**STAFF REPORT** 

## **Case File Number PLN15179**

**February 7, 2018** 

Location:	1900-1944 Broadway (APNs: 008-0638-005-00; 008-0638-006-03;
	008-0638-007-10). (See map on reverse)
Proposal:	One-year extension of the entitlements for the construction of a new
*	36-story building with 451 residential units and approximately
· · ·	50,000 square feet of commercial space. The project also includes
	reconditioning an existing four story, historically-rated (Cb+1+)
	building and demolishing a one story commercial building that has
	no historic rating.
Applicant/Owner:	Seth Hamalian, 19 <sup>th</sup> and Bway Associates, LLC
Planning Permits Required:	Design Review for new construction in a CBD zone; Major
	Conditional Use Permit for new construction over 250 feet in height or
	200,000 square feet in floor area; Minor Conditional Use Permits for a
	reduction of the parking requirement in the CBD zone and a reduction
	in the size of a loading birth; and a Minor Variance for a reduction of
	the number of loading births from two to one.
General Plan:	Central Business District
Zoning:	CBD-P Central Business District Pedestrian Retail Commercial Zone
<b>T</b>	and CBD-C Central Business District General Commercial Zone
Environmental Determination:	Exempt, State CEQA Guidelines Sections 15332 – In-fill projects and 15183 - Projects consistent with a community plan, general plan, or
Determination:	zoning.
Historic Status:	Existing building at the corner of 19th Street and Broadway is rated
mistorie Status.	Cb+1+ and the site is within the Uptown Commercial Area of
	Primary Importance. This building will be refurbished as part of this
	project.
Service Delivery District:	Metro
City Council District:	3
Status:	Previously approved
Action to be Taken:	Extension of approved project
Staff Recommendation:	Approve a one-year extension of the project
<b>Finality of Decision:</b>	Appealable to City Council
For Further Information:	Contact case planner Neil Gray at 510-238-3878 or
	ngray@oaklandnet.com

#### SUMMARY

The proposal is to receive a second one-year extension of the entitlements for the construction of a 36-story building with 451 residential units and approximately 50,000 square feet of commercial space at 1900 Broadway. The project includes reconditioning an existing four story, historically rated building and demolishing a one story commercial building. The applicant is requesting this approval be extended to August 5, 2019.

Staff recommends approval of the extension.

# **CITY OF OAKLAND PLANNING COMMISSION**



Case File:PLN15179Applicant:Seth Hamalian, 19th & Broadway Associates. LLCAddress:1900 - 1944 BroadwayZone:CBD-PHeight Area:Height Area 7, No Limit

#### BACKGROUND AND PROPOSAL

The approved project is the construction of a new 36-story tower with 451 residential units and approximately 50,000 square feet of commercial space at 1900 Broadway. The project also includes reconditioning an existing four story, highly rated historic building (rated Cb+1+ and considered a contributor to the Uptown Historic District by the Office of Cultural Survey).

This project was approved at the At the August 5, 2015 City Planning Commission. Attachment A, the staff report for the proposal, contains a full description of the project. On July 24, 2017, the approval of the project was administratively extended to August 5, 2018 (see Attachment B). The applicant is requesting this approval be extended to August 5, 2019.

Staff administratively approved a revision to the proposal on March 25, 2016 that increased the scope of the project as described in the following table:

	Approved Project	Revised Project	Difference
Height (ft)	330	359	29
Stories	33	36	3
Residential Units	345	451	106
Office Space (sf)	0	25,000	25,000
Retail Space (sf)	4,000	5,000	1,000
Restaurant Space (sf)	6,000	20,000	14,000

Other than the additional height, the revision did not include any significant changes to the exterior of the building. Plans for the revised proposal are contained in Attachment C.

According to the applicant, the project currently has financing and the project team intends to apply for their building permit in June of this year. The developer requires an extension to assure the building permit is approved prior to the expiration of the planning approvals.

Staff recommends approval of the extension so that a well-designed tower and the rehabilitation of a significant historic resource can proceed at this critical intersection in Downtown.

**RECOMMENDATION:** Approve the extension of the approval for the project to August 5, 2019.

Prepared by:

Iran

Planner IV

Reviewed by /RÓBERT MERKAMI

Zoning Manager

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Approved for forwarding to the City Planning Commission:

WILLIAM A. GILCHRIST, Director Department of Planning and Building

LEGAL NOTICE: The decision of the City Planning Commission is final and not administratively appealable. Any party seeking to challenge such decision in court must do so within ninety (90) days of the date the decision is announced (Code of Civil Procedure Section 1094.6).

#### **ATTACHMENTS:**

- A. August 5, 2015 Planning Commission staff report, including project plans
- B. July 24, 2017 administrative approval for the extension of the project approvals to August 5, 2018
- C. Revised plans approved by staff on March 25, 2016

Case File Number: PLN15-179

## **STAFF REPORT**

August 5, 2015

Location: Assessors Parcel Numbers:	1900 – 1944 Broadway (see map on reverse) 008-0638-005-00, 008-0638-006-03, and 008-0638-007-10
Proposal:	Construct a new 33-story building with 345 residential units and 9,724 square feet of ground floor commercial space. The project also includes restoration of an existing four story, historically-rated (Cb+1+) building and demolishing a one story commercial building that has no historic rating.
Applicant:	Matt Combrink, Brick LLP
Owner: Planning Permits Required:	Seth Hamalian, 19 <sup>th</sup> and Broadway Associates, LLC Design Review for new construction in a CBD zone; Major Conditional Use Permit for new construction over 250 feet in height or 200,000 square feet in floor area; Minor Conditional Use
	Permits for a reduction of the parking requirement in the CBD zone and a reduction in the size of a loading berth; and a Minor Variance for a reduction of the number of loading berths from two to one.
General Plan:	Central Business District
Zoning:	CBD-P Central Business District Pedestrian Retail Commercial Zone; CBD-C Central Business District General Commercial Zone; Height Area 7
Environmental Determination:	Exempt, State CEQA Guidelines Sections 15332 – In-fill projects and 15183 - Projects consistent with a community plan, general plan, or zoning.
Historic Status:	Existing building as the corner of 19th Street and Broadway is rated Cb+1+ and the site is within the Uptown Commercial Area of Primary Importance
Decision to be taken	Decision on proposal based on staff's recommendation
Status	Pending.
Service Delivery District:	Metro
City Council District:	3
For further information:	Contact case planner <b>Neil Gray</b> at <b>510-238-3878</b> or by email: <u>ngray@oaklandnet.com</u>

#### **SUMMARY**

The proposed project would combine three parcels into a 40,674 square foot site and the construction of a new 33-story high-rise tower and the renovation of the adjacent four-story historic Tapscott Building. In total, the project would create 345 residential units, 333 parking stalls, approximately 10,000 square feet of ground floor retail space, and one loading berth. Staff supports the project because of its high quality design, renovation of the Tapscott Building will be an important contribution to the Broadway streetscape, and the site is an ideal downtown location for the construction of a mixed use tower such as that proposed.

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# **CITY OF OAKLAND PLANNING COMMISSION**



Case File: PLN15179 Applicant: Matt Combrink, Brick LLP Address: 1900 - 1944 Broadway Zone: CBD-P Case File Number: PLN15-179

#### **PROPERTY DESCRIPTION**

This flat, 40,674 square-foot, site is at the northeast corner of the intersection of Broadway and 19<sup>th</sup> Street. Approximately 400 linear feet of the site faces Broadway and 150 linear feet faces 19<sup>th</sup> Street. The four-story, L-shaped Tapscott commercial building, constructed in 1922-1923, fronts both Broadway and 19<sup>th</sup> Street. This building has an historic rating of Cb+1+ and is a contributor to the Uptown Commercial Historic District. Although brown brick and terra cotta materials, a tall ground floor, and detailing contribute to the historic significance of the building, it is in serious disrepair – the storefronts are in particularly poor condition, the tapestry trim on the building is badly damaged, and the original vertical spandrels on the upper floors were removed in the 1960's. A second commercial building, which is without historical or architectural interest, is also located at the site.

