> <ul style="list-style-type: none"> • For Sequoia sempervirens, three hundred fifteen (315) square feet per tree; • For other species listed, seven hundred (700) square feet per tree. <p>v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City's Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.</p> <p>vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant's expense.</p>		
Cultural Resources		
<p>SCA CUL-1 (Standard Condition of Approval 33) Archaeological and Paleontological Resources – Discovery During Construction</p> <p><u>Requirement:</u> Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City.</p> <p>Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.</p> <p>In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.</p> <p>In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be</p>	During construction.	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Cultural Resources (cont.)		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>SCA CUL-2 (Standard Condition of Approval 34) Archaeologically Sensitive Areas – Pre-Construction Measures. Requirement: The project applicant shall implement either Provision A (Intensive Pre-Construction Study) or Provision B (Construction ALERT Sheet) concerning archaeological resources.</p> <p>a. Provision A: Intensive Pre-Construction Study</p> <p>b. The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include:</p> <p>a. Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources.</p> <p>b. A report disseminating the results of this research.</p> <p>c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.</p> <p>c. If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior’s Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.</p> <p>d. Provision B: Construction ALERT Sheet The project applicant shall prepare a construction “ALERT” sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project’s prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site.</p> <p>e. The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City’s Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.</p>	<p>Prior to approval of construction-related permit; during construction.</p>	<p>City of Oakland Bureau of Planning and Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Cultural Resources (cont.)		
<p>SCA CUL-3 (Standard Condition of Approval 35) Human Remains – Discovery During Construction <u>Requirement:</u> Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.</p>	During construction.	City of Oakland Bureau of Building
Also SCA NOI-6, Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities. See <i>Noise</i> , below.		
Geology, Soils, and Geohazards		
<p>SCA GEO-1 (Standard Condition of Approval 37) Construction-Related Permit(s) <u>Requirement:</u> The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building
<p>SCA GEO-2 (Standard Condition of Approval 38) Soils Report <u>Requirement:</u> The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building
<p>SCA GEO-3 (Standard Condition of Approval 40) Seismic Hazards Zone (Landslide/Liquefaction) <u>Requirement:</u> The project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. The project applicant shall implement the recommendations contained in the approved report during project design and construction.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building
Greenhouse Gases and Climate Change		
Also SCA AES-3, Landscape Plan. See <i>Aesthetics, Wind, and Shadow</i> , above.		
Also SCAs AIR-1, Dust Controls – Construction Related. See <i>Air Quality</i> , above.		
Also SCAs AIR-2, Criteria Air Pollutant Controls - Construction Related. See <i>Air Quality</i> , above.		
Also SCAs AIR-3, Diesel Particulate Matter Controls - Construction Related. See <i>Air Quality</i> , above.		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Also SCA TRA-4, <i>Transportation and Parking Demand Management</i> . See <i>Transportation and Circulation</i> , below.		
Also SCAs UTIL-1, <i>Construction and Demolition Waste Reduction and Recycling</i> ; and UTIL-4, <i>Green Building Requirements</i> . See <i>Utilities and Service Systems</i> , below.		
Hazards and Hazardous Materials		
<p>SCA HAZ-1 (Standard Condition of Approval 43) <i>Hazards Materials Related to Construction</i> <u>Requirement:</u> The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:</p> <ul style="list-style-type: none"> a. Follow manufacture’s recommendations for use, storage, and disposal of chemical products used in construction; b. Avoid overtopping construction equipment fuel gas tanks; c. During routine maintenance of construction equipment, properly contain and remove grease and oils; d. Properly dispose of discarded containers of fuels and other chemicals; e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City’s Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate. 	During construction.	City of Oakland Bureau of Building
<p>SCA HAZ-2 (Standard Condition of Approval 45): <i>Hazardous Materials Business Plan</i> <u>Requirement:</u> The project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following:</p> <ul style="list-style-type: none"> 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. 	Prior to building permit final.	Oakland Fire Department
See SCA AIR-6, <i>Asbestos in Structures</i> . See <i>Air Quality</i> , above.		
See SCA TRA-1, <i>Construction Activity in the Public Right-of-Way</i> . See <i>Transportation and Traffic</i> , below.		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Hydrology and Water Quality		
<p>SCA HYD-1 (Standard Condition of Approval 49) Erosion and Sedimentation Control Plan for Construction</p> <p>a. Erosion and Sedimentation Control Plan Required <u>Requirement:</u> The project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. 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 and/or construction 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 City. 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.</p> <p>b. Erosion and Sedimentation Control During Construction <u>Requirement:</u> The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.</p>	<p>a. Prior to approval of construction-related permit.</p> <p>b. During construction.</p>	<p>City of Oakland Bureau of Building</p>
<p>SCA HYD-2 (Standard Condition of Approval 54) NPDES C.3 Stormwater Requirements for Regulated Projects</p> <p>a. Post-Construction Stormwater Management Plan Required <u>Requirement:</u> The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:</p> <p>f. i. Location and size of new and replaced impervious surface;</p> <p>g. ii. Directional surface flow of stormwater runoff;</p> <p>h. iii. Location of proposed on-site storm drain lines;</p> <p>i. iv. Site design measures to reduce the amount of impervious surface area;</p> <p>j. v. Source control measures to limit stormwater pollution;</p> <p>k. vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and</p> <p>l. vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.</p>	<p>a. Prior to approval of construction-related permit</p> <p>b. Prior to building permit final</p>	<p>a. City of Oakland Bureau of Planning and Bureau of Building</p> <p>b. City of Oakland Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Hydrology and Water Quality (cont.)		
<p>b. Maintenance Agreement Required <u>Requirement:</u> The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:</p> <p>m. i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and</p> <p>n. ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary.</p> <p>o. The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.</p>		
Also SCAs GEO-1, Construction-Related Permit(s) and GEO-2, Soils Report. See <i>Geology, Soils, and Geohazards</i> , above.		
Also SCA UTIL-6, Storm Drain System. See <i>Utilities and Service Systems</i> , below.		
Noise		
<p>SCA NOI-1 (Standard Condition of Approval 62) Construction Days/Hours <u>Requirement:</u> The project applicant shall comply with the following restrictions concerning construction days and hours:</p> <p>a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.</p> <p>b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.</p> <p>c. No construction is allowed on Sunday or federal holidays.</p> <p>Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.</p> <p>Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/ emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.</p>	During construction.	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Noise (cont.)		
<p>SCA NOI-2: (Standard Condition of Approval 63) Construction Noise</p> <p><u>Requirement:</u> The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:</p> <p>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.</p> <p><u>Except as provided herein</u>, 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, <u>if such jackets are commercially available</u>, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever <u>such procedures are available and consistent with construction procedures</u>.</p> <p>b. Applicant shall use temporary power poles instead of generators where feasible.</p> <p>c. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or <u>use other measures as determined by the City to provide equivalent noise reduction</u></p> <p>d. <u>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.</u></p>	<p>During construction.</p>	<p>City of Oakland Bureau of Building</p>
<p>SCA NOI-3 (Standard Condition of Approval 64) Extreme Construction Noise</p> <p>a. Construction Noise Management Plan Required</p> <p><u>Requirement:</u> Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures <u>include, but are not limited to, the following:</u></p> <p>i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;</p> <p>ii. Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;</p> <p>iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;</p> <p>iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example <u>and implement such measure if such measures are feasible and would noticeably reduce noise impacts;</u> and</p> <p>v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.</p>	<p>a. Prior to approval of construction-related permit.</p> <p>b. During construction.</p>	<p>City of Oakland Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Noise (cont.)		
<p>b. Public Notification Required</p> <p>Requirement: The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.</p>		
<p>• SCA NOI-4: (Standard Condition of Approval 65) Project-Specific Construction Noise Reduction Measures</p> <p>Requirement: The project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction noise impacts on adjacent residences. The project applicant shall implement the approved Plan during construction.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building
<p>SCA NOI-5 (Standard Condition of Approval 66) Construction Noise Complaints</p> <p>Requirement: The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:</p> <ol style="list-style-type: none"> Designation of an on-site construction complaint and enforcement manager for the project; A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit; Protocols for receiving, responding to, and tracking received complaints; and Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request. 	Prior to approval of construction-related permit.	City of Oakland Bureau of Building
<p>SCA NOI-6 (Standard Condition of Approval 67) Exposure to Community Noise</p> <p>Requirement: The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following:</p> <ol style="list-style-type: none"> 45 dBA: Residential activities, civic activities, hotels 50 dBA: Administrative offices; group assembly activities 55 dBA: Commercial activities 65 dBA: Industrial activities 	Prior to approval of construction-related permit.	City of Oakland Bureau of Planning and Bureau of Building
<p>SCA NOI-7 (Standard Condition of Approval 68) Operational Noise</p> <p>Requirement: Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.</p>	Ongoing.	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Noise (cont.)		
<p>SCA NOI-8 (Standard Condition of Approval 70) <i>Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities</i></p> <p>Requirement: The project applicant shall submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structure and/or substantially interfere with activities located 1770 Broadway abutting the Project site to the north. The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The applicant shall implement the recommendations during construction.</p>	Prior to construction.	City of Oakland Bureau of Building
<p>SCA NOI-9 (Standard Condition of Approval 69) <i>Exposure to Vibration</i></p> <p>Requirement: The project applicant shall submit a Vibration Reduction Plan prepared by a qualified acoustical consultant for City review and approval that contains vibration reduction measures to reduce groundborne vibration to acceptable levels per Federal Transit Administration (FTA) standards. The applicant shall implement the approved Plan during construction. Potential vibration reduction measures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> Isolation of foundation and footings using resilient elements such as rubber bearing pads or springs, such as a "spring isolation" system that consists of resilient spring supports that can support the podium or residential foundations. The specific system shall be selected so that it can properly support the structural loads, and provide adequate filtering of groundborne vibration to the residences above. Trenching, which involves excavating soil between the railway and the project so that the vibration path is interrupted, thereby reducing the vibration levels before they enter the project's structures. Since the reduction in vibration level is based on a ratio between trench depth and vibration wavelength, additional measurements shall be conducted to determine the vibration wavelengths affecting the project. Based on the resulting measurement findings, an adequate trench depth and, if required, suitable fill shall be identified 	Prior approval of construction-related permit.	City of Oakland Bureau of Planning and Bureau of Building
Population and Housing		
<p>SCA POP-1 (Standard Condition of Approval 72) <i>Affordable Housing Impact Fee</i></p> <p>Requirement: The project applicant shall comply with the requirements of the City of Oakland Affordable Housing Impact Fee Ordinance (chapter 15.72 of the Oakland Municipal Code).</p>	Prior to issuance of building permit; subsequent milestones pursuant to ordinance.	City of Oakland Bureau of Building
Public Services		
<p>SCA PUB-1 (Standard Condition of Approval 74) <i>Capital Improvements Impact Fee</i></p> <p>Requirement: The project applicant shall comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).</p>	Prior to issuance of building permit.	City of Oakland Bureau of Building
Transportation and Circulation		
<p>SCA TRA-1 (Standard Condition of Approval 76) <i>Construction Activity in the Public Right-of-Way</i></p> <p>a. Obstruction Permit Required</p>	a. Prior to approval of construction-related permit.	a. City of Oakland Department of Transportation

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>Requirement: The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops.</p>		
<p>Transportation and Circulation (cont.)</p>		
<p>b. Traffic Control Plan Required</p> <p>Requirement: In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or Detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.</p>	<p>b. Prior to approval of construction-related permit.</p> <p>c. Prior to building permit final.</p>	<p>b. City of Oakland Department of Transportation</p> <p>c. City of Oakland Department of Transportation</p>
<p>c. Repair of City Streets</p> <p>Requirement: The project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.</p>		
<p>SCA TRA-2 (Standard Condition of Approval 77) Bicycle Parking</p> <p>Requirement: The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.</p>	<p>Prior to approval of construction-related permit.</p>	<p>City of Oakland Bureau of Planning and Bureau of Building</p>
<p>SCA TRA-3 (Standard Condition of Approval 78) Transportation Improvements</p> <p>Requirement: The project applicant shall implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Review for the project (e.g., signal timing adjustments, restriping, signalization, traffic control devices, roadway reconfigurations, transportation demand management measures, and transit, pedestrian, and bicyclist amenities). The project applicant is responsible for funding and installing the improvements, and shall obtain all necessary permits and approvals from the City and/or other applicable regulatory agencies such as, but not limited to, Caltrans (for improvements related to Caltrans facilities) and the California Public Utilities Commission (for improvements related to railroad crossings), prior to installing the improvements. To implement this measure for intersection modifications, the project applicant shall submit Plans, Specifications, and Estimates (PS&E) to the City for review and approval. All elements shall be designed to applicable City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements as required by the City. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below:</p> <p>a. 2070L Type Controller with cabinet accessory</p> <p>b. GPS communication (clock)</p>	<p>Prior to building permit final or as otherwise specified.</p>	<p>City of Oakland Bureau of Building and Department of Transportation</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
c. Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile) d. Countdown pedestrian head module switch out e. City Standard ADA wheelchair ramps f. Video detection on existing (or new, if required)		
Transportation and Circulation (cont.)		
g. Mast arm poles, full activation (where applicable) h. Polara Push buttons (full activation) i. Bicycle detection (full activation) j. Pull boxes k. Signal interconnect and communication with trenching (where applicable), or through existing conduit (where applicable), 600 feet maximum l. Conduit replacement contingency m. Fiber switch n. PTZ camera (where applicable) o. Transit Signal Priority (TSP) equipment consistent with other signals along corridor p. Signal timing plans for the signals in the coordination group q. Bi-directional curb ramps (where feasible, and if project is on a street corner) r. Upgrade ramps on receiving curb (where feasible, and if project is on a street corner)		
SCA TRA-4 (Standard Condition of Approval 79) Transportation and Parking Demand Management a. Transportation and Parking Demand Management (TDM) Plan Required <u>Requirement:</u> The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City. p. i. The goals of the TDM Plan shall be the following: <ul style="list-style-type: none"> • Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable. • Achieve the following project vehicle trip reductions (VTR): <ul style="list-style-type: none"> – Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR – Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR • Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate. • Enhance the City's transportation system, consistent with City policies and programs. q. ii. The TDM Plan should include the following: <ul style="list-style-type: none"> • Baseline existing conditions of parking and curbside regulations within the surrounding neighborhood that could affect the effectiveness of TDM strategies, including inventory of parking spaces and occupancy if applicable. • Proposed TDM strategies to achieve VTR goals (see below). r. iii. For employers with 100 or more employees at the subject site, the TDM Plan shall also comply with the requirements of Oakland Municipal Code Chapter 10.68 Employer-Based Trip Reduction Program.	a. Prior approval of planning application. b. Prior to building permit final c. Ongoing	a. City of Oakland Bureau of Planning b. City of Oakland Bureau of Building c. City of Oakland Department of Transportation

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
S. iv. The following TDM strategies must be incorporated into a TDM Plan based on a project location or other characteristics. When required, these mandatory strategies should be identified as a credit toward a project's VTR.		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Transportation and Circulation (cont.)		

t.			
u.	Improvement	v.	Required by code or when...
w.	Bus boarding bulbs or islands	<ul style="list-style-type: none"> • A bus boarding bulb or island does not already exist and a bus stop is located along the project frontage; and/or • A bus stop along the project frontage serves a route with 15 minutes or better peak hour service and has a shared bus-bike lane curb 	
x.	Bus shelter	<ul style="list-style-type: none"> • A stop with no shelter is located within the project frontage, or • The project is located within 0.10 miles of a flag stop with 25 or more boardings per day 	
y.	Concrete bus pad	<ul style="list-style-type: none"> • A bus stop is located along the project frontage and a concrete bus pad does not already exist 	
z.	Curb extensions or bulb-outs	<ul style="list-style-type: none"> • Identified as an improvement within site analysis 	
aa.	Implementation of a corridor-level bikeway improvement	<ul style="list-style-type: none"> • A buffered Class II or Class IV bikeway facility is in a local or county adopted plan within 0.10 miles of the project location; and • The project would generate 500 or more daily bicycle trips 	
bb.	Implementation of a corridor-level transit capital improvement	<ul style="list-style-type: none"> • A high-quality transit facility is in a local or county adopted plan within 0.25 miles of the project location; and • The project would generate 400 or more peak period transit trips 	
cc.	Installation of amenities such as lighting; pedestrian-oriented green infrastructure, trees, or other greening landscape; and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.	<ul style="list-style-type: none"> • Always required 	
dd.	Installation of safety improvements identified in the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.)	<ul style="list-style-type: none"> • When improvements are identified in the Pedestrian Master Plan along project frontage or at an adjacent intersection 	
ee.	In-street bicycle corral	<ul style="list-style-type: none"> • A project includes more than 10,000 square feet of ground floor retail, is located along a Tier 1 bikeway, and on-street vehicle parking is provided along the project frontages. 	
ff.	Intersection improvements ¹	<ul style="list-style-type: none"> • Identified as an improvement within site analysis 	
gg.	New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards	<ul style="list-style-type: none"> • Always required 	

Standard Conditions of Approval/Mitigation Measures		Mitigation Implementation/ Monitoring	
		Schedule	Responsibility
hh. No monthly permits and establish minimum price floor for public parking ²	<ul style="list-style-type: none"> If proposed parking ratio exceeds 1:1000 sf. (commercial) 		
ii. Parking garage is designed with retrofit capability	<ul style="list-style-type: none"> Optional if proposed parking ratio exceeds 1:1.25 (residential) or 1:1000 sf. (commercial) 		
ii.			
Transportation and Circulation (cont.)			
kk.			
ll. Improvement	mm. Required by code or when...		
nn. Parking space reserved for car share	<ul style="list-style-type: none"> If a project is providing parking and a project is located within downtown. One car share space reserved for buildings between 50 – 200 units, then one car share space per 200 units. 		
oo. Paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street section	<ul style="list-style-type: none"> Typically required 		
pp. Pedestrian crossing improvements	<ul style="list-style-type: none"> Identified as an improvement within site analysis 		
qq. Pedestrian-supportive signal changes ³	<ul style="list-style-type: none"> Identified as an improvement within operations analysis 		
rr. Real-time transit information system	<ul style="list-style-type: none"> A project frontage block includes a bus stop or BART station and is along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better 		
ss. Relocating bus stops to far side	<ul style="list-style-type: none"> A project is located within 0.10 mile of any active bus stop that is currently near-side 		
tt. Signal upgrades ⁴	<ul style="list-style-type: none"> Project size exceeds 100 residential units, 80,000 sf. of retail, or 100,000 sf. of commercial; and Project frontage abuts an intersection with signal infrastructure older than 15 years 		
uu. Transit queue jumps	<ul style="list-style-type: none"> Identified as a needed improvement within operations analysis of a project with frontage along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better 		

¹ Including but not limited to visibility improvements, shortening corner radii, pedestrian safety islands, accounting for pedestrian desire lines.

² May also provide a cash incentive or transit pass alternative to a free parking space in commercial properties.

³ Including but not limited to reducing signal cycle lengths to less than 90 seconds to avoid pedestrian crossings against the signal, providing a leading pedestrian interval, provide a “scramble” signal phase where appropriate.

