

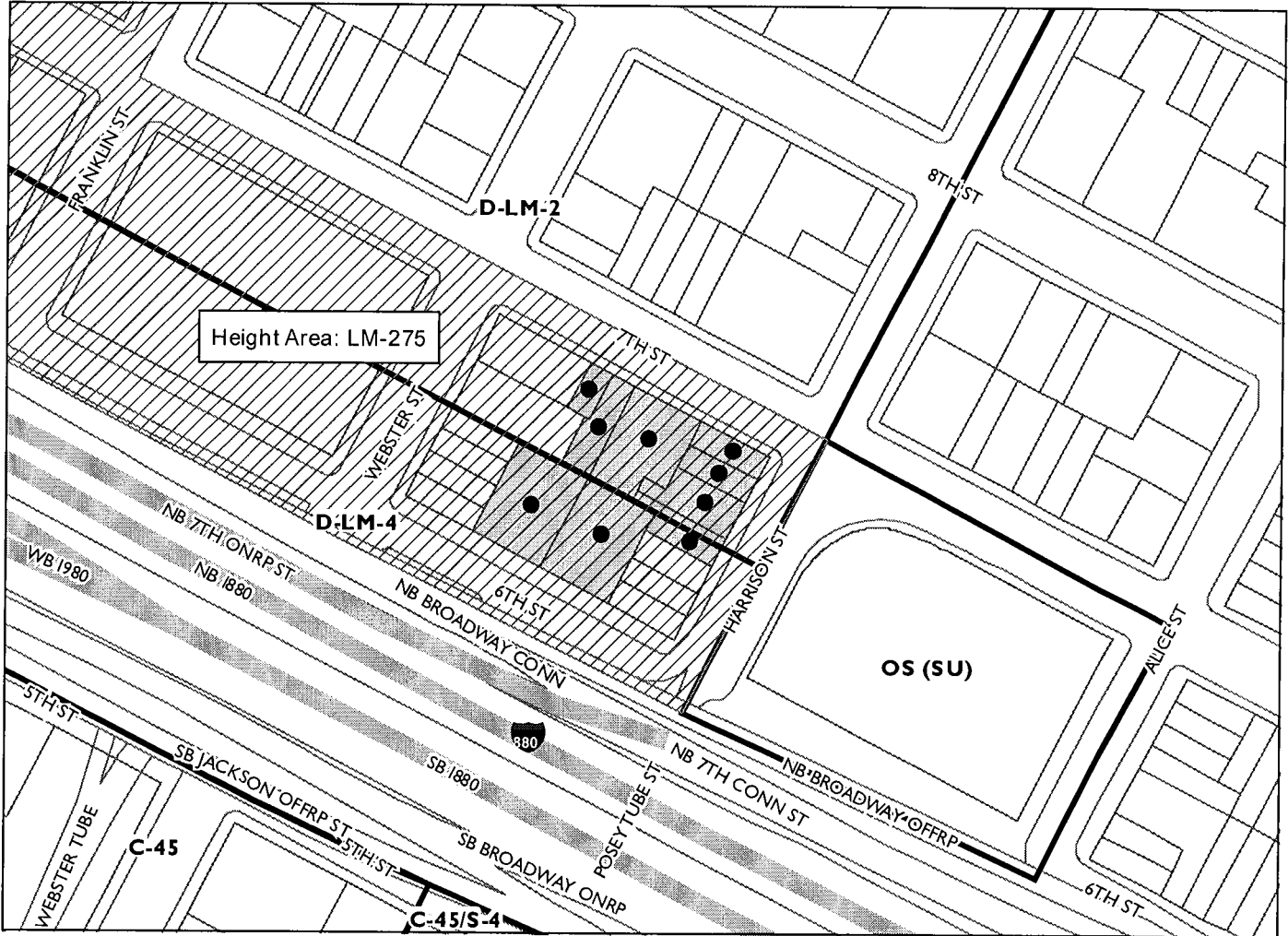
<b>Location:</b>	<b>325 7<sup>th</sup> Street</b>
<b>Assessors Parcel Number:</b>	<b>001-0189-003-00; 001-0189-009-00; 001-0189-013-00; 001-0189-014-01</b>
<b>Proposal:</b>	One Year Time Extension of the planning entitlements for previously-approved mixed-use 380-unit residential and 9,110 square feet of commercial space.
<b>Owner:</b>	325 7 <sup>th</sup> Street, LLC
<b>Applicant:</b>	325 7 <sup>th</sup> Street, LLC. (510)763-2911
<b>Case Number:</b>	<b>CMDV06-573</b>
<b>Planning Permits Required:</b>	Time Extension of the Major Conditional Use Permit for a large-scale development over 100,000 square feet of new floor area and one hundred twenty (120) feet in height; Interim Major Conditional Use Permit for a Floor Area Ratio (FAR) that exceeds zoning but consistent with the General Plan; Minor Variances for dimensions of parking spaces, dimensions of parking spaces against a column or other obstruction, tandem parking spaces and rear yard setback; and Major Design Review
<b>General Plan:</b>	Central Business District
<b>Zoning:</b>	D-LM 2 & D-LM 4 Lake Merritt Station Area District
<b>Environmental Determination:</b>	EIR (ER07-002) prepared for project; and Section 15183 of the CEQA Guidelines (projects consistent with a community plan, general plan, or zoning).
<b>Historic Status:</b>	Area of Primary Importance (API)
<b>Service Delivery District:</b>	Metro
<b>City Council District:</b>	2
<b>Status:</b>	Planning Commission approval on July 20, 2011. Entitlements extended through September 6, 2018.
<b>Staff Recommendation:</b>	Decision based on staff report
<b>Finality of Decision:</b>	Appealable to City Council within 10 days
<b>For Further Information:</b>	Contact case planner Maurice Brenyah-Addow at <b>(510) 238-6342</b> or by email at <a href="mailto:mbrenyah@oaklandnet.com">mbrenyah@oaklandnet.com</a>

## SUMMARY

The applicant for the 380-unit residential and 9,110 square-foot commercial mixed-use project at 325 7<sup>th</sup> Street is requesting an additional one year time extension of the entitlements originally approved by the Planning Commission on July 20, 2011 (**Attachment B**) and currently extended through September 6, 2018. This additional time extension is to enable the applicant to finalize design enhancements, obtain and incorporate the Design Review Committee's feedback, prepare construction drawings, and apply for building permits.

The Project applicant has taken advantage of the City Council and administrative options for extensions since the initial expiration date of July 20, 2013, and has filed for an additional one year time extension pursuant to the project's Conditions of Approval #2 that allows for the Project applicant to request for further extensions of the entitlements from the Planning Commission if an extension request is submitted prior to the expiration date.

# CITY OF OAKLAND PLANNING COMMISSION



Case File: CMDV06573  
Applicant: 325 7th Street, LLC  
Address: 325 7th Street  
Zone: D-LM 2 & D-LM 4  
Height Area: LM-275

Staff is supportive of the time extension because while development of the underutilized project site will provide needed residential units and retail space close to public transit in the downtown area of Oakland in conformance with the City's zoning and General Plan goals and policies, there doesn't seem to be enough time between now and September 2018 to finalize design enhancements, obtain and incorporate the Design Review Committee's feedback, prepare construction drawings, and apply for building permits.

## **BACKGROUND**

On July 20, 2011, the Oakland Planning Commission approved a Major Conditional Use Permit for a Large-Scale Development (over 100,000 square feet of new floor area, or a new building more than 120 feet in height); Interim Major Conditional Use Permit for a floor area ratio that exceeds zoning but is consistent with the General Plan; Minor Variances for the dimensions of parking spaces, tandem spaces, and rear yard setbacks; and Major Design Review for the construction of a 20- to 27-story mixed use building located at the boarder of the 7<sup>th</sup> Street/Harrison Square Residential District, a historic Area of Primary Importance (API) in Oakland. (*See Attachment B for associated Staff Report*).

From 2009 through 2015, the Oakland City Council passed Resolutions (81723, 83424, 83989, 84746 and 85305 C.M.S.) to allow automatic extensions of active land use entitlements due to the economic recession at that time. The Project applicant took advantage of the following Resolutions to extend their planning entitlements with details as follows:

Permit granted on July 20, 2011 for two years;  
City Council Resolution 83989 Extension 2013;  
City Council Resolution 84746 Extension 2014; and  
City Council Resolution 85305 Extension 2015.

After exhausting the Council Resolution in 2015, the applicant requested an administrative extension pursuant to project Condition of Approval #2, and the City granted it to extend the Project entitlements until December 31, 2016. On December 5, 2016, the Project applicant submitted a request to extend the project entitlement for one additional year to December 31, 2017. However, the Planning Commission granted an extension to the approval to September 6, 2018, which was one year from the public hearing date

## **CONCLUSION AND RECOMMENDATIONS**

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

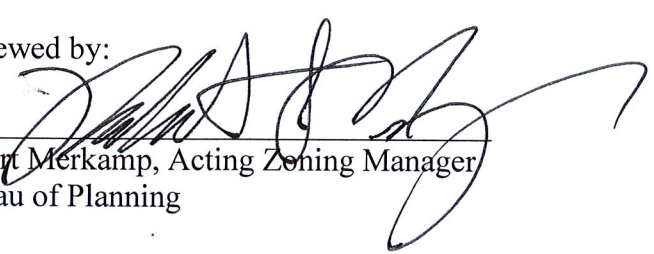
Therefore, staff recommends that the Planning Commission:

1. Grant a one-year extension of the current project approvals until September 6, 2018, subject to the previously approved Findings and Conditions of Approval, and the attached additional Condition of Approval regarding the imposition of impact fees.


Prepared by:

  
Maurice Brenyah-Addow, Planner III

Reviewed by:

  
Robert Merkamp, Acting Zoning Manager  
Bureau of Planning

Approved for forwarding to the Planning Commission:

  
Darin Ranelletti, Deputy Director  
Bureau of Planning

**ATTACHMENTS:**

- A. Applicants Extension Request
- B. July 21, 2011 Approval Letter;  
July 20, 2011 Staff Report; and  
October 12, 2017 Extension Letter



**BALCO**  
PROPERTIES

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January 17, 2018

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

Re: Case File CMDV06573; 325 7<sup>th</sup> Street – Extension of Entitlements

Dear Maurice:

The Conditional Use Permit and related entitlements granted by the City of Oakland pursuant to Case File CMDV05118 for the proposed development at 325 7<sup>th</sup> Street are scheduled to expire on September 6, 2018. For all the reasons outlined below, I am writing to request an extension of those entitlements for an additional year, or until September 6, 2019.

As you know, in 2016, we pursued an amendment to the entitlements that would have developed a mid-rise residential project on the site. A few weeks before the approval hearing on that amendment, we were approached by several potential development partners about constructing the original project. As we believe that the tower development is a superior option given the site's proximity to transit and downtown, prior to the September 6, 2017 hearing on the mid-rise project, we withdrew our amendment request and only requested an extension of the entitlements.

Since the September hearing, we have been diligently moving forward on the tower project-- identifying and engaging a development partner and working on a development plan and design for the tower site based on comments received from the Planning Commission. We still, however, have much work to do and even at this early stage know that we will need another extension. There simply is not enough time to finalize the design, obtain the necessary reviews, prepare construction drawings and obtain building permit issuance. For this reason, we would like to request a one (1) year extension of the entitlements to September 6, 2019. This extension is necessary to provide us and our development partner with the certainty needed to aggressively move forward with the tower project. It ensures that we are not at risk of having the underlying entitlements expire before building permits are issued.

Enclosed please find a check in the amount of \$1,678.31. I understand that this extension request will be subject to review and consideration by the Planning Commission under Condition of Approval 2. If there is any other information that you need to process this request, please let me know.

I want to thank you for your continued assistance on this project. I look forward to working with you on the entitlement extension process, which will allow us to complete the project soon.

2/21/18

Maurice Brenyah-Addow

January 17, 2018

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Sincerely,

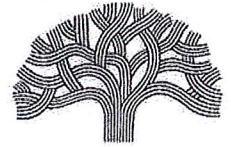
A handwritten signature in blue ink, appearing to read "Mollie Westphal", with a long horizontal flourish extending to the right.

Mollie Westphal

cc: Alexis M. Pelosi

Enclosure

# CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-2031

Community and Economic Development Agency  
Planning & Zoning Services Division

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

Sent via U.S. Mail and Electronic Mail

July 21, 2011

Mark McClure  
CALIFORNIA CAPITAL & INVESTMENT GROUP  
The Rotunda Building  
300 Frank Ogawa Plaza, Suite 340 | Oakland, CA 94612

**RE: Case File No. ER07-0002; CMDV06-573; 325-335 7th Street; 320-330 6th Street; 621-635 Harrison Street, (APN: 001-0189-005-00 through 001-0189-009-00; 001-0189-013-00 and 001-0189-014-01)**

Dear Mr. McClure:

The above application was **APPROVED** at the City Planning Commission meeting (by a 5-0 vote) on **July 21, 2011**. The Commission's action is indicated below. This action becomes final ten (10) days after the date of the announcement of the decision unless an appeal to the City Council is filed by **4:00 pm on August 1, 2011**

1. Adoption/approval of the CEQA Findings.
2. Approval of the Major Conditional Use Permit; Interim Major Conditional Use; Minor Variances; and Major Design Review for the Project subject to the attached findings, conditions of approval, and mitigation measures, including the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program.

If you, or any interested party, seeks to challenge this decision, an appeal **must** be filed by no later than ten calendar (10) days from the announcement of the decision by **4:00 pm on August 1, 2011**. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Heather Klein, Planner III**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein their decision is not supported by substantial evidence and must include payment of \$1,352.91 in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the City Planning Commission prior to the close of the City Planning Commission's public hearing on the matter.

If an Environmental Impact Report was prepared for the project, within five working days of the date of the announcement of the decision, you **must** record a Notice of Determination (NOD) and the Environmental Declaration with the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a total cost of \$2,889.25 made payable to the Alameda County Clerk. To record these documents, please take the original NOD related documents and four copies to the Alameda County Clerk, and return one date stamped copy to the Zoning Division, to the attention of **Heather Klein, Planner III**. Pursuant to Section 15075(e) of CEQA Guidelines, recordation of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA.

**FINDINGS FOR APPROVAL:**

The proposed project meets the required findings under Planning Code Section 17.134.50 (Conditional Use Permit Criteria), Section 17.148.050 (Minor Variances), Section 17.136.050 ((Residential Design Review findings, including the demolition of a local register properties that are not Landmarks or located in the S-7 or the S-20 zone and the additional design review criteria for higher residential density projects), Historic Preservation Element Policy 3.5 Historic Preservation and Discretionary Approval findings, and findings pursuant to California Environmental Quality Act (Pub. Res. Code section 21000 et seq; "CEQA") and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.). Required findings are shown in bold type; explanations as to why these findings can be made are in normal type. Required findings are also contained within other sections of this report and the entire administrative record, including the EIR.

**Section 17.134.050 (Interim Major Conditional Use Permit Criteria)**

A Major Conditional Use Permit is requested for a large-scale development over 100,000 sq. ft. of new floor area or more than 120 feet in height. The Project is also requesting an Interim Conditional Use Permit for a maximum FAR that exceeds the zoning regulations but is consistent with the General Plan. The project at 10.4 FAR is well under that allowed by the CBD (20 FAR). The findings below apply to both CUPs.

- 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.**

While the location, size, design, and characteristics of the proposed Project would be visibly different than the existing structures located in the surrounding area, the proposed project will not adversely affect the appropriate development of abutting properties or the surrounding area. Currently the existing uses consist of small 1-5 story warehouses and office buildings, parking lots, vacant lots, and 1-3 story residential structures. These low density/intensity uses are inconsistent with the General Plan which envisions a large-scale buildings and a much higher density/intensity in this area. Furthermore, the General Plan encourages the redevelopment of vacant lots, parking lots and underutilized buildings which up the majority of this block.

The proposed Project would also not affect the livability of abutting properties or the surrounding area. While the proposed Project is large, the proposed land uses (residential, office, retail) would be the same as the current uses on the block and the uses that would remain on adjacent parcels if the Project was constructed. Therefore, the Project would not be inconsistent or incompatible in terms of land use. The proposed Project would result in increased shadows and traffic on the residential and commercial buildings, but this would not affect overall livability. On the contrary the proposed Project and the addition of new residents would increase the number of visitors to the adjacent park, increase neighborhood serving commercial in this area, and support the Chinatown and Downtown economy.

Three of the parcels that make up the Project site are located in the 7<sup>th</sup> Street / Harrison Square Residential District API and the Project would demolish one of them. These structures are typically smaller 1-3 story residential buildings. However, the EIR concluded that construction of the proposed Project including the demolition of one of the historic structures, will not affect the historic status of the two remaining buildings and result in their removal from the historic district. Furthermore, the proposed Project would not adversely affect the district's API status or its ability to be eligible for the National Register of Historic Places.



The proposed Project meets Policy 1.3 which states that the unique character of Chinatown of Chinatown should be encouraged and supported. The Policy notes that Chinatown is a commercial destination point with a mixed-housing component, including high-rise residential. The Project is located at the edge of Chinatown near the I-880 freeway. Although the proposed architectural features need more design development, these features are meant to reflect and promote the Chinatown neighborhood. These features are intended to providing a "gateway" into the neighborhood and reconnect this area to the central Chinatown commercial area. The Project will construct a 380 unit housing development.

The Project will meet the Pedestrian and Bicycle Master Plan through compliance with the Conditions of Approval and Mitigation Measures including implementation of a Transportation Demand Management Program. Furthermore, staff has included several Recommended Conditions of Approval to install audible signals, pedestrian countdown signals, crosswalks, and install ADA compliant ramps with domes on the surrounding streets.

As detailed in the staff report, although the Project does not appear to fully meet the overall goals of the Historic Preservation Element (HPE) due to the demolition of the CEQA historic resource at 617-621 Harrison Street, the HPE does not mandate preserving the structure. The HPE does presents a broad strategy which seeks to promote preservation in a manner that is reasonably balanced with other concerns, City goals and objectives. The HPE uses specific objectives and policies to determine how the City will treat historic properties and achieve this balance. The proposed Project is consistent with the HPE policies that apply to it as detailed in the staff report and *Findings* section. In addition, all the General Plan Elements contain policies which may in some cases address different goals, policies and objectives and thus some policies may compete with each other. On balance, staff believes the Project is consistent with the General Plan because development of the Project will help achieve a twenty-four hour presence in the Downtown and enhance a sense of community, increase housing stock in the Chinatown neighborhood and within walking distance of Lake Merritt BART stations, and replace a parking lot and several underutilized buildings, with a high-density residential Project and ground floor commercial space.

In sum and as shown in the overall General Plan Analysis section, the Project is supported by numerous policies in the LUTE, OSCAR, and the Pedestrian Master Plan

#### Section 17.148.050(A) Minor Variance Findings

1. **That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or 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) *Dimensions of Parking Spaces:* Pursuant to Section 17.116.200, the dimensions of a regular parking space is 8 ½' wide by 18' long and the dimensions of a compact space is parking space is 7 ½' wide and 16' long. The proposed Project includes a mechanical parking lift system on the basement level and the two parking levels above the ground floor. The lift system provides 365 of the 399 spaces. These lifts have a dimension of 8'-7" wide and 17' long. Section 17.116.200 allows 50% of the required parking spaces to be compact spaces. Therefore, 183 spaces are deficient in length. The project is built directly to the property lines and, with the lift system, is maximizing the floor area for parking uses. Strict compliance would alter the appearance of the building. It would require the removal of units, the retail and office space and the community rooms or the addition of another parking level. Replacement of these activities would cause the building to be higher, and more bulky. In addition, the increase in the number of parking spaces would be inconsistent with the City's goals of promoting transit. Staff believes that a variance can be supported since the applicant will implement a parking management plan, include a statement that the parking space dimensions are deficient and encourage alternate means of travel though a transportation demand management program.

c) *Number of Tandem Parking Spaces:* Compliance with the regulations would preclude an effective design solution for the parking garage. The parking levels use a mechanical parking system in order to maximize the number of spaces per level within the limited confines of the parking structure, and the necessary ramps and maneuvering aisles. The lift system allows for each user to access their vehicle, independently from the others. The lift system meets the basic intent of the ordinance but the vehicles would be stacked above and behind other vehicles. Strict compliance would likely require removal of units, the retail and office space and the community rooms or the addition of another parking level. If another parking level was added, there would be more lift or regular parking spaces than the Project needs. The addition of extra parking spaces above what is required would promote parking and would be inconsistent with the intent of Oakland's transit and alternative travel policies.

d) *Rear Yard Setbacks:* Although the Project places units and habitable space in the rear yard setback, the overall intent of the regulations is to provide for light and air to the Project and neighboring units and to provide adequate open space. As detailed in Project elevations, there is adequate light and air to these units due to the windows facing the street and the courtyard. The location of these units within the rear setback would not preclude development from occurring on adjacent lots. In addition, a rear yard setback is generally required for open space for the units. However, in this case, open space is provided by the 4<sup>th</sup>, 18<sup>th</sup>, and 22<sup>nd</sup> level courtyards and private balconies. These areas provide more open space than the required per the zoning regulations.

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

a) *Dimensions of Parking Spaces:* The Variance request for the parking space length is an internal issue with the Project and will not affect the character, livability, or development of the adjacent parcels. Approval of the Variance will not be detrimental to the public welfare or adopted plans and policy. On the contrary increasing the number of parking spaces or promoting parking would be inconsistent with Oakland's policies encouraging transit, pedestrians and bicyclists.

b) *Parking Space Dimension when Adjacent to a Wall or other Obstruction and Maneuvering Aisle Width:* The variance for the width of parking spaces adjacent to walls or similar obstructions will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area. The variance will result in minor effects to the internal operations of the garage and will not be detrimental to the public welfare.

c) *Number of Tandem Parking Spaces:* The variance for the number of tandem spaces will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area or be detrimental to the public welfare or adopted plans and policy. The variance will result in minor effects to the internal operations of the garage and will not affect adjacent parcels. Denial of the variance would likely result in the removal of units, the retail and office space and the community rooms or the addition of another parking level. This would result in a less pedestrian oriented ground floor; or if another parking level was added, there would be more lift or regular parking spaces than the Project needs. The addition of extra parking spaces above what is required would promote parking and would be inconsistent with the intent of Oakland's transit and alternative travel policies.

d) *Rear Yard Setbacks:* The Variance for residential units in the rear yard setback will not be detrimental to the public welfare or contrary to adopted plans. There will be adequate light and air to these units as well as open space. The location of these units within the rear setback would not preclude similar development from occurring on adjacent lots.

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

5. That the proposed design conforms in all significant respects with the Oakland Comprehensive Plan and with any applicable district plan or development control map which has been adopted by City Council.

The proposed Project is consistent with the General Plan land use designation for the site, with Conditional Use Permit, and Variance findings, and with the Design Review Criteria as discussed in more detail throughout the report.

**Section 17.136 (For Local Register Properties that are not Landmarks or Located in the S-7 or the S-20 Zone).**

That for demolition or removal,

- a. The affected structure or portion thereof is not considered irreplaceable in terms of its visual, cultural, or educational value to the area or community; or
- b. The structure or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it; or
- c. Considering the economic feasibility of preserving or restoring the structure or portion thereof, and balancing the interest of the public in such preservation or restoration and the interest of the owner of the property in the utilization thereof, approval is required by considerations of equity.

The project meets finding "a." The project is proposing the demolition of a Potentially Designated Historic Property at 617-621 Harrison Street. This property has a rating by the Oakland Cultural Heritage Survey (OCHS) of C1+ [C, Secondary Importance; 1+ in an Area of Primary Importance (API)]. Many properties within Oakland are C rated buildings, and therefore, the property is not irreplaceable.

It is the status as a contributor (1+) to the 7<sup>th</sup> Street /Harrison Square Historic District that makes the structure important. However, as detailed in the EIR, the loss of one contributor will not result in a cumulative impact to the district. Furthermore, the structure at 617-621 Harrison Street is not irreplaceable in terms of cultural value to the area or the community. Approximately 79 properties contributors to the district would remain unchanged. The district will still represent a good example of middle and lower-middle class housing constructed largely between 1889 and 1910. The API would retain its historic integrity and its eligibility for inclusion on the National Register.

As mitigation for the loss of this one structure, the project applicant is required to develop and install an interpretative program regarding the 7<sup>th</sup> Street /Harrison Square Historic District. This program will provide visual, cultural, and educational value to the community in lieu of the structure.

**Additional Criterion for Higher Residential Density Projects:**

**That the proposal will provide for its residents sufficient sunlight, privacy, and quiet, and in general, a convenient, attractive, and functional living environment, with consideration given to site planning, building and room orientation, circulation, and similar relevant factors.**

The proposed Project provides sufficient sunlight, privacy, and quiet for the residents. The plans show adequate usable open space with a large landscaped courtyard on the 4<sup>th</sup> level, courtyards on the 18<sup>th</sup> and 22<sup>nd</sup> levels, private balconies, and private patios. The units are oriented along a double loaded corridor each with a view to the outside for adequate light. The site planning with the amount of commercial/ retail space is appropriate for the location and will provide an attractive and functional living/working environment. Furthermore, the residents will be near many amenities including BART, Harrison Square Park, Madison Square Park, and Laney College.

- f. All final information (including written evidence and testimony) presented at any City public hearing or City workshop related to the Project and the EIR.
  - g. For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.
  - h. The Standard Conditions of Approval for the Project and Mitigation Monitoring and Reporting Program for the Project.
  - i. All other documents composing the record pursuant to Public Resources Code section 21167.6(e).
9. The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the Director of City Planning, Community and Economic Development Agency, or his/her designee. Such documents and other materials are located at 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612.

#### V. CERTIFICATION OF THE EIR

10. In accordance with CEQA, the Planning Commission certifies that the EIR has been completed in compliance with CEQA. The Planning Commission has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By these findings, the Planning Commission confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment and analysis of the City and the Planning Commission.
11. The Planning Commission recognizes that the EIR may contain clerical errors. The Planning Commission reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.
12. The Planning Commission certifies that the EIR is adequate to support all actions in connection with the approval of the Project and all other actions and recommendations as described in the July 20, 2011 Planning Commission staff report. The Planning Commission certifies that the EIR is adequate to support approval of the Project described in the EIR, each component and phase of the Project described in the EIR, any variant of the Project described in the EIR, any minor modifications to the Project or variants described in the EIR and the components of the Project.

#### VI. ABSENCE OF SIGNIFICANT NEW INFORMATION

13. The Planning Commission recognizes that the FEIR incorporates information obtained and produced after the DEIR was completed, and that the FEIR contains additions, clarifications, and modifications. The Planning Commission has reviewed and considered the FEIR and all of this information. The FEIR does not add significant new information to the DEIR that would require recirculation of the EIR under CEQA. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the project sponsor declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No information indicates that the DEIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the DEIR. Thus, recirculation of the EIR is not required.
14. The Planning Commission finds that the changes and modifications made to the EIR after the DEIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or the CEQA Guidelines section 15088.5.

identified in the LUTE EIR were adopted and have been, or will be, undertaken; (c) this EIR evaluated impacts peculiar to the project and/or project site, as well as off-site and cumulative impacts; (d) uniformly applied development policies and/or standards (hereafter called "Standard Conditions of Approval") have previously been adopted and found to, that when applied to future projects, substantially mitigate impacts, and to the extent that no such findings were previously made, the City Planning Commission hereby finds and determines that the Standard Conditions of Approval (or "SCA") substantially mitigate environmental impacts (as detailed below); and (e) no substantial new information exists to show that the Standard Conditions of Approval will not substantially mitigate the project and cumulative impacts.

#### IX. POTENTIALLY SIGNIFICANT BUT MITIGABLE IMPACTS

22. Under Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b), and to the extent reflected in the EIR, the SCAMMRP, mitigation measures and the City's Standard Conditions of Approval, the Planning Commission finds that changes or alterations have been required in, or incorporated into, the components of the Project that mitigate or avoid potentially significant effects on the environment.

23. The following potentially significant impacts will be reduced to a less than significant level through the implementation of Project mitigation measures, or where indicated, through the implementation of Standard Conditions of Approval, referenced in the Initial Study as amended<sup>1</sup> and the EIR (which are an integral part of the SCAMMRP):

24. Aesthetics: Construction of the high-rise residential towers could create new sources of light and glare, as noted in the Initial Study (Section I), but any potential impact of new lighting will be reduced to a less than significant level through implementation of SCA Aesth-1, which requires approval of plans to adequately shield lighting to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties and minimize mirrored or reflective façade surfaces. Moreover, compliance with various policies, and goals contained in the City's general plans and mitigation measures contained in the Land Use and Transportation Element EIR would ensure there would not be significant adverse aesthetic impacts.

25. Air Quality and Green House Gases: The proposed project would generate fugitive dust and equipment exhaust emissions and greenhouse gas emissions as noted in DEIR (Chapter 4.3). However, compliance with the City's Standard Conditions of Approval SCA Air-1- 4; SCA Traf-1, Bio-1; and Util-1 which would require the project applicant to develop a dust control and equipment emission plan, address asbestos in structures, reduce air pollution from toxic air contaminants and gaseous emissions to future residents, recycle waste, and replant trees, would reduce these impacts to a less-than-significant level. The project would also expose nearby sensitive receptors to toxic air contaminants during construction. Compliance with Mitigation Measure Air-7 which requires a diesel emission reduction plan capable of achieving a project fleet-wide average of 85% particulate matter reduction would reduce this impact to less than significant. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse air quality impacts.