An entrance to the 19<sup>th</sup> Street BART Station and an AC Transit bus stop is located on Broadway, directly in front of the site.

## **NEIGHBORHOOD DESCRIPTION**

The site is located in within the heart of Downtown Oakland's commercial district and on the edge of the historic Uptown Commercial District, a retail and entertainment area that is anchored by the art-deco styled Fox and Paramount Theaters and I. Magnin Building. The district contains several night clubs, restaurants, retail stores, and galleries. Several low-rise commercial buildings that contribute to the historic character of the district are to the south, across the Broadway, and on 19<sup>th</sup> Street. The four-story, approximately 60-foot tall Sears Building at the corner of Broadway and 20<sup>th</sup> Street is currently being renovated for office uses and a ground floor market hall. The adjacent 12-story Golden West Office Building, constructed in 1968, has a post-modern design with reflective windows and a block shape. According to the City's Office of Cultural Heritage Survey, the Uptown Historic District does not have a consistent height context that should influence the appropriate height of new buildings.

#### **PROJECT DESCRIPTION**

#### **Overall**

The project includes the construction of a new 33-story high-rise tower and the renovation of the adjacent four-story historic Tapscott Building. In total, the project would create 345 residential units, 333 parking stalls, approximately 10,000 square feet of ground floor retail space, and one loading berth. The Tapscott building would be renovated to contain ground floor commercial space with residential units above. A fifth-story glass penthouse, setback ten feet from the façade, would be added to the top of the Tapscott Building.

The project plans are located in Attachment A.

## Site Plan

The new high rise tower would sit atop a five-story podium building located along Broadway.

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The Tapscott Building would wrap the podium at the corner of Broadway and along 19th Street. A 20-foot wide outdoor courtyard would be created between the new construction and the Tapscott Building to create a visual separation between the two and expose historic advertising art on the Tapscott Building's north façade.

With the exception of a 29-foot wide lobby, the entire ground floor of the new building along Broadway would contain an approximately 35-foot deep storefront space. A four-foot ground floor setback in the next 74 feet of frontage would accommodate sidewalk seating in three 27foot bays. The commercial space in the northern part of the tower would be located adjacent to the Broadway right of way.

Vehicular and loading access into the site would be from 19th Street, which allows Broadway, the site's primary pedestrian frontage, to be free of curb cuts and potential conflicts between pedestrians, bikes, and cars. A six-level parking structure would be tucked to the rear of the site, hidden from view from passersby.

An open space podium deck that includes indoor and outdoor connections to resident amenity space, landscaping, plantings, and a pool deck with views out to the bay would be located where the base of the tower and top of the podium meet. These elements have been setback from the edge of the podium and the Tapscott Building so as not to be seen from the street.

Finally, the positioning of the tower's narrow north and south elevations will preserve views of the Oakland Hills and the Jack London Square area from Broadway.

## **Building Design**

The new tower would be clad in precast concrete, glass window walls, metal panel and brick. The design uses contrasts in colors and materials to create visual interest and break up the scale – glass window wall elements are next to precast concrete, light colored facades are accented by dark colored metal window frames and vertical sunshades.

The massing of the tower is articulated as multiple smaller elements that further breaks down its scale. When viewed along Broadway, the north half of the tower is broken into a distinct base whose height and brick facade references the scale and material of the Tapscott building, while the tower portion is comprised of precast concrete "punched" openings that create texture to relate to many surrounding buildings in the neighborhood.

The south portion of the tower provides contrast from the northern part of the building, clad in a floor to ceiling glass window wall system with integrated vertical sunshades, reaching all the way down to the street level. The pattern of articulation creates a series of alternating heights to relate to the varying heights of other buildings on Broadway.

The restoration of the Tapscott Building is described in the "Key Issues and Impacts" section of this report.

## **GENERAL PLAN ANALYSIS**

The subject property is located within the Central Business District General Plan Land Use Classification. The intent of this classification is to encourage, support, and enhance Downtown as a high density, mixed-use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California. The CBD classification includes a mix of large-scale offices, commercial, urban high-rise residential, institutional, open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses.

The project is consistent with this intent by providing a high-rise residential development on two vacant parcels. The prominence of the proposed residential tower and ground floor commercial space will contribute to the regional importance of Downtown Oakland and the vision contained in the General Plan for a vibrant, 24-hour downtown.

The following lists General Plan Land Use and Transportation policies applicable to the proposed project and how the project is consistent with each policy. The policies are in normal font and descriptions of how the proposal fulfills the policies are in **bold** type.

## Land Use and Transportation Element of the General Plan

Policy D2.1 Enhancing the Downtown: Downtown development should be visually interesting, harmonize with its surroundings, respect and enhance important views in and of the downtown, respect the character, history and pedestrian orientation of the downtown, and contribute to an attractive skyline. The proposed tower will enhance the City's downtown skyline and the pedestrian orientation of Broadway. The positioning of the tower's narrow north and south elevations will preserve views of the Oakland Hills and the Jack London Square area.

Policy D3.1 Promoting Pedestrians: Pedestrian-friendly commercial areas should be promoted. The proposal contains ground floor commercial space that continues the existing pedestrian oriented retail activities on Broadway.

Policy D3.2 Incorporating Parking Facilities: New parking facilities for cars and bicycles should be incorporated into the design of any project in a manner that encourages and promotes safe pedestrian activity. The project minimizes pedestrian-vehicle conflicts by containing only one curb cut for the entire site. Further, there are no curb cuts on Broadway, the primary pedestrian frontage of the project. Locating the parking behind the proposed tower and the Tapscott Building minimizes the visual impact of parking areas.

Policy D6.1 Developing Vacant Lots: Construction on vacant land or to replace surface parking should be encouraged throughout the downtown, where possible. The tower is proposed to be built on one vacant and one underutilized vacant lots. The third lot on the site contains the Tapscott Building, which is proposed for renovation.

Policy D10.1 Encouraging Housing: Housing in the downtown should be encouraged as a vital component of a 24-hour community presence. The proposal includes high density housing in

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a high-rise tower, bringing many residents downtown who will contribute to a 24-hour presense.

Policy D10.5 Designing Housing: Housing in the downtown should be safe and attractive, of high quality design, and respect the downtown's distinct neighborhoods and its history. As described in this report, the project will have a high quality design that relates to the surrounding buildings. The renovation of the historic Tapscott building respects the historic architecture of the Uptown Commercial District.

Policy D10.6 Creating Infill Housing: Infill housing that respects surrounding development and the streetscape should be encouraged in the downtown to strengthen district districts. As described in this report, the project will have a high quality design that relates to the surrounding buildings. The project will also extend the existing retail storefronts on Broadway.

Policy D11.1 Promoting Mixed-Use Developments: Mixed use developments should be encouraged in the downtown for such purposes as to promote its diverse character, provide for needed goods and services, support local art and culture, and give incentive to reuse existing vacant or underutilized structures. The proposal is for a mixed use development with approximately 10,000 square feet of commercial space and 345 residential units.

Policy D11.2 Locating Mixed-Use Developments: Mixed use development should be allowed in commercial areas, where the residential component is compatible with the desired commercial function of the area. The mixed use proposal is in a commercial zone. The residential activities will be compatible with the intended retail and restaurant use of the ground floor commercial space.