⁴ Including typical traffic lights, pedestrian signals, bike actuated signals, transit-only signals

Standard Conditions of Approval/Mitigation Measures		Mitigation Implementation/ Monitoring	
		Schedule	Responsibility
<p>VV. Trenching and placement of conduit for providing traffic signal interconnect</p>	<ul style="list-style-type: none"> Project size exceeds 100 units, 80,000 sf. of retail, or 100,000 sf. of commercial; and Project frontage block is identified for signal interconnect improvements as part of a planned ITS improvement; and A major transit improvement is identified within operations analysis requiring traffic signal interconnect 		
<p>WW. Unbundled parking</p>	<ul style="list-style-type: none"> If proposed parking ratio exceeds 1:1.25 (residential) 		
<p>XX. iii. Other TDM strategies to consider include, but are not limited to, the following:</p> <ul style="list-style-type: none"> Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement. 			
<p>Transportation and Circulation (cont.)</p>			
	<ul style="list-style-type: none"> Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping. Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project. Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan, the Master Street Tree List and Tree Planting Guidelines (which can be viewed at http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf and http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf, respectively) and any applicable streetscape plan. Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements. Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency). Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes. Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3). Guaranteed ride home program for employees, either through 511.org or through separate program. Pre-tax commuter benefits (commuter checks) for employees. Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants. On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools. 		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<ul style="list-style-type: none"> • Distribution of information concerning alternative transportation options. • Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties. • Parking management strategies including attendant/valet parking and shared parking spaces. • Requiring tenants to provide opportunities and the ability to work off-site. • Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week). • Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours. 		
Transportation and Circulation (cont.)		
<p>yy. The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines where feasible. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report.</p> <p>zz. <u>When Required:</u> Prior to approval of construction-related permit</p> <p>aaa. <u>Initial Approval:</u> Bureau of Planning</p> <p>bbb. <u>Monitoring/Inspection:</u> N/A</p> <p>b. TDM Implementation – Physical Improvements <u>Requirement:</u> For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project.</p> <p>ccc. <u>When Required:</u> Prior to building permit final</p> <p>ddd. <u>Initial Approval:</u> Bureau of Building</p> <p>eee. <u>Monitoring/Inspection:</u> Bureau of Building</p> <p>c. TDM Implementation – Operational Strategies <u>Requirement:</u> For projects that generate 100 or more net new a.m. or p.m. peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.</p>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>fff. NOTE: This measure has been implemented by the project applicant and no further action is required. The TDM Plan is included as Appendix A to the 1750 Broadway Project CEQA Checklist/Exemption Report.</p>		
<p>SCA TRA-4 (Standard Condition of Approval 80) Transportation Impact Fee <u>Requirement:</u> The project applicant shall comply with the requirements of the City of Oakland Transportation Impact Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).</p>	Prior to issuance of building permit.	City of Oakland Bureau of Building
<p>SCA TRA-5 (Standard Condition of Approval 83) Plug-In Electric Vehicle (PEV) Charging Infrastructure a. PEV-Ready Parking Spaces <u>Requirement:</u> The applicant shall submit, for review and approval of the Building Official and the Zoning Manager, plans that show the location of parking spaces equipped with full electrical circuits designated for future PEV charging (i.e. "PEV-Ready") per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-Ready parking spaces.</p>	Prior to Issuance of Building Permit	City of Oakland Bureau of Building
Transportation and Circulation (cont.)		
<p>b. PEV-Capable Parking Spaces <u>Requirement:</u> The applicant shall submit, for review and approval of the Building Official, plans that show the location of inaccessible conduit to supply PEV-capable parking spaces per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-capable parking spaces.</p> <p>c. ADA-Accessible Spaces <u>Requirement:</u> The applicant shall submit, for review and approval of the Building Official, plans that show the location of future accessible EV parking spaces as required under Title 24 Chapter 11B Table 11B-228.3.2.1, and specify plans to construct all future accessible EV parking spaces with appropriate grade, vertical clearance, and accessible path of travel to allow installation of accessible EV charging station(s).</p>		
Utilities and Service Systems		
<p>SCA UTIL-1 (Standard Condition of Approval 84) Construction and Demolition Waste Reduction and Recycling <u>Requirement:</u> The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.</p>	Prior to approval of construction-related permit	City of Oakland Public Works Department, Environmental Services Division
<p>SCA UTIL-2 (Standard Condition of Approval 85) Underground Utilities <u>Requirement:</u> The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of</p>	During construction.	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.		
<p>SCA UTIL-3 (Standard Condition of Approval 86) Recycling Collection and Storage Space</p> <p><u>Requirement:</u> The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two (2) cubic feet of storage and collection space per residential unit is required, with a minimum of ten (10) cubic feet. For nonresidential projects, at least two (2) cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten (10) cubic feet.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Planning and Bureau of Building
<p>SCA UTIL-4 (Standard Condition of Approval 87) Green Building Requirements</p> <p><i>a. Compliance with Green Building Requirements During Plan-Check</i></p> <p><u>Requirement:</u> The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).</p>	<p>a. Prior to approval of construction-related permit.</p> <p>b. During construction.</p> <p>c. Prior to final approval.</p>	<p>a. City of Oakland Bureau of Building Inspections</p> <p>b. City of Oakland Bureau of Building</p>
Utilities and Service Systems (cont.)		
<p>i. The following information shall be submitted to the City for review and approval with the application for a building permit:</p> <ul style="list-style-type: none"> • Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards. • Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit. • Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit. • Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below. • Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance. • Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit. • Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. <p>ii. The set of plans in subsection (i) shall demonstrate compliance with the following:</p> <ul style="list-style-type: none"> • CALGreen mandatory measures. • All pre-requisites per the green building checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit. 		<p>c. City of Oakland Bureau of Planning and Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<ul style="list-style-type: none"> Compliance with the appropriate and applicable checklist approved during the Planning entitlement process. All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted. The required green building point minimums in the appropriate credit categories. <p>b. Compliance with Green Building Requirements During Construction <u>Requirement:</u> The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project. The following information shall be submitted to the City for review and approval:</p> <ol style="list-style-type: none"> Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. 		
Utilities and Service Systems (cont.)		
<p>c. Compliance with Green Building Requirements After Construction <u>Requirement:</u> Prior to the finalizing the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.</p>		
<p>SCA UTIL-5 (Standard Condition of Approval 89) Sanitary Sewer System <u>Requirement:</u> The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.</p>	Prior to approval of construction-related permit.	City of Oakland Public Works Department, Department of Engineering and Construction
<p>SCA UTIL-6 (Standard Condition of Approval 90) Storm Drain System <u>Requirement:</u> The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Building
<p>SCA UTIL-7 (Standard Condition of Approval 92) Water Efficient Landscape Ordinance (WELO) <u>Requirement:</u> The project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less. The project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California's Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Planning

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p><i>Prescriptive Measures:</i> Prior to construction, the project applicant shall submit documentation showing compliance with Appendix D of California’s Model Water Efficient Landscape Ordinance (see website below starting on page 23): http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf</p> <p><i>Performance Measures:</i> Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following:</p> <p>a. Project Information:</p> <ul style="list-style-type: none"> i. Date, ii. Applicant and property owner name, iii. Project address, iv. Total landscape area, v. Project type (new, rehabilitated, cemetery, or home owner installed), vi. Water supply type and water purveyor, vii. Checklist of documents in the package, and viii. Applicant signature and date with the statement: “I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package.” 		
Utilities and Service Systems (cont.)		
<p>b. Water Efficient Landscape Worksheet</p> <ul style="list-style-type: none"> i. Hydrozone Information Table ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use <p>c. Soil Management Report</p> <p>d. Landscape Design Plan</p> <p>e. Irrigation Design Plan, and</p> <p>f. Grading Plan</p> <p>Upon installation of the landscaping and irrigation systems, the Project applicant shall submit a Certificate of Completion and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Compliance shall also be submitted to the local water purveyor and property owner or his or her designee.</p> <p>For the specific requirements within the Water Efficient Landscape Worksheet, Soil Management Report, Landscape Design Plan, Irrigation Design Plan and Grading Plan, see the link below. Effective May 1, 2018 Page 77 http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf</p>		
<p>Also SCAs HYD-1, Erosion and Sedimentation Control Plan for Construction, and HYD-2, NPDES C.3 Stormwater Requirements for Regulated Projects. See <i>Hydrology and Water Quality</i>, above.</p>		

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MAR 13 2019
City of Oakland
Planning & Zoning Division



1750 BROADWAY

OAKLAND, CALIFORNIA
PLANNING COMMISSION
MARCH 12, 2019

Attachment D

PROJECT INFORMATION

Development Team :	Rubicon Point Partners
Architectural Team :	Handel Architects
Location :	1750 Broadway
Project Type:	Mix-use Residential Apartments / Retail
Site:	27,600 SF
Number of units:	307
Residential:	341,880 GSF (273,270 NSF)
Number of parking stalls:	170
Garage:	114,240 GSF
Mechanical:	19,980 GSF
Retail:	5,000 GSF
Project Total:	approximately 499,676 SF
Bicycle Parking :	Short Term - 24 (22 Residential / 2 Retail)
	Long Term - 200 (198 Residentail / 2 Retail)
Off Street Loading :	2 Spaces @ 12' x 30'
Recycling :	425 SF Room @ Ground Level. Bi-Sorter chute serving all Residential Levels

INDEX

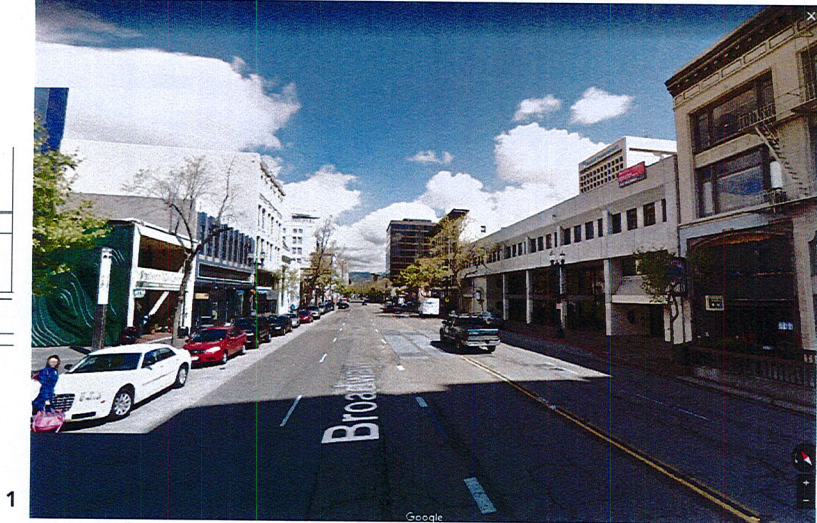
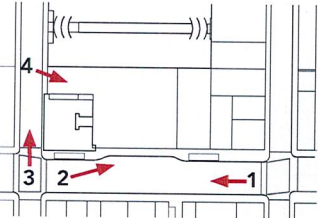
	PAGE
PROJECT INFORMATION	2
SITE	3
SITE PHOTOS	4
UPTOWN HUB	5
MOVEMENT	6
SURROUNDING AMENITIES	7
UPTOWN VIBE	8
UPTOWN LANDMARKS	9-10
FUTURE DEVELOPMENTS	11
BUILDING MASSING	12-13
BUILDING SECTION	14
FLOOR PLANS	15-22
FACADE CONCEPT	23
TOWER FACADE	24
PODIUM FACADE	25
RESIDENTAIL NEIGHBOR	26
TOWER ELEVATIONS	27
CONTEXT	28-30
METAL SCREENS	31
19TH STREET VIEW	32
CROWN FACADE	33-34
AERIAL VIEW	35
OAKLAND SKYLINE	36-37
BROADWAY VIEW	38
APPENDIX A-C SURVEY	40-41

SITE



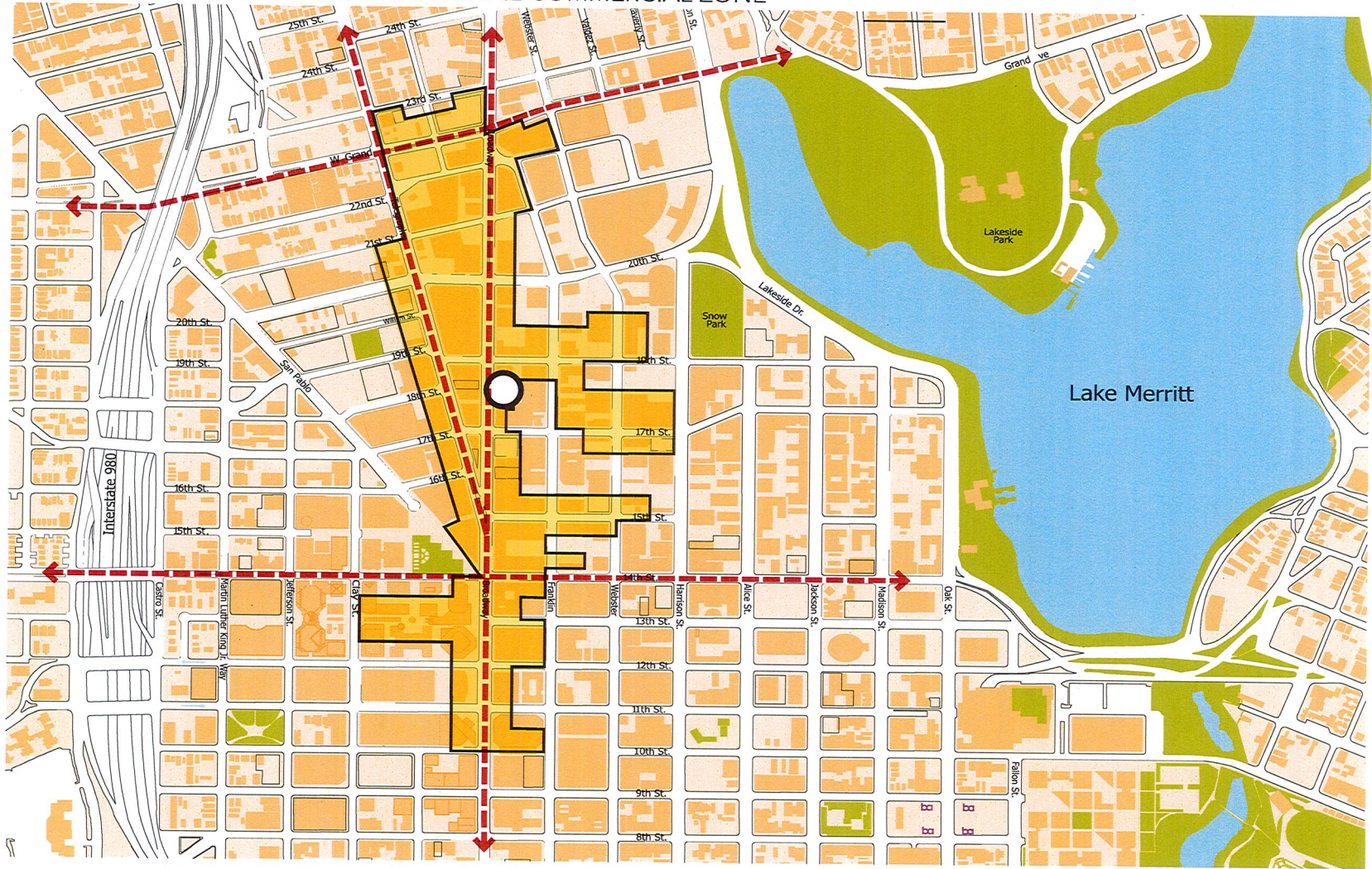
PLANNING COMMISSION 1750 BROADWAY, OAKLAND, CA

SITE PHOTOS

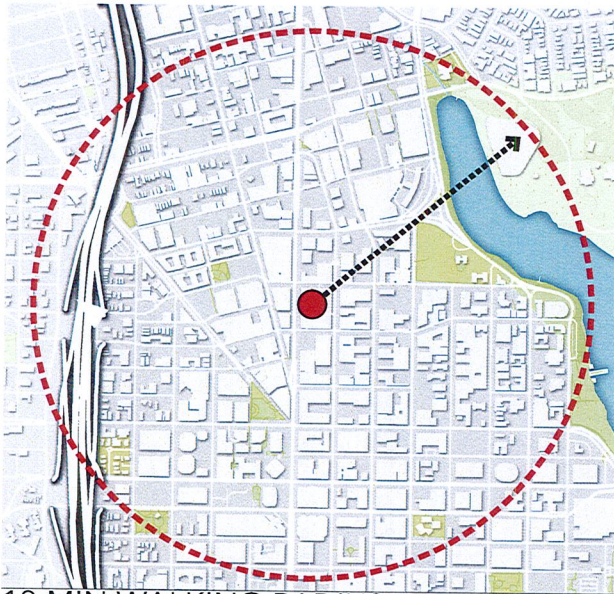


UPTOWN HUB

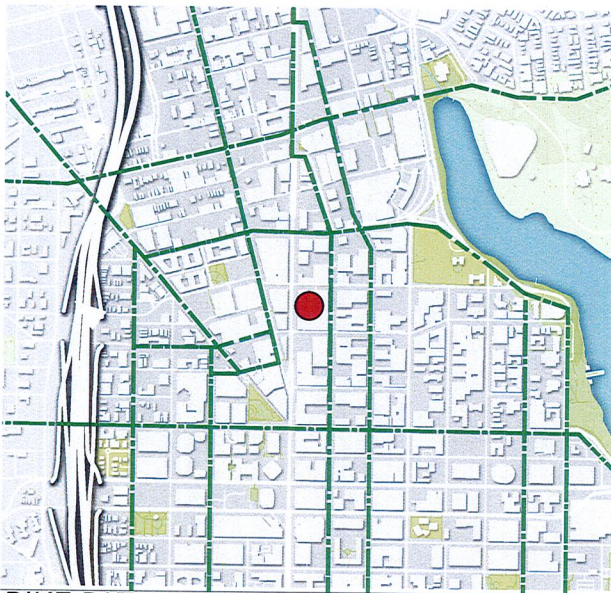
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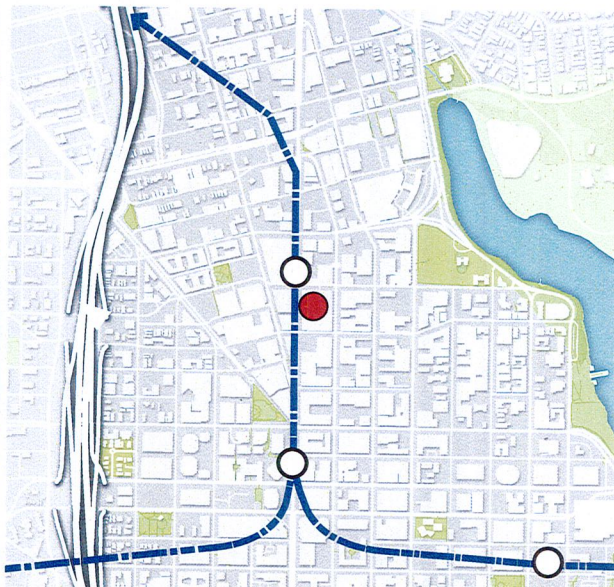
MOVEMENT