26. Biological Resources: Development of the proposed project would result in the removal of existing vegetation around the site as noted in Initial Study (Section IV). However, compliance with the City' SCA BIO-1, 2 and 4, requiring special action around protected trees would reduce these impacts to a less than significant level. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse biological impacts.

<sup>1</sup> The Initial Study for this project was issued in December of 2007. Since that time, the City has updated, revised and formally adopted its List of Conditions of Approval and Uniformly Applied Development Standards in November 2008. As such, the Standard Conditions of Approval in the Initial Study have been updated to reflect the most current versions used by the City, which are used herein and the SCAMMRP.

significant level through the implementation of Standard Conditions of Approval, which require practices and procedures to reduce noise generation during construction and project operational noise on the surrounding area. Specifically, compliance with SCA Noise-1, and 3 through Noise-6 would limit hours and days of construction, require a site-specific noise reduction program, tracking and responding to noise complaints, construct and operate the building to limit noise, and attenuate pile-driving and other extreme noise generators. These Standard Conditions of Approval would reduce construction, operation, and traffic noise impacts from development to a less-than-significant level. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse noise and vibration impacts.

32. **Public Services:** Project construction and occupancy would result in increased demands on public services, particularly on City fire services, as noted in the Initial Study (Section XIII). These impacts will be reduced to a less than significant level through the implementation of Standard Conditions of Approval Pub Serv-1 which require conformance with federal, state, and local requirements, and building plans for development to be submitted to the Fire Prevention Bureau for review and approval, to ensure that the project adequately addresses fire hazards. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse public services impacts.

33. **Traffic and Transportation:**

a) **Intersection #9 (8<sup>th</sup> Street / Webster Street)** Added traffic would further degrade the vehicle level of service already at an unacceptable LOS F during the PM peak hour. (*Impacts Traf-9, Existing plus Project; Traf-12, 2015 plus Project*) and also further degrade the vehicle level of service already at an unacceptable LOS F during the AM and the PM peak hour. (*Traf-15, 2030 Plus Project*) Implementation of Mitigation Measure Traf-9 which would require the applicant to optimize signal timing, upgrade the intersection and install traffic hardware would reduce this impact to a Less than Significant level.

b) **Short-Term Construction Period Impacts:** The proposed project could result in construction traffic impacts and there also may be a need to temporarily close traffic lanes, prohibit parking, and/or block traffic lanes, and disrupt pedestrian and bicycles (*Impact Traf-1*). Implementation of SCA Traf-2 would ensure that construction period impacts are reduced to a Less than Significant level and require consultation with AC Transit about construction activity and bus relocation.

34. **Utilities/Service Systems:** The proposed project could result in new or expanded stormwater infrastructure on site and increased demand for solid waste collection, as noted in the Initial Study (Section XVI). This impact will be reduced to a less than significant level through the implementation of Standard Conditions of Approval SCA WW-3 and Util-1. The proposed project would result in increased wastewater generation, as noted in DEIR (Chapter 4.6.) This impact will be reduced to a less than significant level through the implementation of Standard Conditions of Approval SCA WW-1-3 and Util-1 which improvements in the public right of way, a construction waste reduction recycling plan during construction, and confirmation of the state of repair of the City's surrounding stormwater and sanitary sewer system, and the applicant to make the necessary infrastructure improvements to accommodate the proposed project. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse utilities/service systems impacts.

## X. SIGNIFICANT AND UNAVOIDABLE IMPACTS

35. Under Public Resources Code sections 21081(a)(3) and 21081(b), and CEQA Guidelines sections 15091, 15092, and 15093, and to the extent reflected in the EIR and the SCAMMRP, the Planning Commission finds that the following impacts of the Project remain significant and unavoidable, notwithstanding the imposition of all feasible Standard Conditions of Approval and mitigation measures, as set forth below.

Point Tower Alternative.) (Because the non-CEQA alternatives were not legally required to be included in the Draft EIR, they are likewise not required to be formally rejected as infeasible, but are nevertheless determined to be infeasible, as detailed below). As presented in the EIR, the alternatives were described and compared with each other and with the proposed project. After the No Project Alternative (1), Alternative (3) Offsite Maximum Reduced Impacts was identified as the environmentally superior alternative.

40. The Planning Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the EIR and in the record. The EIR reflects the Planning Commission's independent judgment as to alternatives. The Planning Commission finds that the Project provides the best balance between the project sponsor's objectives, the City's goals and objectives, and the Project's benefits as described in the Staff Report and in the Statement of Overriding Considerations below. While the Project may cause some significant and unavoidable environmental impacts, mitigation measures and the City's SCAs identified in the EIR mitigate these impacts to the extent feasible. The five alternatives proposed and evaluated in the EIR are rejected for the following reasons. Each individual reason presented below constitutes a separate and independent basis to reject the project alternative as being infeasible, and, when the reasons are viewed collectively, provide an overall basis for rejecting the alternative as being infeasible.

41. Alternative 1: No Project / No Development Alternative: Under the No Project Alternative, the Project would not be undertaken and the existing buildings and the historic residential structure would not be demolished. This alternative would not result in any significant impacts. The No Project/No Development Alternative is rejected as infeasible because (a) it would not achieve any of the objectives sought by the Project; (b) it would not construct an appropriate urban in-fill project; (c) it would not provide 380 residential units which would provide significant new housing opportunities in the Chinatown area; (d) it would not provide 9,110 square feet of retail and office space which would enhance the street level pedestrian experience; (e) it would improve the overall aesthetics of the area by redeveloping a block with underutilized buildings and parking lots; (f) it would not achieve a high density development in the CBD near transit and other amenities; and (g) it would not promote or achieve many of the goals, objectives and actions of the City's Land Use and Transportation General Plan Element.

42. Alternative 2: Reduced Density Alternative: Under the Reduced Density Alternative, the project applicant would construct a project limited to that permitted under the City of Oakland's Planning Code at the time that the Project application was determined complete (without the need for a major conditional use permit for Floor Area Ratio that exceeds the zoning but is consistent with the general plan). The applicant would only construct 78 residential units, 98 off-street parking spaces and 9,110 sq. ft. of ground floor commercial space in a 5-story structure. Access to the ground level parking spaces would from 7<sup>th</sup> Street and access to the underground parking spaces would be via 6<sup>th</sup> Street. This alternative would also preserve the historic building at 617-621 Harrison Street. Under this alternative, there would still be Significant and Unavoidable traffic impacts at the intersection of 5<sup>th</sup> and Oak Streets under all scenarios. The impacts at 6<sup>th</sup> and Jackson Streets under all scenarios would be reduced to less than significant level with mitigation measures. Furthermore, the cultural resource impact would also be reduced to a less than significant level. This alternative is rejected as infeasible because (a) it would not achieve most of the fundamental objectives sought by the total Project; (b) it would not revitalize the Project site with the high-density promoted for this area in the General Plan and easily accommodated on the project site; (c) it would only develop 78 residential units which would not provide a critical mass of new housing opportunities in Chinatown where new housing is lacking; (d) it would not provide an identifiable marker and gateway to Chinatown from the freeway because of the reduced height; (e) it would not provide as many construction jobs as this alternative would be about 20% of the size of the proposed Project; (f) it would not provide enough residents or shoppers capable of supporting, revitalizing, and promoting the Chinatown district; (g) it would not provide as much retail as the Project, thereby decreasing anticipated property tax revenue; and (h) based on the feasibility study (Attachment E), it would not be economically feasible as it would only generate a 5% rate of return on the project which would be too low to receive financing.

43. Alternative 3: Reduced Site Alternative: This alternative would be similar to proposed project; however, the Project site would not include the property or the historic building located at 617-621 Harrison Street. This alternative would

and every significant unavoidable environmental impact, and, when the benefits/reasons are viewed collectively, provide an overall basis to override each and every significant unavoidable environmental impact.

47. The Project will develop a high-quality residential project with ground floor retail and office space which implements many of the City-wide General Plan goals, objectives, and policies.
48. The Project, with construction of 380 units and approximately 700 new residents, will provide a critical mass of new residents to support existing local businesses in the Chinatown neighborhood, Old Oakland, and Jack London.
49. The Project will add many temporary construction jobs and permanent jobs for retail and office workers after project construction, thereby achieving a better job-housing balance in the City.
50. The Project will provide a new influx of residents, thereby increasing both activity and safety in the area.
51. The Project will enhance the pedestrian experience by creating a modern and attractive street level experience along 7<sup>th</sup> Street and Harrison Streets, which will include retail, street trees, and landscaping.
52. The Project will promote the City's transit-first goals, by constructing the project in a transit-rich area near the Lake Merritt BART line, multiple AC Transit lines, and the Broadway Shuttle and will further promote the use of alternative transportation by implementing a Transportation Demand Management Program and other pedestrian enhancements in the area.
53. The Project's overall height and massing will create a visually interesting project design and a lasting contribution to Oakland's urban fabric and skyline.
54. The Project will revitalize the connection between this area and the Chinatown neighborhood by providing a marker or a gateway into the area.
55. The Project will meet the contemporary energy and green building objectives of the City and the State by ensuring that the new towers meet mandatory performance standards of CALGreen.
56. The Project will provide more retail opportunities and increase the City's sales tax and property tax revenue.



- c) Violation of any term, **Conditions/ Mitigation Measures** 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/ Mitigation Measures** if it is found that there is violation of any of the **Conditions/ Mitigation Measures** 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.

**5. Signed Copy of the Conditions/ Mitigation Measures**

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

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

**6. Indemnification**

*Ongoing*

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

**7. 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 **and all applicable adopted mitigation measures** set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

**8. 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/or mitigations**, and if one or more of such conditions **and/or mitigations** is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions **and/or mitigations** consistent with achieving the same purpose and intent of such Approval.

**9. 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 **and/or mitigations**, shall be available for review at the job site at all times.

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

**15. 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.

**16. 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.

**17. Compliance Matrix**

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

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

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

*Ongoing*

All mitigation measures identified in the 325 7<sup>th</sup> Street EIR are included in the Standard Condition of Approval and Mitigation Monitoring Program (SCAMMRP) which is included in these conditions of approval and are incorporated herein by reference, as Attachment D as conditions of approval of the project. The Standard Conditions of Approval identified in the 325 7<sup>th</sup> Street EIR are also included in the SCAMMRP, and are therefore, not repeated in these conditions of approval. To the extent that there is any inconsistency between the SCAMMRP and these conditions, the more restrictive conditions shall govern; to the extent any mitigation measures and/or Standard Conditions of Approval identified in the EIR were inadvertently omitted, they are automatically incorporated herein by reference. The project sponsor (also referred to as the Developer or Applicant) shall be responsible for compliance with the recommendation in any submitted and approved technical reports, all applicable mitigation measures adopted and with all conditions of approval set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. The SCAMMRP identifies the time frame and responsible party for implementation and monitoring for each mitigation measure. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. Prior to the issuance of a demolition, grading, and/or construction permit, the project sponsor shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

**19. Tree Removal Permit**

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

The plan shall be submitted to the Transportation Services Division and Planning and Zoning Division for review and approval and the Project applicant shall implement the approved plan prior to issuance of a certificate of occupancy

**23. Driveway Sight Distance**

*Prior to issuance of a building or a p-job permit*

The Project applicant shall submit a plan, specifications, and estimates (PS&E) to include the following:

- a) 7th Street Driveway: In order to provide adequate sight distance at the 7th Street driveway, driveway tipping of approximately 54.8 feet would be required on the west side of the driveway.
- b) 6th Street Driveway: In order to provide adequate sight distance at the 6th Street driveway, driveway tipping of approximately 32.0 feet would be required on the west side of the driveway and 17.1 feet on the east side of the driveway.
- c) 6th Street Loading Dock Driveway: In order to provide adequate sight distance at the 6th Street Loading Dock driveway, driveway tipping of approximately 19.7 feet would be required on the west side of the driveway and 68.6- feet on the east side of the driveway.

The plan shall be submitted to the Transportation Services Division and Planning and Zoning Division for review and approval and the Project applicant shall implement the approved plan prior to issuance of a certificate of occupancy

**24. Historic Maintenance.**

*a. 30 days after Project Approval*

Applicant shall submit a repair and maintenance plan for the Historic Resource located at 617-621 Harrison Street to the City Planning Director for review and approval. The applicant shall implement the approved plan. The goal of the plan is to ensure the exterior portions are kept in good repair so as to prevent deterioration and decay of any exterior portion and all interior portions thereof the maintenance of which is necessary to prevent deterioration and decay of any exterior portion, and prevent blight and an attractive nuisance.

*b. Ongoing*

The owner, property manager, future tenants, or other person in actual charge of the designated historic resource shall, in accordance with the approved plan in "a" above, keep in good repair all of the exterior portions thereof, and all interior portions thereof the maintenance of which is necessary to prevent deterioration and decay of any exterior portion, and prevent blight. Furthermore, the owner, property manager, future tenants, or other person in actual charge of the designated historic resource shall ensure that until a demolition permit is issued in accordance with the SCAMMRP related conditions/mitigation measures and the Demolition Permit for Demolition of Historic Resources Concurrent with Building Permit Issuance Condition, the building is adequately secured, including all points of entry.

**25. Demolition Permit for Demolition of Historic Resources Concurrent with Building Permit Issuance**

A demolition permit to demolish the historic resource (617-621 Harrison Street, or as described in the record), shall not be issued prior to payment and issuance of the building permit application and demonstrated compliance with applicable SCAMMRP related conditions/mitigation measures.

**26. Final Design Review.**

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

As the design development of the building proceeds, the design elements listed below shall be revised and shall be submitted for review and approval by the Planning Director prior to issuance of the building permit. Only high quality materials will be approved.

- a) The applicant will submit final plans and materials for the architectural features on top of the building. These features shall be reviewed and approved by the Design Review Committee. The features shall relate to both buildings' design and the other tower's terminus. The applicant shall also redesign the blank walls where the

- I. The applicant shall post "No Loitering" signs on the building façade and other visible locations around the site. Signs shall be of a permanent nature and have letters a minimum of 2 inches in height.
  - II. The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove loiterers who refuse to leave. Persons loitering in the vicinity of the exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave. Techniques discussed in the manual entitled "Loitering: Business and Community Based Solutions" may be used and are recommended if applicable.
- d) Graffiti shall be removed within 72 hours of application. Removal can involve resurfacing of a material and/or color that matches the remaining surface.

**29. Master Signage Program.**

*Prior to sign permit*

The Project applicant shall submit a master signage plan for review for any commercial and residential signage per the Planning and Zoning regulations, including but not limited to location, dimensions, materials and colors.

**30. Pre-construction Meeting with the City**

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

A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site Project manager with the City's project building coordinator to confirm that conditions of approval that must be completed prior to issuance of a grading, demolition, or building permit have been completed (including pre-construction meeting with neighborhood, construction hours, neighborhood notification, posted signs, etc.). The applicant shall coordinate and schedule this meeting with City staff.

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

*Prior to certificate of occupancy*

The Covenants, Conditions and Restrictions (CC&Rs) for the units shall be submitted to the Planning and Zoning Division for review. The CC&Rs shall provide for the establishment of a non-profit homeowners association for the maintenance and operation of all on-site sidewalks, pathways, common open space and all common landscaping, driveways, and other facilities, in accordance with approved plans. Membership in the association shall be made a condition of ownership. The developer shall be a member of such association until all units are sold. In addition to the parking management requirements, the CC&R's shall also include an acknowledgement that the units on the rear of the building facing Webster Street are located within the rear yard setback.

**32. Parking Management Plan**

*Prior to Certificate of Occupancy and On-going.*

The applicant shall establish an on-site parking management plan. The parking management plan shall include but not be limited to the following components and requirements:

- a) The Covenants, Conditions and Restrictions (CC&Rs) for the units shall be submitted to the Planning and Zoning Division for review to affirm that they include the provisions listed here.
- b) Acknowledgement that many and specific parking spaces are deficient in additional width and length. (Due to column or wall locations and the parking lifts.)
- c) Require purchasers to acknowledge that maneuverability of several of the parking spaces within the garage may be affected by the location of columns or walls and that due care and caution should be used.
- d) The management plan shall also stipulate that each unit shall be assigned a minimum of one off street parking space and that such space is included within the lease or ownership rights of the unit.
- e) The plan shall also include a brochure or instructions on how to use the mechanical, multi-parking lift system.
- f) The lift system must include a viable method to retrieve vehicles in case of a power failure.

<b>Project Name:</b>	<b>325 7<sup>th</sup> Street Project</b>
<b>Location:</b>	325-335 7th Street; 320-330 6th Street; 621-635 Harrison Street (APN: 001-0189-005-00 through 001-0189-009-00; 001-0189-013-00 and 001-0189-014-01)
<b>Proposal:</b>	Demolition of the existing office building, warehouses, single-family residence and parking lots and the construction of 380 units in two, high-rise towers (20 stories and 27-stories) over a four-story parking podium including one basement garage level. The Project also includes 399 parking spaces, 6,795 square feet of retail and 2,315 square feet of office on the ground-floor.
<b>Applicant:</b>	Mark McClure
<b>Contact Person/Phone Number:</b>	Mark McClure, (510)547-4862
<b>Owner:</b>	BALCO Properties, Ltd., LLC
<b>Case File Number:</b>	<b>ER07-0002; CMDV06-573; T0700119</b>
<b>Planning Permits Required:</b>	Major Conditional Use Permit for a large-scale development over 100,000 square feet of new floor area or more than one hundred twenty (120) feet in height; Interim Major Conditional Use Permit for a Floor Area Ratio (FAR) that exceeds zoning but is consistent with the General Plan; Minor Variances for the dimensions of parking spaces, dimensions of parking spaces against a column or other obstruction, tandem parking spaces, and rear yard setbacks; and Major Design Review.
<b>General Plan:</b>	Central Business District
<b>Zoning:</b>	<b>Applicable:</b> C-40 Community Thoroughfare Combining Zone and S-17 Downtown Residential Open Space Combining Zone; the zoning when the application was submitted and under which the application is being processed.  <b>Current:</b> CBD-P Central Business District Pedestrian Retail Commercial Zone and CBD-X Central Business District Mixed Commercial Zone.
<b>Environmental Determination:</b>	A NOP for an EIR and an Initial Study were published on December 18, 2007. A Draft Environmental Impact Report (DEIR) was published for a 45-day review period from October 18, 2010 to December 1, 2010. The Final EIR will be published on June 30, 2011.
<b>Historic Status:</b>	The Project site is located within the 7 <sup>th</sup> Street / Harrison Square Residential District. This district is considered an Areas of Primary Importance (API). The property at 617-621 Harrison Street (part of the Project site) is located in the API, is rated a C1+ and is thus a CEQA Historic Resource. The properties adjacent to the Project site at 607 and 611-613 Harrison Street are also located within the API and are rated C1+ and Dc1*.
<b>Service Delivery District:</b>	Downtown Metro
<b>City Council District:</b>	2
<b>Action to be Taken:</b>	As it relates to Cultural Resources, make a recommendation to the City Planning Commission to adopt the CEQA findings, including Certification of the Environmental Impact Report, rejection of alternatives and Statement of Overriding Considerations, and the applications based on the staff report.
<b>Finality of Decision</b>	Cultural resource recommendation to City Planning Commission; not final decision.
<b>For Further Information:</b>	Contact Project planner <b>Heather Klein</b> at (510) 238-3659 or by email <a href="mailto:hklein@oaklandnet.com">hklein@oaklandnet.com</a>

**(Contains map showing the Project site and general vicinity)**

## **SUMMARY**

BALCO Properties is seeking to redevelop a portion of the block bounded by 6<sup>th</sup> Street, 7<sup>th</sup> Street, and Harrison Street by demolishing the existing buildings and constructing two residential high-rise towers containing 380 units, 399 parking spaces and 9,110 sq. ft. of ground floor office and retail space.

The City is the Lead Agency pursuant to the California Environmental Quality Act (CEQA) and has the responsibility to prepare the Environmental Impact Report (EIR) for the Project. The City prepared and released a Notice of Preparation (NOP) of an EIR and an Initial Study on December 18, 2007. A Draft Environmental Impact Report (DEIR) was prepared for the Project, under the requirements of CEQA, pursuant to Public Resources Code Section 21000 et. seq. The Notice of Availability for the DEIR was prepared and released on October 18, 2010 beginning a 45 day public comment period. The DEIR was heard before the Landmarks Preservation Advisory Board (LPAB) on November 8, 2010 and the Planning Commission on December 1, 2010. The public review and comment period ended on December 1, 2010. A Final EIR (FEIR), responding to the comments received on the DEIR, was published on June 30, 2011.

The purpose of this meeting is to take any public testimony concerning the cultural resource related issues and the design of the Project for recommendations to be forwarded to the Planning Commission. Staff recommends the Landmark Preservation Advisory Board as it relates to Cultural Resources, make a recommendation to the City Planning Commission to adopt the CEQA findings, including Certification of the Environmental Impact Report, rejection of alternatives and Statement of Overriding Considerations, and the approval of the applications based on the staff report.

## **SITE DESCRIPTION**

### **Existing Conditions**

The .81 acre Project Site is located along the southern edge of Chinatown, across 6<sup>th</sup> Street from Interstate 880. Specifically, the site includes seven parcels and is bounded by 6<sup>th</sup> Street, Harrison Street, and 7<sup>th</sup> Street. The Project Site currently contains vacant lots, a surface parking lot, a residential building, warehouses, and commercial office buildings.

One of the seven parcels that make up the Project site is located within the 7th Street/Harrison Square Residential Historic District, an Area of Primary Importance (API). This parcel, at 617-621 Harrison Street, is rated a C1+ by the Oakland Cultural Heritage Survey and is thus a CEQA Historic Resource. The properties at 607 and 611-613 Harrison Street, adjacent to the Project site, are also located within the API and are rated C1+ and Dc1\*.

### **Surrounding Land Uses**

The area surrounding the Project site is a mix of commercial, residential, and small civic uses. To the north of 6<sup>th</sup> Street are several commercial buildings and a surface parking lot. To the east is the exit from Alameda, via the Posey Tube, and the Chinese Garden Park, a City owned park. To the south of the Project site across 6th Street, is Interstate 880 with auto-fee parking underneath. To the west is a Salvation Army retail store.

## **PROJECT DESCRIPTION**

The Project includes the demolition of the existing buildings and construction of 380 units in two, high-rise towers (20 stories and 27-stories) and 399 parking spaces. The parking is located in a four-story parking podium including one basement garage level (see Attachment A). The residential units begin on the fourth floor and include a combination of studios (efficiency units), one-bedroom, two-bedroom, and two-bedroom plus units. The garage plans show vehicles entering the building from both 6<sup>th</sup> Street and 7<sup>th</sup> Street and 399 parking stalls on mechanical lifts. Group open space for the units is provided on top of the parking podium, in an 8,200 sq. ft. courtyard between the two towers. A 769 sq. ft. courtyard is provided on the 18<sup>th</sup> floor of the north tower (Tower II) and a 1,200 sq. ft. courtyard is provided on the 22<sup>nd</sup> floor of the south tower (Tower I). In addition to these courtyards, open space is provided through private balconies and patios. The Project also provides 6,795 sq. ft. of retail space and 2,315 sq. ft. of office space.

## **GENERAL PLAN ANALYSIS**

### **Land Use and Transportation Element of the General Plan**

The General Plan's Land Use and Transportation Element (LUTE) designation for the Project site is the Central Business District (CBD). The CBD has a maximum residential density of 300 dwelling units per gross acre or 500 dwelling units per net acre. The 35,500 square feet (.81 acre) Project site could support a maximum of 407 units. The 380 unit Project on the site is under the maximum allowable density by 27 units. The .81 acre Project site has a maximum FAR of 20.0 while the Project is only proposing a FAR of 10.4, well under the maximum FAR permitted by the CBD designation.

The General Plan states the intent of the CBD designation is to "encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in northern California." The General Plan states that the desired character of future development in the area should include "a mix of large-scale offices, commercial, urban (high-rise) residential, institutional, open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses."

Among the General Plan Land Use and Transportation policies and objectives applicable to the proposed Project are the following:

- **Policy T4.1:** Incorporating Design Features for Alternative Travel
- **Policy D1.3:** Planning for Chinatown
- **Policy D2.1:** Enhancing the Downtown
- **Policy D3.1:** Promoting Pedestrians
- **Policy D6.1:** Developing on Vacant Lots
- **Policy D6.2:** Reusing Vacant or Underutilized Buildings
- **Policy D10.1:** Encouraging Housing
- **Policy D10.2:** Locating Housing
- **Policy D10.6:** Creating Infill Housing
- **Policy D11.1:** Promoting Mixed Use Development

The proposed Project meets the referenced policies and objectives; the general intent of the CBD land use designation; and is a good fit for this area. The General Plan envisions fairly high density and large scale building in this area which would help achieve a twenty-four hour presence in the Downtown and enhance a sense of community. The proposed Project will add 380 new residential units to Oakland's housing stock in the Chinatown neighborhood and especially within walking distance of Lake Merritt BART stations which is a key goal of the General Plan. In addition to the BART, the site can be readily served by several AC Transit bus routes. The proposed Project site is currently developed on a site with a



parking lot and several underutilized buildings, while the proposed Project will redevelop the site with residential units, office and ground floor retail and office space.

### **Pedestrian Master Plan Element (PMP)**

The following Pedestrian Element policies and objectives apply to the proposed Project:

- **Policy PMP 2.1:** Pedestrian Route Network
- **Objective PMP T4:** Alternative Modes of Transportation

The Project will meet the Pedestrian and Bicycle Master Plan through compliance with the Conditions of Approval and Mitigation Measures including implementation of a Transportation Demand Management Program. Furthermore, staff has included several Recommended Conditions of Approval to install audible signals, pedestrian countdown signals, crosswalks, and install ADA compliant ramps with domes on the surrounding streets.

### **Open Space Conservation and Recreation Element (OSCAR)**

The following OSCAR Element policies and objectives apply to the proposed Project:

- **Objective OS-12:** Street Trees
- **Policy CO-4.1:** Water Conservation
- **Objective CO-5:** Water Quality
- **Objective CO-12:** Air Resources

The Project is also consistent with the OSCAR Element. The Project will include street trees and compliance with the recommended Conditions, Conditions of Approval and Mitigation Measures will ensure that water and air quality will not be impacted.

### **Historic Preservation Element**

The following Historic Preservation Element policies apply to the proposed Project:

- **Policy 3.7:** Property Relocation Rather than Demolition as Part of Discretionary Projects
- **Policy 1.2** Potential Designated Historic Properties
- **Policy 3.1:** Avoid or Minimize Adverse Historic Preservation Impacts Related to discretionary City Actions
- **Policy 3.5:** Historic Preservation and Discretionary Permit Approvals:

The Historic Preservation Element (HPE) of the General Plan is based on two broad goals: to "use historic preservation to foster economic vitality and quality of life" and to "prevent unnecessary destruction of properties of special historical, cultural, and aesthetic value." While, the Project does not appear to fully meet the two goals of the HPE because of the demolition of the CEQA historic resource at 617-621 Harrison Street, the HPE does not mandate preserving the structure. On the contrary, the HPE presents a broad multi-faceted strategy that seeks to promote preservation in a manner that is reasonably balanced with other concerns, City goals and objectives. This Element spells out, through specific policies and actions, how the City will treat historic properties and achieve this balance.

The Project is consistent with these policies. The Mitigation Monitoring and Reporting Program includes the City's Standard Condition of Approval requiring that the Project applicant make a reasonable effort to relocate the building prior to demolition. The EIR includes Mitigation Measures to minimize the adverse affects of the Project including protection of adjacent historic resources during construction, deconstructing and salvaging the resource to be demolished if relocation is infeasible, and contributions to a historic resource related program. Staff has also included additional Conditions of Approval related to historic maintenance. Furthermore, staff has made the Policy 3.5 findings, noting that the overall benefits of the Project outweigh the potential demolition of the historic structure at 617-621 Harrison Street.

In addition, all the General Plan Elements contain policies which may in some cases address different goals, policies and objectives and thus some policies may compete with each other. These competing policies must be considered and balanced in review of this entire proposal, also taking into consideration the environmental analysis, the feasibility analysis, zoning analysis, and public comment. The Planning Commission and City Council, in deciding whether to approve a proposed project, must decide whether, on balance, the project is consistent (i.e., in general harmony) with the General Plan. The fact that a specific project does not meet all General Plan goals, policies and objectives does not inherently result in a significant effect on the environment within the context of the California Environmental Quality Act (CEQA). (City Council Resolution No. 79312 C.M.S.; adopted June 2005)

On balance, staff believes the Project is consistent with the General Plan because development of the Project will help achieve a twenty-four hour presence in the Downtown and enhance a sense of community, increase housing stock in the Chinatown neighborhood and within walking distance of Lake Merritt BART stations, and replace a parking lot and several underutilized buildings, with a high-density residential Project and ground floor commercial space. In sum and as shown in the overall General Plan Analysis section, the Project is supported by numerous policies in the LUTE, OSCAR, and the Pedestrian Master Plan

## **ZONING ANALYSIS**

The City recently updated its Zoning Regulations, which took effect on April 14, 2011. The newly adopted Zoning Regulations changed the zoning of the northern portion of the site to Central Business District Pedestrian Retail Commercial (CBD-P) and the southern portion of the site to Central Business District General Commercial (CBD-C). However, the proposed Project was deemed completed prior to the effective date of the ordinance and per the ordinance, the newly adopted zoning regulations do not apply to the proposed Project. Therefore, the application will be processed under the previous zoning. The applicable zoning designation is was C-40, Community Thoroughfare Commercial / S-17, Downtown Residential Open Space.

The C-40 zone is intended to "intended to create, preserve, and enhance areas with a wide range of both retail and wholesale establishments serving both short and long term needs in convenient locations, and

is typically appropriate along major thoroughfares.” Permanent Residential, Administrative (office), and General Retail uses are permitted activities in the C-40 zone.