## Historic Preservation Element of the General Plan

Policy 3.5: Historic Preservation and Discretionary Permit Approvals: For additions or alteration to Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: 1) the design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or 2) the proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or 3) the existing design is undistinguished and does not warrant retention and the purposed design is compatible with the character of the neighborhood. See <u>Key Issues and Impacts</u> and Attachment B, for discussions of the renovation of the Tapscott Building.

#### ZONING ANALYSIS

The following highlights relevant zoning standards from the CBD-P and CBD-C zones and Height Area.

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## Zoning Intent

The intent of the CBD-P zone, which is designated on Broadway, is to create, maintain, and enhance areas of the Central Business District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities.

The intent of the CBD-C zone, which is toward the rear of the site, 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.

## **Development Standards**

The following describes development standards for the applicable zones in Chapter.

	Standard	Proposed	Complies?
Minimum/Maximum Setbacks		na () – 2 stole 4 server del l'erre i della re del della	- Processing and the second s Second second s Second second seco second second sec
Minimum front	0 ft	0 ft	Yes
Maximum front and street side for the first story	5 ft	4 ft	Yes
Maximum front and street side for the second and third stories or 35 ft, whatever is lower	5 ft	4 ft	Yes
Minimum interior side	0 ft	0 ft	Yes
Minimum corner side	0 ft	0 ft	Yes
Rear	0 ft	0 ft	Yes
Design Regulations	·		
Ground floor primary commercial facade transparency	65%	80%	Yes
Minimum height of the ground floor	15 ft	23'-3"	Yes
Maximum Density <sup>2</sup> (square feet of lot area required per unit)	90 -	118	Yes
Floor Area Ratio <sup>2</sup>	20.0	10.5	Yes
Maximum height <sup>2</sup>	No height limit	339 feet	Yes
Maximum average per story lot coverage (above the base) <sup>2</sup>	85% of site area or 10,000 sf, whichever is greater	32 percent of site area	Yes

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	Standard	Proposed	Complies?
Open Space	75 square feet per unit	99 sf per unit	Yes
Parking	One parking space per unit; none required for commercial space; .5 spaces per dwelling unit upon the granting of a CUP <sup>3</sup>	333 parking spaces (.97 parking spaces per unit)	Yes
Loading Berths	Two	One	No <sup>4</sup>

Notes:

- 1. The requirements for the CBD-P and CBD-C zones are the same unless otherwise specified.
- 2. These are regulations that apply to Height Area 7, where the site is located.
- 3. The applicant is applying for a Conditional Use Permit to reduce the parking requirement.
- 4. The proposal requires variances for not meeting minimum requirement for loading berths. See the <u>Key Issues and Impacts</u> Section, below, for further discussion.

## **ENVIRONMENTAL DETERMINATION**

The City has determined that the project is exempt from CEQA under Section 15332 of the State CEQA Guidelines, which applies to certain infill projects. The project is also exempt under Section 15183 of the State CEQA Guidelines, which applies to projects that are consistent with a Community Plan, General Plan or Zoning.

A detailed CEQA analysis of the project is contained in Attachment B of this report.

#### **KEY ISSUES AND IMPACTS**

#### **Tapscott Building**

The proposed renovation of the brick and terra cotta façade of the Tapscott Building with compatible cornice and spandrel features, which is based on historic photos provided by the City and existing fragments on the building, will provide a high quality restoration of the building. The proposed contemporary design of the ground floor is appropriate for historic buildings, which traditionally experience frequent storefront redesigns depending on the trends of a particular era. In addition, the upper stories of the building are designed to be a unified whole, appearing to be held up by the ground floor. Finally, the proposed 20-foot separation from the new construction will preserve the visual integrity and usability of the Tapscott Building.

The top story glass addition is compatible with the Tapscott Building because its visibility would be limited by a 10-foot step back and glass exterior. The step back and contrasting materials of the additional story also clearly distinguishes it from the historic building. The new tower will be

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clearly distinguished from the Tapscott Building through a 20-foot wide space between the two buildings.

More analysis of the historic compatibility of the restoration is contained in the CEQA analysis for the project (see Attachment B)

#### Loading Berth

As mentioned, a Minor Variance is requested to reduce the number of loading berths from one to two. Staff supports the Variance for the following reasons. A loading berth on Broadway is inappropriate because it is the principal pedestrian street adjacent to the site. Placing a curb cut there to accommodate a loading berth would interrupt the pedestrian flow and create conflicts between trucks, bicycles, and pedestrians.

An additional loading berth on 19<sup>th</sup> Street would also be problematic. There are currently entrances to the proposed parking structure and loading berth that require 38 feet of curb cuts on 19<sup>th</sup> Street. In addition, there are curb cuts just east of the property at the Kaiser parking garage that total approximately 70 feet. Adding an additional 15-foot curb cut for a loading birth would create a total of approximately 123 feet of curb cut along the 300 feet of frontage on 19th Street. This much potential pedestrian, bike, truck and car conflict would create a hazardous pedestrian environment. Further, an additional berth on 19th Street would adversely affect the historic façade of the Tapscott Building and reduce the amount of retail space on 19<sup>th</sup> Street.

## RECOMMENDATION

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

Prepared by:

Planner III

Approved by:

ROBERT MERKAMP Development Planning Manager

Approved for forwarding to the City Planning Commission:

DARIN RANELLETTI, Deputy Director Bureau of Planning

**ATTACHMENTS:** 

A. Project PlansB. CEQA Analysis

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#### **FINDINGS FOR APPROVAL**

This proposal meets the required findings under Sections 17.136.050 -- General Design Review Criteria, 17.134.050 -- General Use Permit Criteria, 17.148.050 -- General Variance Criteria, Table 17.101G.04, Note 10 -- Use Permit Criteria for Exceptions to Height/Bulk/Intensity Area Standards in the LM Zones. Required findings are shown in **bold** type; explanations as to why these findings can be made are in *italic*.

## Section 17.136.050 Regular design review criteria.

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

The renovation of the Tapscott Building will preserve a highly rated historic building that relates to several historic buildings in the neighborhood. The massing of the tower is articulated as multiple smaller elements that further breaks down its scale. When viewed along Broadway, the north half of the tower is broken into a distinct base whose height and brick facade references the scale and material of the Tapscott building, while the tower portion is comprised of precast concrete "punched" openings that create texture to relate to many surrounding buildings in the neighborhood.

The south portion of the tower provides contrast from the northern part of the building, clad in a floor to ceiling glass window wall system with integrated vertical sunshades, reaching all the way down to the street level. The pattern of articulation creates a series of alternating heights, high and low, relating to the varying heights of other buildings on Broadway.

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

The renovation of the Tapscott Building preserves an important and prominent historic structure in the neighborhood. High density development near the 19<sup>th</sup> Street BART Station and AC Transit bus lines enhances the transit oriented development character of the neighborhood. Double height commercial spaces, outdoor seating, and attractive commercial bays will enhance the ground floor storefront character on Broadway. Views of the Oakland Hills and Jack London Square will be preserved through narrow north and south building elevations.

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

There is no significant topography or landscape on the project site.

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.

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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.

The project conforms to the General Plan as described in the <u>General Plan Analysis</u> section of this report.

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

The only proposed nonresidential facilities are the ground floor commercial spaces of the tower and the Tapscott Building. These facilities will enhance the ground floor storefront character on Broadway through the use of double height floors, columns, outdoor seating, high quality and durable materials, and prominent bases.

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

The proposal will protect the value of investments in the area by providing attractive commercial spaces to Broadway.