10 MIN WALKING RADIUS



BIKE PATH



BART



SURROUNDING AMENITIES

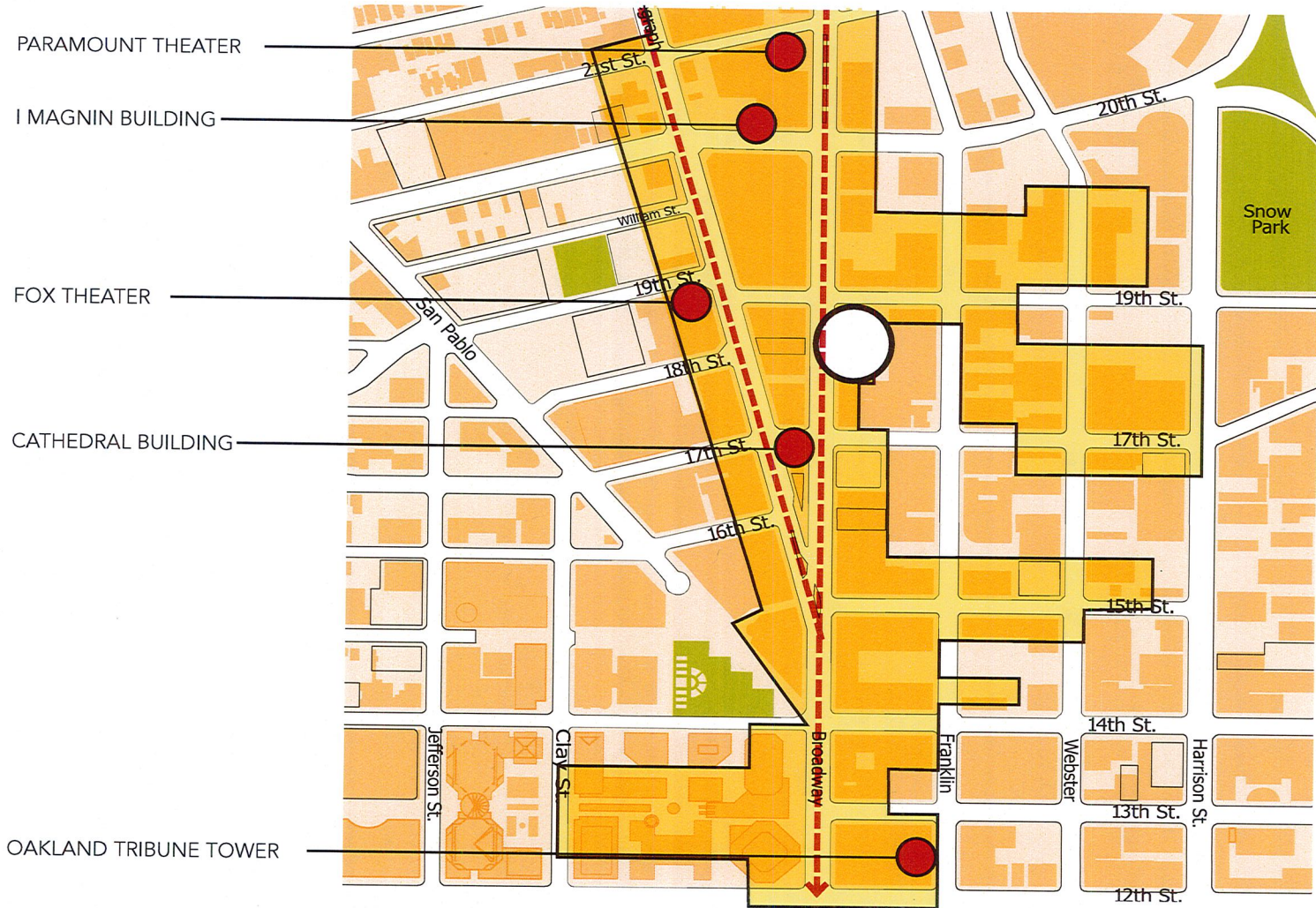


UPTOWN VIBE



UPTOWN LANDMARKS

CENTRAL BUSINESS DISTRICT - PEDESTRIAN RETAIL COMMERCIAL ZONE



UPTOWN LANDMARKS

PARAMOUNT THEATER



OAKLAND TRIBUNE TOWER



CATHEDRAL BUILDING



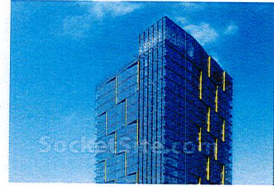
I MAGNIN BUILDING



FOX THEATER



FUTURE DEVELOPMENTS



1721 WEBSTER
Holland Partner Group
270'
Approved



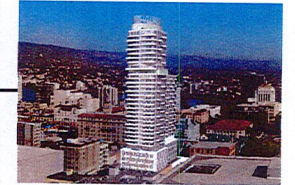
1900 BROADWAY
Brick LLP
339'
Approved



1640 BROADWAY
Lennar
380'
Under Construction



601 CITY CENTER
Shorenstein
24 story
Under Construction



1261 Harrison
Pinnacle Red Group
360'
Pending Approval



1314 FRANKLIN
Carmel Partners
401'
Approved



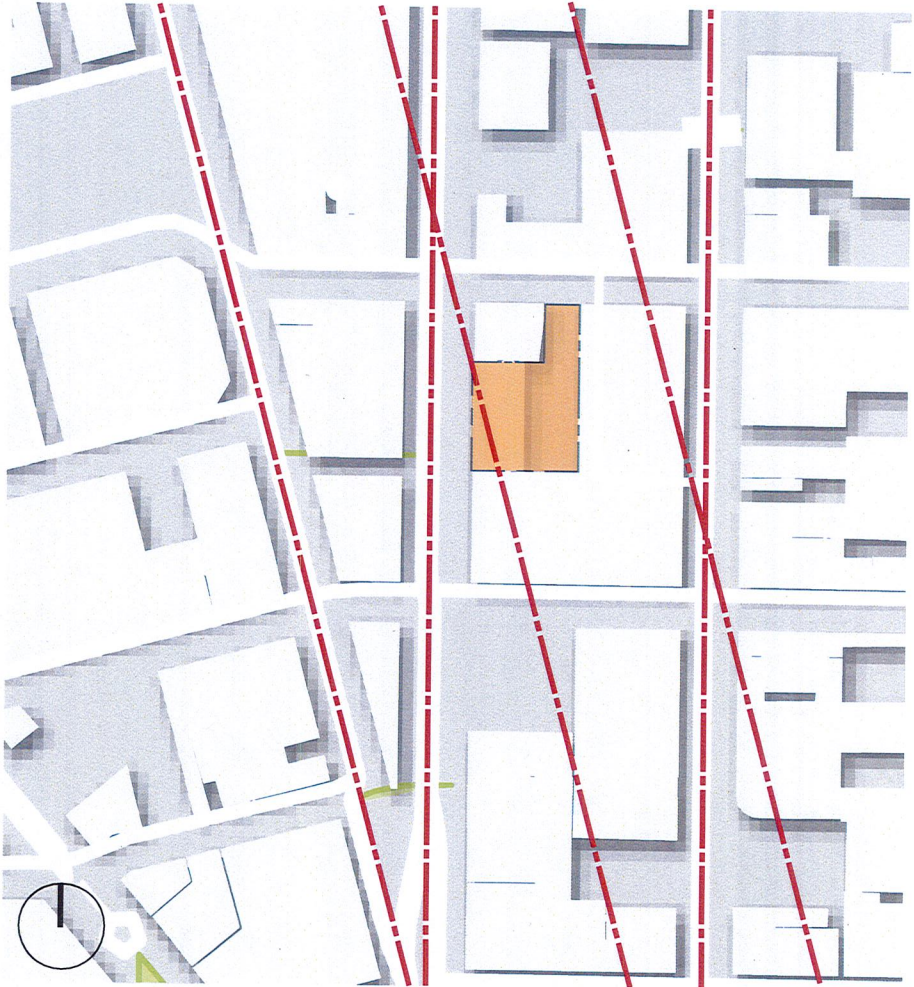
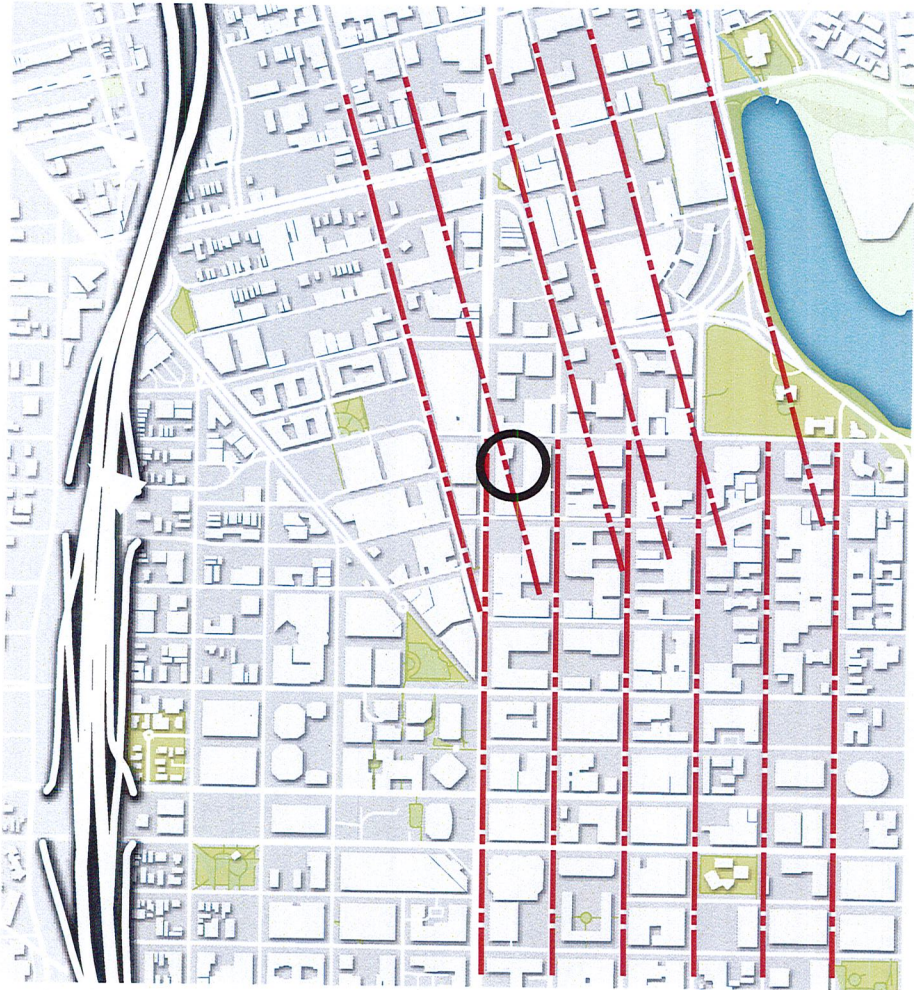
1100 BROADWAY
Ellis Partners
240'
Pending Approval



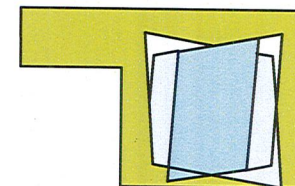
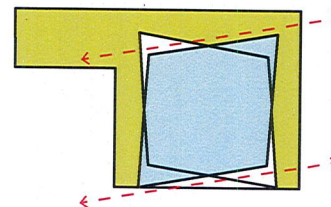
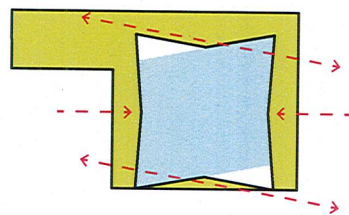
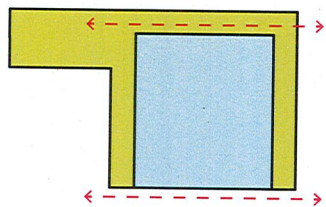
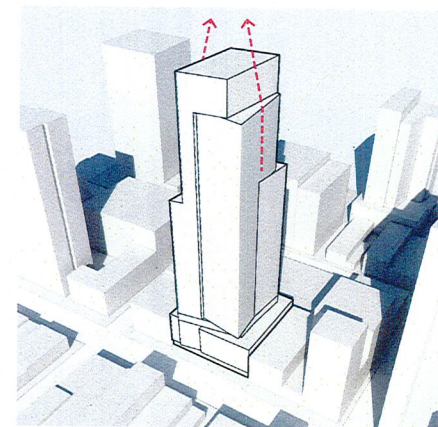
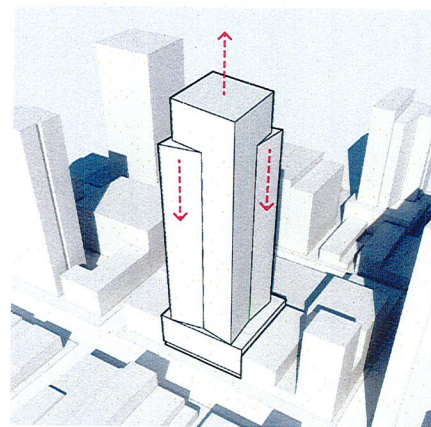
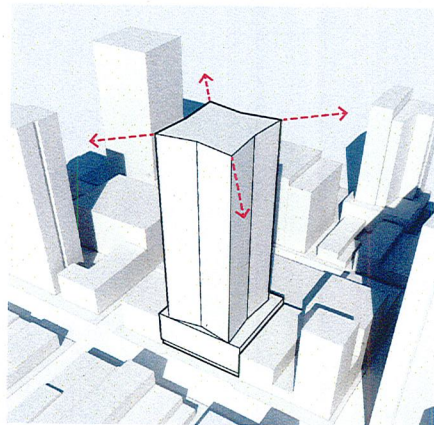
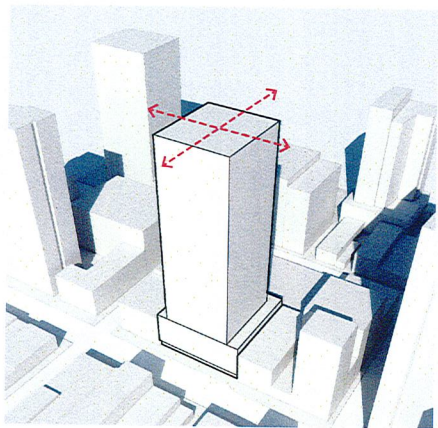
1100 CLAY
Strada Investment Group
181'
Building Permit Pending

BUILDING MASSING

TOWER CONCEPT



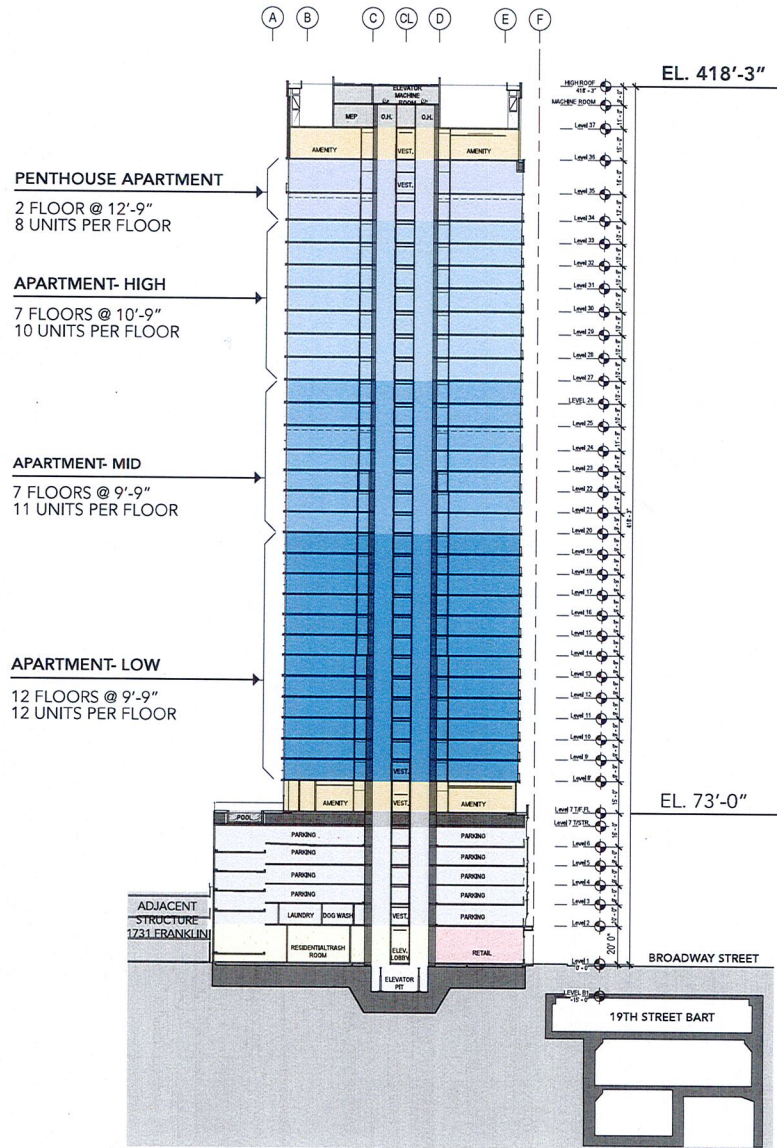
BUILDING MASSING TRANSFORMATION



BUILDING SECTION

EAST-WEST

PROGRAM STACKING



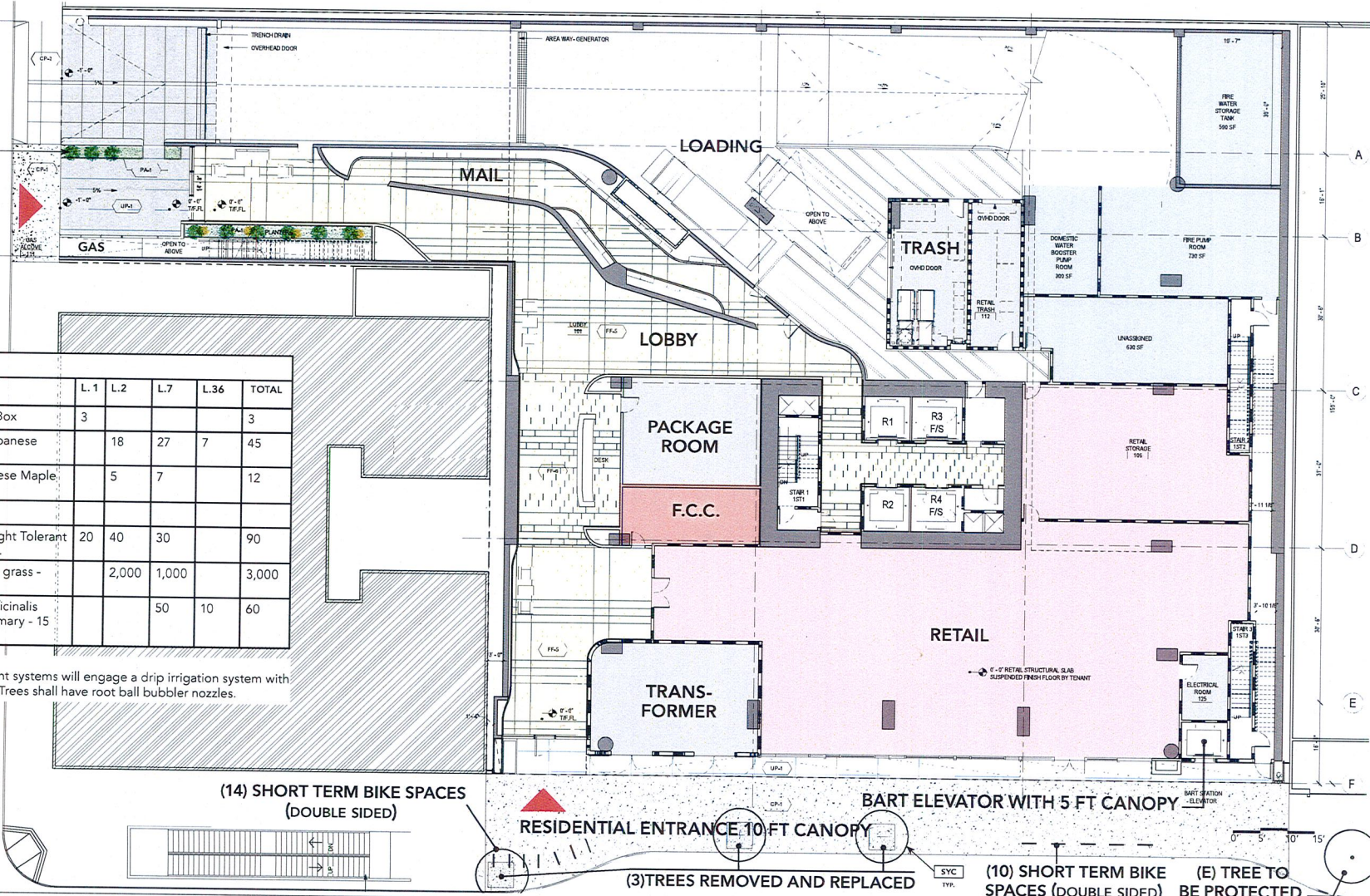
GROUND FLOOR PLAN

APARTMENT LOBBY
RETAIL
LOADING
BIKES

19TH ST.
RESIDENTIAL
ENTRANCE

PLANTING KEY					
TREES	L.1	L.2	L.7	L.36	TOTAL
SYC Sycamore - 4' Box	3				3
BJM Bloodgood Japanese Maple - 2' Box		18	27	7	45
AJM Aureum Japanese Maple - 3' Box		5	7		12
PLANTINGS					
PA-1 Perennial Drought Tolerant Grasses - 1 Gal.	20	40	30		90
PA-2 Turf, Inland salt grass - 2,000sf		2,000	1,000		3,000
PA-3 Rosmarinus Officinalis Common Rosemary - 15 Gal.			50	10	60

Irrigation: Water efficient systems will engage a drip irrigation system with turf and low plantings. Trees shall have root ball bubbler nozzles.



(14) SHORT TERM BIKE SPACES
(DOUBLE SIDED)

RESIDENTIAL ENTRANCE 10 FT CANOPY

BART ELEVATOR WITH 5 FT CANOPY

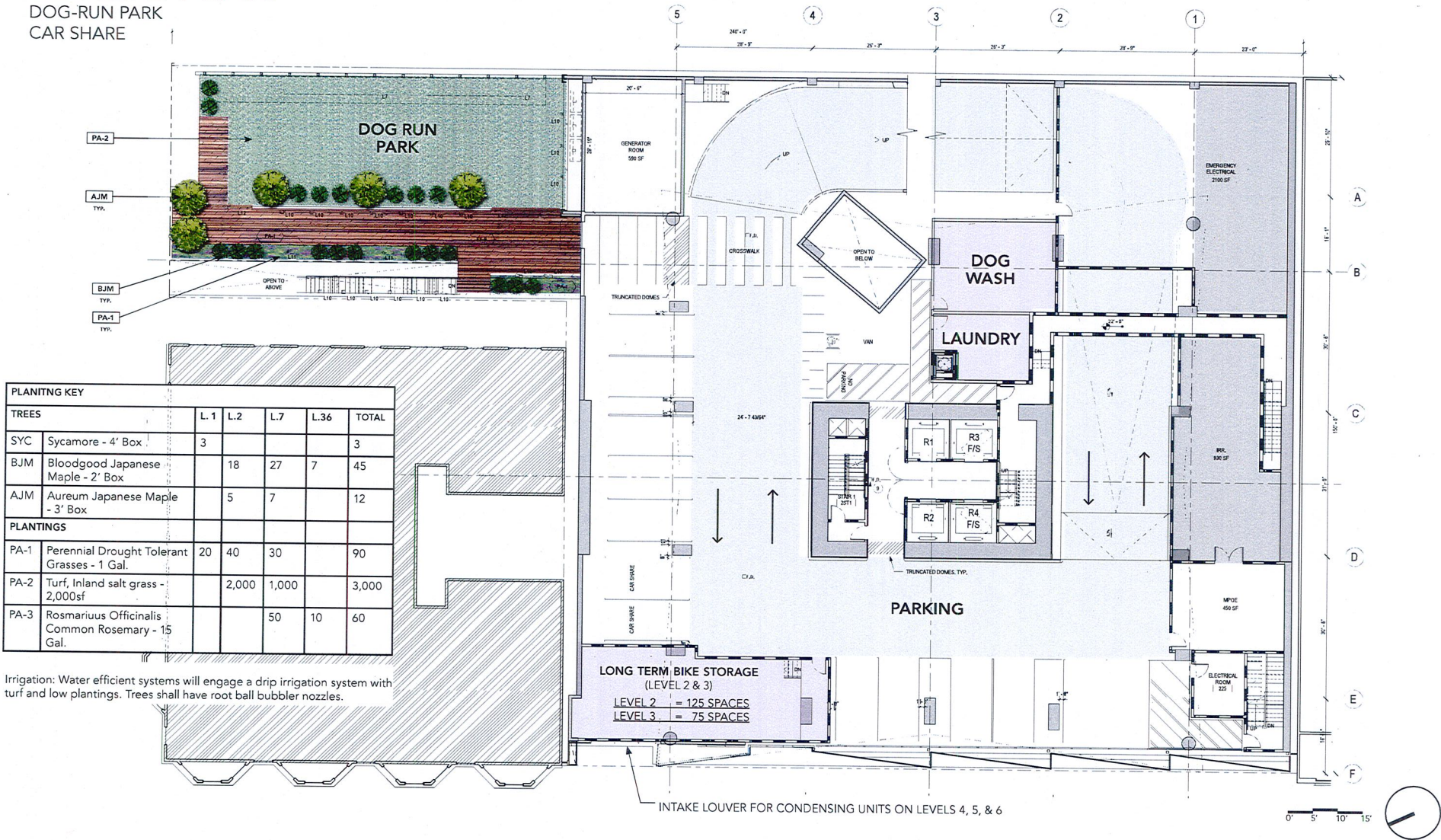
(3) TREES REMOVED AND REPLACED

(10) SHORT TERM BIKE SPACES
(DOUBLE SIDED)