The maximum residential density for this zone is set forth in the R-70 regulations, subject to the provisions of Planning Code Section 17.106.030. According to the this section, “for mixed use Projects in the CBD and the Jack London area, the allowable intensity of development may be measured according to the maximum FAR allowed by the zone without a separate residential density calculation, provided that the maximum number of units pursuant to the residential density allowed by the General Plan is not exceeded.” Staff did not compute a separate residential density calculation due to the Project being under the General Plan density by 27 units. According to the C-40 zone the maximum FAR is 3.0, except that this ratio may be exceeded by ten percent on any corner lot and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot. This Project is located on a corner and faces a public park. Therefore, the maximum allowable density per the Planning Code would be 3.3. Staff has calculated a non-residential FAR of .3 and an overall FAR of 10.4 for the proposed Project. The Project is over the maximum allowed FAR for this zone by 7.1. In this situation, pursuant to the *Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations* (as amended Dec. 2001), the General Plan governs, and the higher FAR outlined in the General Plan is permitted with an Interim Major Conditional Use Permit. (Section 17.01.100.B)

The S-17 Downtown Residential Open Space Combining Zone is an additional zoning designation overlaid on the site. The S-17 overlay zone is intended to provide open space standards for residential development that are appropriate to the unique density, urban character and historic character of the CBD.

The following table depicts the Project’s comparison to the C-40 / S-17 development standards:

Zoning Regulation Comparison Table

Criteria	Requirement C-40	Proposed Project	Comment
Yard – Front	0'	0'	Meets the C-40 requirements.
Yard – Interior Lot Line	0'* (not required to exceed 12% of lot width)	0-17'	Meets C-40 requirements.
Yard- Rear	10'	0'0+	Doesn't meet the C-40 requirements. A Variance is required.
Height	No maximum	332' and 251' to top of architectural features	Meets C-40 requirements.
Usable Group Open Space	50 sq. ft. /40 efficiency units= 2,000 sq. ft.  75 sq. ft. /340 units = 25,500 sq. ft.  Total = 27,500 sq. ft.	10,169 sq. ft. of group open space and 9,042 sq. ft. ** of private open space = 28,253. ft.	Meets C-40 requirements.
Courtyard	1 ft. horizontal / 1 ft. vertical not to exceed 50'	40-11'+ Other residential areas not adjacent	Meets Courtyard requirements
Parking- Residential	1 space / unit = 380 spaces	380 spaces	Meets the C-40 requirements.
Parking Commercial- Office	(2,315 sq. ft) = less than the minimum sq. ft. necessary for required parking	0 spaces	Meets C-40 requirements.
Parking Retail	1 space / 400 sq. ft. (6795 sq. ft) = 15 spaces	17 spaces	Meets C-40 requirements.
Loading	150,000--299,999 sq. ft. = 2 berths for residential 0 berths for retail and office	2 berths	Meets C-40 requirements for number of berths.
Density	1 efficiency unit / 300 sq. ft. of lot area = 118 or 1unit / 450 sq. ft. of lot area= 79 units	40 efficiency units, 340 regular units = 380 units	Used FAR calculation per Section 17.106.030
FAR	3.3	10.4	Major Interim CUP for FAR that exceeds zoning but is allowed with General Plan

The criteria for review and approval of this facility at this location includes the following: The General Use Permit Criteria in Section 17.134.050, the criteria for Variances in Section 17.148.050, the Design Review Criteria in Section 17.136.070 (including the additional design review criteria for higher

residential density Projects), and the findings per Policy 3.5 of the Historic Preservation Element. All applicable criteria are analyzed and appropriate findings are made in the *Findings* section of this report.

The applicant has not requested a planned unit development permit. A “planned unit development” is a large, integrated development adhering to a comprehensive plan and located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way. A planned unit development permit is developed under unified control and on a single tract with sixty thousand (60,000) square feet or more of land area, or on two or more tracts which total such area and which are separated only by a street or other right-of-way. The proposed Project does not meet the 60,000 sq. ft. lot size and the applicant has not requested a Variance for being under the lot size. See the *Key Issues* section below for a discussion of the planned unit development permit and expiration date of approvals.

## ENVIRONMENTAL DETERMINATION

### Scope

The City is the Lead Agency pursuant to CEQA and has the responsibility to prepare the EIR for the Project, under the requirements of CEQA, pursuant to Public Resources Code Section 21000 *et. seq.*

A NOP for an EIR and the Initial Study were published on December 18, 2007. The Initial Study screened out environmental factors that would not be further studied in the Draft EIR. These factors included: Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, and Utilities/Service Systems. A scoping session was held before the Planning Commission on January 9, 2008. At the time of the scoping session, the Draft EIR was expected to address the potential environmental effects for Aesthetics, Hazards and Transportation and Circulation only.

A scoping session was not held before the Landmarks Preservation Advisory Board (LPAB) because the Project was not proposing the demolition of the building at 617-621 Harrison at that time. The applicant revised the Project description after the Initial Study was prepared and the NOP was released. These revisions which included a change in tower height, number of units, and the demolition of the CEQA historic resource at 617-621 Harrison Street, along with comments received on the Initial Study and the Bay Area Air Quality Management District’s (BAAQMD) new air quality thresholds, resulted in the addition of Air Quality, Greenhouse Gas Emissions, Water Collection Infrastructure, and Cultural Resource analysis within the Draft EIR.

### Publication and Distribution of the DEIR

The Draft EIR (DEIR) addresses all environmental topics identified in City of Oakland’s CEQA Thresholds of Significance and each environmental topic at a level of detail warranted by each topic. The 325 7<sup>th</sup> Street Project DEIR was prepared and released on October 18, 2010 beginning a 45 day public comment period. The DEIR was heard before the LPAB on November 8, 2010 and Planning Commission on December 1, 2010. The public review and comment period ended on December 1, 2010. The following environmental topics are addressed in detail in the DEIR, as other topics (agriculture; biological resources; geology; hydrology and water quality; land use and planning policy; mineral resources; noise; population and housing; public services; recreation facilities and utilities) were found to not be significant and not evaluated in detail in the DEIR (see DEIR page 1-4 through 1-6 and 6-4):

- A. Aesthetics, Shadow and Wind
- B. Transportation and Circulation

- C. Air Quality
- D. Greenhouse Gases
- D. Public Health and Hazards
- E. Wastewater Infrastructure
- F. Cultural Resources

### **Potentially Significant Impacts Identified in the DEIR**

Other than the impacts discussed below, all of the environmental effects of the Project can be reduced to less than significant levels through implementation of Standard Conditions of Approval or recommended Mitigation Measures. The DEIR identifies the following **significant and unavoidable** environmental impacts related to Transportation and Circulation Cultural Resources:

#### Transportation and Circulation

The proposed Project would result in significant and unavoidable traffic impacts at several roadways and intersections under “Existing plus Project”, “2015 plus Project”, and “Cumulative 2030 plus Project” scenarios. The following summary of these impacts is organized by intersection and/or roadway segment with the impact statement and scenario (e.g., Cumulative 2030 plus Project) noted for easier comparison for the reviewer.

##### Intersection #1 (5<sup>th</sup> Street / Oak Street) – Caltrans Facility

Added traffic would increase the average intersection vehicle delay on the critical movement (eastbound through) by more than four seconds during the PM peak hour (Traf-7: Existing plus Project); added traffic would increase the average intersection vehicle delay on the critical movement (eastbound through) by more than four seconds during the AM and PM peak hour (Traf-10: 2015 plus Project); and added traffic would increase the total intersection vehicle delay by more than two seconds during the AM and PM peak hours (Traf-13: 2030 plus Project). Implementation of Mitigation Measure Traf-7 which would require the applicant to optimize signal timing, upgrade the intersection and install traffic hardware would reduce this impact to a Less than Significant level. However, because this Mitigation Measure cannot be implemented without Caltrans approval, this impact is conservatively deemed Significant and Unavoidable.

##### Intersection #4 (6<sup>th</sup> Street / Jackson Street) – Caltrans Facility

Added traffic would increase the average intersection vehicle delay on the critical movements (southbound right and westbound through) by more than six seconds during the PM peak hour (Traf-8: Existing plus Project); added traffic would increase the average intersection vehicle delay on the critical movements (southbound right) by more than 4 seconds during the AM peak hour and the PM peak hour (Traf-11: 2015 plus Project); and added traffic would increase the total intersection vehicle delay by more than 2 seconds during the AM and PM peak hours (Traf-14: 2030 plus Project). Implementation of Mitigation Measure Traf-8 which would require the applicant to optimize signal timing, upgrade the intersection and install traffic hardware would reduce this impact to a Less than Significant level. However, because this Mitigation Measure cannot be implemented without Caltrans approval, this impact is conservatively deemed Significant and Unavoidable.

#### Cultural Resources

Impact Hist-2: Demolition of the residential structure currently located at 617-621 Harrison Street, which is a historic resource, would result in a Significant and Unavoidable Project impact. Implementation of Condition of Approval Hist-2 requires the applicant make a good faith effort to relocate the building. If the building is relocated this impact would be reduced to a Less than Significant level. However, if

relocation efforts are not successful then, per Mitigation Measure 2a-2b, the applicant would need to prepare a deconstruction and salvage plan and make a monetary contribution to develop an interpretive program about the 7<sup>th</sup> and Harrison Square Historic District and a historic-resource related program. Since relocation efforts may prove to be unsuccessful, this impact conservatively remains Significant and Unavoidable. (See Key Issues discussion below).

The 7<sup>th</sup> Street / Harrison Square Historic District would not be significantly affected by construction of the proposed Project and would still retain its API status and its eligibility for the National Register of Historic Places (see DEIR at page 4.7-15 through 4.7-17 and FEIR at pages 4-28 through 4-30). The structure at 617-621 Harrison Street represents only one of the contributing structures, while the large majority of the API would remain intact (98 percent). The Project site is located on very the outermost edge of the district and the district could be redrawn to exclude the Project easily. Furthermore, the Project would not adversely affect any of the aspects of historic integrity of the remaining API structures.

In addition, there are no significant cumulative impacts. Foreseeable Projects proposing demolition include Projects listed in the Waterfront Warehouse District, the Kaiser Center Mall Buildings and Garden, the Schilling Garden, the Ninth Avenue Terminal and the Courthouse Condominium Project. These Projects propose the demolition of industrial/commercial buildings, and landscapes while the Project is proposing the demolition of a middle to lower middle-class housing unit. These Projects would have individual impacts, but they do not have a measurable impact to a “type” of resource or to the majority of the City’s historic resources. In addition, these Projects are located throughout the city and not localized in a specific area or in a specific district.

### **Project Alternatives**

Chapter 5 of the DEIR includes the detailed analysis of three alternatives to the Proposed Project that meet the requirements of CEQA, to analyze a range of reasonable alternatives to the Project that would avoid or substantially lessen the significant effects of the Project. The three CEQA alternatives analyzed in Chapter 5 include: (a) the No Project/No Development Alternative; (b) Reduced Density Alternative; and (c) Reduced Site Alternative.

In addition, Chapter 5 of the DEIR also includes two non-CEQA planning alternatives. These alternatives were identified and developed to consider the implications of ongoing transportation planning efforts in the immediate vicinity, and to consider an alternative architectural urban design approach for the site. The two planning alternatives include: (a) the Alternative Circulation – I-880 /Broadway/Jackson Interchange Project and (b) the Point Tower Alternative.

The Environmentally Superior Alternative is the No Project/No Development Alternative. Under CEQA, if a No Project Alternative is identified as the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative development among the other alternatives. In this case, the environmentally superior development alternative is the Reduced Density Alternative. This Alternative would reduce all the Project’s traffic and cultural significant impacts to Less than Significant.

Staff believes all the alternatives are infeasible and should be rejected for the reasons detailed in the CEQA Findings (see Attachment C).

### **Response to Comments Document**

A Notice of Release and Availability along with the Response to Comments Document (which together with the DEIR make up the Final EIR (FEIR)) was published on June 30, 2011. The Response to Comments Document includes written responses to all comments received during the public review

period on the DEIR and at the public hearings on the DEIR held by the LPAB and the Planning Commission. The FEIR was provided under separate cover for review and consideration by the LPAB and Planning Commission, was sent to all commenters, and is available to the public at the Planning Department office and on the City's website at <http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/s/Application/DOWD009157> under item 1.

All impacts, City Standard Conditions of Approval and Mitigation Measures, as they may have been revised and/or clarified from the DEIR are summarized in revised Table 3-1 at the end of the Summary chapter, Chapter 3 of the FEIR. Table 3-1 also identifies the level of significance of the impacts after City Standard Conditions of Approval and recommended Mitigation Measures are implemented.

## **KEY ISSUES**

### **Relocation Efforts for 617-621 Harrison Street and Demolition**

The proposed Project would demolish the historic building at 617-621 Harrison Street. Standard Condition of Approval HIST-2 would require that the applicant make a good faith effort to relocate the existing structure to a location consistent with the building's historic character. Since publication of the DEIR, the Project applicant has continued to pursue relocation efforts. The Project applicant identified a potential site in West Oakland where the building could be moved to, indicated their willingness to pay for the move with the intention of donating the house to the Alliance for West Oakland, and coordinated with the Alliance for West Oakland to have the house restored as part of their Jobs Training Program.

However, these efforts have also discovered a potential obstacle which could make relocation of the house infeasible. Because the house fronts onto Harrison Street, the movers would need to close Harrison Street to through traffic (including closure of the Posey tube from Alameda) for a several-hour time period so that they could move their equipment into position, lift the house and load it onto the transport. Approval to close the tube could be difficult to obtain as this is a major transportation route from Alameda. The other option would be to take down the existing commercial structure at the corner of 7th and Harrison Street first, providing the movers with access to the house from the adjacent property. This structure is part of the Project site and would eventually be demolished as part of the Project. However, unlike the vacant building at 617-621 Harrison Street, this structure has existing tenants. Relocating the tenants and taking down the existing commercial structure at the corner of 7th and Harrison Street would likely not occur until such time as the Project's construction is ready to commence.

Since the preparation of the Draft EIR, the building has undergone serious deterioration. In addition, the City of Oakland's Fire Department and the Police Department have made a determination that the building is being illegally occupied. City of Oakland's Fire Department has deemed the building unsafe and is requesting abatement of these illegal activities either by repair, rehabilitation, demolition, or other approved corrective action, including securing the building openings against entry, and removal of combustibles and waste. As indicated in the Draft EIR, the demolition of this historic resource would result in a significant and unavoidable impact. Staff is recommending a condition of approval (#25-26) that would require the applicant to keep the historic structure in good repair, free from blight and other nuisances, prevent further deterioration and decay and secure the building until a demolition permit is issuance in accordance with the SCAMMRP related conditions/mitigation measures. In addition, a demolition permit shall not be issued until payment has been received for a building permit and the building permit has been issued in accordance with the SCAMMRP related conditions/mitigation measures.



## Design Review

### Planning Commission

Staff met with the applicant several times to resolve design issues associated with the proposed Project. While the applicant was responsive to staff's recommendations, staff continues to have design concerns. Both staff and the applicant agreed to present the Project to the Design Review Committee (DRC). In this way the developer could rely on direction from the DRC before proceeding with the preparation of the EIR. Staff presented the Project to the Design Review Committee (DRC) on November 7, 2007. In the report, staff noted design issues related to building bulk, building proportions and façade articulation, above ground parking levels, and the architectural elements at the top of the buildings. The DRC had mixed comments on the design.

Commissioner Zayas-Mart generally supported the basic premise of the design and the two tower approach but agreed with staff that the buildings were bulky. She recommended analysis of other options, a slab (base) with mid rise and a slab (base) with a tower(s). She also recommended a larger courtyard and more compact floor plates to reduce the bulk and increase sunlight and views to the units. She believed that greater refinement was needed related to the façade articulation, the relationship between the transparency of the windows and the solid walls. She was concerned with the blank facades on the sides of the building. She also noted that the buildings didn't seem to relate to each other. She appreciated the need for an interesting building terminus but agreed that these elements seemed "tacked on" and should be refined.

Former Commissioner Boxer also supported the basic premise of the design and the two tower approach. He emphasized that the General Plan encourages density in downtown. He noted that some design options that would reduce the mass of the building would result in a reduction of units. He was also concerned with the mass and bulk of the building and thought the façade was "busy." He was concerned with the perception of depth of the buildings and courtyard and suggested towers of different heights. He also thought the building top elements seemed tacked on and did not relate to the building design. He believed that the above ground parking levels were acceptable and would support a Variance for all parking spaces.

There was a general agreement that a slab (base) with a mid rise and a slab (base) with a tower(s) would be analyzed as alternatives in the EIR. Since the DRC meeting and prior to publication of the DEIR, the applicant revised the design slightly. Below are list of the changes.

- Project towers are now at different heights
- Density reduced by two units
- Loading dock was moved off of Harrison Street and onto 6<sup>th</sup> Street
- Office square footage along Harrison Street was increased
- Community room along 6<sup>th</sup> Street was removed and the 4<sup>th</sup> floor community room was increased
- Façade articulation on the top of the structure fronting 6<sup>th</sup> Street was revised to increase the window size
- Façade articulation on the structure fronting 7<sup>th</sup> Street but facing Harrison Street was revised and window size increased.
- Façade articulation on the structure fronting 7<sup>th</sup> Street but facing Webster Street was revised to include another bay of windows.

Even with these changes, staff is still concerned with the building proportions and façade articulation, and the design of the top of the buildings and staff has included Conditions of Approval to address these issues.

Landmarks Preservation Advisory Board

During the DEIR public hearing on November 8, 2010, the LPAB made several comments that related to the design of the Project. Board Member Garry expressed concern regarding the height of the proposed building and compatibility with the much shorter 2-story Queen Anne buildings in the API. She also had concerns about how the 4-story parking podium would enhance pedestrian circulation. Board Member Provost disagreed that a reduced height alternative would provide the best mitigation for an incompatible height with the historic district, noting that old and new, and short and tall buildings can work well together. She provided Chicago as an example. She wanted to see additional images in order to determine whether the Project is well-designed and is compatible with its surrounding context.

Staff's response to the above comments is that we have made the appropriate findings as detailed in the *Finding* section of this report. While the location, size, design, and characteristics of the proposed Project would be visibly different than the existing 1-5 story structures located in the surrounding area, these low density/intensity uses are inconsistent with the General Plan. The General Plan states that the desired character of future development in the CBD area should include "a mix of **large-scale** offices, commercial, **urban (high-rise) residential**, institutional, open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses." In addition, the C-40 zoning for the site prescribes no maximum height.

As detailed in the EIR, the proposed Project, including the demolition of the structure at 617-621 Harrison Street would not adversely affect the historic integrity of the remaining structures on the block. Despite proposed Project's design, height, and materials it would also not adversely affect the overall historic district's API status or its ability to be eligible for the National Register of Historic Places.

The proposed Project includes two parking entrances, one on 6<sup>th</sup> Street and one on 7<sup>th</sup> Street, as well as a loading dock. In between these entrances on the ground floor, are the residential lobbies, retail and office space, and a community room. These uses account for the majority of the linear street frontage. By hiding the parking stalls behind the ground floor uses, the pedestrian experience will be greatly enhanced. Furthermore, additional parking is located below grade and on two floors above the ground level. These upper parking levels will not be naturally ventilated. On the contrary, the parking will be hidden behind translucent panels resulting in no visible parking and increased interest on the façade.

The Project meets the overall design review findings and with implementation of the conditions of approval related to design, the Project will be an attractive addition to the neighborhood. Although, staff is concerned with the building proportions and façade articulation, and the design of the top of the buildings as noted above, staff has included Conditions of Approval to address these minor issues.

The immediate surroundings consist of a mix of styles and uses. Next to the Project site along 7<sup>th</sup> Street is a 1980's modern office building. Behind the Project site are several 1970's 2-3 story commercial buildings and an Italianate residential building. There is really no identifiable architectural context except on the side of Harrison Street facing the Chinese Garden Park. Based on the mixed context, the EIR conclusion that the API would not be adversely affected, General Plan policies that promote high-density residential, and the proposed high-quality materials, staff finds that the Project is a well-design and appropriate infill project.

## CONCLUSION AND RECOMMENDATION


In summary, based on the analysis contained within this report and the EIR, staff believes that the proposed Project, to construct 380 residential units, 399 parking spaces and 9,100 sq. ft. of ground floor

office and retail space, is an appropriate urban in-fill re-development. The Project which will further the overall objectives of the General Plan by achieving a twenty-four hour presence in the Downtown, and enhancing a sense of community, increasing housing stock in the Chinatown neighborhood and especially within walking distance of Lake Merritt BART stations. The proposed Project will also replace a parking lot and several underutilized buildings, with residential units, office and ground floor retail.

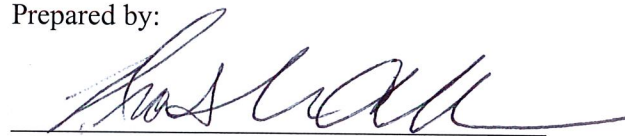
Staff recommends that the LPAB:

(1) As it relates to Cultural Resources, make a recommendation to the City Planning Commission to adopt the CEQA findings, including Certification of the Environmental Impact Report, rejection of alternatives and Statement of Overriding Considerations, and approval of the applications based on the staff report.

Approved for forwarding to the  
City Landmarks Preservation Advisory Board:

  
ERIC ANGSTADT  
Deputy Director  
Community and Economic Development Agency

Prepared by:

  
Heather Klein  
Planner III

**Attachments:**

- A. Project Plans
- B. Project Applicant documents related to the Project construction
- C. Findings, including CEQA Findings
- D. Conditions of Approval, including SCAMMRP
- E. Financial Feasibility Analysis

**NOTE:**

**The Draft and Final EIRs were provided under separate cover for review and consideration by the LPAB , and is available to the public at the Planning Department office at 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612 and on the City's website at <http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/s/Application/DOWD009157> under item 1 .**

# 325 SEVENTH STREET

## DEVELOPMENT SUBMITTAL-RESPONSE TO DRC COMMENTS

325 Seventh Street  
Oakland, California  
March 10, 2009

### PROJECT DESCRIPTION

Situated on a site the measures 35,500 SF, and abutting from the corner of 7th and Harrison to 8th Street forming the shape of an "S", the project is proposed to be condominiums with ground level retail.

The housing component provides a total of 380 units. Due to the unique shape of the site, the units will be divided into 2 towers. The North Tower will be 20 stories high and the South Tower will be 27 stories high. The towers will be connected by five 4 story podium below. The units will range from studios up to 2 bedroom types.

The building will be supported by 399 spaces in a one-story underground and 3-story above ground parking garage. The majority of the spaces will be mechanically organized and covered.

The commercial area on the street level will total roughly 9,100 SF and will be concentrated at the corner of 7th and Harrison. A smaller retail space along 7th Street will be available for administrative or office use.

### VICINITY MAP - not to scale



**PROJECT DIRECTORY**

**OWNER/DEVELOPER**  
BALCO PROPERTIES LTD. LLC  
1617 CALIF STREET  
OAKLAND, CA 94612  
TEL: 510.873.2911

**ARCHITECT**  
YHIA ARCHITECTS  
1617 CALIF STREET  
OAKLAND, CA 94612  
TEL: 510.833.6688

**LANDSCAPE CONSULTANT**  
KELLER MITCHELL & CO  
392 POLKIN STREET  
OAKLAND, CA 94607  
TEL: 510.451.8987

**PROJECT INFORMATION**

**BUILDING AND SITE**  
GROSS SITE AREA: 517,432 SF  
DEDICATED STREET IMPROVEMENTS:  
NET SITE AREA: 35,500 SF  
FLOOR AREA RATIO: 0.81 (400 SF/500 SF)

NET SITE AREA: 35,500 SF  
BLDG. FOOTPRINT: 32,750 SF  
NET SITE AREA: 35,500 SF

HOUSING DENSITY: 380 UNITS  
0.81 NET ACRES (35,500 SF)

NA  
NA  
NA

**PROJECT INFORMATION**

**PARKING**

	MECHANICAL PARKING SPACES	STANDARD PARKING SPACES	COMPACT PARKING SPACES	ACCESSIBLE PARKING SPACES	TOTAL
81 BASEMENT FLOOR	188	0	0	0	188
GROUND FLOOR	0	9	3	4	16
2ND FLOOR	97	1	6	2	106
3RD FLOOR	100	1	6	2	109
TOTAL PARKING SPACES	385	11	15	8	399
PARKING RATIO	NUMBER OF PARKING SPACES PER UNIT = 389				389
	NUMBER OF UNIT = 380				1 SPACE/UNIT

**SHEET INDEX**

PROJECT INFORMATION	21	BUILDING ELEVATION
1 SITE CONTEXT PHOTOGRAPHS	22	BUILDING ELEVATION
2 SITE PLAN	23	BUILDING SECTION
3 GROUND FLOOR PLAN	24	BALCONY/MECH. PARKING DETAIL
4 1ST FLOOR PLAN		
5 2ND FLOOR PLAN		
6 3RD FLOOR PLAN		
7 4TH FLOOR PLAN		
8 5TH - 17TH FLOOR PLAN		
9 6TH - 18TH FLOOR PLAN		
10 18TH - 19TH FLOOR PLAN		
11 20TH FLOOR PLAN		
12 21ST FLOOR PLAN		
13 22ND - 27TH FLOOR PLAN		
14 ROOF PLAN		
15 COURTYARD SEPARATION PLAN		
16 BUILDING ELEVATION		
17 BUILDING ELEVATION		
18 BUILDING ELEVATION		
19 BUILDING ELEVATION		
20 BUILDING ELEVATION		

**PROJECT INFORMATION**

**BUILDING CODE**  
SEIZING ZONE: TYPE 1  
CONSTRUCTION TYPE: 4  
OCCUPANCY GROUP: 9 (M) S 2 (R) 2  
BUILDING HEIGHT: NO LIMIT  
USE: BUSINESS / MERCHANT / GARAGE / RESIDENTIAL  
ZONING DESIGNATION: "C-40S" 17 ZONE IN CENTRAL BUSINESS DISTRICT  
CODE SECTION: CALIFORNIA BUILDING CODE 2007 EDITION  
CURRENT / APPROVED NEC, IBC, UPC, IFBC

**BUILDING DEVELOPMENT CHART**

	GROSS SF	PARKING ASBLD DRIVEWAY	COMMERCIAL SF	RESIDENTIAL SF	GROUP OS SF	PRIVATE OS SF
BASEMENT	33,070	25,776	9,110	1,180	-	-
GROUND FLR	33,790	10,807	-	-	-	-
2ND FLOOR	34,870	28,068	-	-	-	-
3RD FLOOR	34,670	28,158	-	-	-	-
4TH FLOOR	23,855	-	-	12,462	8,200	2,288
5TH FLOOR	23,861	-	-	19,037	-	102
6TH FLOOR	23,961	-	-	19,037	-	779
7TH FLOOR	23,961	-	-	19,037	-	110
8TH FLOOR	23,961	-	-	19,037	-	779
9TH FLOOR	23,961	-	-	19,037	-	170
10TH FLOOR	23,961	-	-	19,037	-	779
11TH FLOOR	23,961	-	-	19,037	-	170
12TH FLOOR	23,961	-	-	19,037	-	779
13TH FLOOR	23,961	-	-	19,037	-	170
14TH FLOOR	23,961	-	-	19,037	-	779
15TH FLOOR	23,961	-	-	19,037	-	170
16TH FLOOR	23,961	-	-	19,037	-	779
17TH FLOOR	23,961	-	-	19,037	-	170
18TH FLOOR	23,961	-	-	19,037	-	779
19TH FLOOR	23,961	-	-	19,037	-	170
20TH FLOOR	23,961	-	-	19,037	-	779
21ST FLOOR	9,915	-	-	7,255	-	204
22ND FLOOR	8,396	-	-	6,310	-	1,280
23RD FLOOR	8,396	-	-	6,310	-	-
24TH FLOOR	8,396	-	-	6,310	-	-
25TH FLOOR	8,396	-	-	6,310	-	-
26TH FLOOR	8,396	-	-	6,310	-	-
27TH FLOOR	8,396	-	-	6,310	-	-
TOTAL	517,432	92,757	9,110	360,261	10,221	5,042

**RESIDENTIAL UNIT MIX**

	STUDIO	1-BR	2-BR	2-BR PLUS
4TH FLOOR	1	7	4	1
5TH - 17TH (PER FLOOR TOTAL)	2,755	10,120	7,191	1,113
18TH - 20TH (PER FLOOR TOTAL)	216	9,127	7,121	1,113
21ST FLOOR (PER FLOOR TOTAL)	1	4	3	0
22ND - 27TH FLOOR (PER FLOOR TOTAL)	116	4,124	2,712	0
TOTAL	40	192	131	17

**PROJECT INFORMATION**

**DEVELOPMENT SUBMITTAL**

**DEVELOPMENT SUBMITTAL**



**SITE CONTEXT PLAN**



SCALE: 1" = 100'

DATE: 11/17/17

PROJECT: 325 SEVENTH STREET

CLIENT: [REDACTED]

ARCHITECT: [REDACTED]

ENGINEER: [REDACTED]

DATE: 11/17/17

SCALE: 1" = 100'

PROJECT: 325 SEVENTH STREET

CLIENT: [REDACTED]

ARCHITECT: [REDACTED]