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

The project conforms to the General Plan as described in the <u>General Plan Analysis</u> section of this report.

## 17.134.050 General Use Permit criteria.

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

A high-rise tower at this location will be compatible with the surrounding properties for the following reasons:

FINDINGS

## Oakland City Planning Commission Case File Number: PLN15-179

- The proposal will bring residents who will shop and eat at nearby businesses, increase AC Transit and BART ridership, and bring a 24-hour presence to downtown;
- > The mass and height of the building is appropriate for a regional downtown center;
- The design successfully reduces the scale of the building to relate to other buildings on Broadway (see "Project Description", above);
- Views of the Oakland Hills and Jack London Square will be preserved through narrow north and south building elevations;
- A 20-foot wide outdoor courtyard would be created between the new construction and the Tapscott Building, creating an appropriate visual separation between the new and historic developments;
- According to the CEQA analysis accompanying the application (see Attachment B), the project will not result in a significant traffic impact at nearby intersections;
- Vehicular and loading access into the site would be from 19th Street, which allows Broadway, the site's primary pedestrian and primary frontage, to be free of curb cuts and potential conflicts between pedestrians, bikes, and cars.
- The proposed size of the loading birth (15 feet wide and 25 feet deep) will be large enough to accommodate a moving truck sufficient to serve the apartments proposed for the project.

# 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 residents will have convenient access to the podium structure, which will contain both parking spaces and rooftop open space. Further, commercial and residential construction will be placed to obscure the view of the parking podium from Broadway. 1900 Broadway is an ideal location for a high-rise tower because it is in the heart of Downtown Oakland, which is the regional center for the East Bay and a major hub for transit facilities.

The commercial spaces will be located at prominent locations at or near the Broadway and 19<sup>th</sup> Street right of ways. As described in the Design Review section, above, the proposal will be an attractive addition to the City's skyline.

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

The proposed high rise building contributes to the surrounding neighborhood as a regional center for the East Bay and a major hub for transit facilities. The ground floor commercial activities will contribute to the pedestrian retail environment on Broadway and the 345 residential units will contribute to businesses in the neighborhood and support transit use.

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

FINDINGS

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See Design Review Findings, above.

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 conforms to the General Plan as described in the <u>General Plan Analysis</u> section of this report.

## 17.148.050 Variance Findings required.

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

A Variance is requested to reduce the number of loading berths from one to two. Approving this Variance would preclude an effective design solution improving the operational efficiency and appearance of the project.

A loading berth on Broadway is inappropriate because it is the principal pedestrian street adjacent to the site. Placing a curb cut there to accommodate a loading berth would interrupt the pedestrian flow and create conflicts between trucks and bicycles and pedestrians.

An additional loading berth on 19th Street would also be problematic. There are currently 38 feet of curb cut required for the entrances to the proposed parking structure and loading berth on 19th Street. In addition, there are existing driveways on 19<sup>th</sup> Street just east of the property that serve the adjacent Kaiser parking garage that require approximately 70 feet of curb cuts. Adding an additional 15-foot curb cut for a loading birth would create a total of approximately 123 feet of curb cut along the 300 feet of frontage on 19th Street. This amount of curb cut would create a hazardous pedestrian environment. Further, additional curb cuts on 19th Street would adversely affect the historic façade of the Tapscott Building and reduce the amount of valuable retail space along 19th Street.

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

Strict compliance with the loading berth regulation would deprive the applicant of privileges enjoyed by owners of similarly zoned property because several buildings in Downtown have no loading births and the City has approved developments of a similar size without the required number of loading berths.

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

**FINDINGS** 

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As conditioned, residents and tenants of the building will be required schedule the use of the loading birth to prevent street blockage.

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

As mentioned, other Downtown buildings have received Variances for the reduction of required loading berths. Also, granting the Variance to improve the appearance of the Tapscott Building and increase pedestrian and bike safety are consistent with the purposes of the zoning regulations.

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

Not requiring the additional loading berth will improve the appearance of the project by preserving the façade of the historic Tapscott Building.

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 have been adopted by the Planning Commission or City Council.

The project conforms to the General Plan as described in the <u>General Plan Analysis</u> section of this report.

FINDINGS

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#### CONDITIONS OF APPROVAL

## 1. Approved Use

#### Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report, and the plans dated and submitted 6/2/15, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.
- b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: Approval of Conditional Use Permits, Variances, and Design Review for the construction of a 33-story building with 345 units and ground floor commercial facilities.

## 2. Effective Date, Expiration, Extensions and Extinguishment Ongoing

Unless a different termination date is prescribed, this Approval shall expire two years from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

## 3. Scope of This Approval; Major and Minor Changes

## Ongoing

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

## 4. Conformance with other Requirements

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

a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval 3.

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a) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

## 5. <u>Conformance to Approved Plans; Modification of Conditions or Revocation</u> Ongoing

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, Conditions or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Conditions of Approval.

## 6. Signed Copy of the Conditions

## With submittal of a demolition, grading, and building permit

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

## 7. Indemnification

## Ongoing

a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect)action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

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

## 8. Compliance with Conditions of Approval

## Ongoing

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

## 9. Severability

## Ongoing

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

## 10. Job Site Plans

## Ongoing throughout demolition, grading, and/or construction

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

## 11. <u>Special Inspector/Inspections, Independent Technical Review, Project Coordination</u> <u>and Management</u>

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

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

## 12. <u>Required Landscape Plan for New Construction and Certain Additions to Residential</u> <u>Facilities</u>

## Prior to issuance of a building permit

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

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

## 13. Landscape Requirements for Street Frontages.

## Prior to issuance of a final inspection of the building permit

- a) All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning.
- b) In addition to the general landscaping requirements set forth in Chapter 17.124, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 <sup>1</sup>/<sub>2</sub>) feet, the trees to be provided shall include street trees to the satisfaction of the Director of Parks and Recreation.

## 14. Assurance of Landscaping Completion.

## Prior to issuance of a final inspection of the building permit

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

## 15. Landscape Requirements for Street Frontages.

## Prior to issuance of a final inspection of the building permit

On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6  $\frac{1}{2}$ ) feet and does not interfere with access requirements, a minimum of one (1) twenty-four (24) inch box tree shall be provided for

every twenty-five (25) feet of street frontage, unless a smaller size is recommended by the City arborist. The trees to be provided shall include species acceptable to the Tree Services Division.

## 16. Landscape Maintenance.

#### Ongoing

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. All required irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

#### 17. Underground Utilities

## Prior to issuance of a building permit

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

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

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

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

## 19. <u>Improvements in the Public Right-of Way (Specific)</u> Approved prior to the issuance of a grading or building permit

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

- a) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- b) Reconstruct drainage facility to current City standards.
- c) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- d) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards.
- e) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage.
- f) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.

## 20. Payment for Public Improvements

## Prior to issuance of a final inspection of the building permit.

The project applicant shall pay for and install public improvements made necessary by the project including damage caused by construction activity.

## 21. Compliance Matrix

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

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

## 22. Construction Management Plan

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

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

## 23. Parking and Transportation Demand Management

Prior to issuance of a final inspection of the building permit.

The applicant shall submit for review and approval by the Planning and Zoning Division a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The applicant shall implement the approved TDM plan. The TDM shall include strategies to increase bicycle, pedestrian, transit,

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and carpools/vanpool use. All four modes of travel shall be considered. Strategies to consider include the following:

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

## 24. <u>Construction-Related Air Pollution Controls (Dust and Equipment Emissions)</u> Ongoing throughout demolition, grading, and/or construction

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

- a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- e) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).

f) Limit vehicle speeds on unpaved roads to 15 miles per hour.