(E) TREE TO BE PROTECTED

LEVEL 2 PLAN

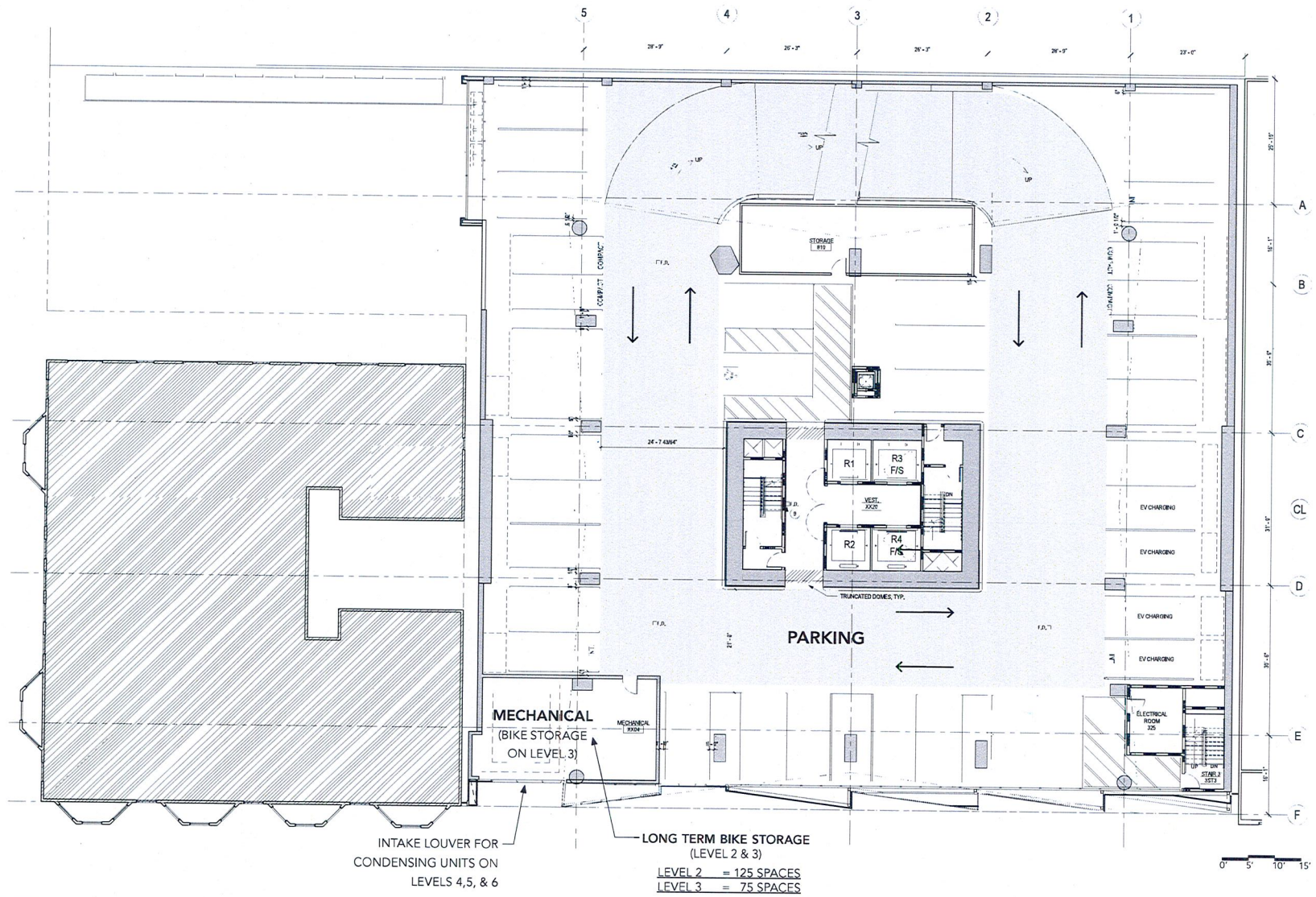
DOG-RUN PARK
CAR SHARE



PLANTING KEY						
TREES		L. 1	L. 2	L. 7	L. 36	TOTAL
SYC	Sycamore - 4' Box	3				3
BJM	Bloodgood Japanese Maple - 2' Box		18	27	7	45
AJM	Aureum Japanese Maple - 3' Box		5	7		12
PLANTINGS						
PA-1	Perennial Drought Tolerant Grasses - 1 Gal.	20	40	30		90
PA-2	Turf, Inland salt grass - 2,000sf		2,000	1,000		3,000
PA-3	Rosmarinus Officinalis Common Rosemary - 15 Gal.			50	10	60

Irrigation: Water efficient systems will engage a drip irrigation system with turf and low plantings. Trees shall have root ball bubbler nozzles.

LEVEL 3-6 PLAN



LEVEL 7 PLAN AMENITY

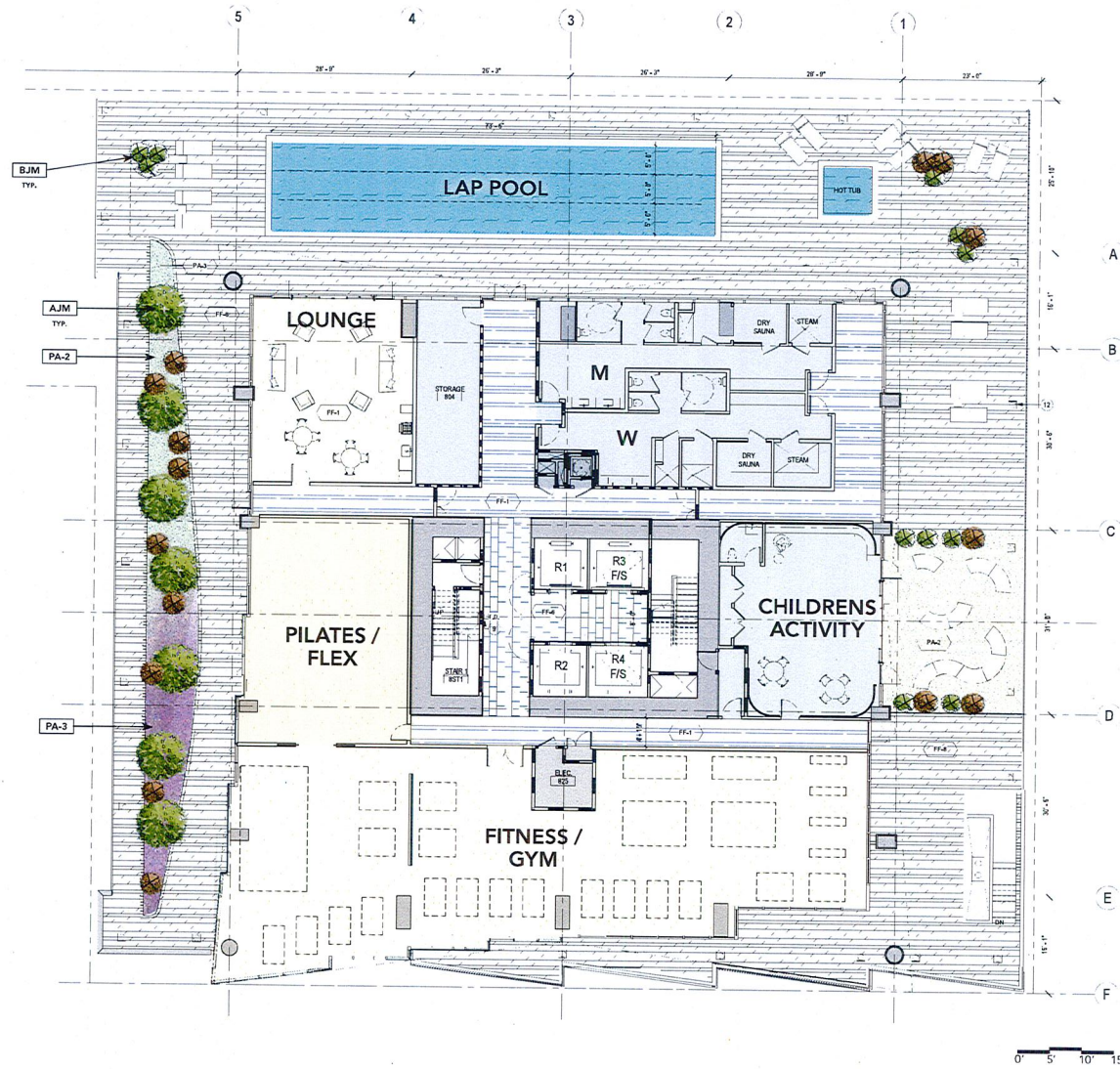
FITNESS GYM
 PILATES / YOGA / FLEX
 LAP POOL
 LOUNGE AND TERRACE
 GARDENS
 CHILDREN'S ACTIVITY AND PLAY AREA

PLANTING KEY						
TREES						
		L.1	L.2	L.7	L.36	TOTAL
SYC	Sycamore - 4' Box	3				3
BJM	Bloodgood Japanese Maple - 2' Box		18	27	7	45
AJM	Aureum Japanese Maple - 3' Box		5	7		12
PLANTINGS						
PA-1	Perennial Drought Tolerant Grasses - 1 Gal.	20	40	30		90
PA-2	Turf, Inland salt grass - 2,000sf		2,000	1,000		3,000
PA-3	Rosmarinus Officinalis Common Rosemary - 15 Gal.			50	10	60

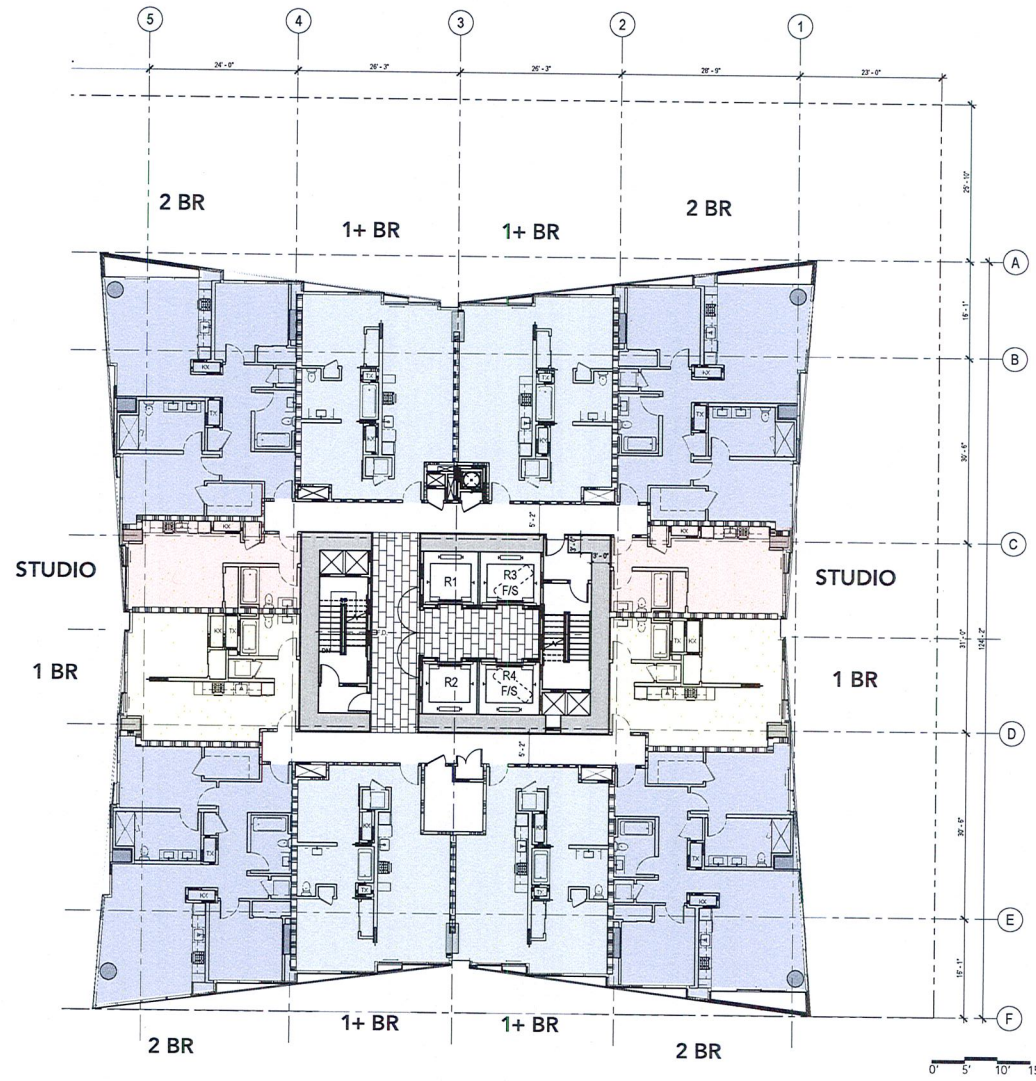
Irrigation: Water efficient systems will engage a drip irrigation system with turf and low plantings. Trees shall have root ball bubbler nozzles.

OPEN SPACE SUMMARY

COMMON OPEN SPACE LEVEL 2	= 3,155 SF
COMMON OPEN SPACE LEVEL 8	= 9,060 SF
COMMON OPEN SPACE LEVEL 38	= 2,985 SF
TOTAL COMMON OPEN SPACE	= 15,200 SF
PRIVATE OPEN SPACE LEVEL 26	= 309 SF
PRIVATE OPEN SPACE LEVEL 36	= 754 SF
PRIVATE OPEN SPACE LEVEL 37	= 115 SF
TOTAL PRIVATE OPEN SPACE	= 1,178 SF
TOTAL OPEN SPACE	= 16,378 SF

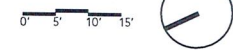


LEVEL 8-19 PLAN APARTMENT-LOW



LEGEND & UNIT MIX

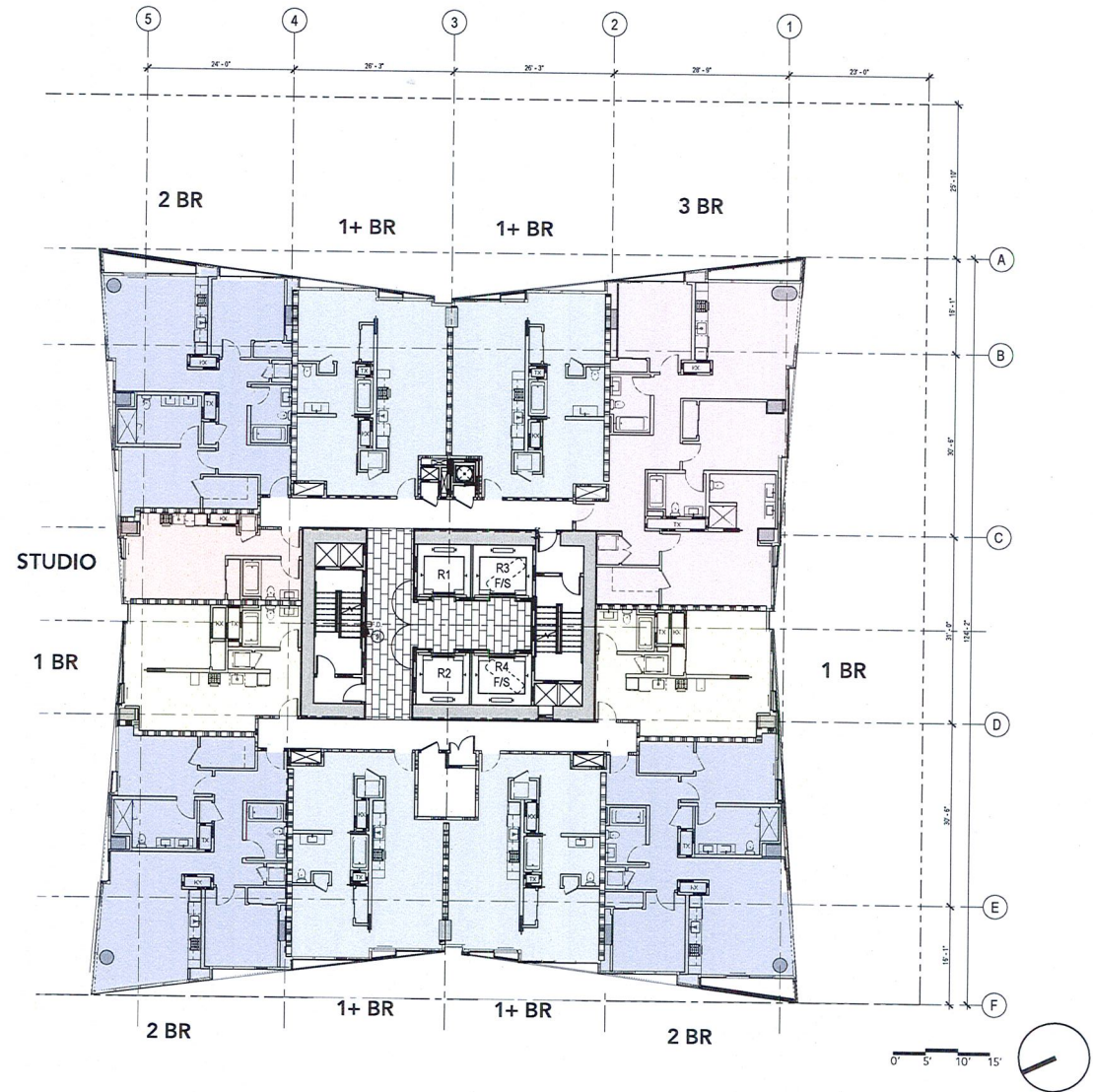
APARTMENT LEVEL		ST.	1 BR	1+ BR	2 BR	3BR	Totals	
LOW	8-19	COUNT	24	24	48	48	0	144
		AVG SIZE (SF)	406	587	784	1166	0	816
MID	20-26	COUNT	7	14	28	21	7	77
		AVG SIZE (SF)	415	602	795	1161	1667	904
HIGH	27-33	COUNT	0	14	28	21	7	70
		AVG SIZE (SF)	0	598	807	1234	1632	976
PENTHOUSE	34-35	COUNT	0	2	6	8	0	16
		AVG SIZE (SF)	0	743	801	1519	0	1153
TOTAL		COUNT	31	54	110	98	14	307
		AVG SIZE (SF)	408	600	794	1208	1650	892



LEVEL 20-26 PLAN APARTMENT-MID

LEGEND & UNIT MIX

APARTMENT LEVEL		ST.	1 BR	1+ BR	2 BR	3BR	Totals	
LOW	8-19	COUNT	24	24	48	48	0	144
		AVG SIZE (SF)	406	587	784	1166	0	816
MID	20-26	COUNT	7	14	28	21	7	77
		AVG SIZE (SF)	415	602	795	1161	1667	904
HIGH	27-33	COUNT	0	14	28	21	7	70
		AVG SIZE (SF)	0	598	807	1234	1632	976
PENTHOUSE	34-35	COUNT	0	2	6	8	0	16
		AVG SIZE (SF)	0	743	801	1519	0	1153
TOTAL		COUNT	31	54	110	98	14	307
		AVG SIZE (SF)	408	600	794	1208	1650	892



LEVEL 27-33 PLAN APARTMENT-HIGH

LEGEND & UNIT MIX

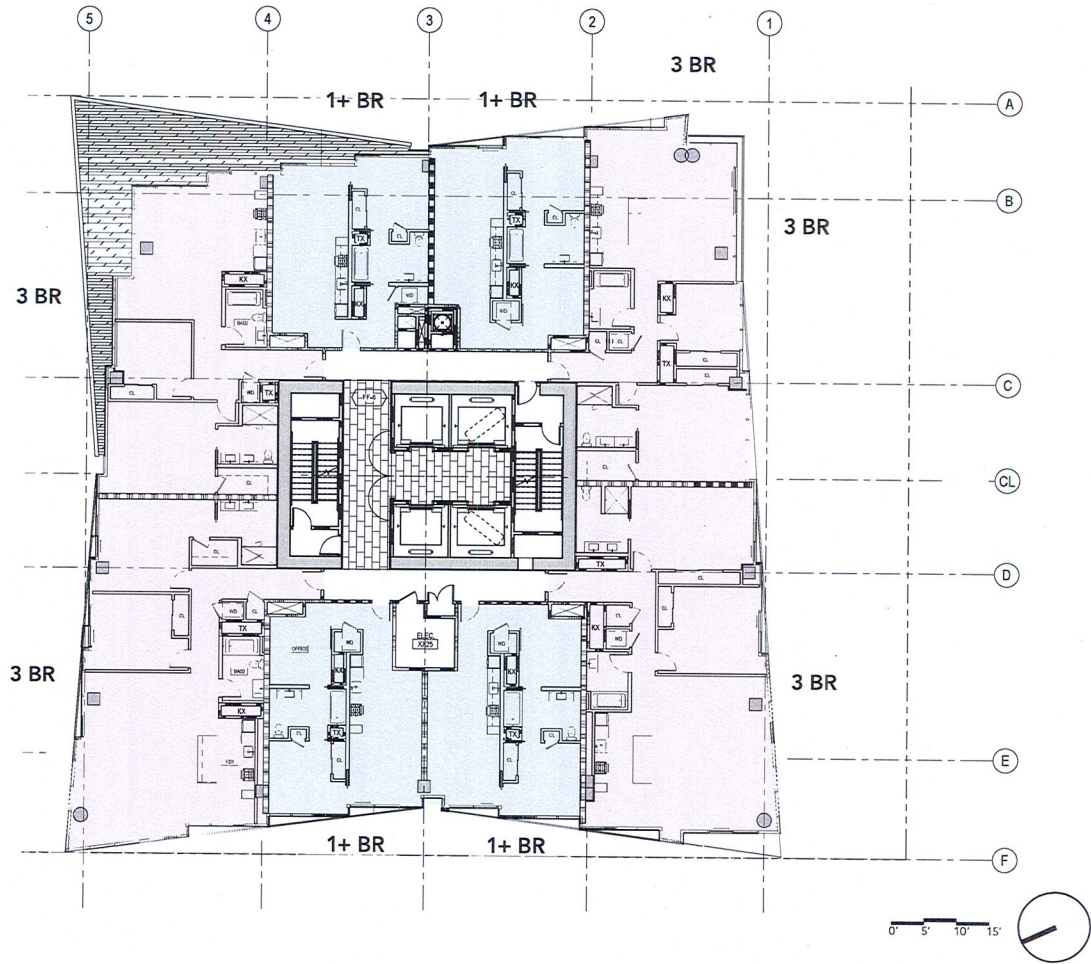
APARTMENT LEVEL		ST.	1 BR	1+ BR	2 BR	3BR	Totals
LOW	8-19	COUNT	24	48	48	0	144
		AVG SIZE (SF)	406	587	784	1166	816
MID	20-26	COUNT	7	28	21	7	77
		AVG SIZE (SF)	415	602	795	1161	904
HIGH	27-33	COUNT	0	14	28	21	70
		AVG SIZE (SF)	0	598	807	1234	976
PENTHOUSE	34-35	COUNT	0	2	6	8	16
		AVG SIZE (SF)	0	743	801	1519	1153
TOTAL		COUNT	31	54	110	98	307
		AVG SIZE (SF)	408	600	794	1208	892