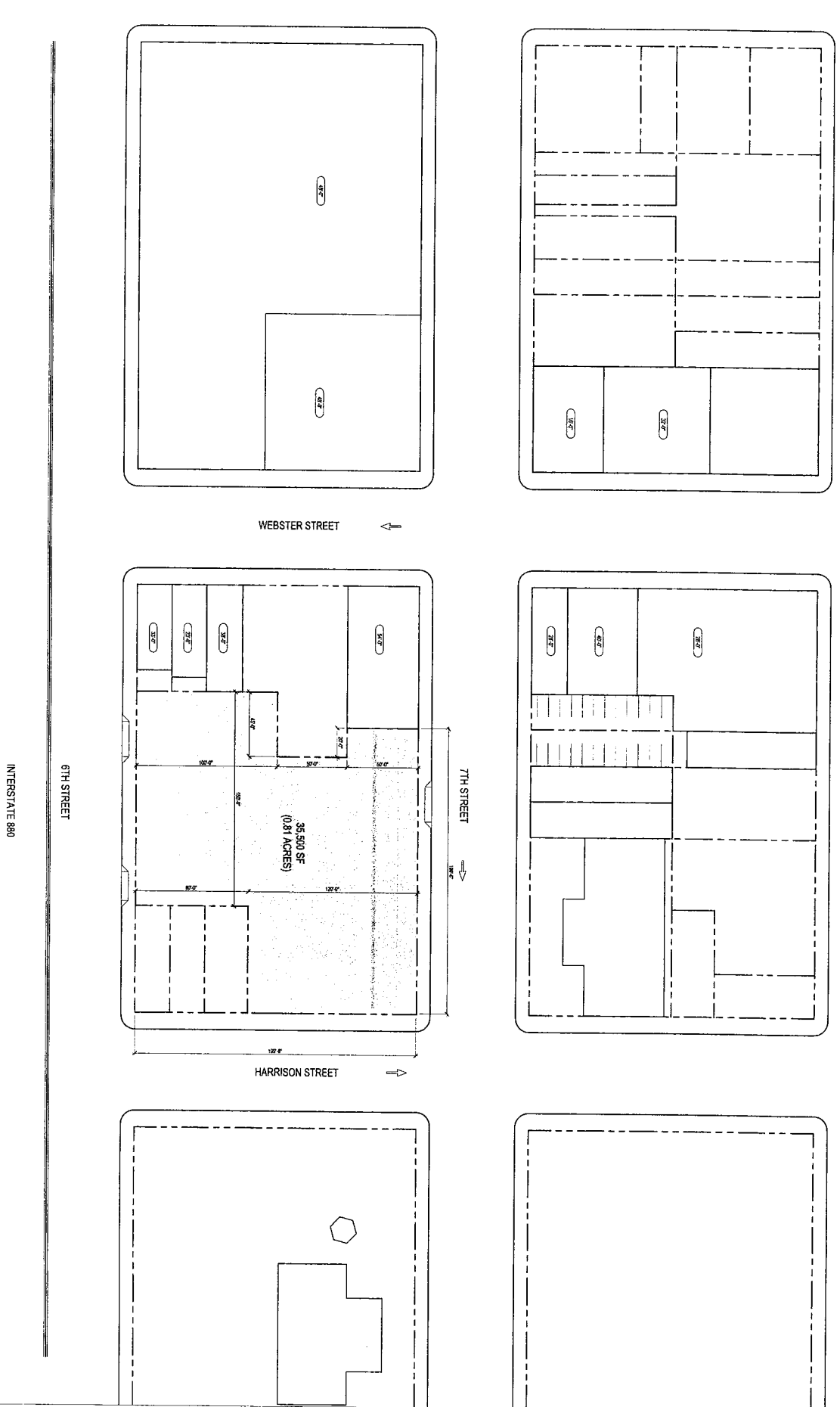
ENGINEER: [REDACTED]

DATE: 11/17/17

SCALE: 1" = 100'

PROJECT: 325 SEVENTH STREET

CLIENT: [REDACTED]



**ENLARGED SITE PLAN**

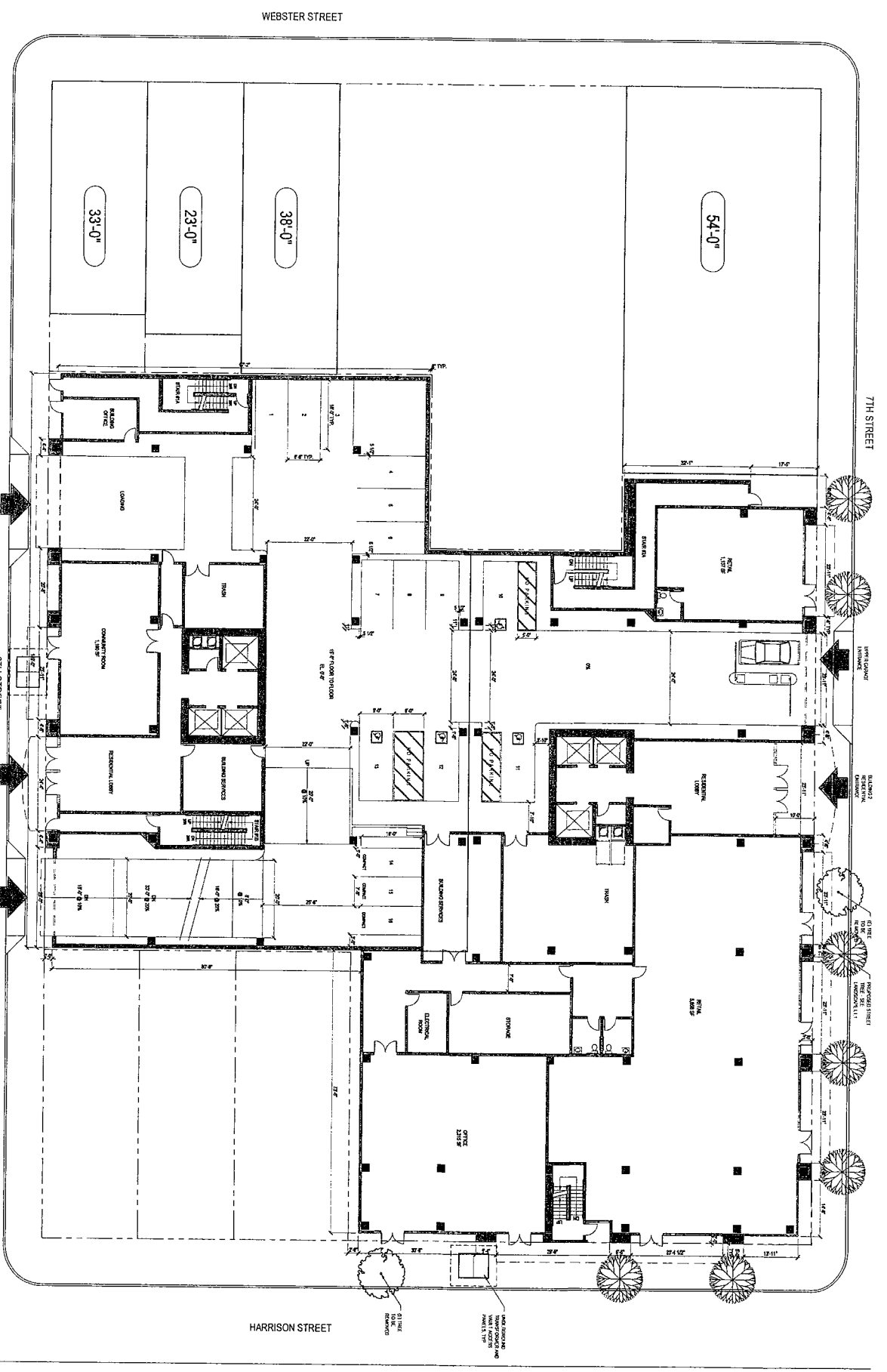


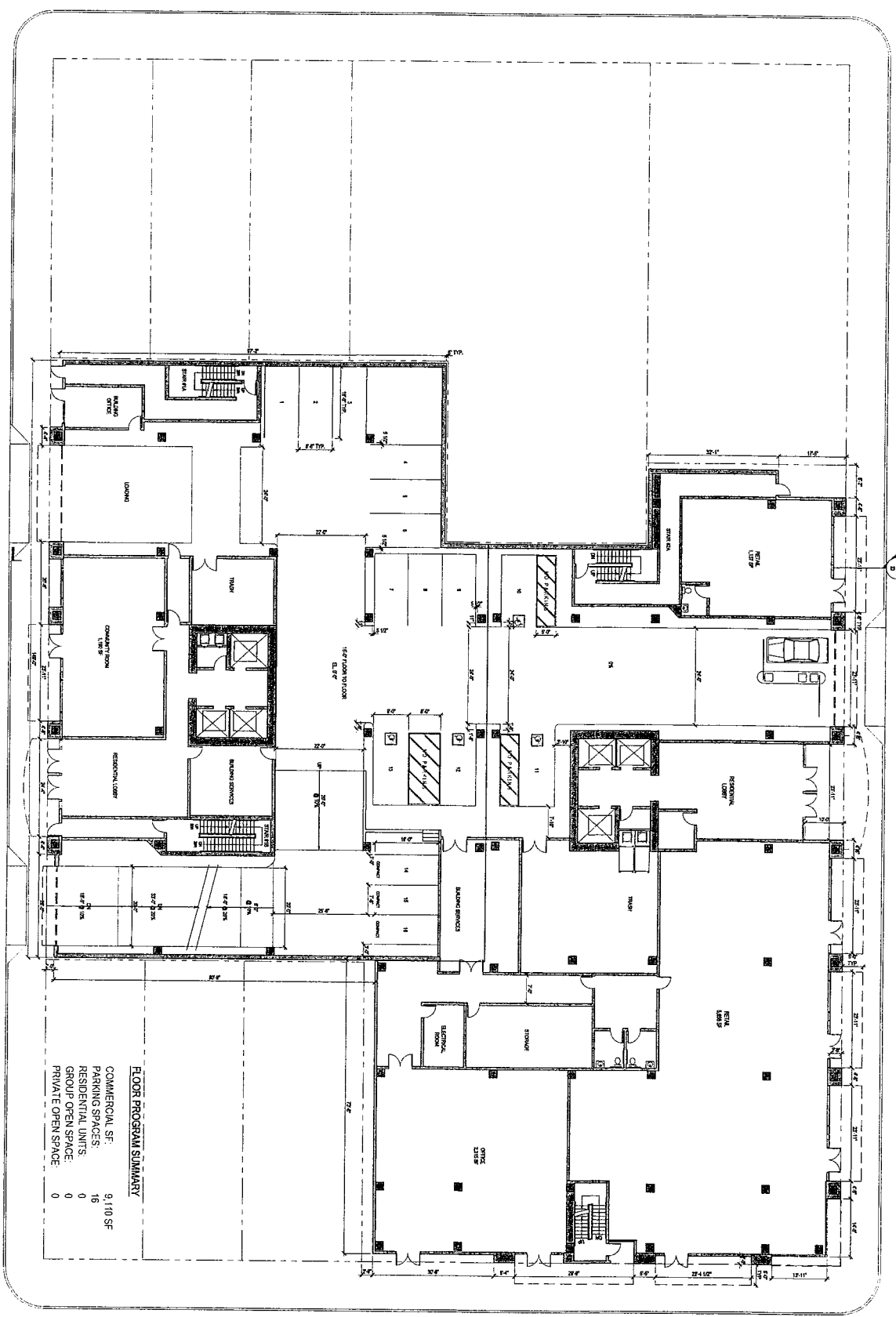
- FOR STREET TREE AND PAVING DESIGN, SEE LANDSCAPE DRAWING 1.11

DEVELOPMENT SUBMITTAL



325 SEVENTH STREET  
OAKLAND, CALIFORNIA

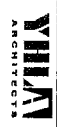




**FLOOR PROGRAM SUMMARY**

COMMERCIAL SF:	9,110 SF
PARKING SPACES:	16
RESIDENTIAL UNITS:	0
GROUP/OPEN SPACE:	0
PRIVATE/OPEN SPACE:	0

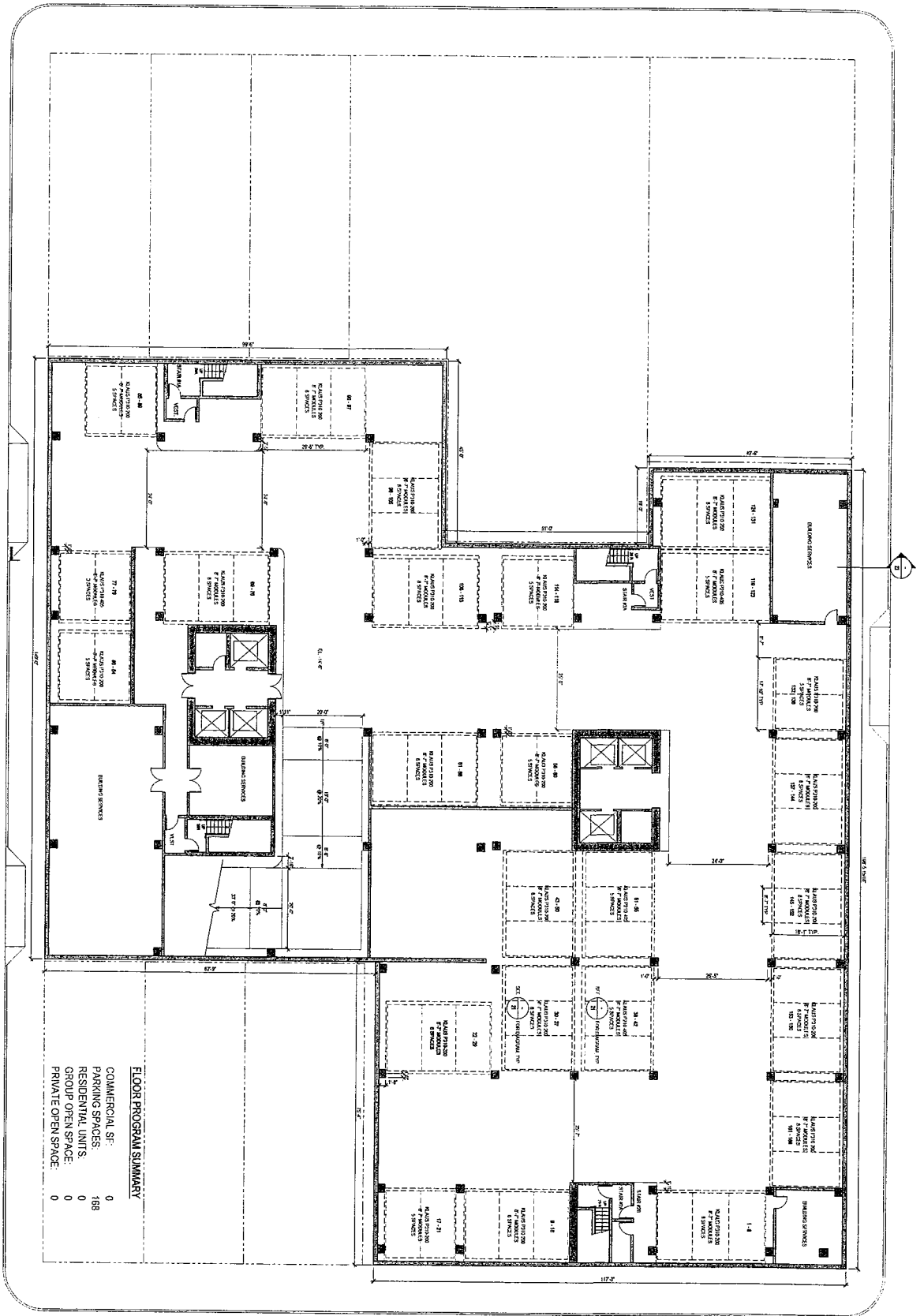
DEVELOPMENT  
SUBMITTAL



2025 SEVENTH STREET  
OAKLAND, CA 94612  
TEL: 415.778.1234  
WWW.YHAWARCHITECTS.COM



LEVEL B1 FLOOR PLAN



FLOOR PROGRAM SUMMARY

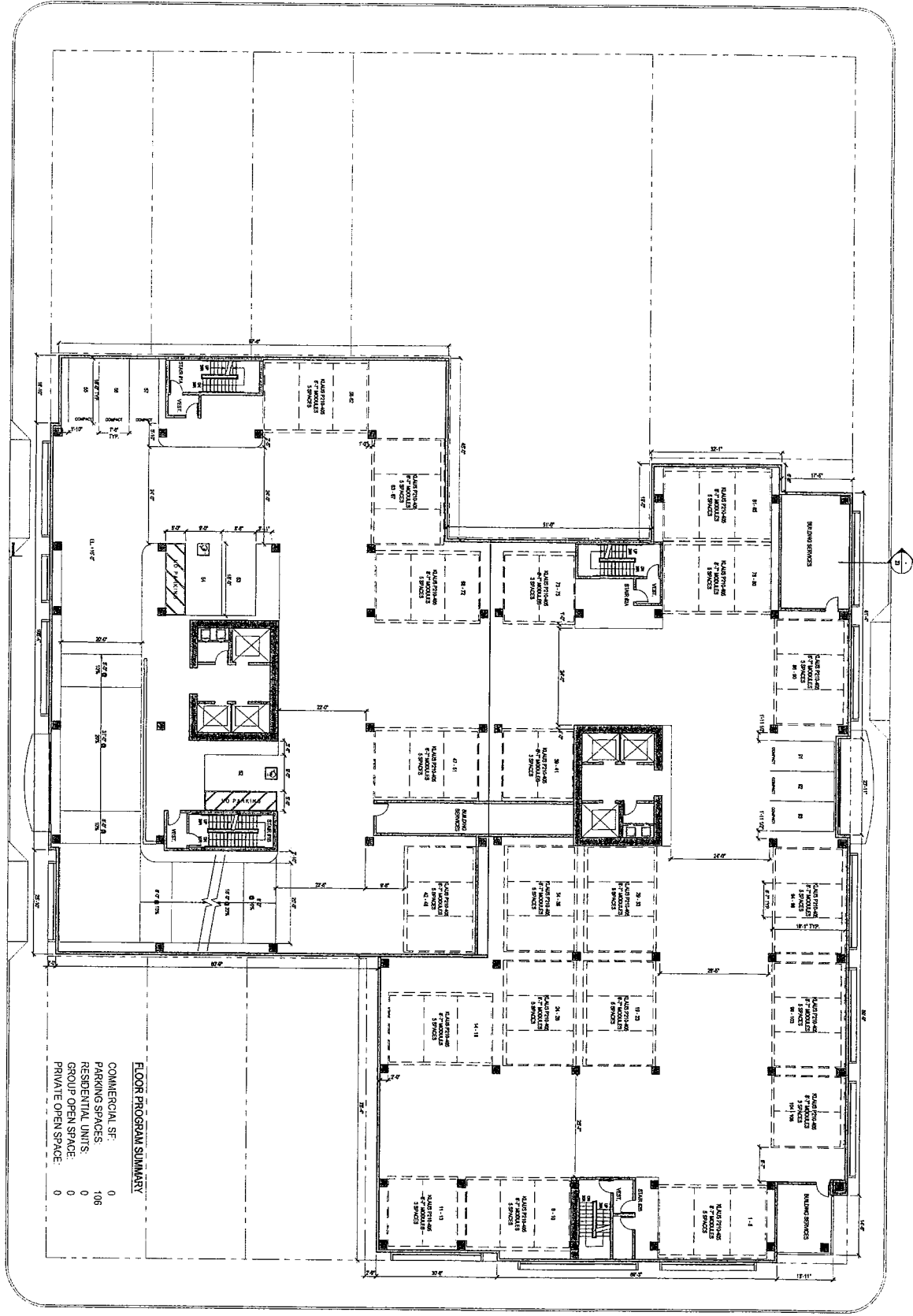
COMMERCIAL SF:	0
PARKING SPACES:	188
RESIDENTIAL UNITS:	0
GROUP OPEN SPACE:	0
PRIVATE OPEN SPACE:	0

DEVELOPMENT SUBMITTAL



325 SEVENTH STREET  
OAKLAND, CALIFORNIA

**2ND FLOOR PLAN**



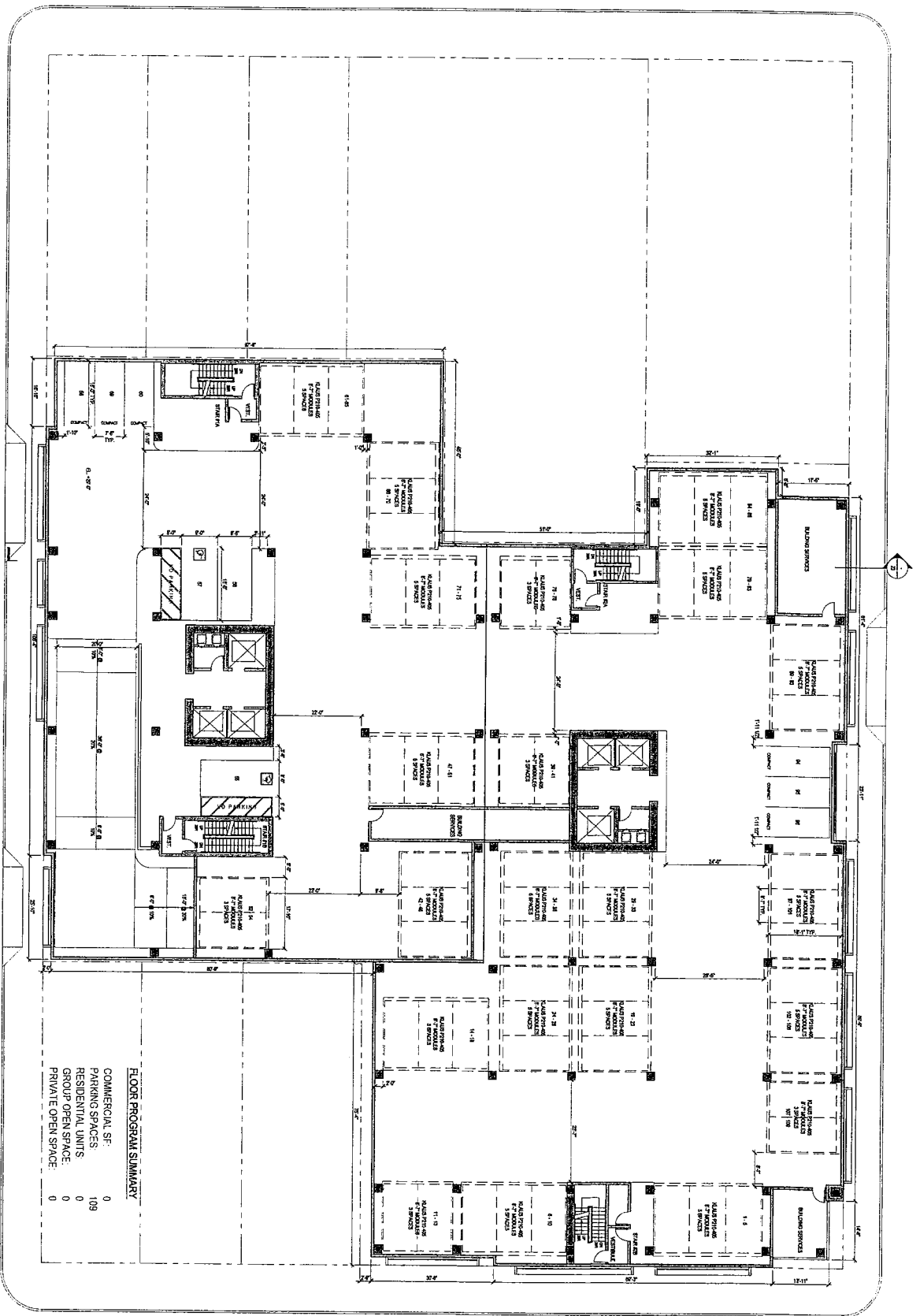
**FLOOR PROGRAM SUMMARY**

COMMERCIAL SF:	0
PARKING SPACES:	106
RESIDENTIAL UNITS:	0
GROUP OPEN SPACE:	0
PRIVATE OPEN SPACE:	0

DEVELOPMENT  
SUBMITTAL



325 SEVENTH STREET  
OAKLAND, CALIFORNIA



**FLOOR PROGRAM SUMMARY**

COMMERCIAL SF.	0
PARKING SPACES	109
RESIDENTIAL UNITS	0
GROUP OPEN SPACE	0
PRIVATE OPEN SPACE	0

DEVELOPMENT  
SUBMITTAL



3000 BAY STREET, SUITE 200  
OAKLAND, CA 94612  
TEL: 415.778.8888  
WWW.YMAA.AE

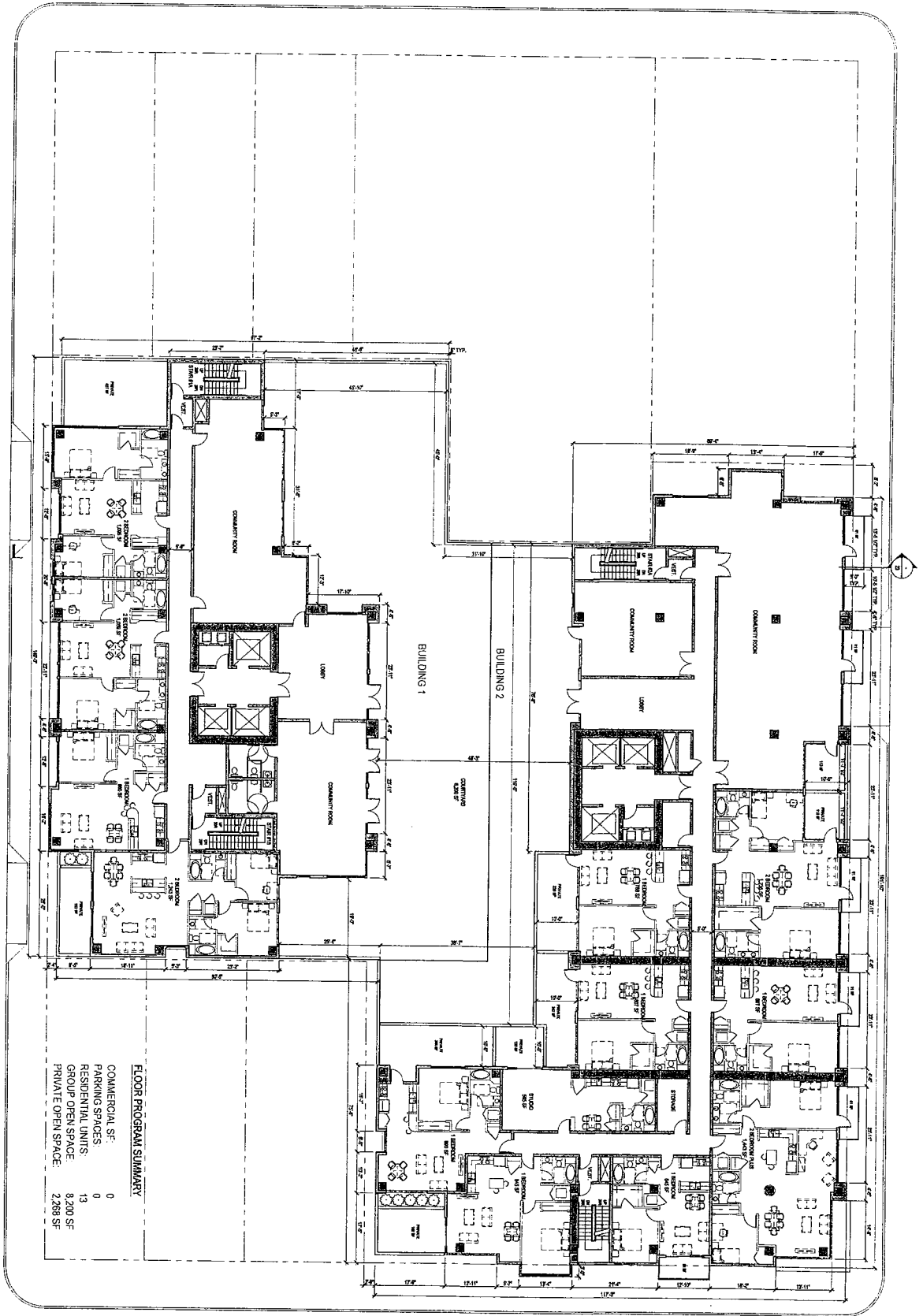
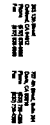