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- g) Idling times shall be minimized either by shutting equipment off when not is use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.
- h) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required onsite signage.
- j) All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
- k) All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.
- 1) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- m) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).
- n) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.
- o) Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind blown dust. Wind breaks must have a maximum 50 percent air porosity.
- p) Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- q) The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- r) All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- s) Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.
- t) Minimize the idling time of diesel-powered construction equipment to two minutes.
- u) The project applicant shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate matter (PM) reduction compared to the most recent California Air Resources Board (CARB) fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative

fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as they become available.

- v) Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).
- w) All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.
- x) Off-road heavy diesel engines shall meet the CARB's most recent certification standard.

## 25. Days/Hours of Construction Operation

## Ongoing throughout demolition, grading, and/or construction

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

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.
- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
  - i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
  - ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction activity shall take place on Sundays or Federal holidays.
- f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.
- g) Applicant shall use temporary power poles instead of generators where feasible.

## 26. Noise Control

Ongoing throughout demolition, grading, and/or construction

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

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

## 27. Noise Complaint Procedures

## Ongoing throughout demolition, grading, and/or construction

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

- a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);
- b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);
- c) The designation of an on-site construction complaint and enforcement manager for the project;
- d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and
- e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices

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(including construction hours, neighborhood notification, posted signs, etc.) are completed.

## 28. Interior Noise

## Prior to issuance of a building permit and Certificate of Occupancy

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

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

#### 29. Operational Noise-General

## Ongoing

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

## 30. Construction Traffic and Parking

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

The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during

construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:

- a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.
- d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.
- e) Provision for accommodation of pedestrian flow.
- f) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.
- g) Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy.
- h) Any heavy equipment brought to the construction site shall be transported by truck, where feasible.
- i) No materials or equipment shall be stored on the traveled roadway at any time.
- j) Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.
- k) All equipment shall be equipped with mufflers.
- Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.

## 31. Hazards Best Management Practices

## Prior to commencement of demolition, grading, or construction

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

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- a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;
- b) Avoid overtopping construction equipment fuel gas tanks;
- c) During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d) Properly dispose of discarded containers of fuels and other chemicals.
- e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.
- f) If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

## 32. Waste Reduction and Recycling

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

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

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

## Ongoing

The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be in implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be

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re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.

## 33. Pile Driving and Other Extreme Noise Generators

## Ongoing throughout demolition, grading, and/or construction

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

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

#### 34. Lighting Plan

## Prior to the issuance of an electrical or building permit

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

## 35. Archaeological Resources

Ongoing throughout demolition, grading, and/or construction

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

#### 36. Human Remains

#### Ongoing throughout demolition, grading, and/or construction

In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

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## 37. Paleontological Resources

## Ongoing throughout demolition, grading, and/or construction

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

#### 38. Erosion and Sedimentation Control Plan

## Prior to any grading activities

a) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.660 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

## Ongoing throughout grading and construction activities

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

## 39. Post-Construction Stormwater Management Plan

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

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

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

- a) The post-construction stormwater management plan shall include and identify the following:
  - i. All proposed impervious surface on the site;
  - ii. Anticipated directional flows of on-site stormwater runoff; and
  - iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and
  - iv. Source control measures to limit the potential for stormwater pollution;
  - v. Stormwater treatment measures to remove pollutants from stormwater runoff; and
  - vi. Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit.
- b) The following additional information shall be submitted with the post-construction stormwater management plan:
  - i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
  - ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e. non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable or removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.

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

## Prior to final permit inspection

The applicant shall implement the approved stormwater management plan.

## 40. Maintenance Agreement for Stormwater Treatment Measures

## Prior to final zoning inspection

For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:

a) The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment
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measures being incorporated into the project until the responsibility is legally transferred to another entity; and

b) Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.

### 41. Stormwater and Sewer

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

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

### 42. <u>Exposure to Air Pollution (Toxic Air Contaminants: Particulate Matter)</u> Prior to issuance of a demolition, grading, or building permit

- A. Indoor Air Quality: In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential health risk due to exposure to diesel particulate matter to achieve an acceptable interior air quality level for sensitive receptors. The appropriate measures shall include <u>one</u> of the following methods:
  - The project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air polluters prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning and Zoning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.
  - 2) The applicant shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project

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construction plans. These features shall be submitted to the Planning and Zoning Division and the Building Services Division for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the project.

- i. Redesign the site layout to locate sensitive receptors as far as possible from any freeways, major roadways, or other sources of air pollution (e.g., loading docks, parking lots).
- ii. Do not locate sensitive receptors near distribution center's entry and exit points.
- iii. Incorporate tiered plantings of trees (redwood, deodar cedar, live oak, and/or oleander) to the maximum extent feasible between the sources of pollution and the sensitive receptors.
- iv. Install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual residential unit, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters shall be used.
- v. Retain a qualified HV consultant or HERS rater during the design phase of the project to locate the HV system based on exposure modeling from the pollutant sources.
- vi. Install indoor air quality monitoring units in buildings.
- vii. Project applicant shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and the maintenance and replacement schedule. This manual shall be included in the CC&Rs for residential projects and distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HV system and the filters.
- B. Outdoor Air Quality: To the maximum extent practicable, individual and common exterior open space, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.

### 43. <u>Exposure to Air Pollution (Toxic Air Contaminants: Gaseous Emissions)</u> Prior to issuance of a demolition, grading, or building permit

A. Indoor Air Quality: In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential risk due to exposure to toxic air contaminants to achieve an acceptable interior air quality level for sensitive receptors. The project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air polluters prior to

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issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning and Zoning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.

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

#### 44. Bird Collision Reduction

## Prior to issuance of a building permit and ongoing

- A. The project applicant, or his or her successor, including the building manager or homeowners' association, shall submit plans to the Planning and Zoning Division, for review and approval, indicating how they intend to reduce potential bird collisions to the maximum feasible extent. The applicant shall implement the approved plan, including all mandatory measures, as well as applicable and specific project Best Management Practice (BMP) strategies to reduce bird strike impacts to the maximum feasible extent.
  - 1. Mandatory measures include all of the following:
    - i. Comply with federal aviation safety regulations for large buildings by installing minimum intensity white strobe lighting with three second flash instead of blinking red or rotating lights.
    - ii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures.
    - iii. Monopole structures or antennas shall not include guy wires.
    - iv. Avoid the use of mirrors in landscape design.
    - v. Avoid placement of bird-friendly attractants (i.e. landscaped areas, vegetated roofs, water features) near glass.
  - 2. Additional BMP strategies to consider include the following:
    - i. Make clear or reflective glass visible to birds using visual noise techniques. Examples include:
      - 1. Use of opaque or transparent glass in window panes instead of reflective glass.
      - 2. Uniformly cover the outside clear glass surface with patterns (e.g., dots, decals, images, abstract patterns). Patterns must be separated by a minimum 10 centimeters (cm).
      - 3. Apply striping on glass surface. If the striping is less than 2 cm wide it must be applied vertically at a maximum of 10 cm apart (or 1 cm wide strips at 5 cm distance).
      - 4. Install paned glass with fenestration patterns with vertical and horizontal mullions of 10 cm or less.
      - 5. Place decorative grilles or louvers with spacing of 10 cm or less.
      - 6. Apply one-way transparent film laminates to outside glass surface to make the window appear opaque on the outside.