LEVEL 34-35 PLAN APARTMENT-PENTHOUSE

LEGEND & UNIT MIX

APARTMENT LEVEL		ST.	1 BR	1+ BR	2 BR	3BR	Totals	
LOW	8-19	COUNT	24	24	48	48	0	144
		AVG SIZE (SF)	406	587	784	1166	0	816
MID	20-26	COUNT	7	14	28	21	7	77
		AVG SIZE (SF)	415	602	795	1161	1667	904
HIGH	27-33	COUNT	0	14	28	21	7	70
		AVG SIZE (SF)	0	598	807	1234	1632	976
PENTHOUSE	34-35	COUNT	0	2	6	8	0	16
		AVG SIZE (SF)	0	743	801	1519	0	1153
TOTAL		COUNT	31	54	110	98	14	307
		AVG SIZE (SF)	408	600	794	1208	1650	892



LEVEL 36 PLAN AMENITY

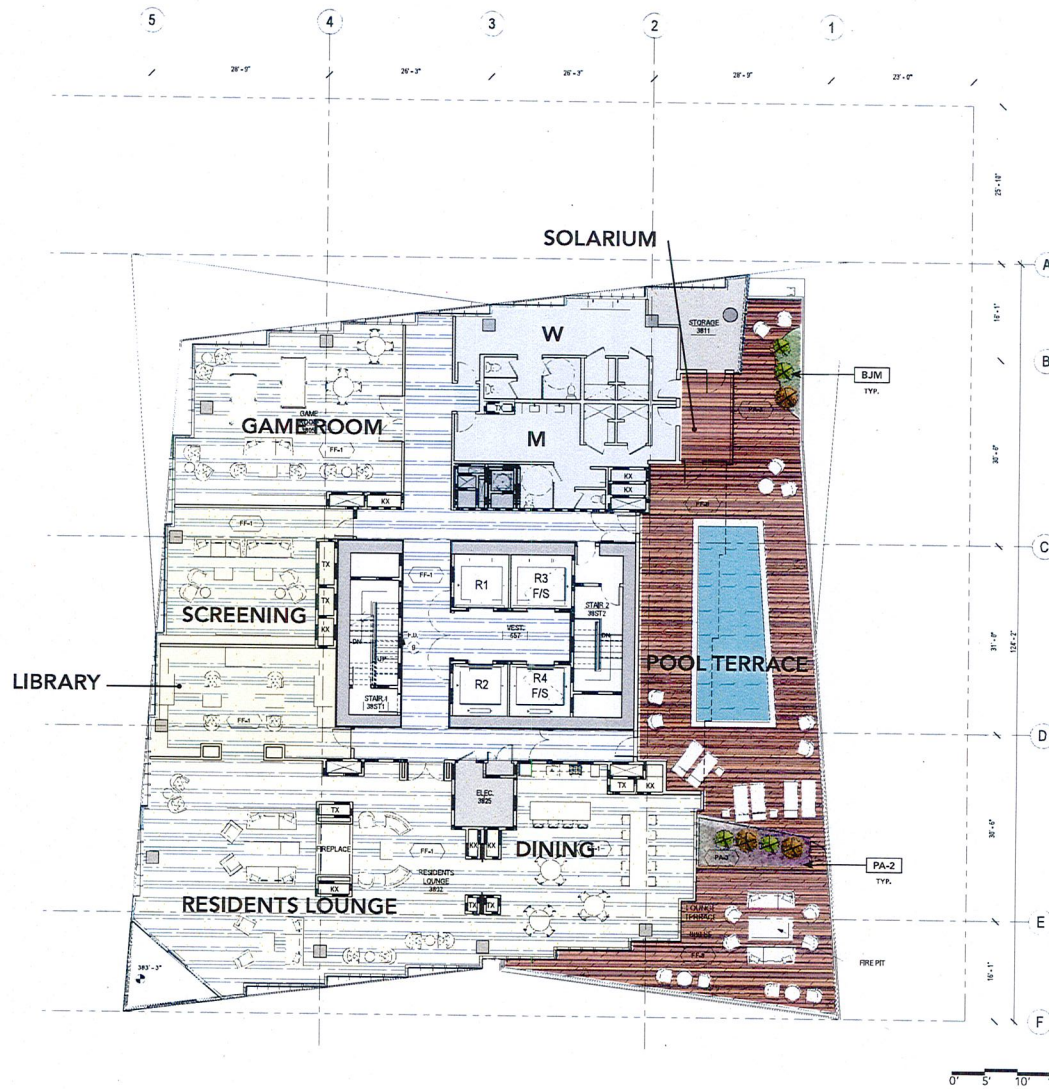
RESIDENT'S LOUNGE
DINING
GAME ROOM
LIBRARY
SCREENING ROOM
POOL TERRACE

PLANTING KEY						
TREES						
	L.1	L.2	L.7	L.36	TOTAL	
SYC	Sycamore - 4' Box	3			3	
BJM	Bloodgood Japanese Maple - 2' Box		18	27	7	45
AJM	Aureum Japanese Maple - 3' Box		5	7		12
PLANTINGS						
PA-1	Perennial Drought Tolerant Grasses - 1 Gal.	20	40	30		90
PA-2	Turf, Inland salt grass - 2,000sf		2,000	1,000		3,000
PA-3	Rosmarinus Officinalis Common Rosemary - 15 Gal.			50	10	60

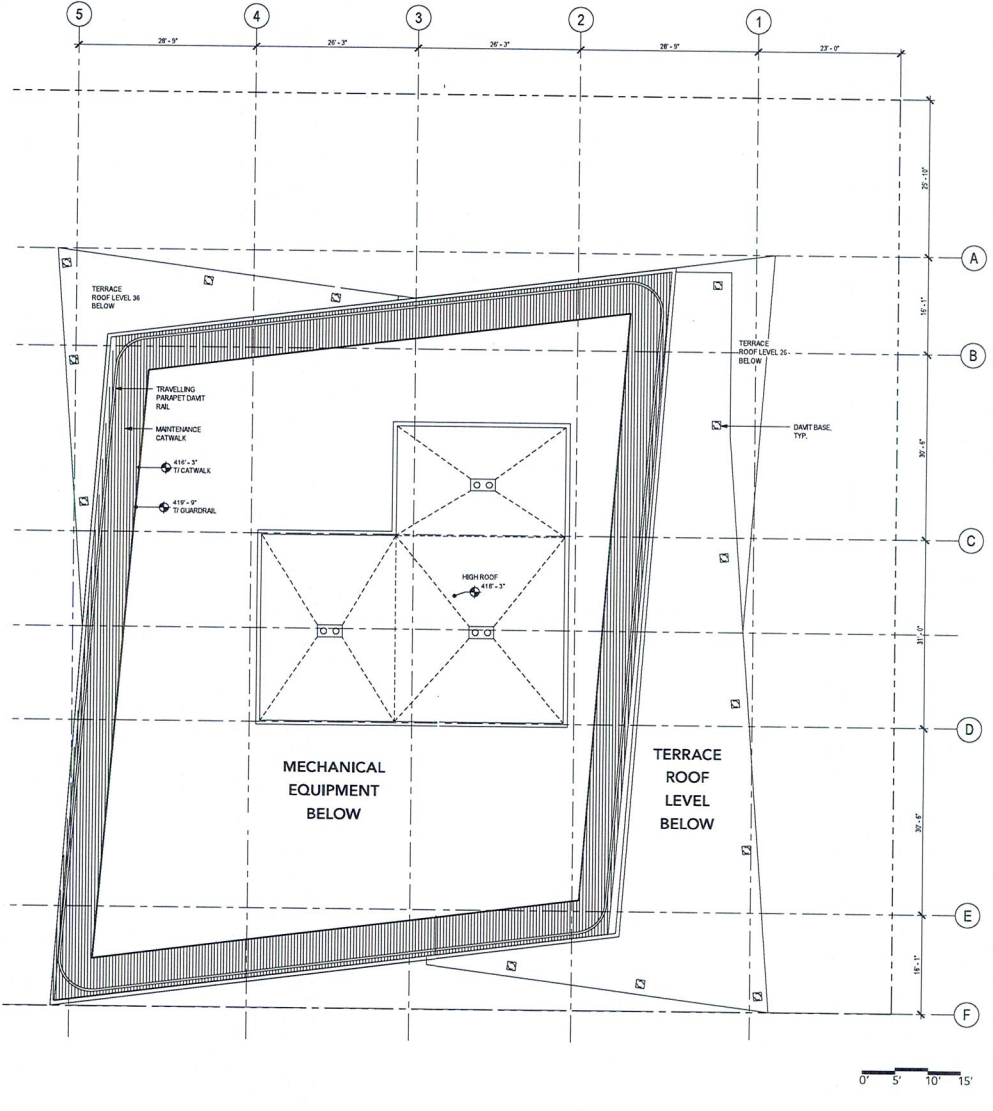
Irrigation: Water efficient systems will engage a drip irrigation system with turf and low plantings. Trees shall have root ball bubbler nozzles.

OPEN SPACE SUMMARY

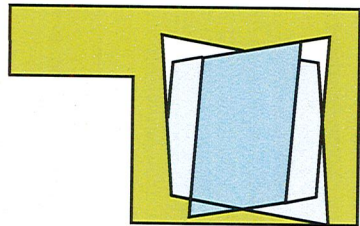
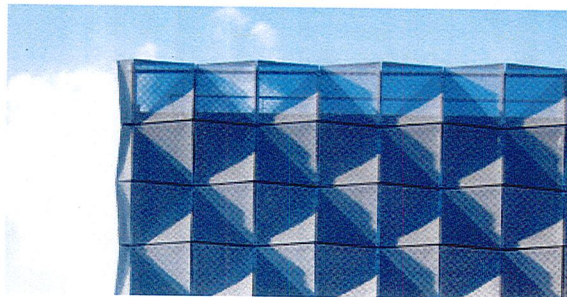
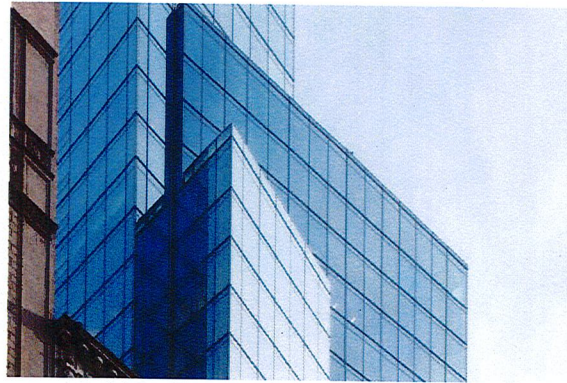
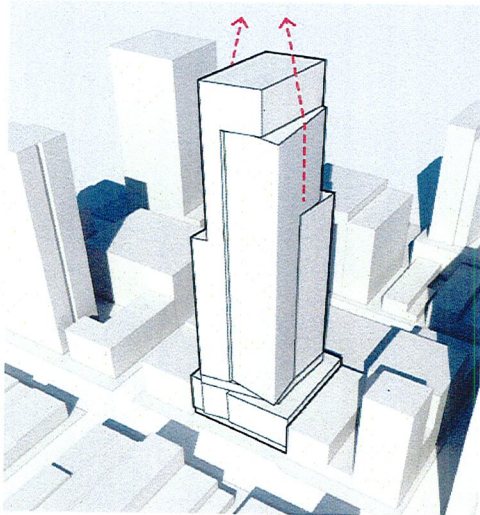
COMMON OPEN SPACE LEVEL 2	= 3,155 SF
COMMON OPEN SPACE LEVEL 8	= 9,080 SF
COMMON OPEN SPACE LEVEL 38	= 2,985 SF
TOTAL COMMON OPEN SPACE	= 15,200 SF
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TOTAL PRIVATE OPEN SPACE	= 1,178 SF
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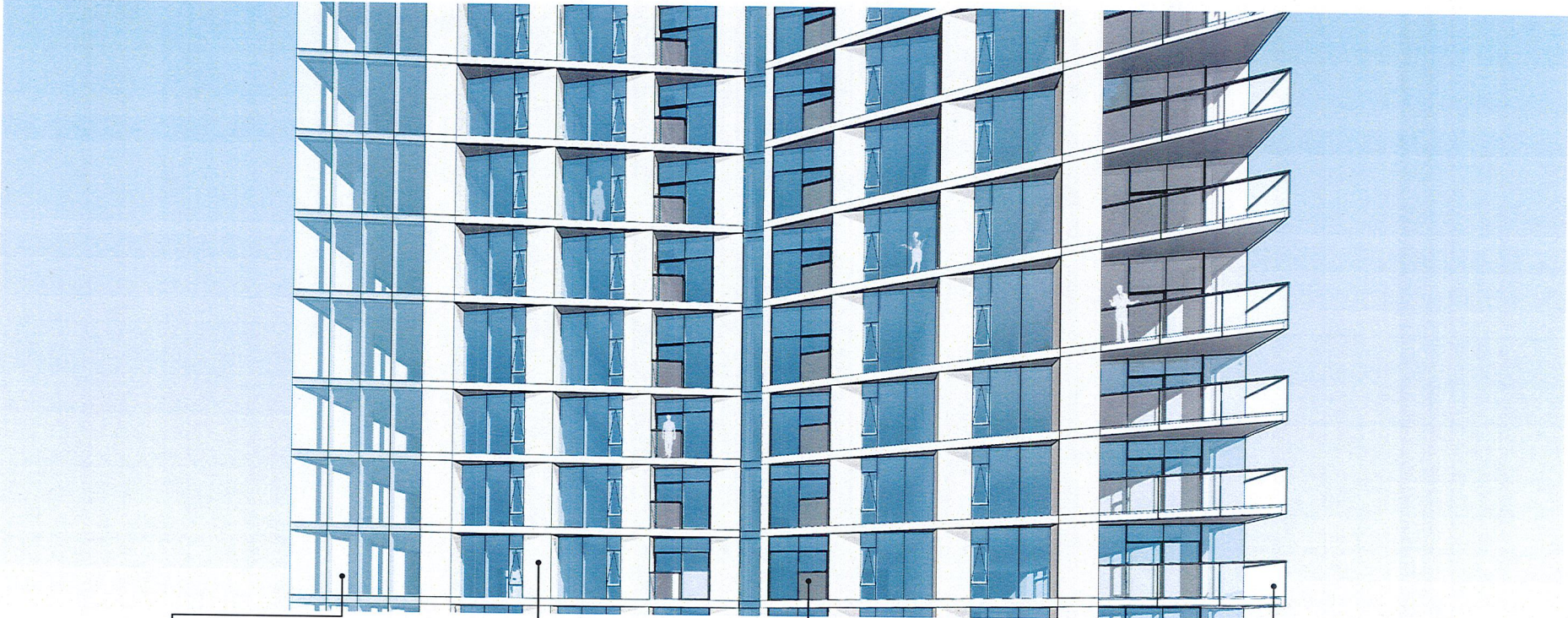
LEVEL ROOF PLAN



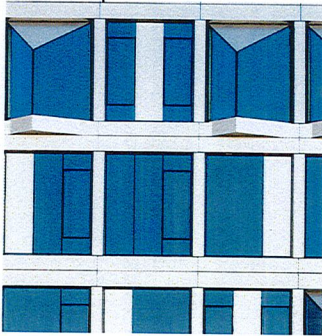
FACADE CONCEPT



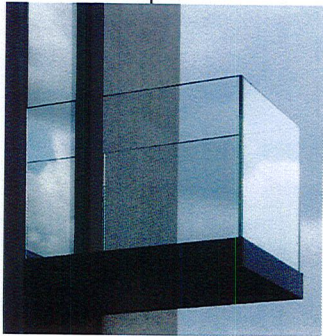
TOWER FACADE



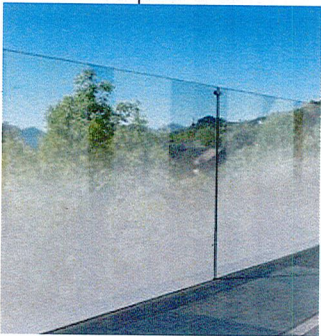
UNITIZED WINDOW WALL



METAL PANEL

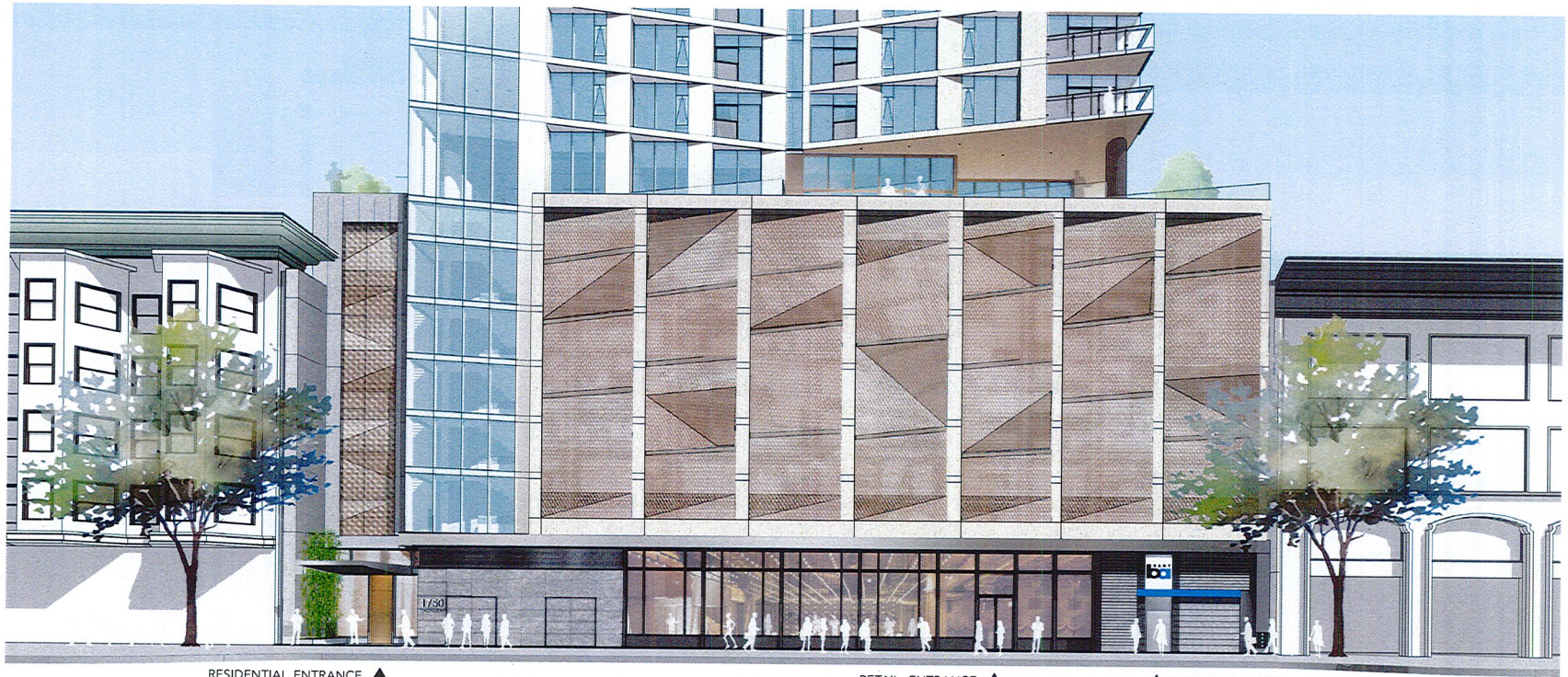


JULIET BALCONY

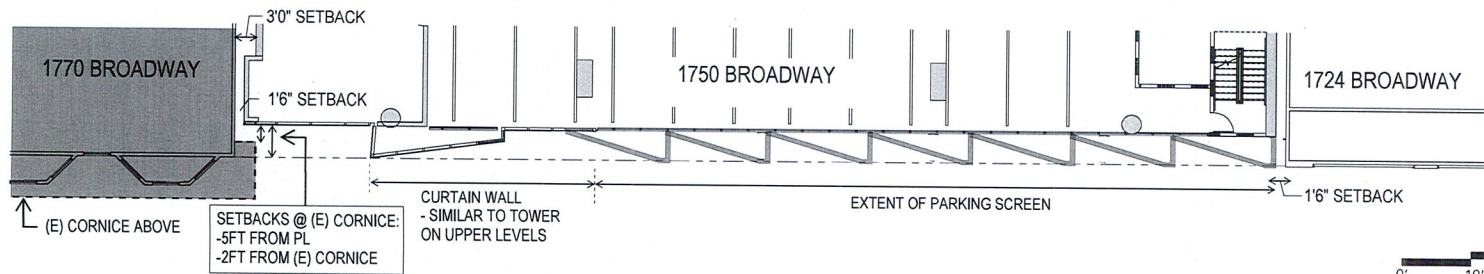


CORNER BALCONY

PODIUM FACADE

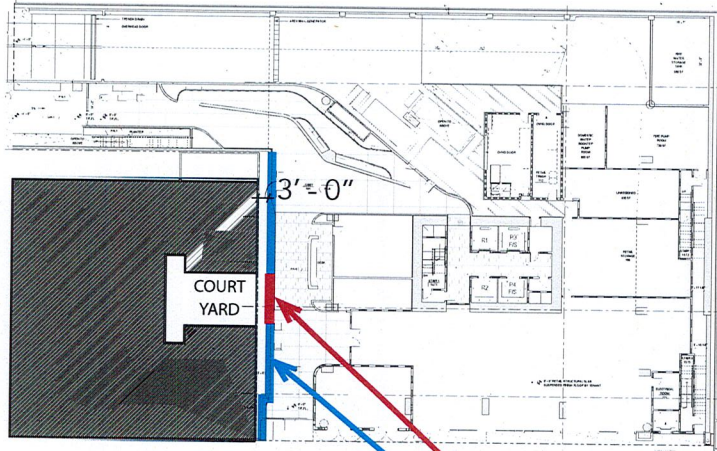


RESIDENTIAL ENTRANCE ▲ RETAIL ENTRANCE ▲ BART ENTRANCE



RESIDENTIAL NEIGHBOR

ADJACENT COURTYARD



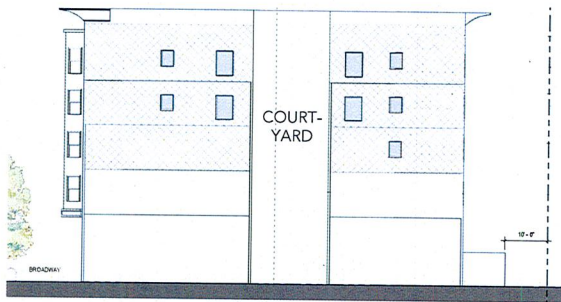
1770 BROADWAY PLAN

IMAGES BELOW ARE EXAMPLES ONLY OF TROMPE L'OEIL MURALS: PROPOSAL TO BE DEVELOPED THROUGH PUBLIC ART OUTREACH



POTENTIAL TROMPE L'OEIL MURAL TO VISUALLY COMPLETE THE COURTYARD
 PODIUM WALL TO BE SET BACK 3FT FROM PROPERTY LINE FOR AIR AND LIGHT