4TH FLOOR PLAN



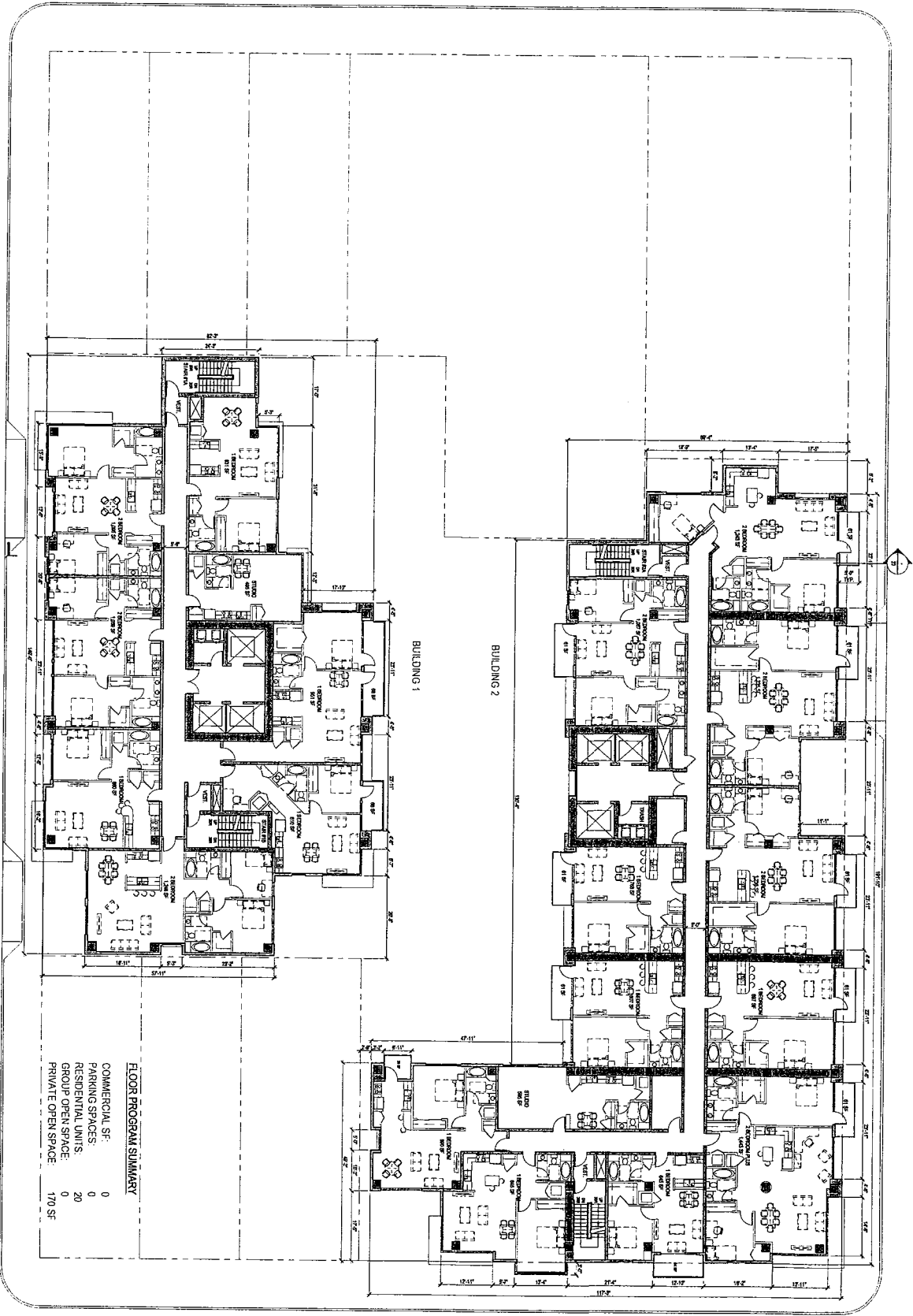
FOR COURTYARD DESIGN, SEE LANDSCAPE DRAWINGS 12

DEVELOPMENT  
SUBMITTAL



FLOOR PROGRAM SUMMARY

COMMERCIAL SF	0
PARKING SPACES	0
RESIDENTIAL UNITS	13
GROUP OPEN SPACE	8,200 SF
PRIVATE OPEN SPACE	2,289 SF



**FLOOR PROGRAM SUMMARY**

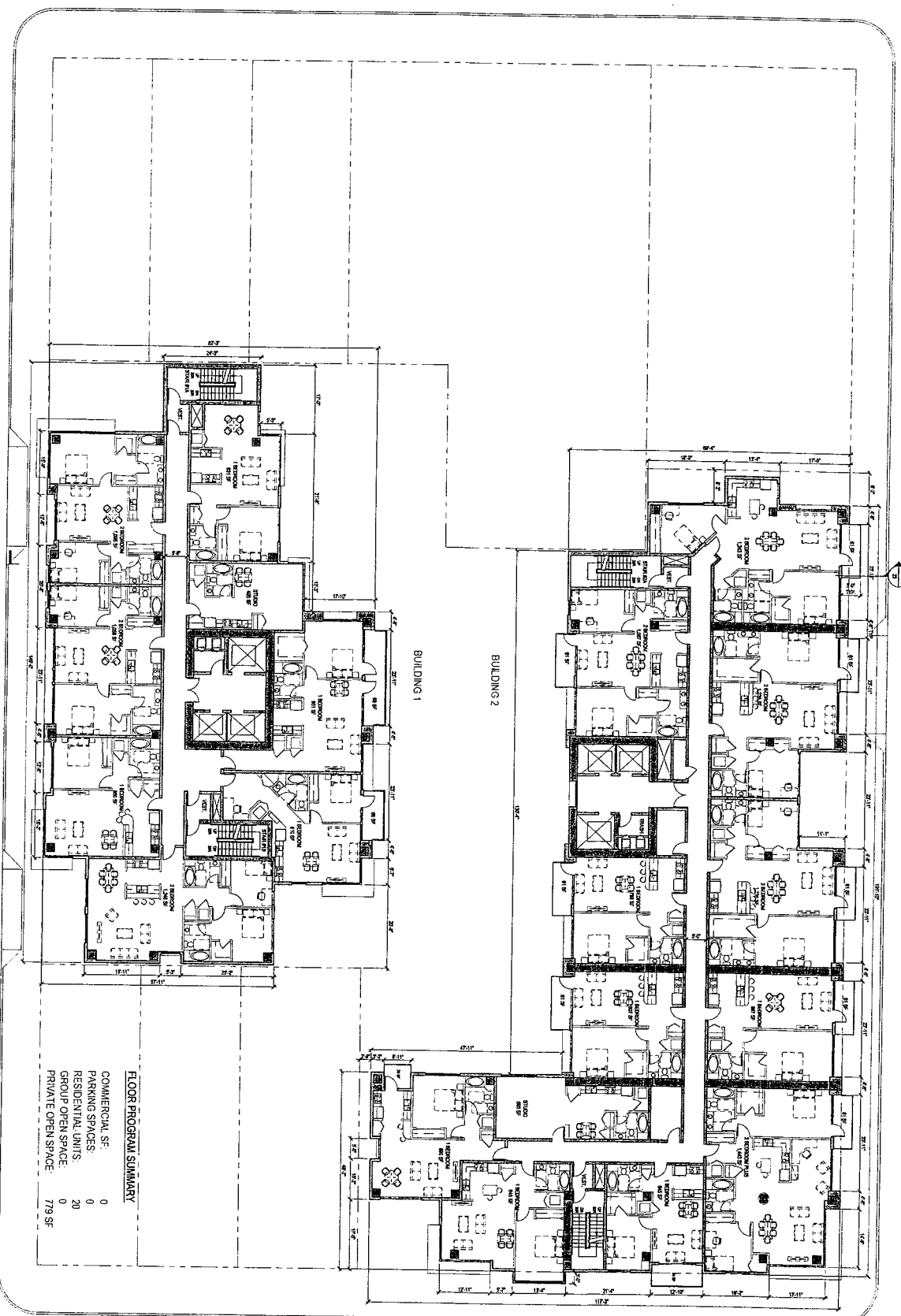
COMMERCIAL SF:	0
PARKING SPACES:	0
RESIDENTIAL UNITS:	20
GROUP OPEN SPACE:	0
PRIVATE OPEN SPACE:	170 SF

DEVELOPMENT  
SUBMITTAL



325 SEVENTH STREET  
OAKLAND, CALIFORNIA

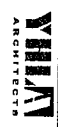
6TH - 16TH (EVEN NUMBER) FLOOR PLAN



FLOOR PROGRAM SUMMARY

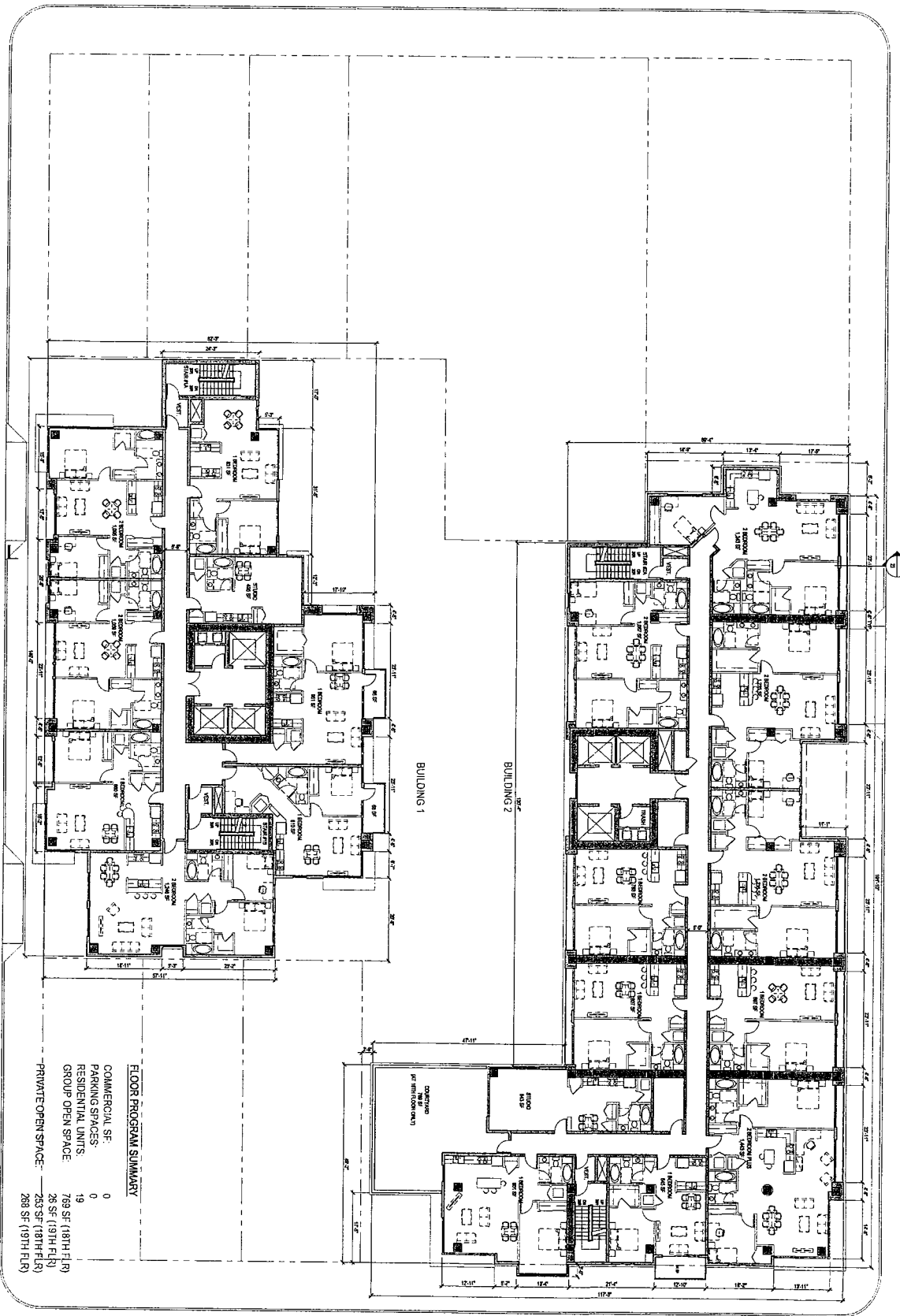
COMMERCIAL SF:	0
PARKING SPACES:	0
RESIDENTIAL UNITS:	20
GROUP OPEN SPACE:	0
PRIVATE OPEN SPACE:	779 SF

DEVELOPMENT  
SUBMITTAL



325 SEVENTH STREET  
OAKLAND, CALIFORNIA 94612  
TEL: 415.774.8888  
WWW.YIMBYARCHITECTS.COM

18TH - 19TH FLOOR PLAN



FLOOR PROGRAM SUMMARY

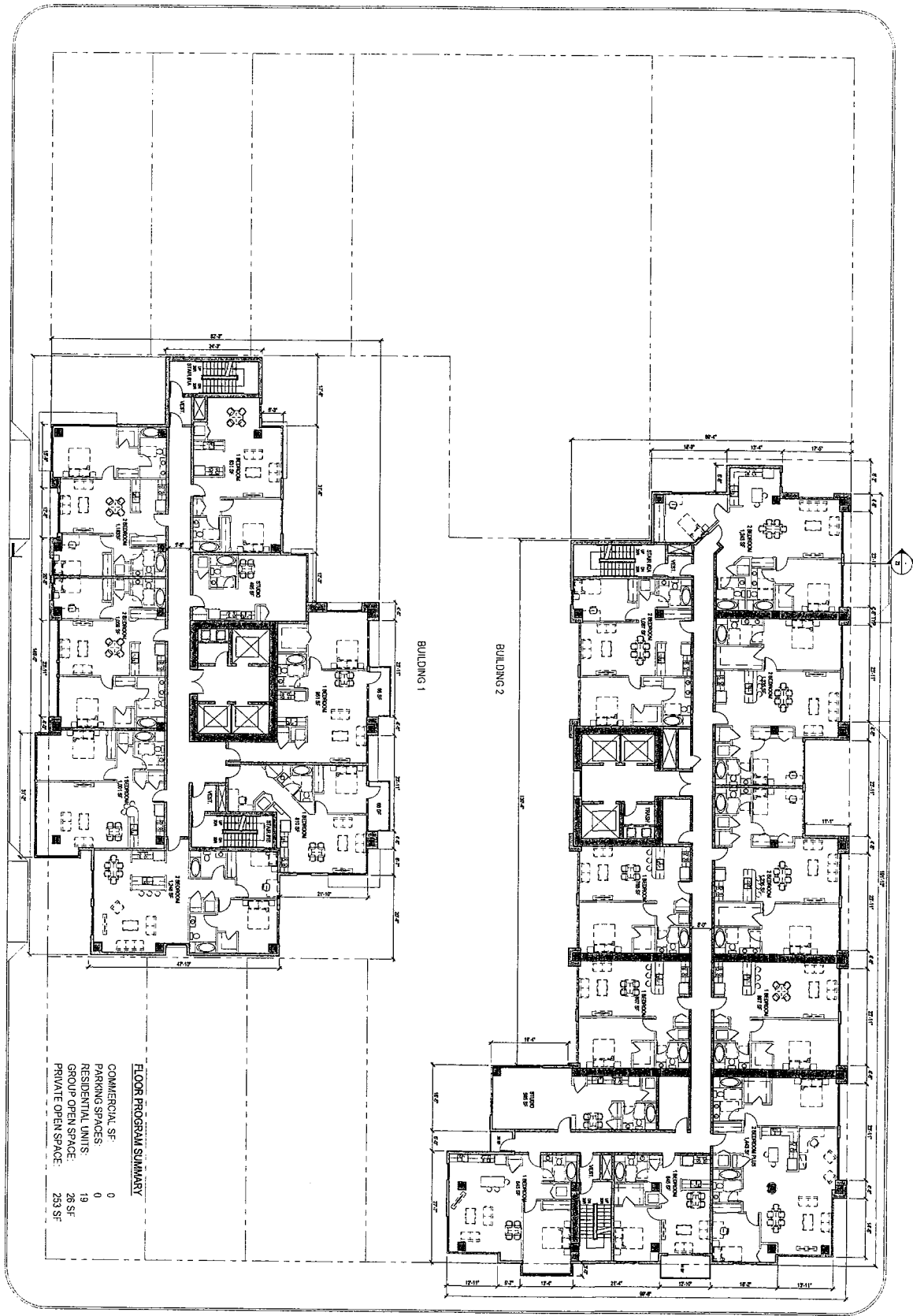
COMMERCIAL SF	0
PARKING SPACES	19
RESIDENTIAL UNITS	769 SF (18TH FLR) 28 SF (19TH FLR)
GROUP OPEN SPACE	283 SF (18TH FLR) 288 SF (19TH FLR)

DEVELOPMENT  
SUBMITTAL



YMAA ARCHITECTS  
1000 BROADWAY  
SUITE 1000  
SAN FRANCISCO, CA 94103  
415.774.1000  
www.ymaa.com

20TH FLOOR PLAN



FLOOR PROGRAM SUMMARY

COMMERCIAL SF	0
PARKING SPACES	0
RESIDENTIAL UNITS	19
GROUP OPEN SPACE	26 SF
PRIVATE OPEN SPACE	253 SF

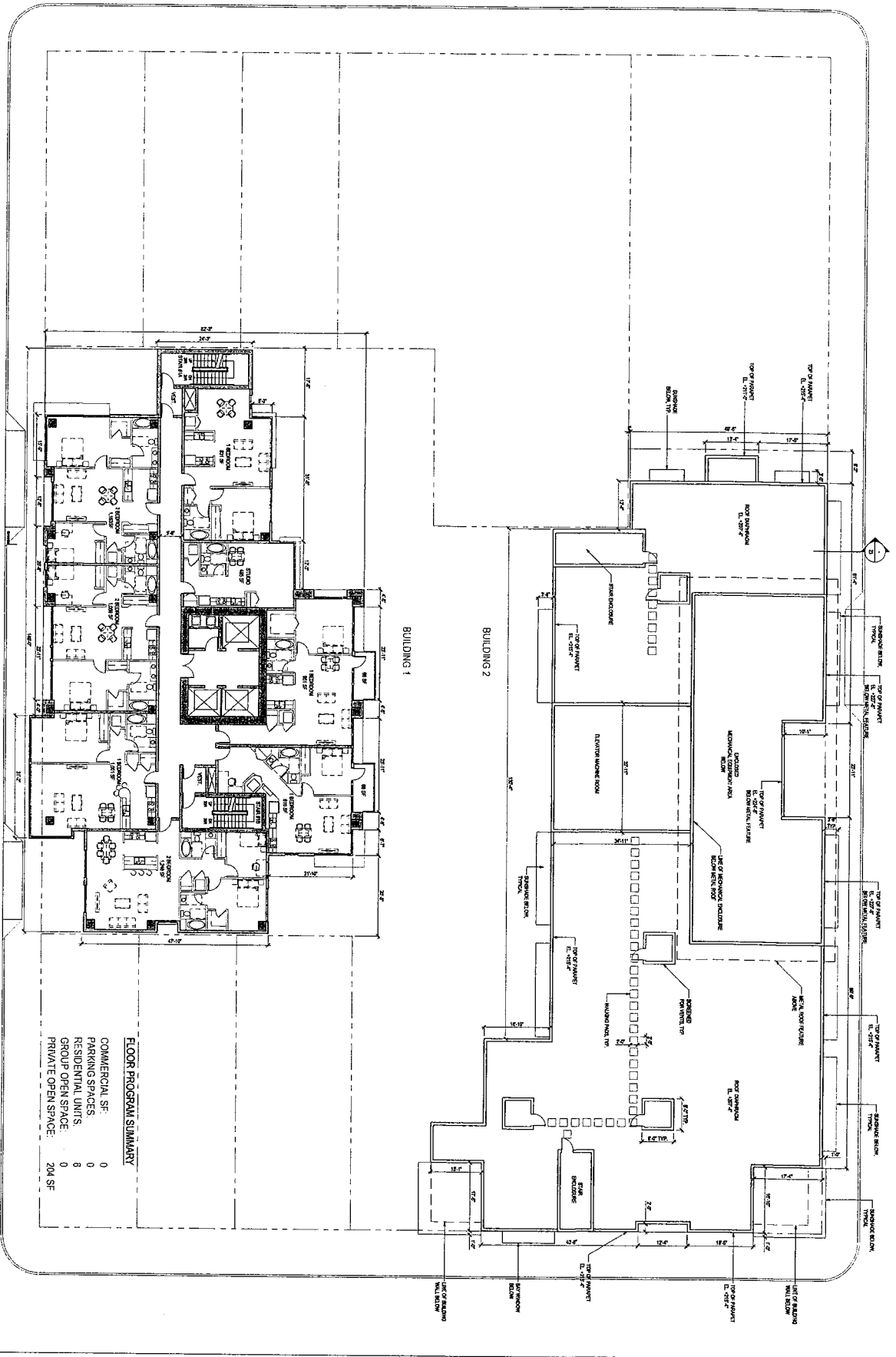
DEVELOPMENT  
SUBMITTAL



325 SEVENTH STREET  
OAKLAND, CALIFORNIA



21ST FLOOR PLAN



**FLOOR PROGRAM SUMMARY**

COMMERCIAL SF.	0
PARKING SPACES	0
RESIDENTIAL UNITS	8
GROUP OPEN SPACE	0
PRIVATE OPEN SPACE	204 SF

DEVELOPMENT  
SUBMITTAL



325 SEVENTH STREET  
OAKLAND, CALIFORNIA 94612  
TEL: 415.774.1111  
WWW.YHMA.COM

# 22ND FLOOR PLAN

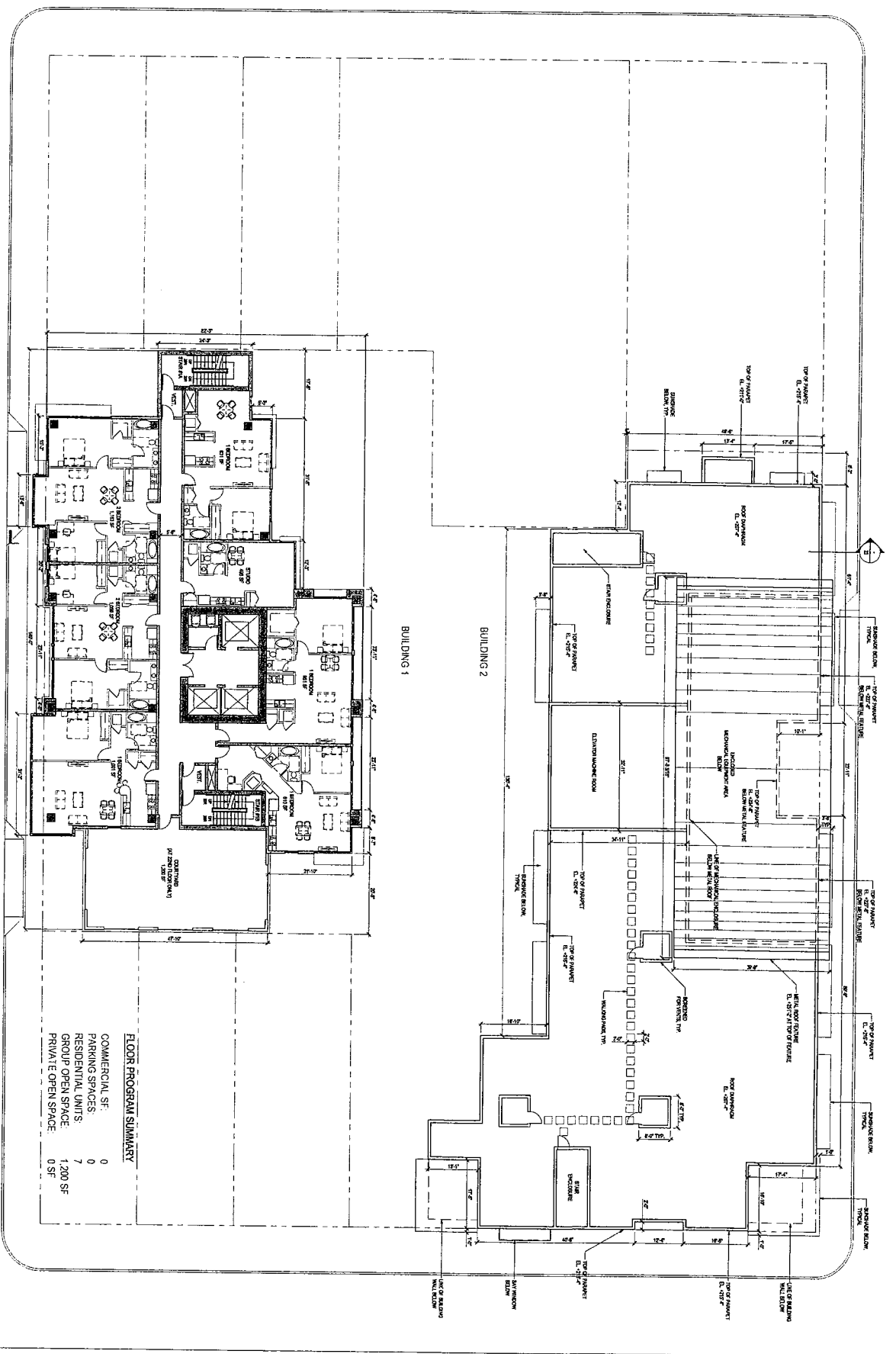


DEVELOPMENT  
SUBMITTAL



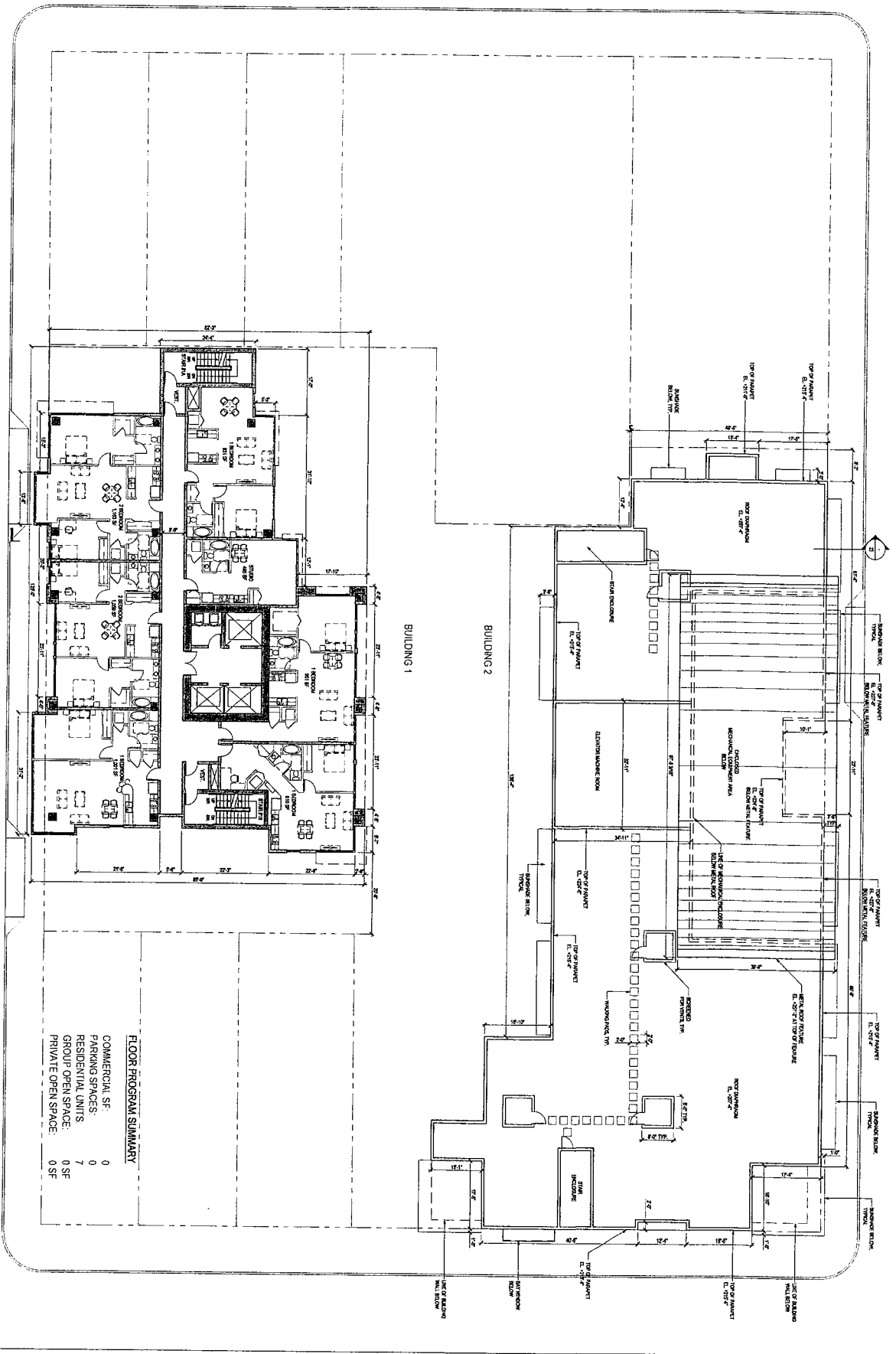
325 SEVENTH STREET  
OAKLAND, CALIFORNIA  
94612

12



**FLOOR PROGRAM SUMMARY**

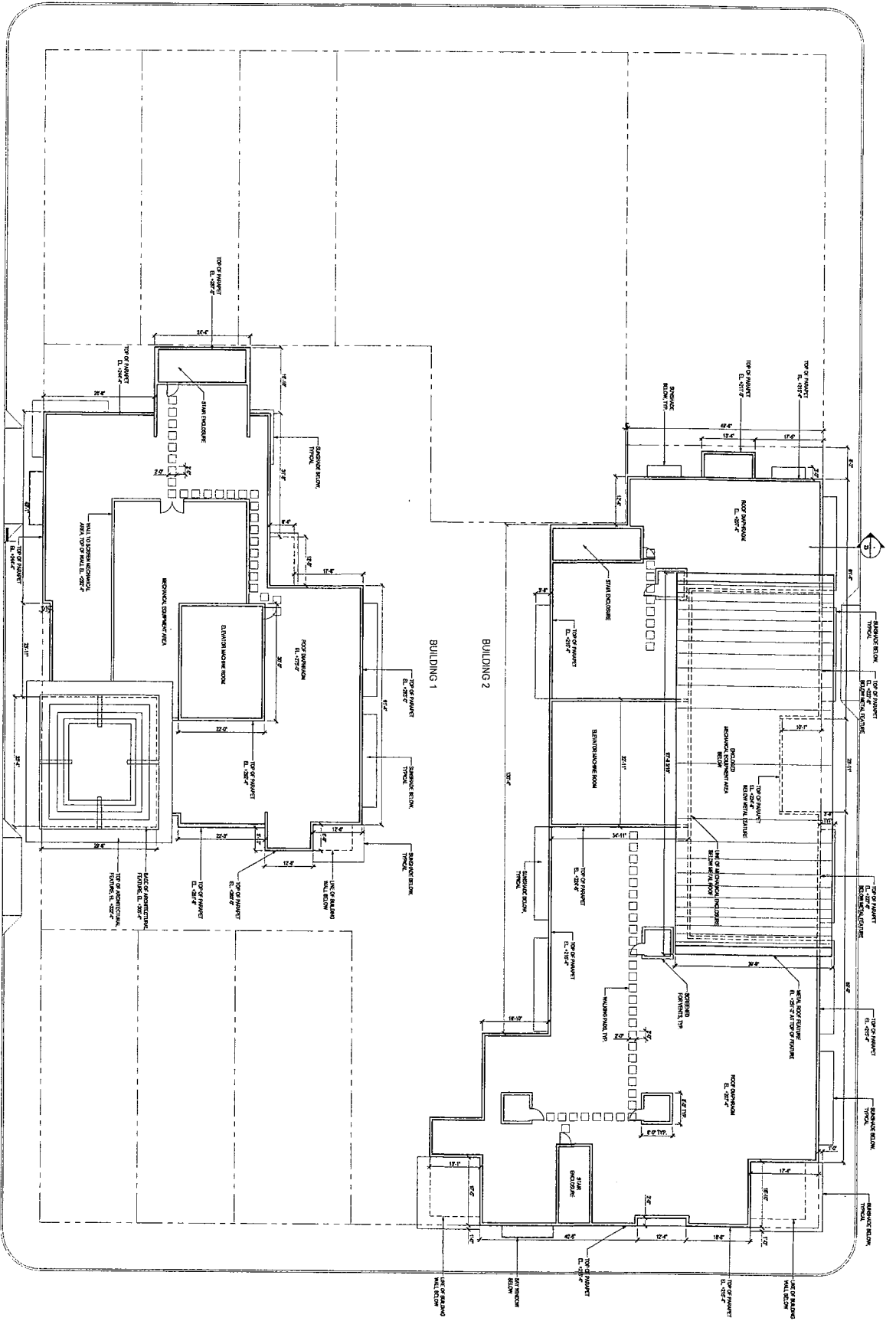
COMMERCIAL SF.	0
PARKING SPACES:	0
RESIDENTIAL UNITS:	7
GROUP OPEN SPACE:	1,200 SF
PRIVATE OPEN SPACE:	0 SF



DEVELOPMENT  
SUBMITTAL



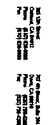
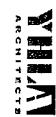
325 SEVENTH STREET  
OAKLAND, CALIFORNIA



LIVING ROOM WINDOW SEPARATION PLAN (TYP.)