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- 7. Install internal screens through non-reflective glass (as close to the glass as
  - possible) for birds to perceive windows as solid objects.
  - 8. Install windows which have the screen on the outside of the glass.
  - 9. Use UV-reflective glass. Most birds can see ultraviolet light, which is invisible to humans.
  - 10. If it is not possible to apply glass treatments to the entire building, the treatment should be applied to windows at the top of the surrounding tree canopy or the anticipated height of the surrounding vegetation at maturity.
- ii. Mute reflections in glass. Examples include:
  - 1. Angle glass panes toward ground or sky so that the reflection is not in a direct line-of-sight (minimum angle of 20 degrees with optimum angle of 40 degrees).
  - 2. Awnings, overhangs, and sunshades provide birds a visual indication of a barrier and may reduce image reflections on glass, but do not entirely eliminate reflections.
- iii. Reduce Light Pollution. Examples include:
  - 1. Turn off all unnecessary interior lights from 11 p.m. to sunrise.
  - 2. Install motion-sensitive lighting in lobbies, work stations, walkways, and corridors, or any area visible from the exterior and retrofitting operation systems that automatically turn lights off during after-work hours.
  - 3. Reduce perimeter lighting whenever possible.
- iv. Institute a building operation and management manual that promotes bird safety. Example text in the manual includes:
  - 1. Donation of discovered dead bird specimens to authorized bird
  - conservation organization or museums to aid in species identification and to benefit scientific study, as per all federal, state and local laws.
  - 2. Production of educational materials on bird-safe practices for the building occupants.
  - 3. Asking employees to turn off task lighting at their work stations and draw office blinds or curtains at end of work day.
  - 4. Schedule nightly maintenance during the day or to conclude before 11 p.m., if possible.

### 45. Greenhouse Gas (GHG) Reduction Plan

# Prior to issuance of a construction-related permit and ongoing as specified

The project applicant shall retain a qualified air quality consultant to develop a Greenhouse Gas (GHG) Reduction Plan for City review and approval. The applicant shall implement the approved GHG Reduction Plan.

The goal of the GHG Reduction Plan shall be to increase energy efficiency and reduce GHG emissions to below 1,100 metric tons of  $CO_{2e}$  per year or 4.6 metric tons of  $CO_{2e}$  per year per service population to help achieve the City's goal of reducing GHG emissions. The GHG Reduction Plan shall include, at a minimum, (a) a detailed GHG emissions inventory for the project under a "business-as-usual" scenario with no consideration of project design features, or other energy efficiencies, (b) an "adjusted" baseline GHG emissions inventory for the project, taking into consideration energy efficiencies included as part of the project (including

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the City's Standard Conditions of Approval, proposed mitigation measures, project design features, and other City requirements), (c) a comprehensive set of quantified <u>additional</u> GHG reduction measures available to further reduce GHG emissions beyond the adjusted GHG emissions, and (d) requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. If the project is to be constructed in phases, the GHG Reduction Plan shall provide GHG emission scenarios by phase.

Specifically, the applicant/sponsor shall adhere to the following:

a) **GHG Reduction Measures Program.** Prepare and submit to the City Planning Director or his/her designee for review and approval a GHG Reduction Plan that specifies and quantifies GHG reduction measures that the project will implement by phase.

Potential GHG reduction measures to be considered include, but are not be limited to, measures recommended in BAAQMD's latest CEQA Air Quality Guidelines, the California Air Resources Board Scoping Plan (December 2008, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures Document (August 2010, as may be revised), the California Attorney General's website, and Reference Guides on Leadership in Energy and Environmental Design (LEED) published by the U.S. Green Building Council.

The proposed GHG reduction measures must be reviewed and approved by the City Planning Director or his/her designee. The types of allowable GHG reduction measures include the following (listed in order of City preference): (1) physical design features; (2) operational features; and (3) the payment of fees to fund GHG-reducing programs (i.e., the purchase of "offset carbon credits," pursuant to item "b" below).

The allowable locations of the GHG reduction measures include the following (listed in order of City preference): (1) the project site; (2) off-site within the City of Oakland; (3) off-site within the San Francisco Bay Area Air Basin; (4) off-site within the State of California; then (5) elsewhere in the United States.

b) Offset Carbon Credits Guidelines. For GHG reduction measures involving the purchase of offset carbon credits, evidence of the payment/purchase shall be submitted to the City Planning Director or his/her designee for review and approval prior to completion of the project (or prior to completion of the project phase, if the project includes more one phase).

As with preferred locations for the implementation of all GHG reductions measures, the preference for offset carbon credit purchases include those that can be achieved as follows (listed in order of City preference): (1) within the City of Oakland; (2) within the San Francisco Bay Area Air Basin; (3) within the State of California; then (4) elsewhere in the United States. The cost of offset carbon credit purchases shall be based on current market value at the time purchased and shall be based on the Project's operational emissions estimated in the GHG Reduction Plan or subsequent approved emissions

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inventory, which may result in emissions that are higher or lower than those estimated in the GHG Reduction Plan.

c) *Plan Implementation and Documentation.* For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits. For operational GHG reduction measures to be incorporated into the project, the measures shall be implemented on an indefinite and ongoing basis beginning at the time of project completion (or at the completion of the project phase for phased projects).

For physical GHG reduction measures to be incorporated into off-site projects, the measures shall be included on drawings and submitted to the City Planning Director or his/her designee for review and approval and then installed prior to completion of the subject project (or prior to completion of the project phase for phased projects). For operational GHG reduction measures to be incorporated into off-site projects, the measures shall be implemented on an indefinite and ongoing basis beginning at the time of completion of the subject project (or at the completion of the project phase for phase for phased projects).

d) Compliance, Monitoring and Reporting. Upon City review and approval of the GHG Reduction Plan program by phase, the applicant/sponsor shall satisfy the following requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. The GHG Reduction Plan requires regular periodic evaluation over the life of the Project (generally estimated to be at least 40 years) to determine how the Plan is achieving required GHG emissions reductions over time, as well as the efficacy of the specific additional GHG reduction measures identified in the Plan.

Implementation of the GHG reduction measures and related requirements shall be ensured through the project applicant/sponsor's compliance with Conditions of Approval adopted for the project. Generally, starting two years after the City issues the first Certificate of Occupancy for the project, the project applicant/sponsor shall prepare each year of the useful life of the project an Annual GHG Emissions Reduction Report (Annual Report), subject to the City Planning Director or his/her designee for review and approval. The Annual Report shall be submitted to an independent reviewer of the City Planning Director's or his/her designee's choosing, to be paid for by the project applicant/sponsor (see *Funding*, below), within two months of the anniversary of the Certificate of Occupancy.

The Annual Report shall summarize the project's implementation of GHG reduction measures over the preceding year, intended upcoming changes, compliance with the conditions of the Plan, and include a brief summary of the previous year's Annual Report results (starting the second year). The Annual Report shall include a comparison of annual project emissions to the baseline emissions reported in the GHG Plan.

The GHG Reduction Plan shall be considered fully attained when project emissions are less than either applicable numeric BAAQMD CEQA Thresholds, as confirmed by the City Planning Director or his/her designee through an established monitoring program. Monitoring and reporting activities will continue at the City's discretion, as discussed below.