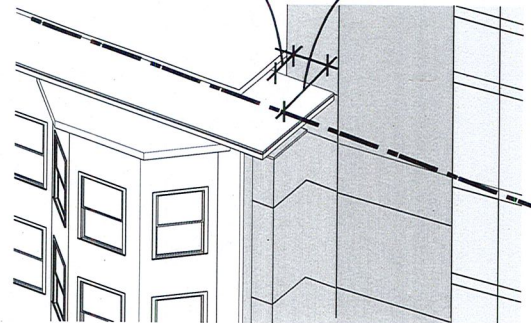
ADJACENT ELEVATION



1770 LOT LINE ELEVATION

2FT CLEARANCE FROM BACK OF ADJACENT (E) CORNICE TO FACE OF (N) BUILDING*

FACE OF (N) BUILDING SET BACK 5FT FROM PROPERTY LINE AT ADJACENT (E) CORNICE*

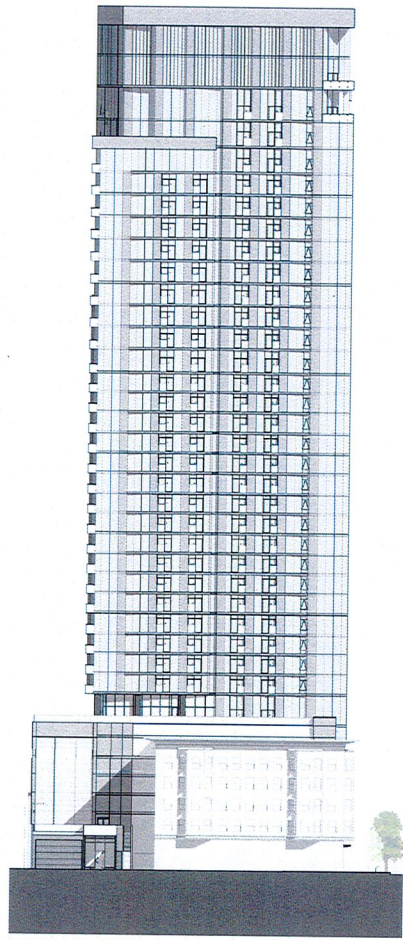


*ENCROACHMENT AREA HAS BEEN RECORDED IN EASEMENT

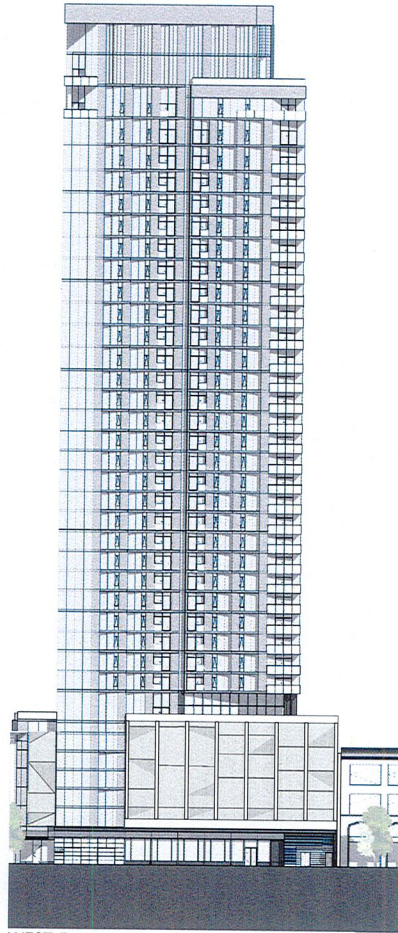


2FT CLEARANCE FROM BACK OF ADJACENT (E) CORNICE TO FACE OF (N) BUILDING

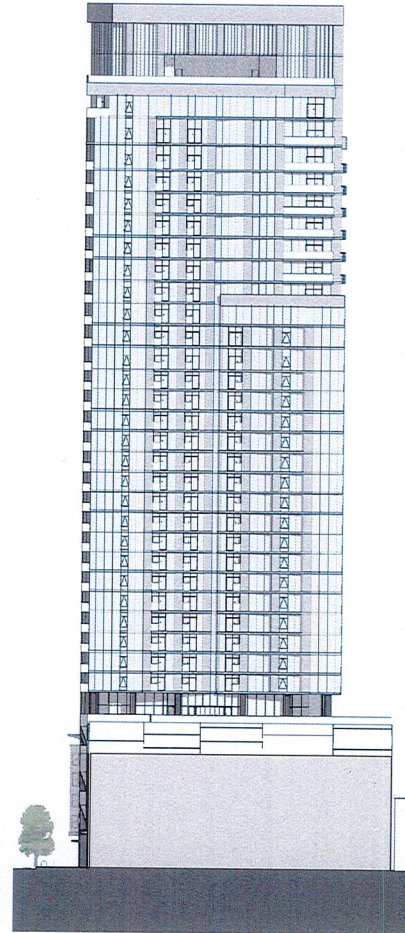
TOWER ELEVATIONS / PROFILES



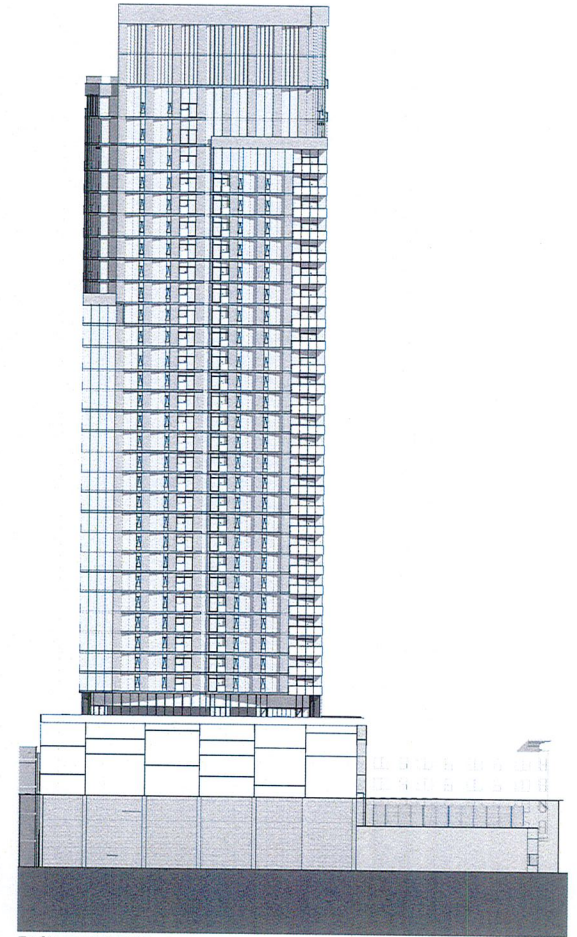
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

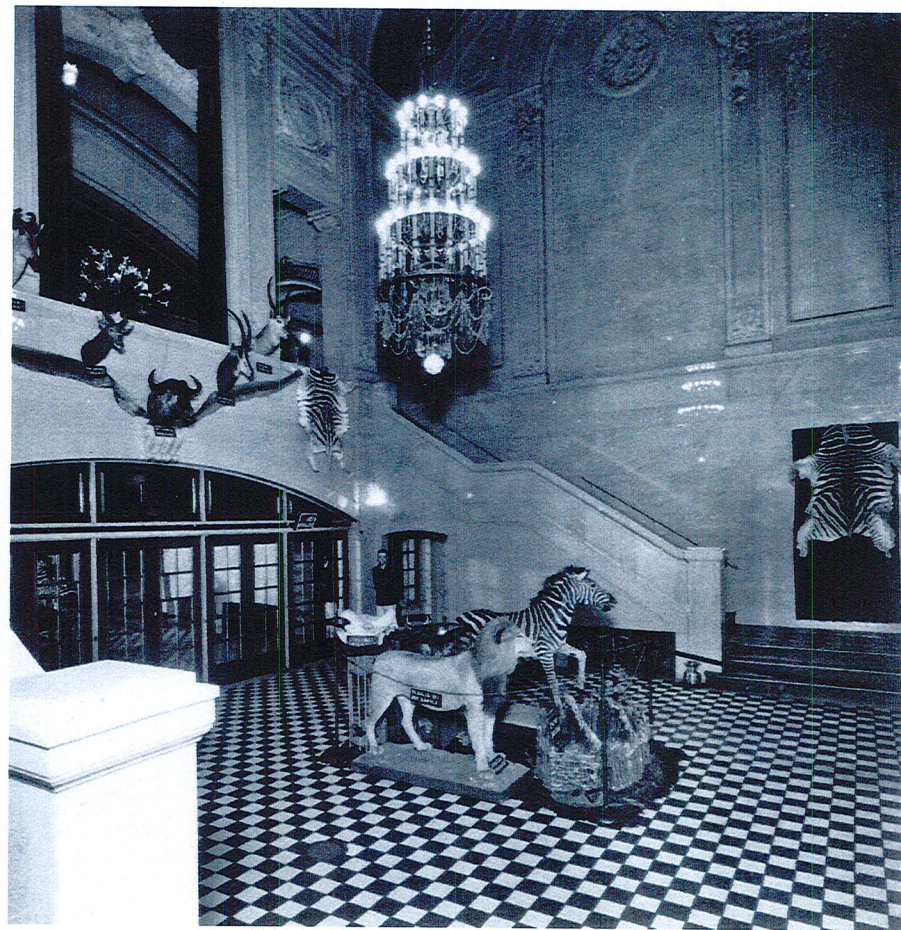
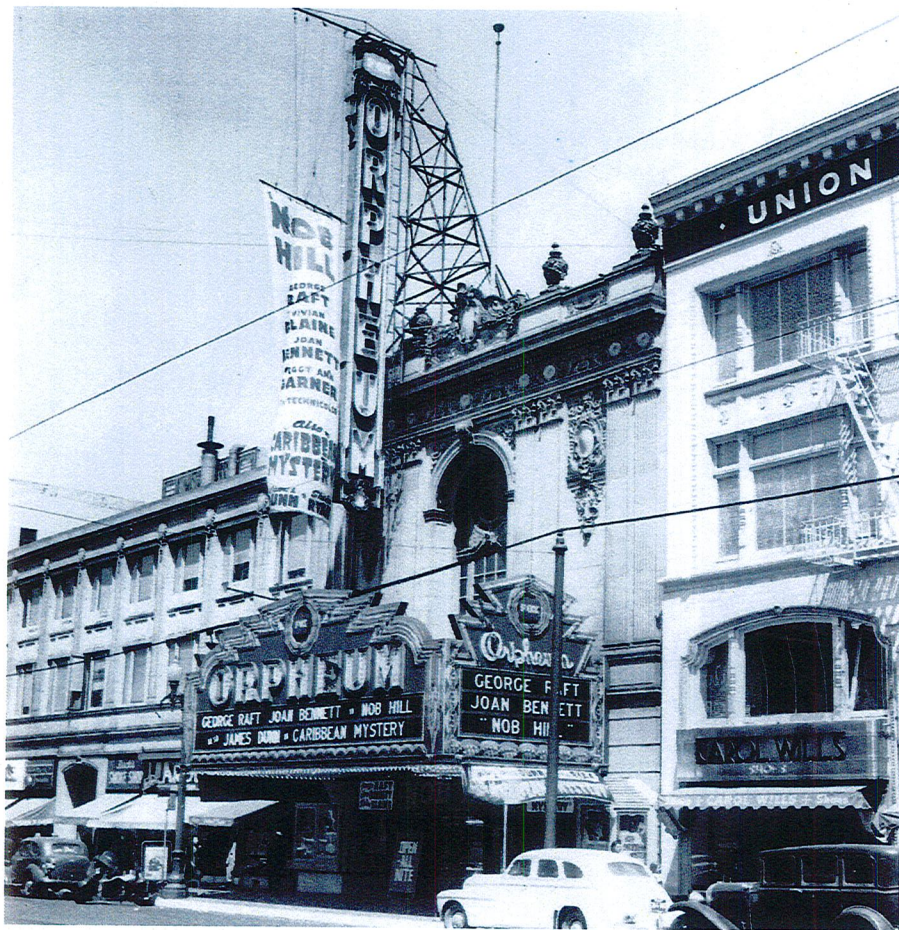


EAST ELEVATION

0' 10' 20' 30'

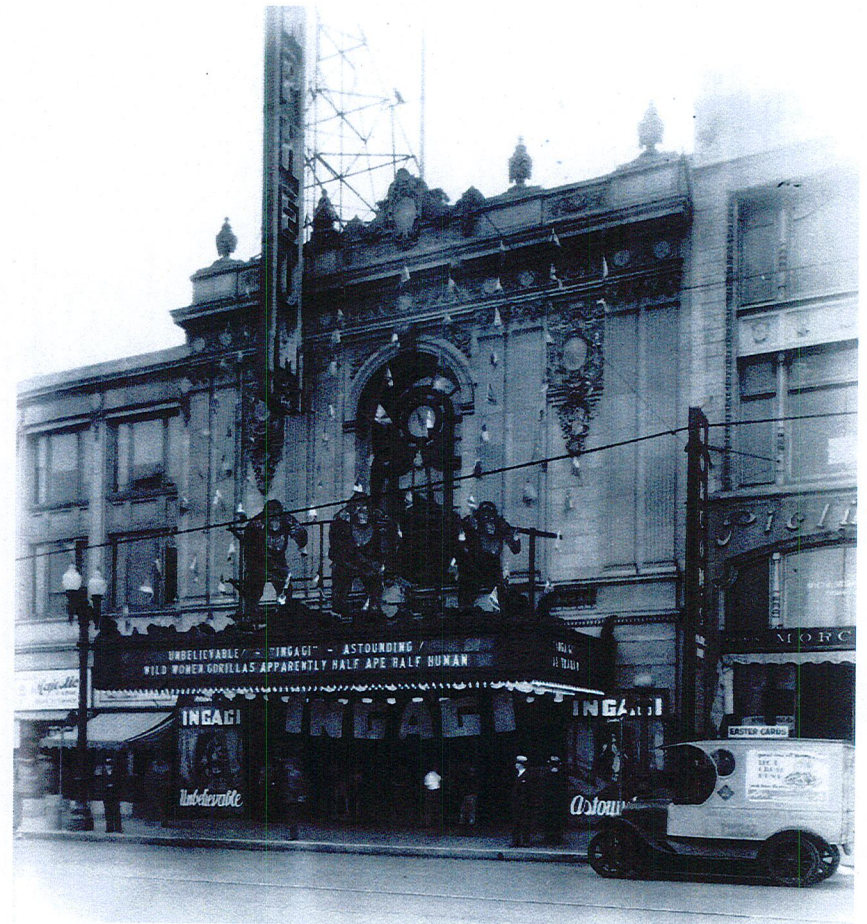
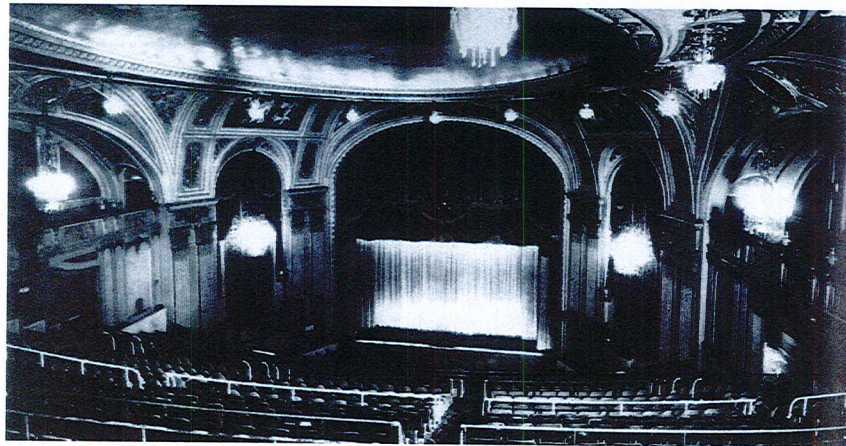
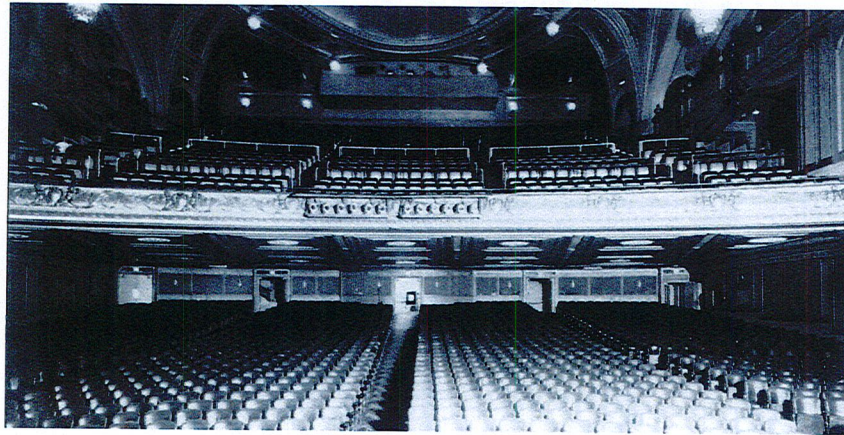
HISTORICAL CONTEXT

The original Fox-Orpheum Theater at 1730 Broadway



HISTORICAL CONTEXT

The original Fox-Orpheum Theater at 1730 Broadway



ADDITIONAL CONTEXT

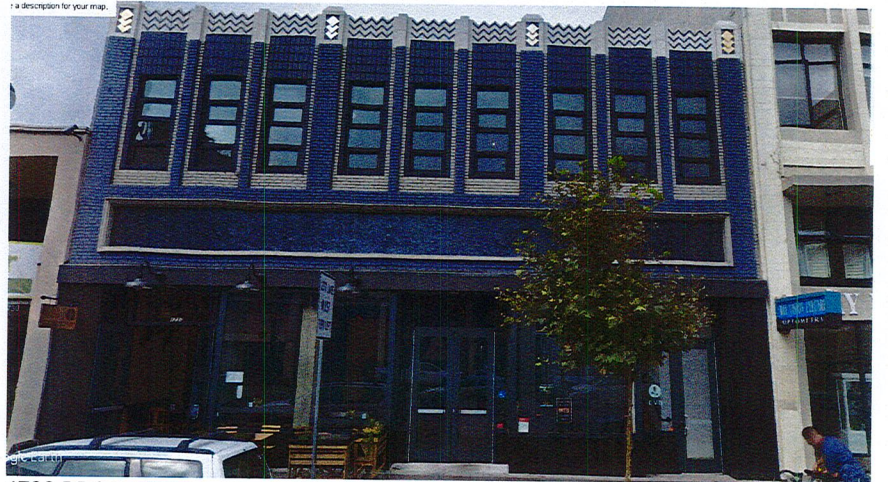
Facades along Broadway between 17th and 19th Streets