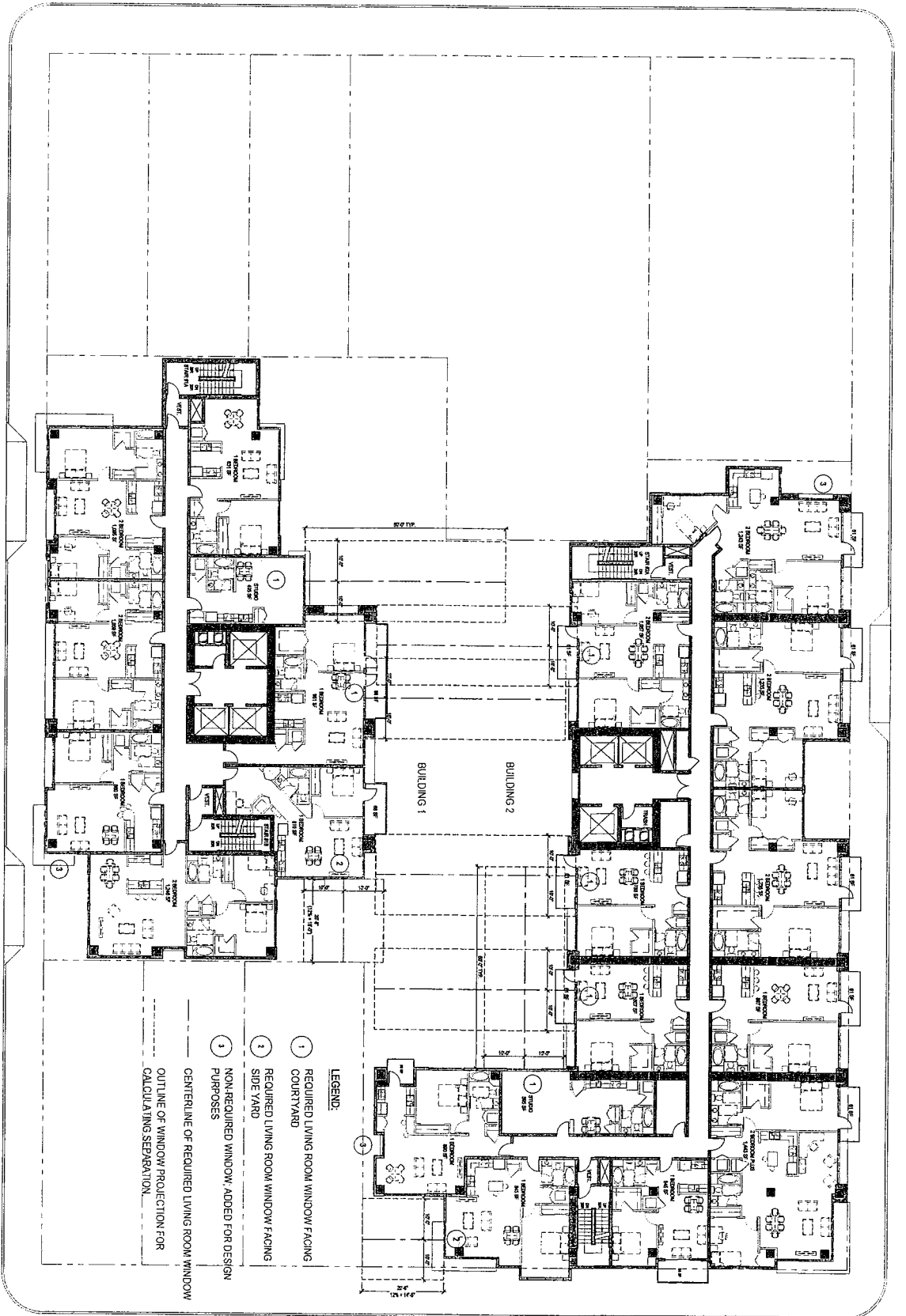


DEVELOPMENT  
SUBMITTAL



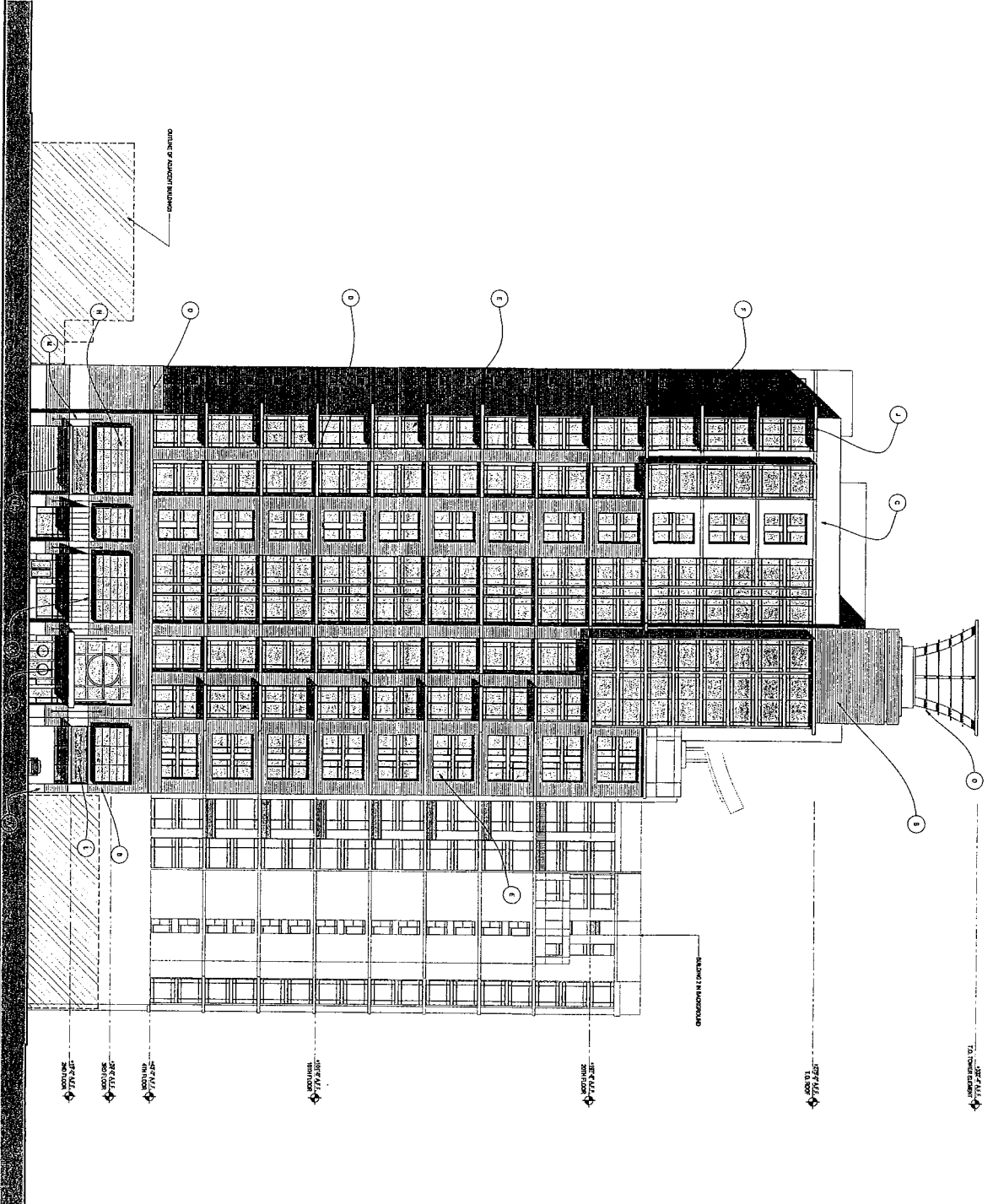
15

325 SEVENTH STREET  
OAKLAND, CALIFORNIA



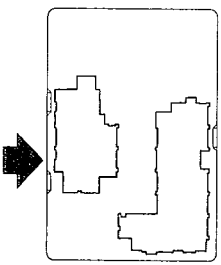
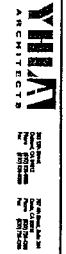
**BUILDING 1 - SOUTH ELEVATION (FACING FREEWAY)**

SCALE: 1/8" = 1'-0"

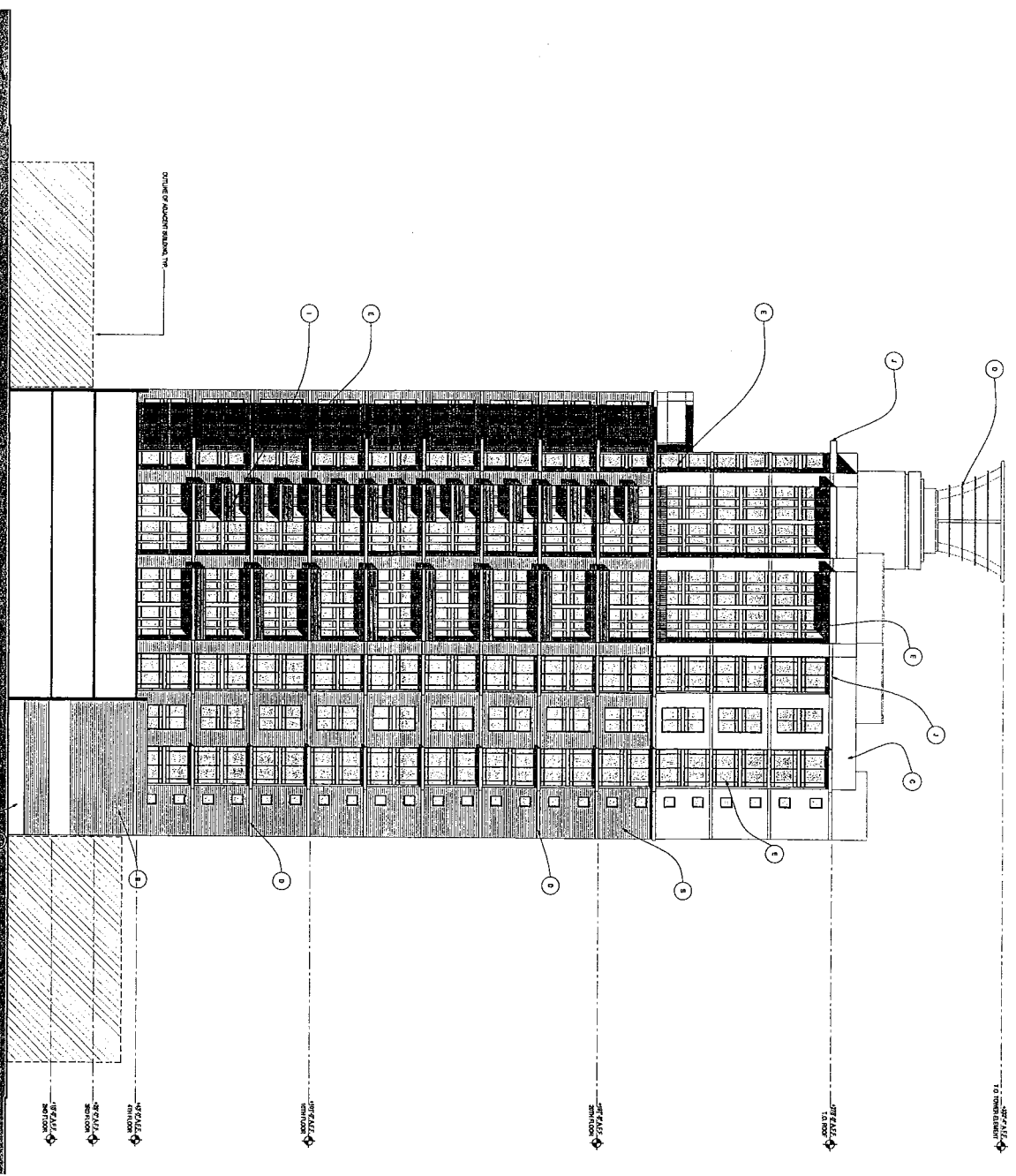


- ELEVATION MATERIAL KEY**
- A. GF.FAC. BASE
  - B. GF.FAC. PANEL - COLOR #1
  - C. GF.FAC. PANEL - COLOR #2
  - D. GF.FAC. CONTRAST BAND
  - E. METAL WINDOW WITH LOWE TYPED GLAZING (DOUBLE GLAZING WHERE REQUIRED)
  - F. SERVICE WORKSPACE METAL WINDOW
  - G. METAL STRENGTH SYSTEM WITH LOWE TYPED GLAZING (DOUBLE GLAZING WHERE REQUIRED)
  - H. PAINTED METAL FRAME WITH TRANSLUCENT METAL PANELS
  - I. PAINTED METAL RAILINGS
  - J. PAINTED METAL SUN SHADING DEVICE
  - K. METAL MANNING
  - L. PAINTED METAL LOANER
  - M. DECORATIVE METAL DETAIL
  - N. METAL OVERHEAD DOORS DOOR H. GARAGE AND LOADING
  - O. METAL ARCHITECTURAL FEATURE

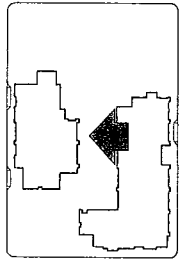
DEVELOPMENT  
SUBMITTAL



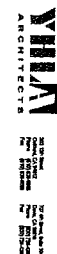
**BUILDING 1 - NORTH ELEVATION (FACING COURTYARD)**



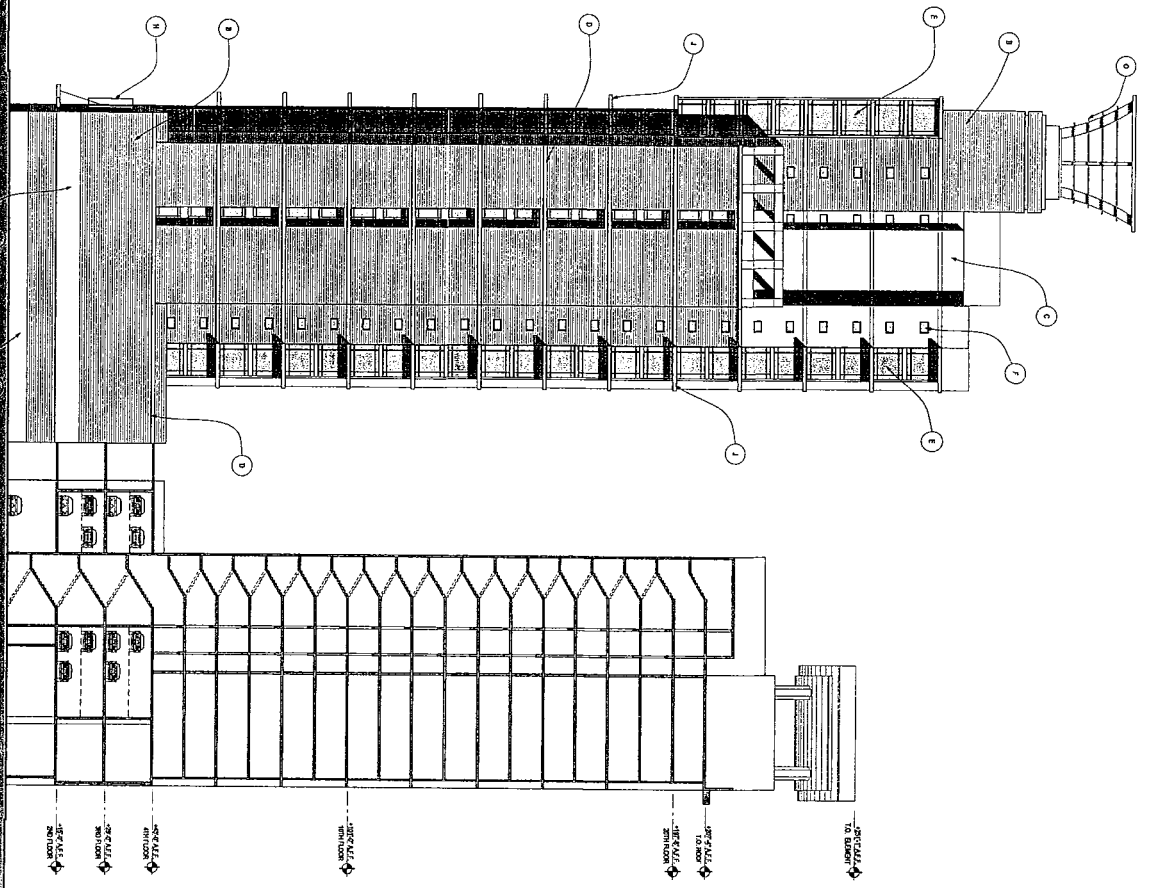
- ELEVATION MATERIAL KEY**
- A. G.F.A.C. BASE
  - B. G.F.A.C. PANEL - COLOR #1
  - C. G.F.A.C. PANEL - COLOR #2
  - D. G.F.A.C. CONTRAST BAND
  - E. METAL WINDOW WITH LOWE TINTED GLAZING (DOUBLE GLAZING WHERE REQUIRED)
  - F. SERVICE NON-OPERABLE METAL WINDOW
  - G. METAL STOREROOM SYSTEM WITH LOWE TINTED GLAZING (DOUBLE GLAZING WHERE REQUIRED)
  - H. PAINTED METAL FRAME WITH TRANSPARENT INFILL PANELS
  - I. PAINTED METAL WALLINGS
  - J. PAINTED METAL SINKING SERVICE
  - K. METAL FINNING
  - L. PAINTED METAL DOORNE
  - M. DECORATIVE METAL DETAIL
  - N. METAL OVERHEAD CEILING DOOR AT GARAGES AND LOADING
  - O. METAL ARCHITECTURAL FEATURE



DEVELOPMENT  
SUBMITTAL

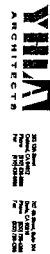


**BUILDING 1 - EAST ELEVATION (FACING HARRISON STREET)**



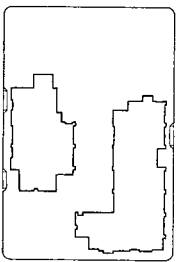
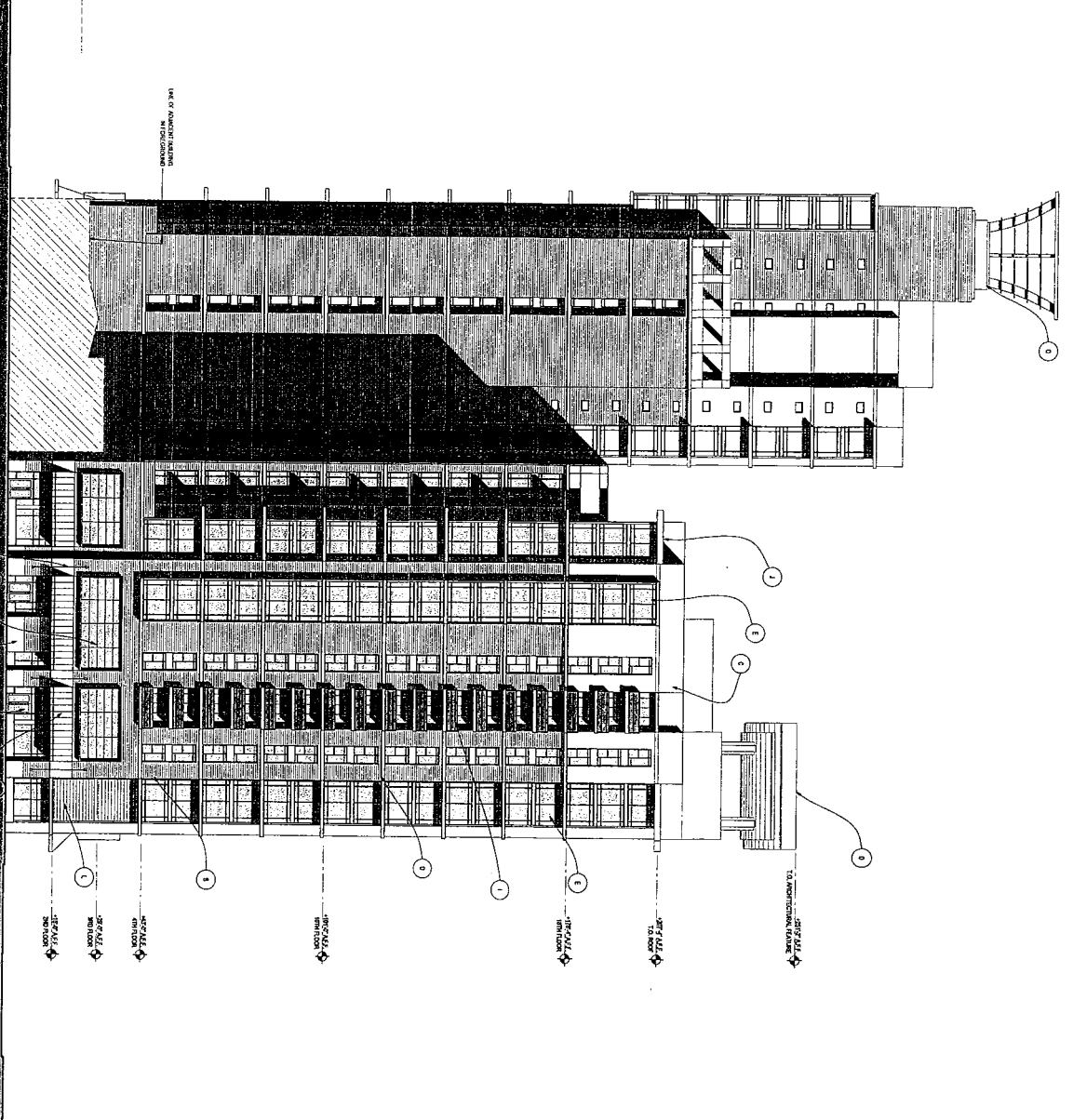
- ELEVATION MATERIAL KEY**
- A G-FAC BASE
  - B G-FAC PANEL - COLOR #1
  - C G-FAC PANEL - COLOR #2
  - D G-FAC CONTRAST BAND
  - E METAL WINDOW WITH LOW-E TINTED GLAZING (DOUBLE GLAZING WHERE REQUIRED)
  - F SERVICE NON-OPERABLE METAL WINDOW
  - G METAL STOREFRONT SYSTEM WITH LOW-E TINTED GLAZING (DOUBLE GLAZING WHERE REQUIRED)
  - H PAINTED METAL FRAME WITH TRANSLUCENT INFILL PANELS
  - I PAINTED METAL RAILINGS
  - J PAINTED METAL SIGN/SHOULDERPOD
  - K METAL SKINING
  - L PAINTED METAL LOUVER
  - M DECORATIVE METAL DETAIL
  - N METAL OVERHEAD CANOPY DOOR AT GARAGE AND LOADING
  - O METAL ARCHITECTURAL FEATURE

DEVELOPMENT  
SUBMITTAL





**BUILDING 1 & 2 - EAST ELEVATION (FACING HARRISON STREET)**



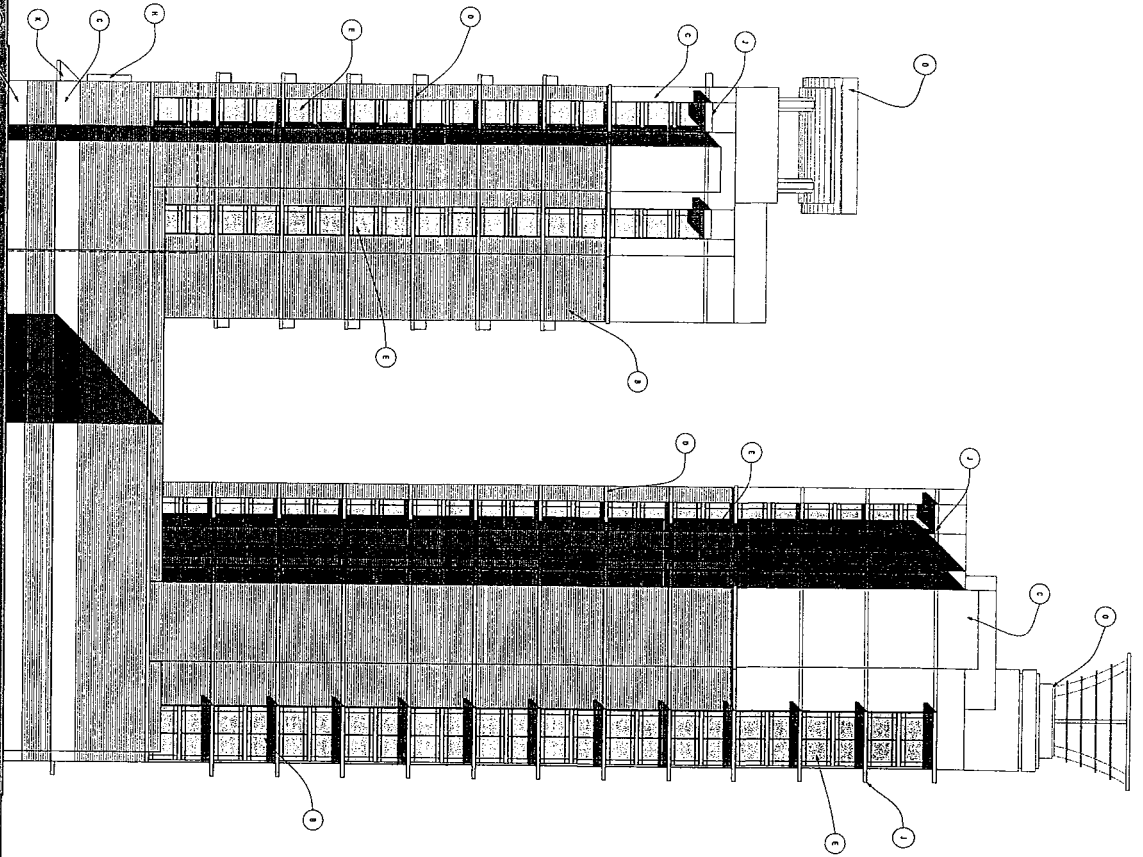
- ELEVATION MATERIAL KEY**
- A. G.F.A.C. BASE
  - B. G.F.A.C. PANEL - COOR M
  - C. G.F.A.C. PANEL - COOR R
  - D. G.F.A.C. CONTRAST BAND
  - E. METAL WINDOW WITH LOW-E TINTED GLAZING (DOUBLE GLAZING WHEN REQUIRED)
  - F. SERVICE NON-OPERABLE METAL WINDOW
  - G. METAL SUBSTRATE WITH TYPICAL LOW-E TINTED GLAZING (DOUBLE GLAZING WHEN REQUIRED)
  - H. PAINTED METAL FRAME WITH TRANSLUCENT METAL PANELS
  - I. PAINTED METAL PANELS
  - J. PAINTED METAL SUN-SHIELDING DEVICE
  - K. METAL FINISH
  - L. PAINTED METAL LOUVER
  - M. DECORATIVE METAL DETAIL
  - N. METAL OVERHEAD COLUING COOR M (DOUBLE AND LOUVER)
  - O. METAL ARCHITECTURAL FEATURE