- e) *Funding.* Within two months after the Certificate of Occupancy, the project applicant/sponsor shall fund an escrow-type account or endowment fund to be used exclusively for preparation of Annual Reports and review and evaluation by the City Planning Director or his/her designee, or its selected peer reviewers. The escrow-type account shall be initially funded by the project applicant/sponsor in an amount determined by the City Planning Director or his/her designee and shall be replenished by the project applicant/sponsor so that the amount does not fall below an amount determined by the City Planning Director or his/her designee. The mechanism of this account shall be mutually agreed upon by the project applicant/sponsor and the City Planning Director or his/her designee, including the ability of the City to access the funds if the project applicant/sponsor is not complying with the GHG Reduction Plan requirements, and/or to reimburse the City for its monitoring and enforcement costs.
- f) *Corrective Procedure.* If the third Annual Report, or any report thereafter, indicates that, in spite of the implementation of the GHG Reduction Plan, the project is not achieving the GHG reduction goal, the project applicant/sponsor shall prepare a report for City review and approval, which proposes additional or revised GHG measures to better achieve the GHG emissions reduction goals, including without limitation, a discussion on the feasibility and effectiveness of the menu of other additional measures (Corrective GHG Action Plan). The project applicant/sponsor shall then implement the approved Corrective GHG Action Plan.

If, one year after the Corrective GHG Action Plan is implemented, the required GHG emissions reduction target is still not being achieved, or if the project applicant/owner fails to submit a report at the times described above, or if the reports do not meet City requirements outlined above, the City Planning Director or his/her designee may, in addition to its other remedies, (a) assess the project applicant/sponsor a financial penalty based upon actual percentage reduction in GHG emissions as compared to the percent reduction in GHG emissions established in the GHG Reduction Plan; or (b) refer the matter to the City Planning Commission for scheduling of a compliance hearing to determine whether the project's approvals should be revoked, altered or additional conditions of approval imposed.

The penalty as described in (a) above shall be determined by the City Planning Director or his/her designee and be commensurate with the percentage GHG emissions reduction not achieved (compared to the applicable numeric significance thresholds) or required percentage reduction from the "adjusted" baseline.

In determining whether a financial penalty or other remedy is appropriate, the City shall not impose a penalty if the project applicant/sponsor has made a good faith effort to comply with the GHG Reduction Plan.

The City would only have the ability to impose a monetary penalty after a reasonable cure period and in accordance with the enforcement process outlined in Planning Code Chapter 17.152. If a financial penalty is imposed, such penalty sums shall be used by the City solely toward the implementation of the GHG Reduction Plan.

- g) *Timeline Discretion and Summary*. The City Planning Director or his/her designee shall have the discretion to reasonably modify the timing of reporting, with reasonable notice and opportunity to comment by the applicant, to coincide with other related monitoring and reporting required for the project.
  - Fund Escrow-type Account for City Review: Certificate of Occupancy plus 2 months
  - Submit Baseline Inventory of "Actual Adjusted Emissions": Certificate of Occupancy plus 1 year
  - Submit Annual Report #1: Certificate of Occupancy plus 2 years
  - Submit Corrective GHG Action Plan (if needed): Certificate of Occupancy plus 4 years (based on findings of Annual Report #3)
  - *Post Attainment Annual Reports*: Minimum every 3 years and at the City Planning Director's or his/her designee's reasonable discretion

### 46. Bird Collision Reduction

# Prior to issuance of a building permit and ongoing

The project applicant, or his or her successor, including the building manager or homeowners' association, shall submit plans to the Planning and Zoning Division, for review and approval, indicating how they intend to reduce potential bird collisions to the maximum feasible extent. The applicant shall implement the approved plan, including all mandatory measures, as well as applicable and specific project Best Management Practice (BMP) strategies to reduce bird strike impacts to the maximum feasible extent.

a) Mandatory measures include <u>all</u> of the following:

- vi. Comply with federal aviation safety regulations for large buildings by installing minimum intensity white strobe lighting with three second flash instead of blinking red or rotating lights.
- vii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures.
- viii. Monopole structures or antennas shall not include guy wires.
- ix. Avoid the use of mirrors in landscape design.
- x. Avoid placement of bird-friendly attractants (i.e. landscaped areas, vegetated roofs, water features) near glass.

b) Additional BMP strategies to consider include the following:

- ii. Make clear or reflective glass visible to birds using visual noise techniques. Examples include:
  - 1. Use of opaque or transparent glass in window panes instead of reflective glass.

### **Oakland City Planning Commission**

Case File Number: PLN15-179

- 2. Uniformly cover the outside clear glass surface with patterns (e.g., dots, decals, images, abstract patterns). Patterns must be separated by a minimum 10 centimeters (cm).
- 3. Apply striping on glass surface.

#### 47. Public Art

### Prior to Issuance of Occupancy Permit

This project is subject to the City's Public Art for Private Development Ordinance No. 13275 C.M.S. ("Ordinance"). As a mixed-use project, the public art oblication is equivalent to one percent of the total building valuation for the nonresidential portion of the project and one-half percent for the residential portion of the project, as required by the Ordinance. The contribution requirement can be met through the commission or acquisition of public accessible art on the development site, payment of an in-lieu contribution to the City's established public art fund, or satisfaction of alternative compliance methods as described in the Ordinance. The applicant shall provide proof of full payment of the in lieu contribution or provide proof of full payment of the in lieu contribution of artwork on the development site prior to the City's issuance of a final certificate of occupancy for each Phase, unless a separate, legal binding instrument is executed ensuring complaince within a timeley manner, subject to City approval. On-site art installation shall be designed by independent artists, or artist working in conjunction with arts or community organizations, that are verified by the City or either hold a valid Oakland business license and/or be an Oakland-based 501(c)(3) tax designated organization in good standing.

#### 48. Loading Berth

#### Ongoing

The management of the building shall require tenants and residents of the building to reserve use of the loading birth to prevent the double parking of a second delivery vehicle.

ATTACHMENT A



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CITY OF OAKLAND BUREAU OF PLANNING - ZONING DIVISION 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031 Phone: 510-238-3911 Fax: 510-238-4730

## PLANNING APPROVAL EXTENSION LETTER

July 24, 2017

Seth Hamalian 410 China Basin Street San Francisco, CA 94158

**RE: Extension of Planning Permit Approval** 

Case File No.: PLN15179 Project Address: 1900 – 1944 Broadway Assessor's Parcel Nos: 008-0638-005-00, 008-0638-006-03, and 008-0638-007-10 Original Planning Approval Date: August 5, 2015 Current Expiration Date: August 5, 2017

Dear Ms. Hamalian:

The above referenced permit(s) currently has an expiration date of August 5, 2017. Pursuant to your recent request, the Planning Permit(s) referenced above are hereby extended to August 5, 2018.

To maintain the validity of planning permits, projects should receive building permits or a license to operate, as applicable, by August 5, 2018, unless further extensions are available and granted prior to that date.

Administrative determinations and interpretations shall be subject to the appeal provisions of Oakland Municipal Code Chapter 17.132 (Administrative Appeal Procedure).

In addition, extended projects shall be subject to, and pursuant to your request you (as owner/developer) agree to and pay applicable development impact fees that were adopted by the City Council unless a vested right is obtained prior to the impact fee adoption date and such project is diligently pursued toward completion, as reasonably determined by the Planning Director or designee.

Please do not hesitate to contact me at <u>ngray@oaklandnet.com</u> or by phone at (510) 238-3878 should you have any questions.