1749 BROADWAY



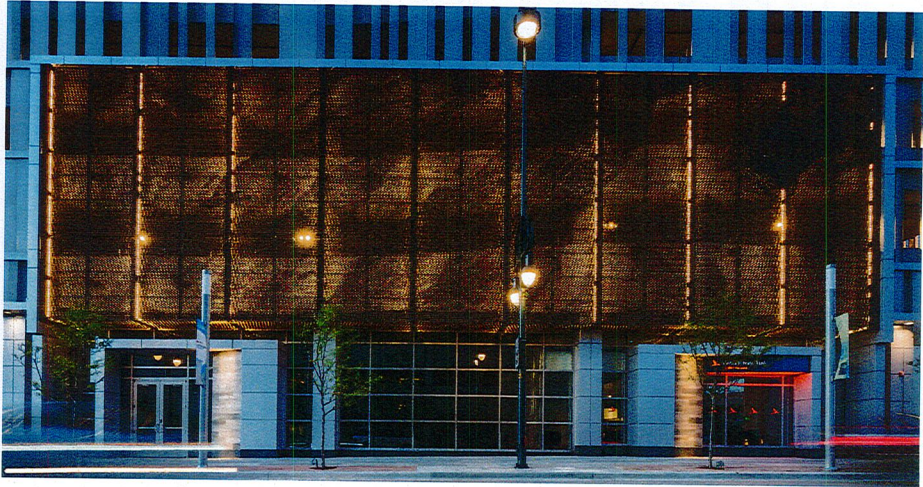
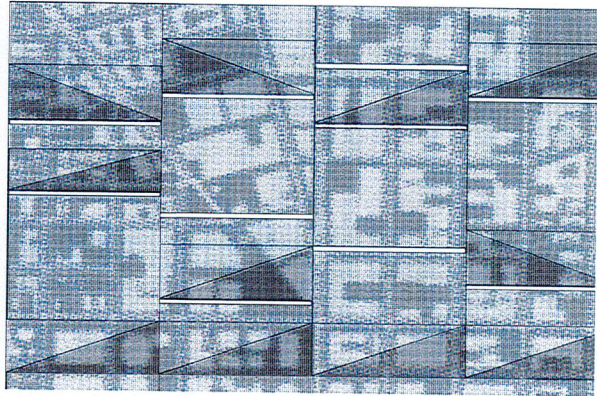
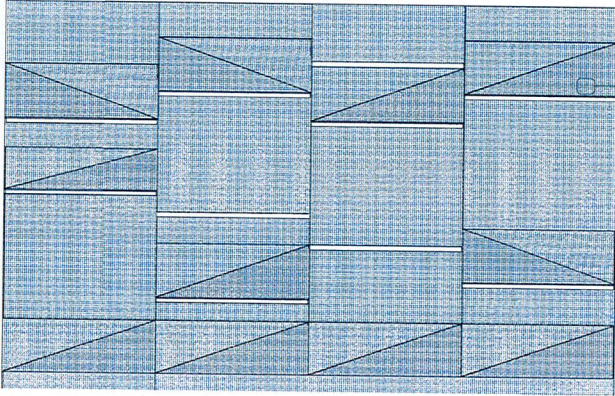
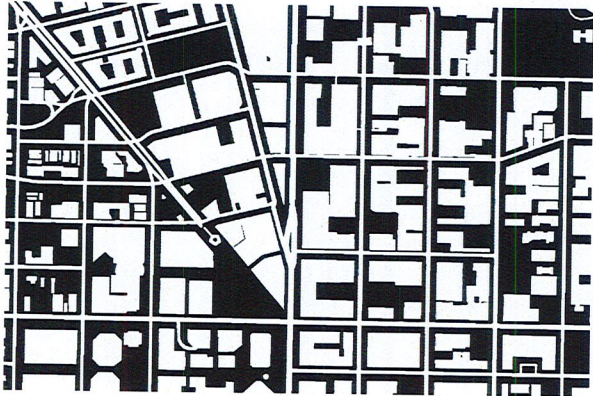
1721 BROADWAY



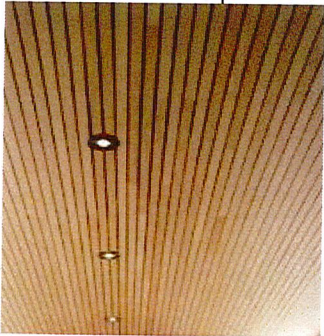
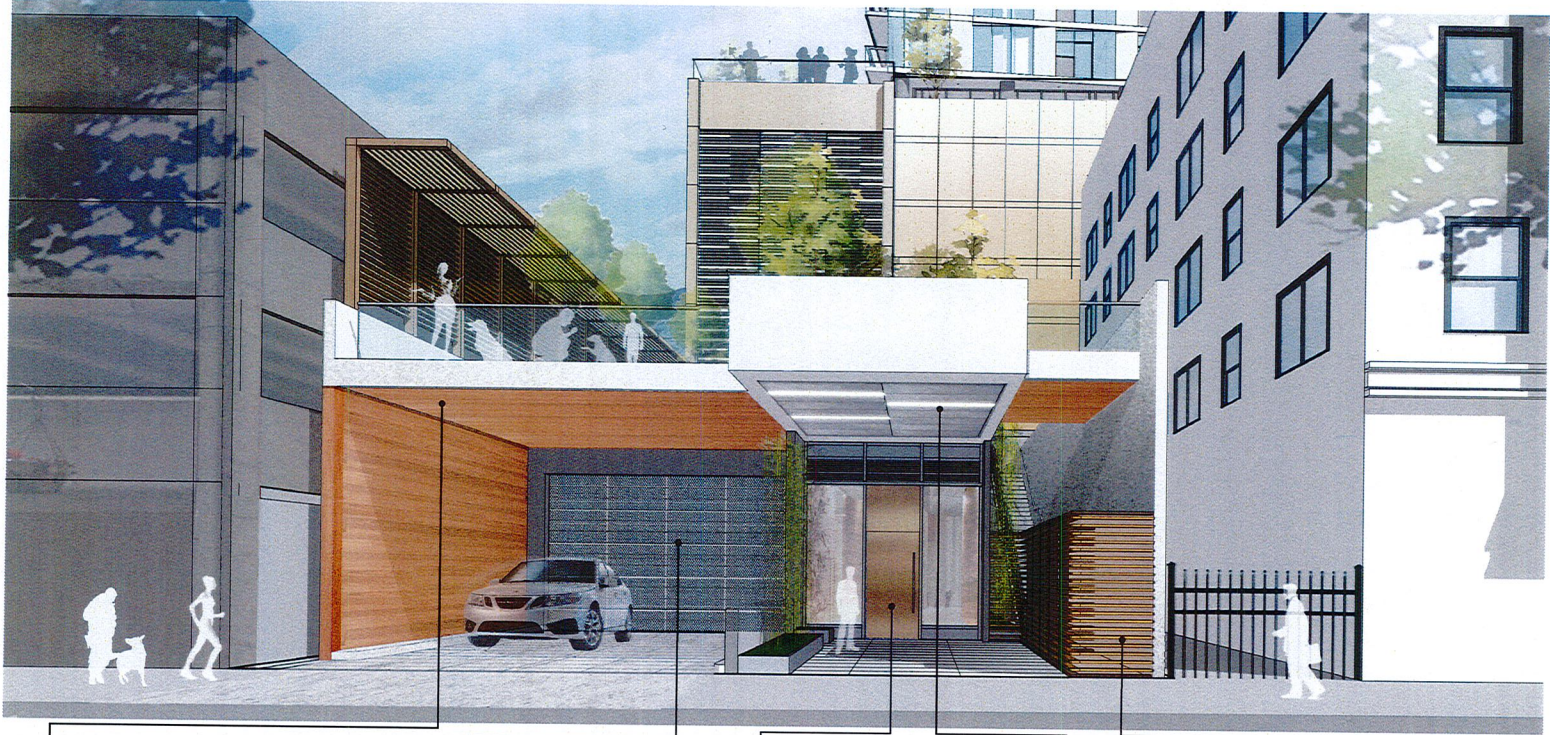
1739 BROADWAY

PERFORATED METAL SCREENS

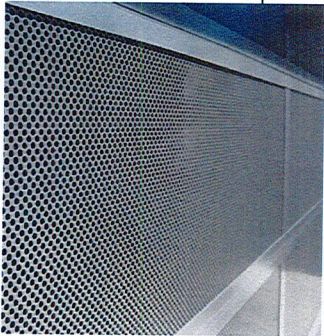
ALLOW FOR VENTILATION - LIGHT - ANIMATION
CONCEPT OF MAPPING



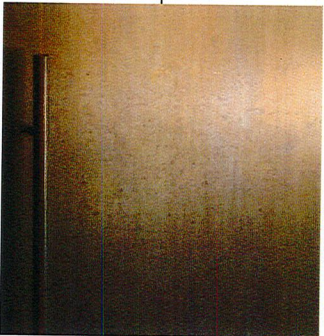
19TH STREET VIEW - MATERIALS



WOOD SOFFIT



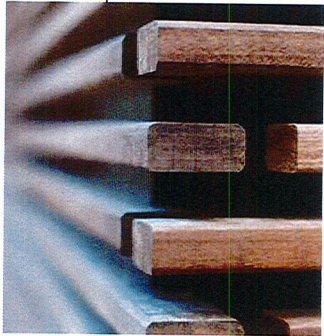
PERFORATED METAL DOOR



METAL LOBBY DOOR

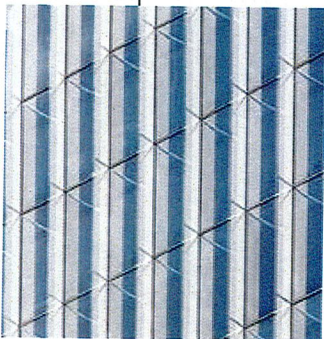


METAL SOFFIT WITH LIGHTS

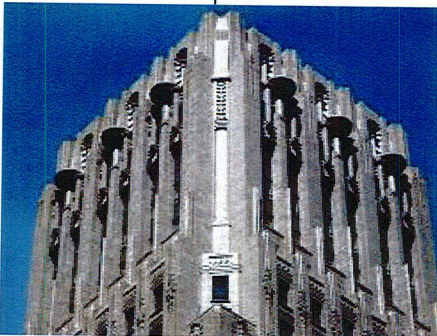


GAS METER ROOM SCREEN

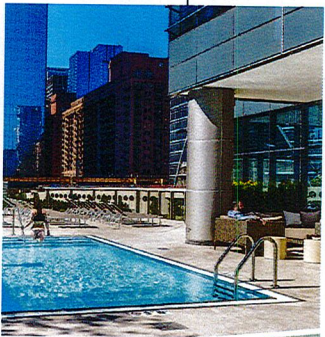
CROWN FACADE



TEXTURED FACADE



CROWN



ROOF DECK



ROOF DECK GLASS RAILING

CROWN FACADE



AERIAL VIEW



PLANNING COMMISSION 1750 BROADWAY, OAKLAND, CA

OAKLAND SKYLINE - BEFORE



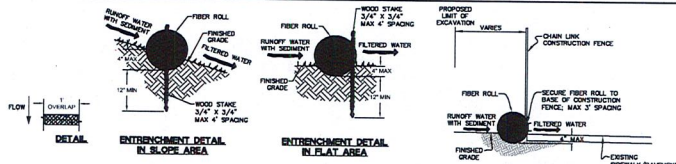
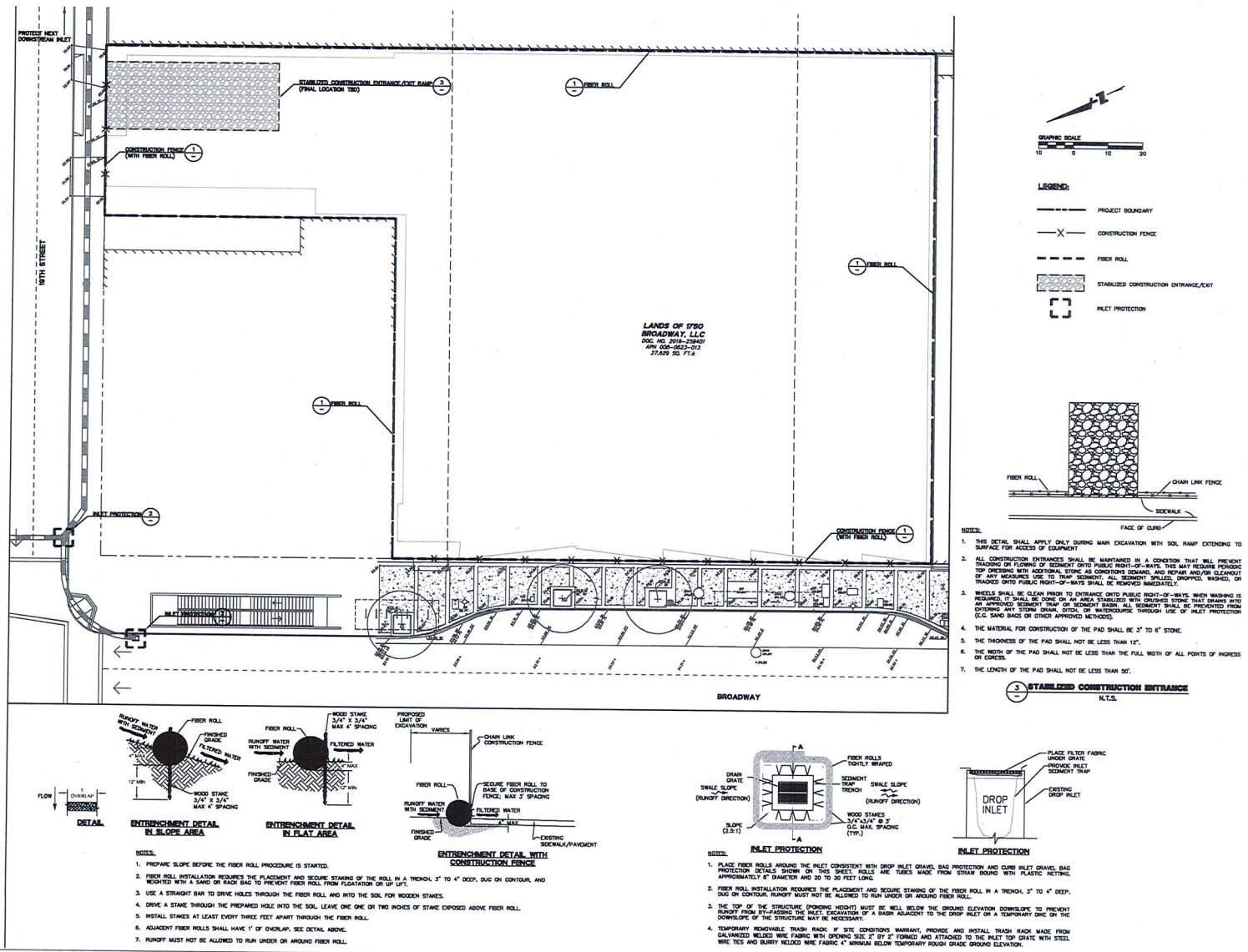
OAKLAND SKYLINE - AFTER



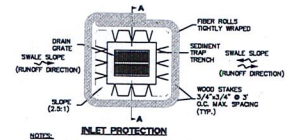
BROADWAY VIEW



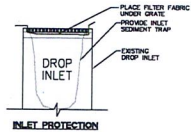
APPENDIX A- EROSION CONTROL PLAN



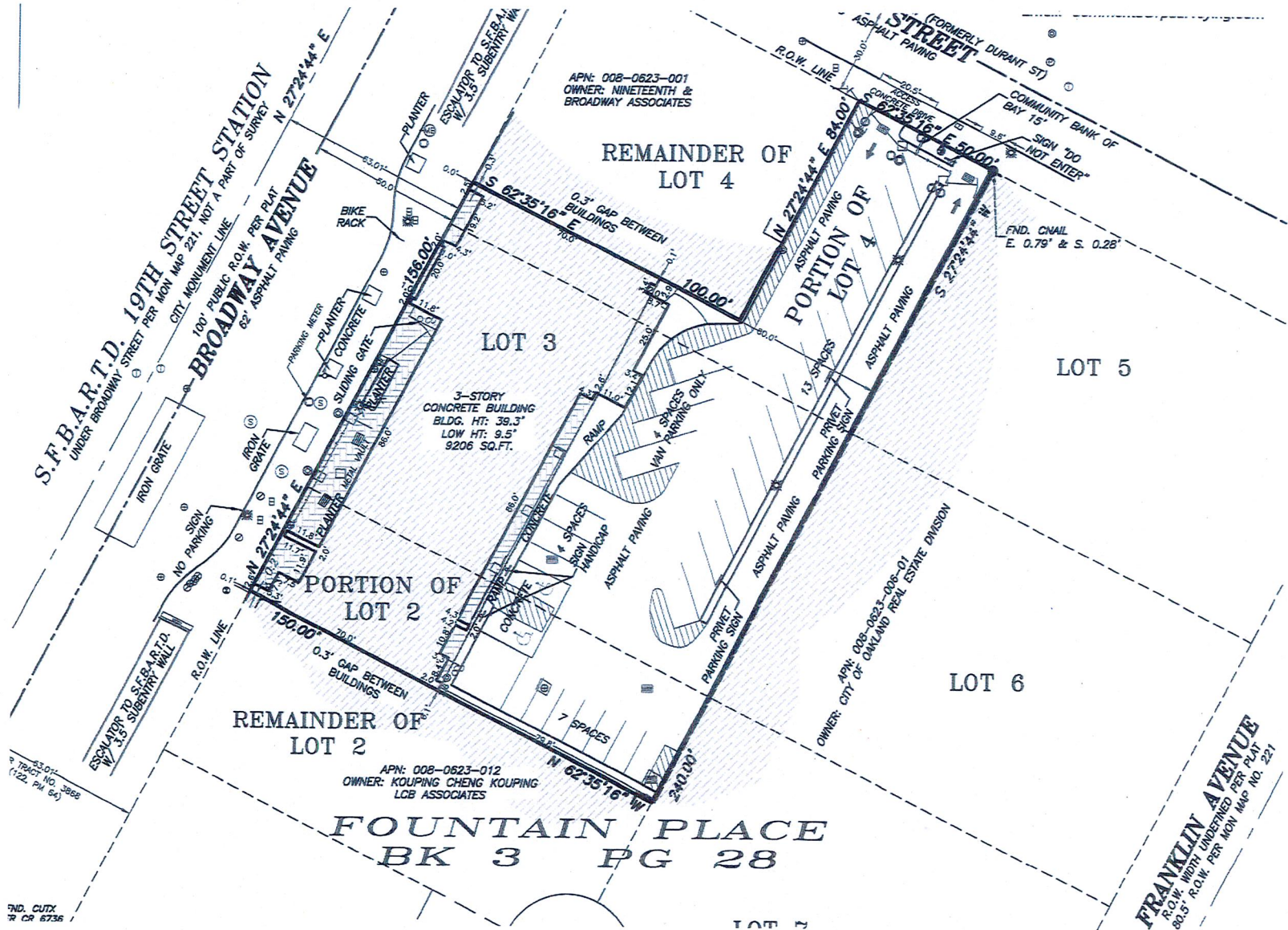
- NOTES:**
1. PREPARE SLOPE BEFORE THE FIBER ROLL PROCEDURE IS STARTED.
 2. FIBER ROLL INSTALLATION REQUIRES THE PLACEMENT AND SECURE STAKING OF THE ROLL IN A TRENCH, 3" TO 4" DEEP, DUG ON CONTOUR, AND REINFORCED WITH A SAND OR RACK BAG TO PREVENT FIBER ROLL FROM FLUIDIZATION OR UP LIFT.
 3. USE A STRAIGHT BAR TO DRIVE HOLES THROUGH THE FIBER ROLL AND INTO THE SOIL FOR WOODEN STAKES.
 4. DRIVE A STAKE THROUGH THE PREPARED HOLE INTO THE SOIL, LEAVE ONE OR TWO INCHES OF STAKE EXPOSED ABOVE FIBER ROLL.
 5. INSTALL STAKES AT LEAST EVERY THREE FEET APART THROUGH THE FIBER ROLL.
 6. ADJACENT FIBER ROLLS SHALL HAVE 1' OF OVERLAP, SEE DETAIL ABOVE.
 7. RUNOFF MUST NOT BE ALLOWED TO RUN UNDER OR AROUND FIBER ROLL.