DEVELOPMENT  
SUBMITTAL



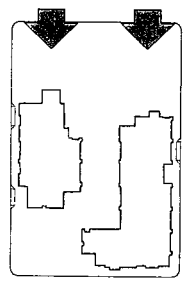
YHMA ARCHITECTS  
1000 BAY STREET, SUITE 200  
OAKLAND, CA 94612  
TEL: 415.778.1100  
WWW.YHMA.COM

**BUILDING 1 & 2 - WEST ELEVATION (FACING WEBSTER STREET)**

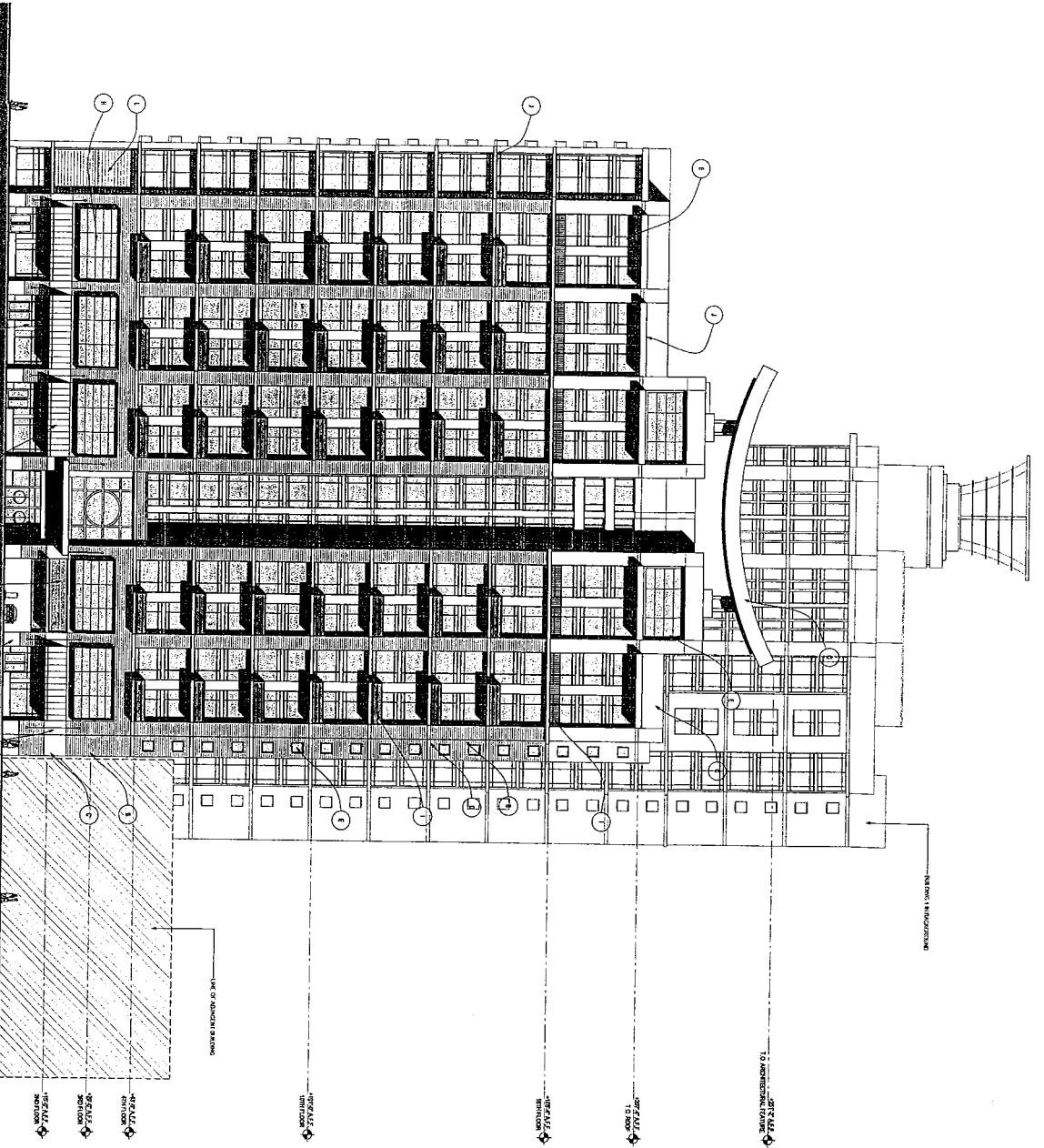


- ELEVATION MATERIAL KEY**
- A. G.F.A.C. BASE
  - B. G.F.A.C. PANEL - COLOUR M
  - C. G.F.A.C. PANEL - COLOUR 2
  - D. G.F.A.C. CONTRAST BAND
  - E. METAL WINDOW WITH LOW-E TINTED GLAZING (DOUBLE GLAZING WHERE REQUIRED)
  - F. SERVICE NON-OPERABLE METAL WINDOW
  - G. METAL STOREFRONT SYSTEM WITH LOW-E TINTED GLAZING DOUBLE GLAZING WHERE REQUIRED
  - H. PAINTED METAL FRAME WITH TRANSLUCENT METAL PANELS
  - I. PAINTED METAL FINISHES
  - J. PAINTED METAL SUN SHADING DEVICE
  - K. METAL FINISH
  - L. PAINTED METAL LOUVER
  - M. DECORATIVE METAL DETAIL
  - N. METAL OVERHEAD CEILING DOOR AT GARAGE AND LOADING
  - O. METAL ARCHITECTURAL FEATURE

DEVELOPMENT  
SUBMITTAL

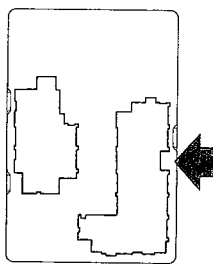


BUILDING 2 - NORTH ELEVATION (FACING 7TH STREET)



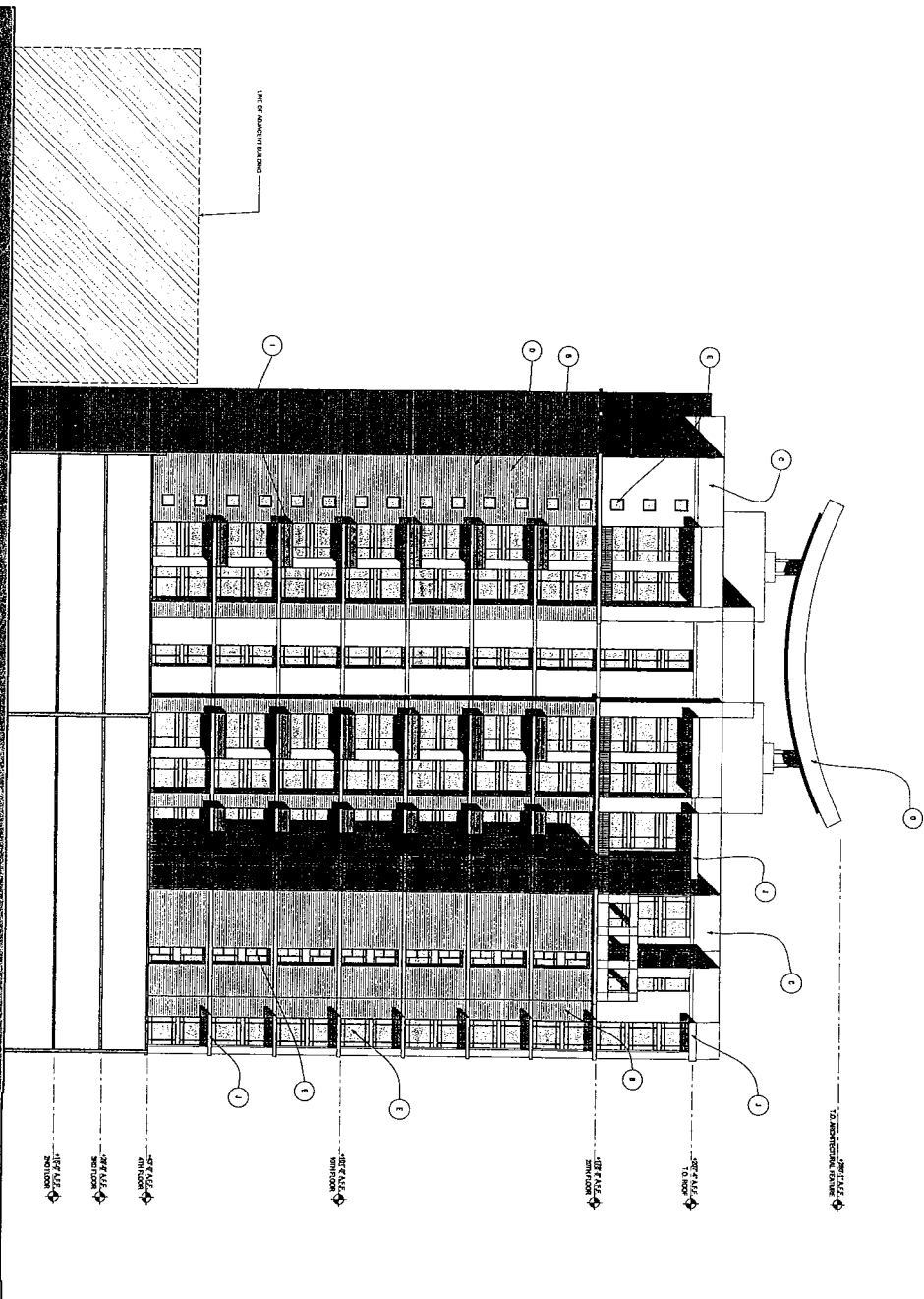
- ELEVATION MATERIAL KEY**
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  - B. G.F.C. PANEL - COLOR #1
  - C. G.F.C. PANEL - COLOR #2
  - D. G.F.C. CONTRAST BAND
  - E. METAL PANEL WITH GLOSS FINISH (DOUBLE GLAZING WHERE REQUIRED)
  - F. SERVICE SIGN ABOVE METAL WINDOW
  - G. METAL STOREFRONT SYSTEM WITH LOWE TINTED GLAZING (DOUBLE GLAZING WHERE REQUIRED)
  - H. PAINTED METAL FRAME WITH TRANSLUCENT METAL PANELS
  - I. PAINTED METAL BALCONIES
  - J. PAINTED METAL SHAWNSHINO DEVICE
  - K. METAL AWNING
  - L. PAINTED METAL LOUVER
  - M. RECESSED METAL DETAIL
  - N. METAL OVERHEAD COILING DOOR AT GARAGE AND LOADING
  - O. METAL ARCHITECTURAL FEATURE

DEVELOPMENT  
SUBMITTAL

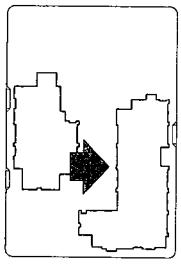


325 SEVENTH STREET  
OAKLAND, CALIFORNIA

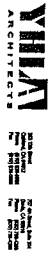
**BUILDING 2 - SOUTH ELEVATION (FACING COURTYARD/FREEWAY)**



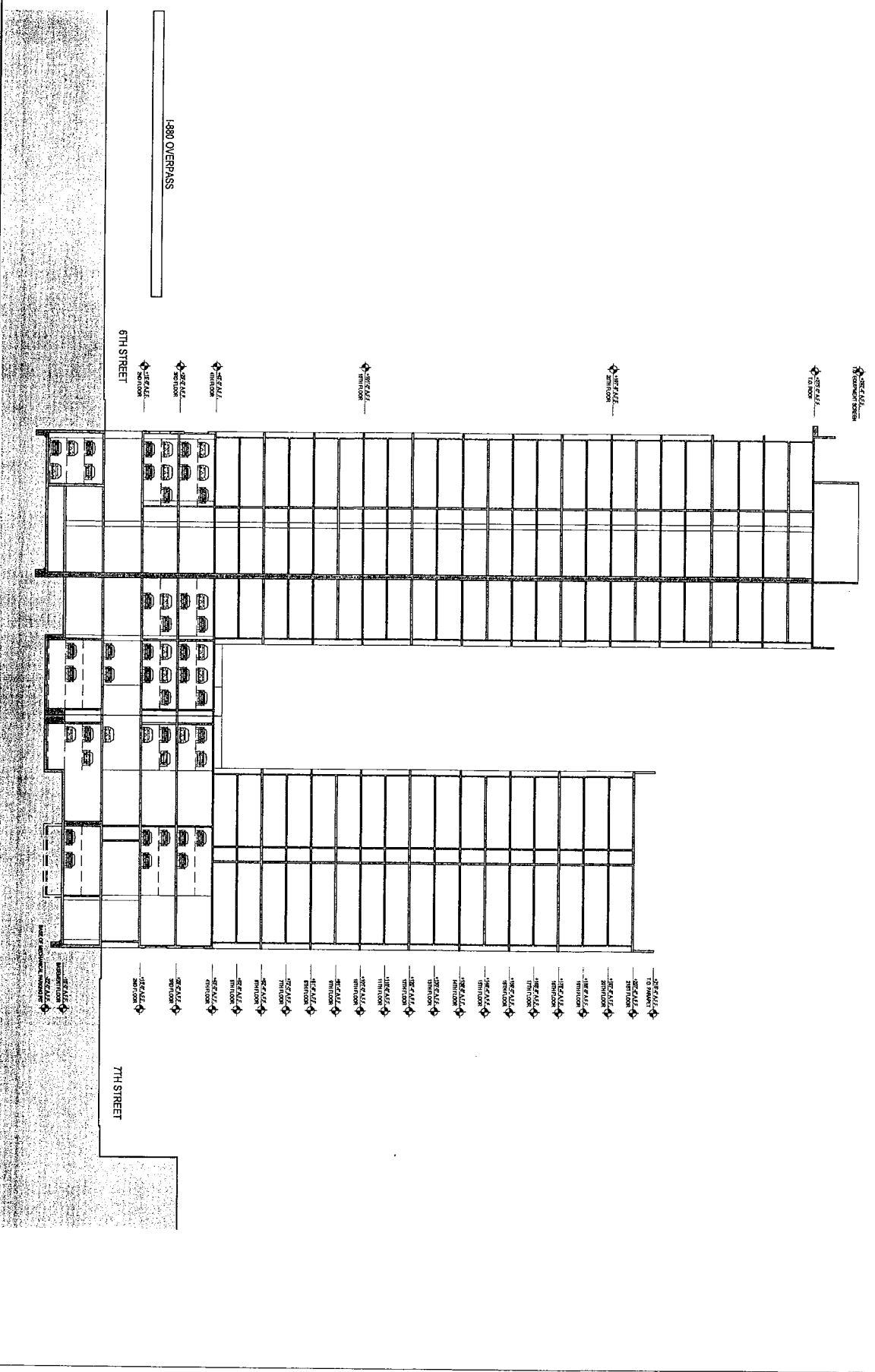
- ELEVATION MATERIAL KEY**
- A. G.F.A.C. BRISE
  - B. G.F.A.C. PANEL - COLOR #1
  - C. G.F.A.C. PANEL - COLOR #2
  - D. G.F.A.C. CONTRAST BAND
  - E. METAL WINDOW WITH LOW E TINTED GLAZING (DOUBLE GLAZING WHERE REQUIRED)
  - F. SERVICE NON-OPERABLE METAL WINDOW
  - G. METAL SUBFRAME SYSTEM WITH LOW E TINTED GLAZING (DOUBLE GLAZING WHERE REQUIRED)
  - H. PAINTED METAL FRAME WITH TRANSLUCENT INFILL PANELS
  - I. PAINTED METAL BALUNES
  - J. PAINTED METAL SUN SHADING DEVICE
  - K. METAL ARMING
  - L. PAINTED METAL LOUVER
  - M. DECORATIVE METAL DETAIL
  - N. METAL OVERHEAD CEILING DOORS IN GARAGE AND LOADING
  - O. METAL ARCHITECTURAL FEATURE



DEVELOPMENT  
SUBMITTAL



**BUILDING SECTION**

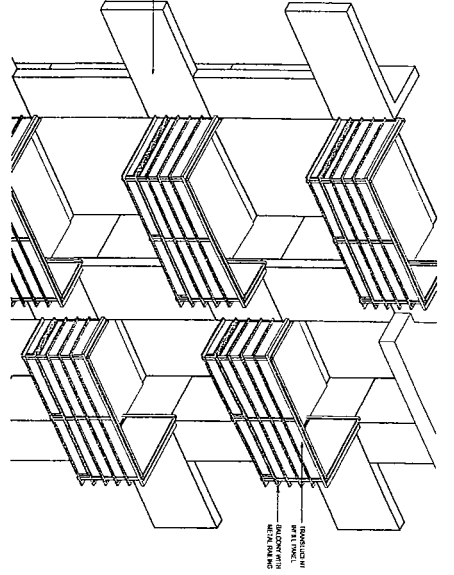


DEVELOPMENT  
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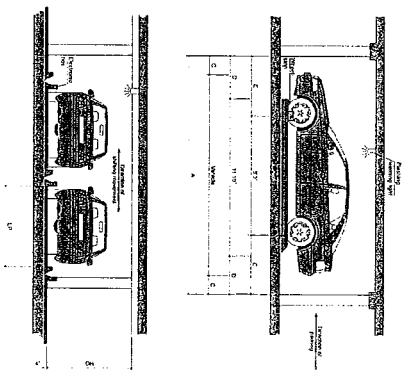
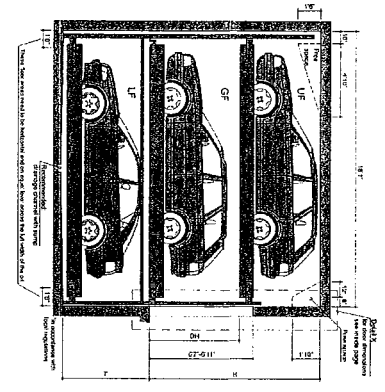
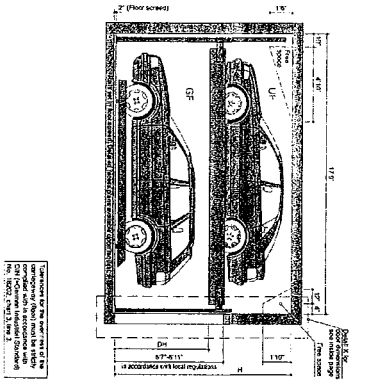
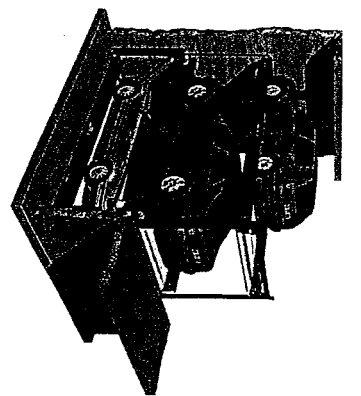


325 SEVENTH STREET  
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TEL: 415.778.1100  
WWW.YHIAARCHITECTS.COM

1 BALCONY DETAIL  
SECTION



1 MECHANICAL PARKING 3D ILLUSTRATION  
SECTION

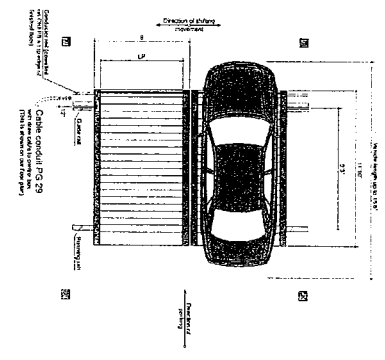


Type	H	DH	Staircase for	Maximum vehicle dimensions
P 210-405	13'-0"	6'-11"	12' max. vehicle width (15' max. vehicle length) - vehicle height max. 7'-0"	15'0" H 13'0" W 7'0" D

Type	T	H	DH	Staircase for	Maximum vehicle dimensions
P 310-200	6'-7"	13'-0"	9'-11"	12' max. vehicle width (15' max. vehicle length) - vehicle height max. 7'-0"	15'0" H 13'0" W 7'0" D

A	Vehicle	C	D	E	CH
118"	76"	12"	34"	49"	12'0"