Sincerely Neil Grav Planner IV

cc: Matthew Combrink, 928 Carlton Street, Berkeley, CA 94710

Attachment B

APPLICATION FOR DEVELOPMENT REVIEW 1 m or 4.00 **1900 BROADWAY** TOTAL FLOOR AREA: DWELLING UNITS: TOTAL PARKING AREA: PARKING SPACES: STAT NITE LEADENER AND COLUMN LLC NITE LEADENER AND NOR COMUNED, CA MAIL COMUNED, CA MAIL COMUNED, CA MAIL COMUNED, CA MAIL TOTAL LOT AREA: VICINITY MAP PROJECT DATA PROJECT DIRECTORY APN: ZONING: COMPREHENSIVE PL PROPOSED MIXED U OCCUPANCY GROUP PROJECT DESCRIPTION LOT INFORMATION CONSTRUCTION TYPE DENCIFIANCE DESTINCTORES FOR COMERCIA, BILLING CONSTRUCT FOR SECTION FOR SECTION AND SET FINANCE. DENCIFIANCE EXTINS SUBJECT FINANCE OF FINANCE CALLER TO SECTION EXTINCT SUBJECT FOR SECTION SECTION FOR SECTION FOR SECTION FOR SECTION FOR SECTION SECTION FOR SECTION FOR SECTION FOR SECTION FOR SECTION SECTION FOR SECTION FOR SECTION FOR SECTION FOR SECTION SECTION FOR SECTION FOR SECTION FOR SECTION FOR SECTION SECTION FOR SECTION FOR SECTION FOR SECTION FOR SECTION SECTION FOR FOR SECTION FOR FOR SECTION FOR SECTION FOR FOR SECTION FOR FOR SECTION FOR SECTION FOR SECTION FOR SECTION FOR SECTION FOR FOR SECTION FOR FOR SECTION FOR SECTION FOR FOR SECTION FOR FOR SECTION FOR FOR SECT PRECASI CONVERTE LE VENANTA DE LA CONCRETE A STORY BULCING CLACONICITON EXISTING BRECKAND CONCRETE A STORY BULCING RECONCITON EXISTING BRECKAND CONCRETE A STORY BULCING INCLUDING FACADE INCOLOGICATIONS Contraction of the second s ADDING ON CONTINUES 596 440 SQ.FT. 451 117 699 SQ.FT 338 40,574 50,77, ACDAS, 5-536-5,16-038-7-10 CDDD DREGOVIL COMMUNITY COMMERCIA DREGAVIL COMMUNITY, RESIDENTIAL E (COMMERCIAL) RESIDENTIAL RESIDENTIAL MARINO CARAGE) NES AND A CALFORNIA BUD GENERAL (G023) (G023) (G024) (G023) (G024) (G024) (G024) (G024) (G024) (G024) (G025) (G025) (G025) (G025) (G025) (G025) (G027) ( ARCHI A1.1 A2.1 A2.2 A2.3 A2.10 A2.20 A2.34 A2,9 A2.8 A2.4 A2.5 A2.6 A2.7 L4.0 13.0 52 SHEET INDEX OVERALL LEVEL 36 FLOOR PLAN ROOF PLAN BEDROOM UNITS AND STUDIOS OVERALL LEVEL 3 FLOOR PLAN OVERALL LEVEL 4 FLOOR PLAN OVERALL LEVEL 5 FLOOR PLAN EXISTING / DEMO SITE PLAN SITE PLAN OVERALL LEVEL 1 FLOOR PLAN OVERALL LEVEL 1 FLOOR OVERALL LEVEL 2 FLOOR PLAN OVERALL PLANTING STH FLOOR ROOF GARDEN PLANTING PLAN OUTDOOR RESTAURANT PLANTING PLAN HARDSCAPE MATERIAL MAGES PLANT MATERIAL TOPOGRAPHC SURVEY STE AND GRADING PLAN STE AND GRADING PLAN EROSION CONTROL PLAN EROSION CONTROL PLAN STORMMATER MANAGEMENT PLAN PROJECT DATA PROJECT DATA STIE FROTOGRADHIS SITE FROTOGRADHIS SITE FROTOGRADHIS SITE ON CHECKLIST GREEN BUILDING CHECKLIST GREEN BUILDING CHECKLIST MATERAL BOARD 20 VIEWS-STREET VIEWS 20 VIEWS-STREET VIEWS LEVEL 6 LANDSCAPE SITE PLAN GROUND LEVEL LANDSCAPE SITE PLAN SITE PLAN RESTAUTANT LANDSCAPE PLAN LEVEL 1 FLOOR PLAN AREA A OVERALL LEVEL 7-35 FLOOF PLAN OVERALL LEVEL 6 FLOOR PLAN GROUND FLOOR LANDSCAPE A3,12 A3.10 A3.8 A3.9 A3.6 A3.7 A3.14 A3.15 A3.16 A3.13 A3.11 A2.35 A2.36 A2.31 LINEL IN FLOOR PLANNEER PLANNEER EVEL NEEZANNE FLOOR EVEL PLOOR PLANNEER LINEL PLOOR PLANNEER BUILDING SECTION BUILDING SECTION BUILDING SECTION UGHTING PLAN-LEVEL 6 UGHTING PLAN-LEVEL 36 WEST ELEVATION EAST ELEVATION SOUTH ELEVATION NLARGED ELEVATION / WALL ECTIONS NLARGED ELEVATION / WALL ECTIONS LARGED ELEVATION / WALL STIONS DRTH ELEVATION ILARGED ELEVATION / WALL ICTIONS LARGED ELEVATION / WALL ARGED ELEVATION / WALL ARGED ELEVATION / WALL TIONS RGED ELEVATION / WALL RGED ELEVATION / WALL PROJECT LOCATION 1900 BROADWAY AVENUE OWKLAND, CA 546 12 **\_\_\_\_**\*\*\* brick. planning commission scale: es noted data: 06.02.15 project number; 1 1900 broadway ARCHITECT brick. To 1265 66th street, suite 1 eneryville, cs \$4608 510,516,0167 strev.brick.tp, com TITLE SHEET v date A CURIS 12/17/2015 entitions Issue 1204 GO.1

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BUILDING SECTION LOOKING SOUTH ₽ MEZZANINE C LEVEL 8 O LEVEL 33 O LEVEL 36 0 LEVEL 3 O LEVEL 7 O LEVEL 24 233 - 8 O LEVEL 25 O LEVEL 29 282 - 0 O 1545 30 Sg-8-6 C LEVEL 23 224 - 0 O LEVEL 26 253 - 0 C LEVEL 28 O 474-31-O 111-0 32 S LEVEL 36 MEZZ 🗣 🔁 POQUA PARKING GARAGE RES, UNIT PES, UNIT FRES. UNIT ۴ ′₿ RES. UNIT RES. UNIT RES, UNIT RES, UNIT RES, UNIT RES, UNIT RES. UNIT RES. UNIT RES, UNIT RES, UNIT RES. UNIT RES. UNIT RES, UNT RES, UNIT RES, UNIT RES. UNIT RES, UNIT RES, UNIT RES, UNIT RES, UNIT Reven RES, UNIT RES. UNIT RES. UNIT RES. UNIT RES. UNIT RES. UNIT RES. UNIT RES. UNIT RES. UNIT RES, UNIT RES, UNIT RES, UNIT RES, UNIT RES. UNIT RES. UNIT RES. UNIT RES. UNIT RES. UNIT RES, UNIT RES, UNIT RES, UNIT RES. UN PIES, UNIT A RES. LINE RES. UNIT RES. UNIT RES. UNIT RES, UNIT RES. UNT RES, UNIT **BOX** RES. UNIT RES. UNIT RES. UNIT RES. UNIT RES, UNIT RES, UNIT RES, UNIT RES. UNIT RES, UNIT RES, UNIT RES. UNIT RES. UNIT RES. UNIT RES, UNIT **|**€ || レシト LEVEL EXISTING 4 🗣 🔁 ø Ï k LEVEL 0 - C  $K \parallel \parallel \parallel$ brick. planning BUILDING BUILDING ARCHIECT bridt, Ib 1265 66h street, suite 1 smeynelle, ca 94608 510,516,0167 www.bridt-lip.com 1900 broadway project number; 13-04 A3.15

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