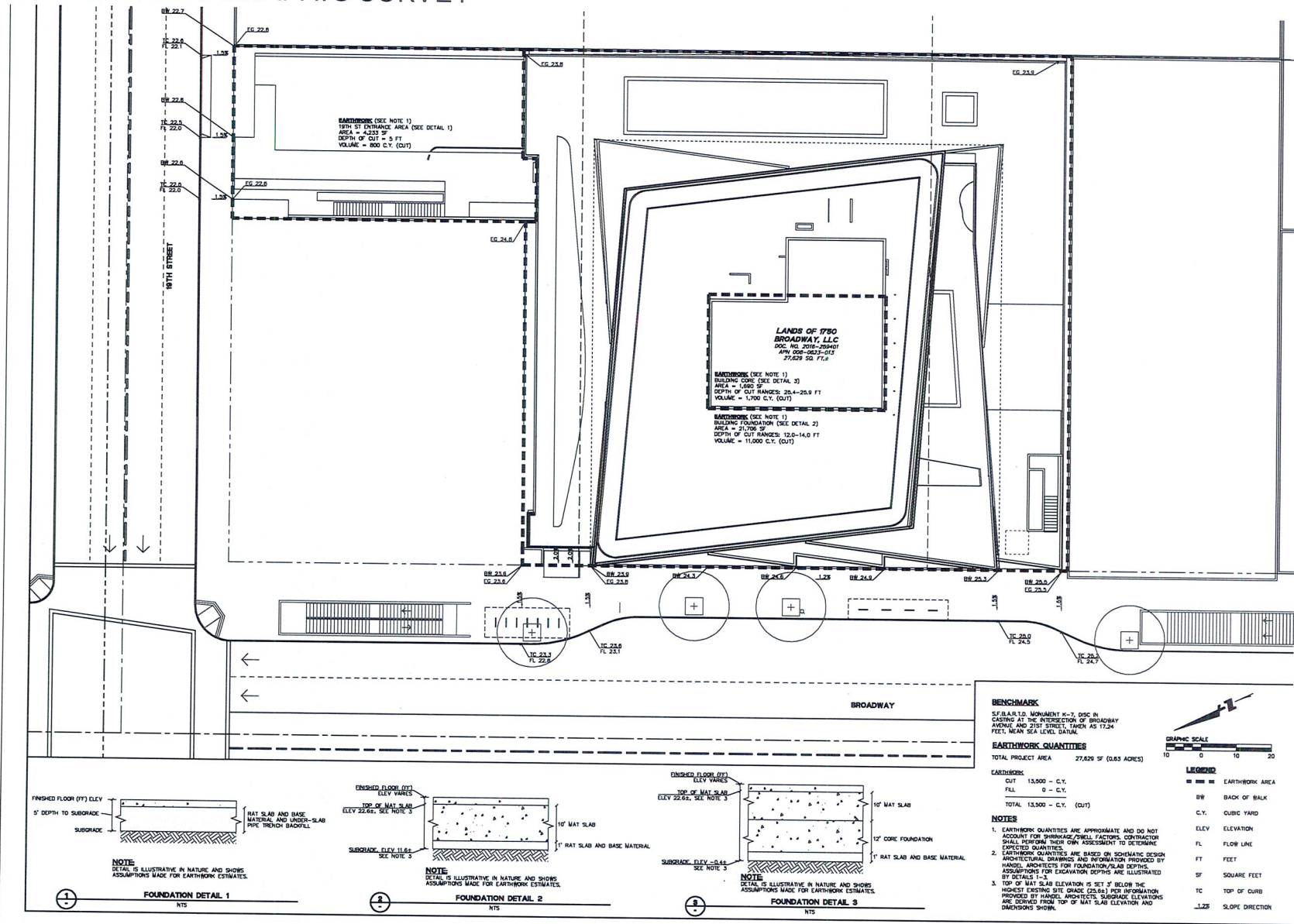
- NOTES:**
1. PLACE FIBER ROLLS AROUND THE INLET CONSISTENT WITH DROP INLET GRAVEL BAG PROTECTION AND CURB INLET GRAVEL BAG PROTECTION DETAILS SHOWN ON THIS SHEET. ROLLS ARE TUBES MADE FROM STRAW BOUND WITH PLASTIC NETTING, APPROXIMATELY 6' DIAMETER AND 30 TO 30 FEET LONG.
 2. FIBER ROLL INSTALLATION REQUIRES THE PLACEMENT AND SECURE STAKING OF THE FIBER ROLL IN A TRENCH, 3" TO 4" DEEP, DUG ON CONTOUR. RUNOFF MUST NOT BE ALLOWED TO RUN UNDER OR AROUND FIBER ROLL.
 3. THE TOP OF THE STRUCTURE (OPENING HEIGHT) MUST BE WELL BELOW THE GROUND ELEVATION DOWN-SLOPE TO PREVENT RUNOFF FROM BY-PASSING THE INLET. EXCAVATION OF A BASH ADJACENT TO THE DROP INLET OR A TEMPORARY ONE ON THE DOWN-SLOPE OF THE STRUCTURE, MAY BE NECESSARY.
 4. TEMPORARY REMOVABLE TRASH RACK: IF SITE CONDITIONS WARRANT, PROVIDE AND INSTALL TRASH RACK MADE FROM GALVANIZED WELDED WIRE FABRIC WITH OPENING SIZE 2" BY 2" TORN AND ATTACHED TO THE INLET TOP GRATE WITH STEEL WIRE TIES AND BURY WELDED WIRE FABRIC 4" MINIMUM BELOW TEMPORARY ROUGH GRADE GROUND ELEVATION.



APPENDIX B.1- TOPOGRAPHIC SURVEY



APPENDIX C- TOPOGRAPHIC SURVEY



Rivera, Mike

From: Rivera, Mike
Sent: Friday, March 8, 2019 3:38 PM
To: 'Chris Relf'
Subject: 1750 Broadway. Public Comments Received

Hi Chris,

FYI:

-----Original Message-----

From: Joseph Hornof [mailto:hornof@earcom.com]
Sent: Wednesday, March 6, 2019 12:40 PM
To: Ranelletti, Darin <DRanelletti@oaklandca.gov>
Subject: Please help us save our affordable housing

Dear Mr Ranelletti,

Greetings from down the street. I live at 1770 Broadway, on the corner of 19th St. Our building is historic, dating back to 1912.

We have 48 apartments at affordable rent. Some of my neighbors have been here for many years. Some of us provide vital services to our community.

For over a year, we've been tracking the development proposed next door at 1750 Broadway through the Planning Commission. We've spoken at meetings and submitted our concerns but it feels as if we are being ignored.

The process has not been transparent. Contrary to previous reports they published, the developers finally had their first discussions with us last week. They sprang the meeting with 30 hours notice, which limited the number of us who could attend.

The next Planning Commission meeting was postponed to Wednesday March 20. The developer is presenting their CEQA report. 1770 Broadway is referenced a scant half-dozen times in their 400 pages of reports. Some of our significant concerns are not addressed. Once again, it feels like we hardly exist.

One area which omits us is the shadow study. A shadow study is required for our building as it is an historic resource. The function of this resource should be considered. It's more than a facade; it contains apartments. I believe this study will show that we will lose all of our natural sunlight, permanently putting us in an unhealthy environment.

There's a larger problem which will arise before that. At the community meeting, we learned that construction is scheduled to last

28-36 months. Three years is significantly longer than other projects. The noise from this construction will render our apartments unlivable during that period. We're speaking from experience. We've been impacted by the construction at 17th St for over a year; construction across 19th St. is just starting up. 1750 Broadway will be right against our walls and wrap around our building.

Safety is another issue. Will their crane haul material over our heads? The size of this building is frightening. If anything should slip, it could come crashing into our light well and into our apartments. This puts us in a position of tremendous risk.

Those are some of our many concerns. We'd appreciate if we could talk to you about this.

Thanks for your time and attention,

-Joe

Joseph Hornof
1770 Broadway #112
Oakland, CA 94612
510.763.1488
hornof@earcom.com

Re: Case Files PLN18369/ZP170064; 1750 Broadway
December 5, 2018

Dear Members of the Design Review Committee,

Please forgive me - I'm having a hard time trying to learn how this process works. This is a follow-up to my public comment from 11/28/18, prior to the meeting scheduled last week.

It was only by chance that I learned this meeting was rescheduled. A public notice was not posted on the premises of 1750 Broadway. That sign still reads 11/28. Why does the City of Oakland website post only the agendas for these meetings, but no minutes or reports?

Yesterday I received a phone message from Christopher Relf of Rubicon Partners, the developers of this proposed project. I didn't list my phone number on the comment I submitted last week, but I would like to thank him for reaching out. I didn't get home in time to return his call and I'm not sure how to respond. I don't have the authority, expertise or resources to negotiate and enforce the mitigating measures that should be required for a project of this scale.

That's why I'm writing the Planning Commission, right? Isn't that your job? I'm sorry, I'm still trying to figure out how this works.

Tonight a neighbor with better eyes than me pointed out #7 in the background summary: Demonstrate communication with the affected tenant of existing facility. Once again, I appreciate Mr. Relf's phone call, but I am not the only affected tenant of a singular existing facility. There are 48 apartments in our building, along with retail on the ground floor, with neighbors up and down and across our street.

At a minimum, this communication should include:

- An informational packet including details of demolition and construction plans, timelines, how the completed building will affect our quality of life. Is this tantamount to eviction? Should we plan on moving out? What mitigation measures will be offered? Some of the residents in my building do not have access to the Internet. One is worried about living under such a big building in an area prone to earthquakes. If someone drops a coffee cup off this tower, it's plunging straight into our lightwell. The residents of my building will be literally, physically impacted.

- A community meeting to speak directly with Rubicon Partners and representation from the City of Oakland Planning Commission who can guide us and provide necessary oversight. Our neighbors at East Bay Paratransit could provide a conference room to host this. This is a humongous project. It deserves more than a kangaroo court - public safety is at stake. If the Planning Commission wishes to place due diligence upon my sole shoulders, I would consider that negligent.

Thank you for your consideration,



Joseph Hornof
1770 Broadway Apt 112
Oakland, CA 94612

Attachment E

East Bay Paratransit

1750 Broadway
Oakland, CA 94612

December 3, 2018

Mike Rivera, City Planner

City of Oakland Department of Planning and Building Bureau of Planning

250 Frank H. Ogawa Plaza, Suite 2114

Oakland, CA 94612

RE: Comments on 1750 Broadway Project:

Dear Mr. Rivera:

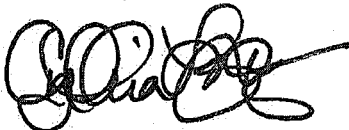
We would like to provide comments on the proposed project at 1750 Broadway, Case File Number AP170064.

First, we would like to acknowledge that Rubicon is correct that there have been a number of discussions/emails and a few meetings between the landlord and the tenant, as noted in Rubicon's November 8th, 2018 letter. However, the truth of the matter is that a majority of those communications were regarding tenant/landlord concerns and were not addressing the project currently under review by the DRC nor how it would impact the terms of the lease.

We are glad that Rubicon recognizes the terms of the lease which provide for the tenant and the agencies to hold, at our option, until 2030. We believe it is important, however, to make clear to the committee where the negotiations stand currently – no meetings have occurred, nor has correspondence been exchanged regarding a potential resolution of the relevant issue, since April 2018. There is no pending offer on the table, no ongoing negotiations, and we are not close to reaching a settlement with Rubicon to relocate. Any action to move on this project or the proposed development is premature. At this point, East Bay Paratransit (EBP) plans to remain at the site until 2030.

The agencies have invested in improvements to customize the property so that it would serve the unique needs of our EBP disabled riders. The location is ideal for meeting the needs of many riders and families that come to our office each day. Over 85 workers are employed at the office, many of which are in starting level jobs and rely on BART and AC Transit to commute to work. We invite you to visit our office and meet the workers and riders that are part of the East Bay Paratransit family.

Sincerely,



Cynthia Lopez

Acting General Manager, Transdev, on behalf of the East Bay Paratransit Consortium.

1780 Broadway

Oakland, CA 94612 Office: 510 446-2008.

Phone: (510) 287-5000 or Fax: (510) 287-5069

www.eastbayparatransit.org

Re: Case Files PLN18369/ZP170064; 1750 Broadway

November 28, 2018

Dear Members of the Design Review Committee,

I supplied written comments regarding this project on January 31 and February 28, 2018. Several residents of my building attended your meeting on February 28 and voiced their concerns. We addressed many real-world questions regarding how his project will impact our quality of life and the well-being of our neighborhood.

It appears your Committee has chosen to ignore us. There is no mention of our concerns listed or considered in your report.

Moreover, you have printed a false statement not just once, but twice. It can be found in the Applicant's Letter with Responses, dated February 15, 2018, in Part 2, Page 37 of the 2018-11-28-DRC report. This false statement has been provided to the public in print and on the City of Oakland website.

I am listed by name six times in this single paragraph. I have had no discussion with the applicant regarding this project. This claim is entirely false. To the best of my knowledge, the applicant has had no discussion with any of my fellow tenants.

Our correspondence and comments were provided to the Planning Commission, from whom we have received no response.

Before this project is allowed to proceed, all statements attached to my name should be corrected and/or retracted.

Moreover, the applicant's decision to respond with an untruthful statement indicates that our fears are warranted and worthy of acknowledgment.

If the Planning Commission negotiates in the interest of the citizens of Oakland, we should be treated with respect. Our lives will be impacted by this project. We deserve a truthful voice in this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe A. Hornof". The signature is written in a cursive, flowing style.

Joseph Hornof
1770 Broadway Apt 112
Oakland, CA 94612

1770 Broadway Apt 112
Oakland, CA 94612
(510) 763-1488
hornof@earcom.com
Re: Case File Number ZP170064; 1750 Broadway
February 28, 2018

Dear members of the Design Review Committee,

I supplied a public comment on this project prior to your meeting on January 31, 2018. While the committee mentioned in passing they had received my correspondence, none of my concerns were addressed.

I am a resident of 1770 Broadway. This project will dramatically affect the living conditions in our building. Before this project is approved, I think it would be fair and prudent to present the residents of my building full and detailed information, and an opportunity to discuss the impact of this project with representatives from the Planning Commission.

The 1750 Broadway proposal would envelope our building and cast it into the shadows, blocking nearly all direct sunlight. That is one of my many concerns. And that is far down the road: first we will be impacted by the destruction of the current building and the construction of the tower. That may make our units virtually unlivable for the duration.

Many of the residents in our building have been here for years. Decreased conditions will affect them. Relocation may be very difficult for some of them. Moreover, we can tell you first hand the challenges we face living here, the changes we have witnessed from the development which has transpired and that which is under construction. These are livability issues that will face future residents of downtown Oakland.

Subsequent to the January 31 meeting, I presented information to the occupants of my building, both residential and retail, and invited them to tonight's meeting so they can see how this process works. I believe this information should be presented to potentially impacted residents by the city itself.

After discussing this with my neighbors, I've received more questions and concerns, too many to list in this letter. Some of these issues may be somewhat private, not suitable to be published in public comment. These issues are real and valid. As citizens of Oakland, we feel we have both a right and a duty to ensure that they are addressed.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe A. Hornof". The signature is stylized and cursive.

Joseph Hornof



February 21, 2018
Via Email

City of Oakland
Design Review Committee (DRC)

RE: Case File No. – 1750 Broadway

Dear Chair Myres and Commissioners Mamus and Monchamp:

We are writing in regards to the project proposal for 1750 Broadway that houses the agency's East Bay Paratransit (EBP) Broker offices. EBP is a joint venture between AC Transit and BART to provide mandated complementary Americans with Disabilities Act (ADA) paratransit to those individuals that, due to a cognitive or physical impairment, are unable to utilize the fixed-route bus or rail.

The Broker has responsibility for eligibility determinations, reservations, scheduling, dispatch and customer service. The Broker employs 85 employees, on behalf of AC Transit and BART. Additionally, the Broker holds contracts with three private firms for the operations and maintenance of vehicles utilized in EBP service.

We appreciate you allowing staff to address the Design Review Committee (DRC) during your regular meeting on January 31. Due to the limited time (2 minutes) we have attached their talking points to this correspondence for your consideration.

This item was discussed during the AC/BART Inter-agency Liaison Committee (ILC) on February 7. The ILC is comprised of three (3) members of each of the agency's respective publicly elected transit boards. The ILC meets frequently to discuss matters of mutual interest to both agencies including EBP. Staff also provided a verbal update to the full AC Transit Board of Directors during its regularly scheduled meeting on February 14.

Both AC Transit and BART have a mutual interest in the success of EBP and we are concerned about this project moving forward without consideration of or accommodation for EBP. The fact is, we have over 12 years remaining on our lease for this property and have no intention of leaving. Like AC Transit and BART, the EBP Broker's principal offices have always and will continue to be in downtown Oakland.

EBP provides a vital service to the most frail and vulnerable in our community and must be accounted for should this project move forward.

We appreciate your consideration and attention to this matter.

Respectfully,

ALAMEDA-CONTRA COSTA
TRANSIT DISTRICT

Michael A. Hursh
General Manager

SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT

Grace Crunican
General Manager

Cc: City of Oakland Planning Commissioners
AC Transit Board of Directors
Laura Timothy, BART Customer Service and Access

January 31, 2018

Talking Points for DRC

Jahmese Myres, Design Review Committee (DRC) Chair
Amanda Monchamp
Clark Manus

Re: Case File No. ZP170064- 1750 Broadway

My name is Mallory Brush. I am the Accessible Services Manager for AC Transit. I am joined by my counterpart at BART, Laura Timothy.

- In 1994, BART and AC Transit entered into an agreement to provide federally mandated paratransit. This program is known as East Bay Paratransit (EBP) and is for individuals who, due to a physical or cognitive disability, are unable to ride the bus or BART.
- AC/BART contracts with a Broker to operate a large call center and oversee 3 service providers who maintain and operate the 210 EBP vehicle fleet.
- EBP has over 16,000 registered clients and provides over ¾ million trips per year. Over 40% of those trips are into and out of Oakland.
- The Broker is the current tenant of 1750 Broadway. However, AC/BART pay 100% of the costs to operate this facility. As such, effectively AC/BART are the tenants.
- Like AC Transit and BART, EBP's principal offices have always been and will continue to be in downtown Oakland.
- After 20 years in 1 location we relocated the call center 2 doors down to 1750 in June of 2015.
- We selected this location due to its proximity to BART and bus lines, additional and upgraded office space, a community room and secure parking in the rear of the building taking our vehicles off Broadway and providing a safe environment for our passengers/guests to visit the Office.
- The facility houses 85 employees and a community meeting room. The community meeting room hosts 3 senior and disabled advisory groups and the AC/BART Interagency Liaison Committee comprised of three publicly elected officials from each agency, among others.

- The community meeting room also functions as EBP's Emergency Operations Center.
- The Base Lease, effective June 2015, was for a period of 10 years with an option for 5 additional years. We have an additional 12.5 years remaining.
- The building was purchased by Rubicon, with principal offices in San Francisco, in October 2016. The plans subject to DRC review were filed in July, 2017.
- No formal or informal notification was ever provided to us by Rubicon until the DRC notice was posted in the front of our building. Can you image the dismay and now ongoing concern of our 85 employees upon seeing the plans with no prior notification?
- The service provided by EBP is vital to our communities' most frail and vulnerable. As long as AC Transit and BART are running, EBP will continue to exist. The EBP service cannot be disrupted in any way.
- The plans are deficient in that they do not accommodate our office space requirements and community meeting room (approx. 15,000 sq. ft.)
- We understand that no decision to approve or deny the project will be made at this meeting. However, we needed to express our deep concern that the accommodation of EBP's vital service was/has not been considered.
- This project simply cannot move forward without that accommodation and consideration.

Questions:

A question to the DRC is if permits are issued for this project, how long are these permits valid? It should be noted that the 2 permits identified in the staff report do not include permits that may need to be obtained from BART.

Can you explain the process moving forward?

1770 Broadway Apt 112
Oakland, CA 94612
(510) 763-1488
hornof@earcom.com

January 31, 2018

Dear Mr. Rivera,

Thank you for speaking with me today. As you suggested, here is a letter you can forward to the Oakland Planning Commission Design Review Committee.

This is in reference to item 1 on today's agenda: Case File Number ZP170064; 1750 Broadway; APN 008

I am a resident of 1770 Broadway, and am typing a dozen feet away from where these new walls would rise. I have a number of concerns about how this project will affect the living conditions in our building. Before this project is approved, I think it would be fair and prudent for the residents of my building to have an opportunity to address our concerns.

Our five-story building has been a fixture in Oakland for over 100 years. A former mayor of Oakland, John L. Davie, once lived here. Our building is comprised of 4 retail shops on the ground floor and 48 apartments above, on 4 floors with 12 apartments per floor. Half of the apartments have windows facing outwards, half face inwards towards a light well.

This new proposal would envelope our building on two sides. It will throw our building into the shadows, blocking nearly all direct sunlight. That is one of my many concerns. And that is far down the road: first we will be impacted by the destruction of the current building and the construction of the tower. That may make our units virtually unlivable for the duration.

Some of the residents in our building have been here for years. Decreased conditions will affect them. Relocation may be hard for many of them. Moreover, we can tell you first hand the challenges we have faced living here, the changes we have witnessed from the development which has transpired and that which is under construction. These are livability issues that will face future residents of downtown Oakland.

I will attend this meeting tonight, but somewhat in a state of fear. I doubt many of my fellow tenants will appear. For a start, I doubt any of them noticed the public notice that was posted and subsequently has been removed. Nobody has provided our residents any notice of these plans.

I don't think we can have a proper discussion by filling out speaking cards; many of our tenants would be intimidated, including myself. I'm also somewhat afraid of possible reprisal. I have a very good relationship with my landlord, Ted Dang of Commonwealth Companies. Additionally, I recently began paying rent to 1750 Broadway LLC for a parking space in the back of our building. I don't want to imperil either of these landlord/tenant relationships.

Before this plan is approved, could you provide a time and space where we could discuss some of these concerns? We represent a good batch of proud downtown Oakland residents - we should work together. I would greatly appreciate that opportunity, myself.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe A. Hornof". The signature is written in a cursive, somewhat stylized font.

Joseph Hornof