HORIZONTAL MOVEMENT DIAGRAM FOR ALL MECHANICAL PARKING TYPES

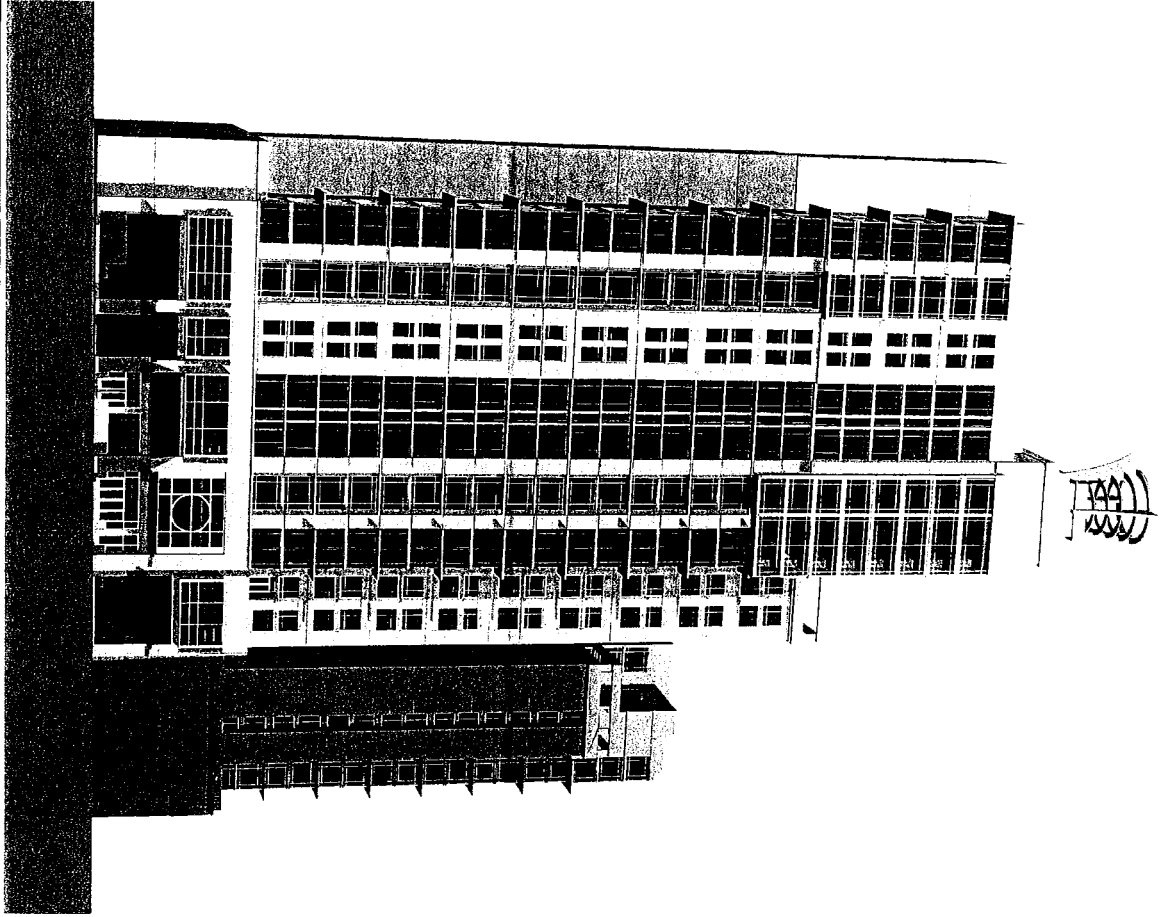


BALCONY & MECH. PARKING DETAILS



DEVELOPMENT  
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ARCHITECTS

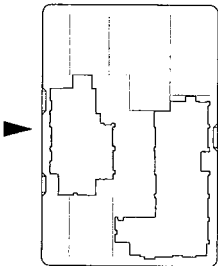
3D VISUALIZATIONS - 6TH STREET FACADE



DEVELOPMENT  
SUBMITTAL

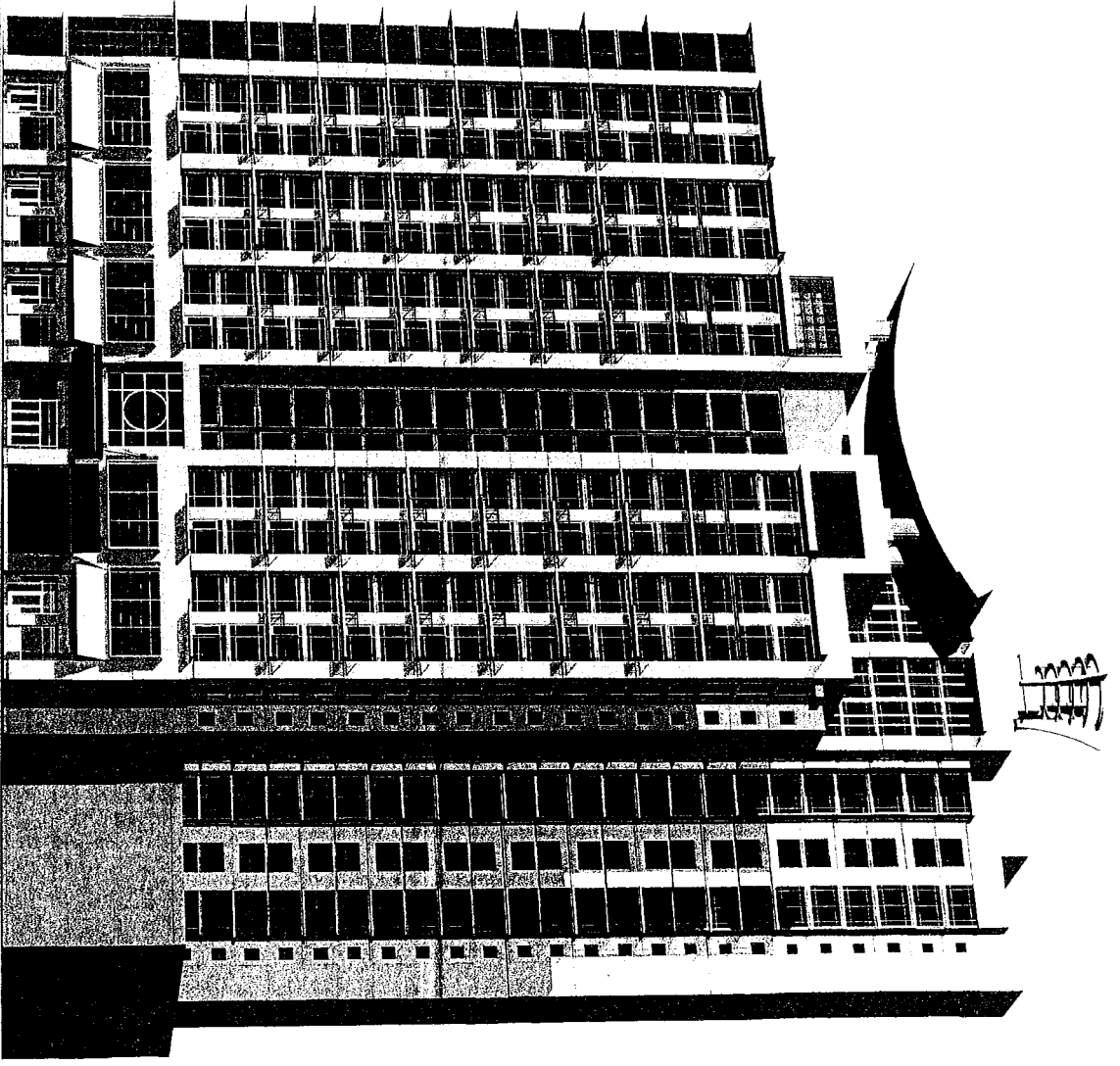


2000 PINE  
STREET  
SAN FRANCISCO  
CA 94109  
415.774.1100

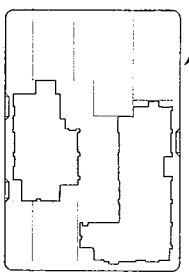


S1  
DATE: 11/13/2008

325 SEVENTH STREET  
OAKLAND, CALIFORNIA



3D VISUALIZATIONS - 7TH STREET FACADE



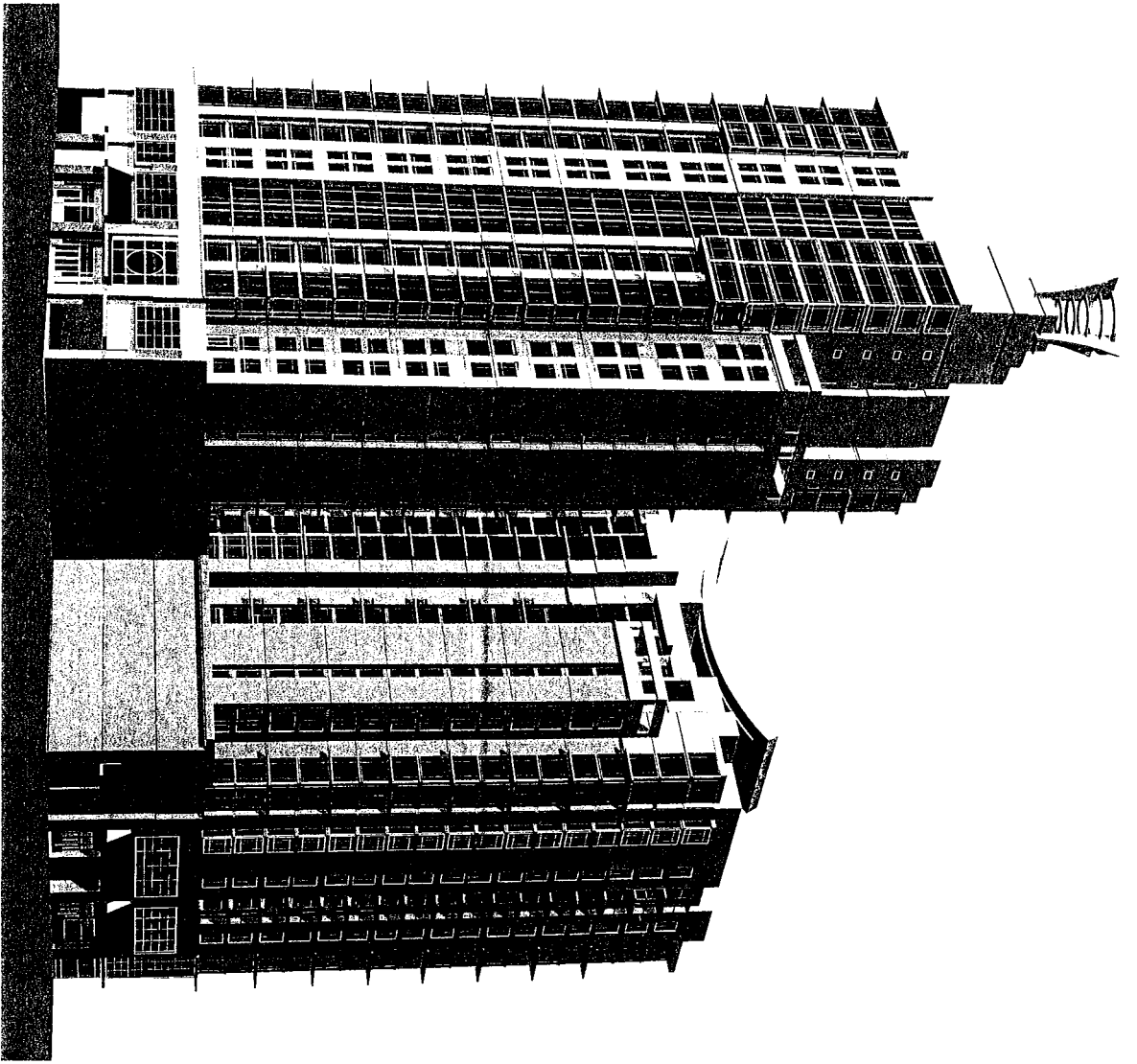
DEVELOPMENT  
SUBMITTAL

**YIMM**  
ARCHITECTS  
2000 BROADWAY  
SUITE 200  
OAKLAND, CA 94612  
TEL: 415.778.1100  
WWW.YIMMARCHITECTS.COM

**S2**  
DATE: 01.2024

325 SEVENTH STREET  
OAKLAND, CALIFORNIA



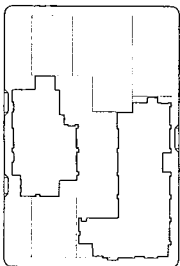


3D VISUALIZATIONS - CORNER OF 6TH & HARRISON

DEVELOPMENT  
SUBMITTAL

**YIMBY**  
A N O N - P R O F I T

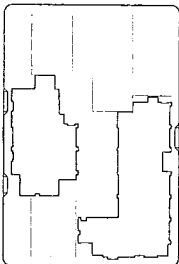
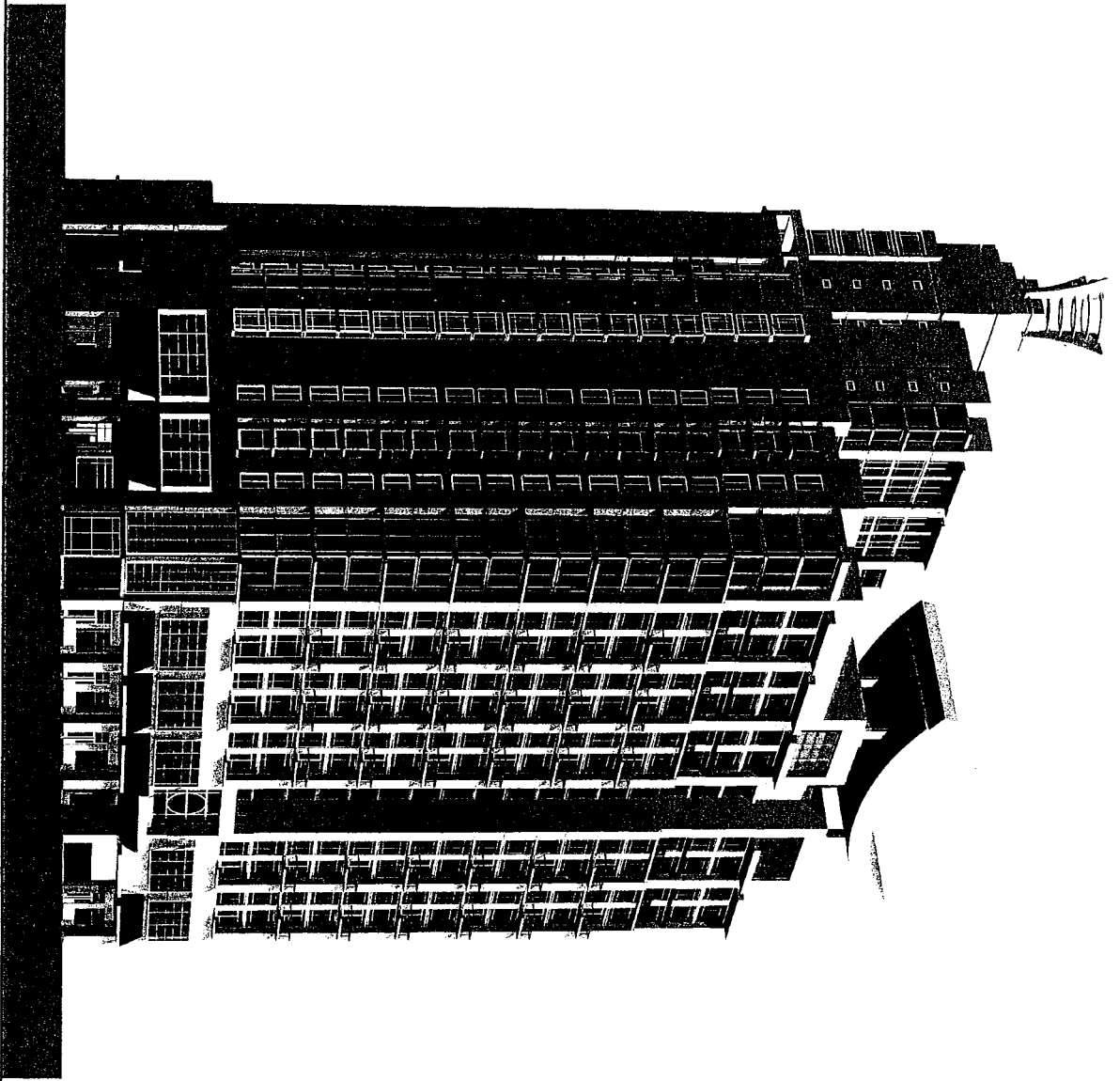
2025 10th Street  
Oakland, CA 94612  
Phone: 415.778.8888  
www.yimby.com



**S3**  
DATE: 01.13.2025

325 SEVENTH STREET  
OAKLAND, CALIFORNIA

3D VISUALIZATIONS - CORNER OF 7TH & HARRISON



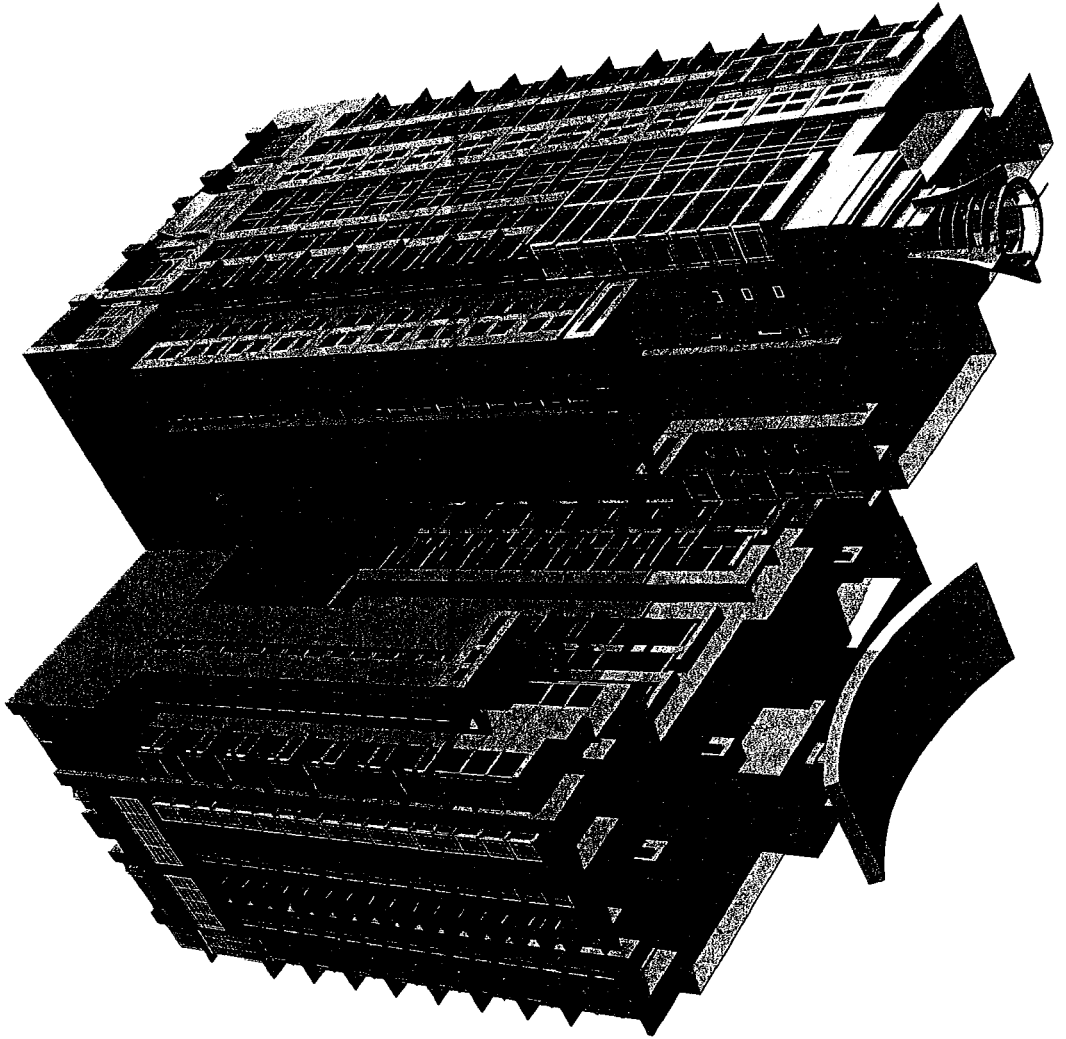
DEVELOPMENT  
SUBMITTAL



YH&M CONSULTANTS  
2200 BAY STREET  
SUITE 200  
OAKLAND, CA 94612  
TEL: 415.763.1234  
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**S4**  
DATE: 01.10.2021

325 SEVENTH STREET  
OAKLAND, CALIFORNIA



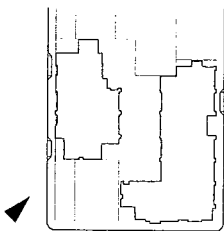
3D VISUALIZATIONS - CORNER OF 6TH & HARRISON, OVERHEAD VIEW



DEVELOPMENT  
SUBMITTAL



325 SEVENTH STREET  
OAKLAND, CALIFORNIA  
94612-4000  
TEL: 415.778.1100  
WWW.YHMARCHITECTS.COM



**S5**  
DATE: 01.10.2020

325 SEVENTH STREET  
OAKLAND, CALIFORNIA



CALIFORNIA CAPITAL & INVESTMENT GROUP  
The Rotunda Building  
300 Frank Ogawa Plaza, Suite 340  
Oakland, CA 94612  
Office 510.268.8500x35 | Facsimile 510.225.3954

March 23, 2010

City of Oakland  
Community and Economic Development Agency  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612

Re: 325 7<sup>th</sup> Street Construction Sequencing

To whom it may concern:

### **Project Description**

Situated on a site that measures 35,500 SF and extends from the corner of 7th and Harrison to 6th Street, forming the shape of an "S", the project is proposed to be condominiums with ground level retail. The units will range from studios up to 2 bedroom types, and the commercial area on the street level will total roughly 9,100 SF. However, due to the unique shape of the site, the housing component will be divided into 2 towers that together total 380 units. The North Tower will be 20 stories high, the South Tower will be 27 stories high, and both will be connected by the four-story podium below. The site currently consists of dilapidated buildings and parking lots, with minimal or no landscaping along the crumbling sidewalks and beside degenerated bus stops. The project will enhance the block and improve the streetscapes of both 6<sup>th</sup> and 7<sup>th</sup> Streets.

### **Construction Sequencing**

The developer proposes to sequence the construction of the project in order to minimize both the impact of construction on the surrounding community and project costs. After excavation and construction of the podium, each estimated at six months, the South Tower will be constructed first, with the North Tower to immediately follow. Please see the attached Exhibit A for an estimated schedule of construction.

### **Minimizing Project Environmental Impact**

Sequencing the construction of the towers will minimize the impact that the development has on the neighboring businesses, as well as on the traffic patterns of surrounding streets. Developing the south side of the block prior to the north will minimize the number of lane and sidewalk closures needed at any time for scaffolding and the parking of construction vehicles.

In addition, as any development's impact on air quality is not measured cumulatively, but instead at its peak, sequencing the construction of the towers to follow one another would minimize any negative environmental externalities. Thus, construction dust is less likely to ever reach critical levels.

### **Minimizing Project Costs**

Constructing the North Tower after the South Tower will allow units to be occupied earlier, bringing residents to downtown Oakland earlier. Incoming residents of the South Tower will be made explicitly aware of the pending future construction of the North Tower. However, as only two units per floor of the South Tower face the North Tower, the latter's construction will impact the fewest number of the aforementioned residents.

Sequencing the construction is also a matter of safety. By constructing one tower at a time, only one crane would be needed for the project. Two cranes operating in close proximity to one another could be dangerous for both the workers on the site and the pedestrians down below.

**Project Commitment**

If the fear is that the developer will construct the first tower and decide not to undertake the second, a closer look at the design drawings should assuage any such concern. In order to provide parking for all 380 units, the developer has decided to excavate for an underground garage--an endeavor of disproportionately higher cost--and dedicate much of the ground floor--ideal retail space--to parking. Without the second tower, these would be unnecessary expenditures.

In addition, the increased number of units provided by the construction of a second tower will bring more foot traffic to the area, allowing the owner of the building to charge higher rents for the commercial spaces on the lower floors. It is in the best interest of the developer to complete the construction of the project.

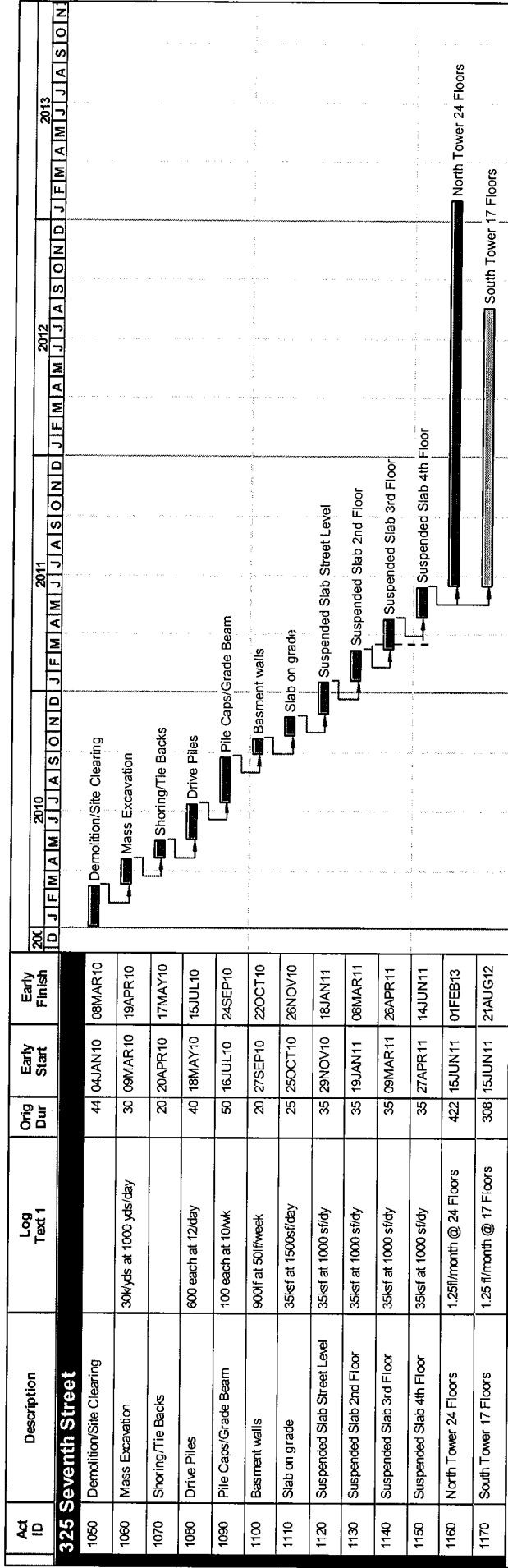
The proposed development at 325 7<sup>th</sup> Street will turn the existing parking lots and dilapidated buildings into a vibrant mixed-use space at the southern gateway to downtown Oakland. The developer is committed to completing this transformative project in the most responsible, community-friendly way. To accomplish such, sequencing the construction of the towers will reduce the project's environmental impact, minimize costs, and enhance construction safety.

If you have any additional questions, please contact me at 510-268-8500.

Sincerely,

Mark McClure  
Partner, CCIG





**325 Seventh Street  
Turner Construction Co**

Start date	01DEC09
Finish date	01FEB13
Data date	01JAN10
Run date	21APR10
Page number	1A

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Legend:

- Early bar
- Progress bar
- Critical bar
- Summary bar
- Start milestone point
- Finish milestone point

**FINDINGS FOR APPROVAL:**

The proposed project meets the required findings under Planning Code Section 17.134.50 (Conditional Use Permit Criteria), Section 17.148.050 (Minor Variances), Section 17.136.050 ((Residential Design Review findings, including the additional design review criteria for higher residential density projects), Historic Preservation Element Policy 3.5 Historic Preservation and Discretionary Approval findings, and findings pursuant to California Environmental Quality Act (Pub. Res. Code section 21000 et seq; "CEQA") and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.). Required findings are shown in bold type; explanations as to why these findings can be made are in normal type. Required findings are also contained within other sections of this report and the entire administrative record, including the EIR.

**Section 17.134.050 (Interim Major Conditional Use Permit Criteria)**

A Major Conditional Use Permit is requested for a large-scale development over 100,000 sq. ft. of new floor area or more than 120 feet in height. The Project is also requesting an Interim Conditional Use Permit for a maximum FAR that exceeds the zoning regulations but is consistent with the General Plan. The project at 10.4 FAR is well under that allowed by the CBD (20 FAR). The findings below apply to both CUPs.

- 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.**

While the location, size, design, and characteristics of the proposed Project would be visibly different than the existing structures located in the surrounding area, the proposed project will not adversely affect the appropriate development of abutting properties or the surrounding area. Currently the existing uses consist of small 1-5 story warehouses and office buildings, parking lots, vacant lots, and 1-3 story residential structures. These low density/intensity uses are inconsistent with the General Plan which envisions a large-scale buildings and a much higher density/intensity in this area. Furthermore, the General Plan encourages the redevelopment of vacant lots, parking lots and underutilized buildings which up the majority of this block.

The proposed Project would also not affect the livability of abutting properties or the surrounding area. While the proposed Project is large, the proposed land uses (residential, office, retail) would be the same as the current uses on the block and the uses that would remain on adjacent parcels if the Project was constructed. Therefore, the Project would not be inconsistent or incompatible in terms of land use. The proposed Project would result in increased shadows and traffic on the residential and commercial buildings, but this would not affect overall livability. On the contrary the proposed Project and the addition of new residents would increase the number of visitors to the adjacent park, increase neighborhood serving commercial in this area, and support the Chinatown and Downtown economy.

Three of the parcels that make up the Project site are located in the 7<sup>th</sup> Street / Harrison Square Residential District API and the Project would demolish one of them. These structures are typically smaller 1-3 story residential buildings. However, the EIR concluded that construction of the proposed Project including the demolition of one of the historic structures, will not affect the historic status of the two remaining buildings and result in their removal from the historic district. Furthermore, the proposed Project would not adversely affect the district's API status or its ability to be eligible for the National Register of Historic Places.

In summary, the proposed Project will be different in scale, design, and character than the surrounding buildings. However, this change is expected per many of the General Plan policies and will not adversely affect the surrounding parcels.

**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 location of the proposed project will provide 380 new residential units at the edge of, but within convenient walking distance to, the Chinatown and Jack London neighborhoods. These new residents will support the proposed retail and office space, as well as support local business in these neighborhoods. The proposed project's location near Lake Merritt BART, several AC Transit lines, and the new "B" will promote transit potentially decreasing traffic. The Project will be constructed across from the Chinese Garden Park, increasing park users, which is a fundamental goal of the OSCAR Element.

The Project's façade will be constructed with GFRC panels which are durable and attractive. Glass balconies and windows will compliment the solid GFRC panels, while translucent panels will hide the above ground garage floors and provide interest on the façade. The Project meets the overall design review findings and with implementation of the conditions of approval related to design, the Project will be an attractive addition to the neighborhood. The Project includes on-site amenities such as open space courtyards and community rooms. The site plan, with ground floor commercial and residential lobbies along the street fronts, the addition of street trees, concrete tile pavers and planters will contribute to a successful streetscape. Furthermore, compliance with the Recommended Measures will result in an improved pedestrian experience.

**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 development will enhance the successful operation of the surrounding area by constructing a high-density residential high-rise in keeping with the overall policies of the General Plan. The Project will provide a critical mass of new residents to support existing and promote new local businesses. The proposed streetscape and landscape improvements will revitalize this corner and improve the overall streetscape experience.

**D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070.**

The proposed Project conforms to all applicable design review criteria including the residential design review findings as outlined later in this section.

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

The proposed Project conforms in all significant respects with the "Central Business District" General Plan land use designation. The Project meets the desired character of future development of the CBD including construction of a large-scale urban (high-rise) residential project. The Project will also support the objectives and policies of the Land Use and Transportation Element (LUTE) for this area including: encouraging the construction of housing units to provide a 24-hour community presence (Policy D10.1); reusing vacant or underutilized buildings (Policy D6.2); developing parking lots (Policy 6.1); infill housing encouraging mixed-use developments in the Downtown in identifiable district near transit (Policy D1.8, D10.2, and D11.1); construction with high quality materials (Policy D10.5); and promoting alternative travel (Policy T4.1 and D3.1).



The proposed Project meets Policy 1.3 which states that the unique character of Chinatown of Chinatown should be encouraged and supported. The Policy notes that Chinatown is a commercial destination point with a mixed-housing component, including high-rise residential. The Project is located at the edge of Chinatown near the I-880 freeway. Although the proposed architectural features need more design development, these features are meant to reflect and promote the Chinatown neighborhood. These features are intended to providing a “gateway” into the neighborhood and reconnect this area to the central Chinatown commercial area. The Project will construct a 380 unit housing development.

The Project will meet the Pedestrian and Bicycle Master Plan through compliance with the Conditions of Approval and Mitigation Measures including implementation of a Transportation Demand Management Program. Furthermore, staff has included several Recommended Conditions of Approval to install audible signals, pedestrian countdown signals, crosswalks, and install ADA compliant ramps with domes on the surrounding streets.

As detailed in the staff report, although the Project does not appear to fully meet the overall goals of the Historic Preservation Element (HPE) due to the demolition of the CEQA historic resource at 617-621 Harrison Street, the HPE does not mandate preserving the structure. The HPE does presents a broad strategy which seeks to promote preservation in a manner that is reasonably balanced with other concerns, City goals and objectives. The HPE uses specific objectives and policies to determine how the City will treat historic properties and achieve this balance. The proposed Project is consistent with the HPE policies that apply to it as detailed in the staff report and *Findings* section. In addition, all the General Plan Elements contain policies which may in some cases address different goals, policies and objectives and thus some policies may compete with each other. On balance, staff believes the Project is consistent with the General Plan because development of the Project will help achieve a twenty-four hour presence in the Downtown and enhance a sense of community, increase housing stock in the Chinatown neighborhood and within walking distance of Lake Merritt BART stations, and replace a parking lot and several underutilized buildings, with a high-density residential Project and ground floor commercial space.

In sum and as shown in the overall General Plan Analysis section, the Project is supported by numerous policies in the LUTE, OSCAR, and the Pedestrian Master Plan

#### **Section 17.148.050(A) Minor Variance Findings**

**1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or 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) *Dimensions of Parking Spaces:* Pursuant to Section 17.116.200, the dimensions of a regular parking space is 8 ½’ wide by 18’ long and the dimensions of a compact space is parking space is 7 ½’ wide and 16’ long. The proposed Project includes a mechanical parking lift system on the basement level and the two parking levels above the ground floor. The lift system provides 365 of the 399 spaces. These lifts have a dimension of 8’-7” wide and 17’ long. Section 17.116.200 allows 50% of the required parking spaces to be compact spaces. Therefore, 183 spaces are deficient in length. The project is built directly to the property lines and, with the lift system, is maximizing the floor area for parking uses. Strict compliance would alter the appearance of the building. It would require the removal of units, the retail and office space and the community rooms or the addition of another parking level. Replacement of these activities would cause the building to be higher, and more bulky. In addition, the increase in the number of parking spaces would be inconsistent with the City’s goals of promoting transit. Staff believes that a variance can be supported since the applicant will implement a parking management plan, include a statement that the parking space dimensions are deficient and encourage alternate means of travel though a transportation demand management program.

b) *Parking Space Dimension when Adjacent to a Wall or other Obstruction and Maneuvering Aisle Width:* Section 17.116.200 states that when a parking space abuts a wall or other similar obstruction, the stall width shall be increased by 3'. A variance related to the width of standard sized parking spaces adjacent to walls or other obstructions is requested in order to maintain the maximum number of parking spaces within the limited confines of the parking structure and use the more efficient mechanical parking system. The floor area of the garage is restricted by the necessary ramps, column and sheer wall placement and other building amenities. Strict compliance would likely require removal of units, the retail and office space and the community rooms or the addition of another parking level. These spaces will be consistently used by residents who are familiar with how to maneuver in and out of the garage. No conflicts with opening doors or vehicles entering or exiting the spaces should occur because of the use of the mechanical lift system which will move the vehicles into place. Staff has proposed a condition of approval requiring a parking management plan, which should alleviate any potential parking space conflicts.

c) *Number of Tandem Parking Spaces:* Section 17.116.240 states that a vehicle shall not have to cross another parking space, or a loading berth, in order to gain access to a required parking space. A variance related for tandem parking spaces is requested in order to maintain the maximum number of parking spaces within the limited confines of the parking structure and use the more efficient mechanical parking system. The floor area of the garage is restricted by the necessary ramps, column and sheer wall placement and other building amenities. Strict compliance would likely require removal of units, the retail and office space and the community rooms or the addition of another parking level. These spaces will be consistently used by residents who are familiar with how to maneuver in and out of the garage. Staff has proposed a condition of approval requiring a parking management plan, which should alleviate any potential parking space conflicts.

d) *Rear Yard Setbacks:* Section 17.54.160 requires that a 10' rear yard setback be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110. The rear property line of the project site abuts the following: a 5-story commercial structure with no windows on that façade, a vacant lot, 2 mixed use buildings with no windows on that façade, and 1 residential building with windows on that facade. The project proposes a 0-ft setback for 3 stories. At the 4th level, the stair towers, open space, and a portion of the community room would be located within the setback. At the 5th level and above, the stair towers and portion of a residential unit will be located within the setback. Strict compliance with the regulations would necessitate a reduction in units or an increase in the height of the building. As stated before, the General Plan envisions a high density in this area and reducing the units would be inconsistent with many of the policies related to increased density and facilitating housing. The proposed building does have windows on the rear façade but these windows are set back enough to allow light and air into the units.

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

a) *Dimensions of Parking Spaces:* The intent of a required parking space dimension is to provide for an adequate area for a vehicle to park. The Project proposes to use a lift system that has set dimensions and is 1' shy of the required length. If the project were to comply with the setback requirement the maneuvering aisles would need to be decreased or residential units, parking spaces, and retail would need to be removed. Replacement of the square footage would increase the height and appearance of the building. This would also result in an inefficient site plan and an increase in parking spaces. Strict compliance would preclude an effective design solution and would be inconsistent with the General Plan goals of creating an active street front in Downtown. Furthermore, it would not be consistent with the Oakland's transit first policies.

b) *Parking Space Dimension when Adjacent to a Wall or other Obstruction and Maneuvering Aisle Width:* Strict compliance with the additional width of parking spaces adjacent to walls or columns would preclude an effective design solution that fulfills the basic intent of the Planning Code's regulations. It would require the parking garage to be larger to maintain the same number of parking spaces. Pursuant to proposed Condition No. 24, with proper parking assignment and management, the lack of additional width should not have detrimental effects.

c) *Number of Tandem Parking Spaces:* Compliance with the regulations would preclude an effective design solution for the parking garage. The parking levels use a mechanical parking system in order to maximize the number of spaces per level within the limited confines of the parking structure, and the necessary ramps and maneuvering aisles. The lift system allows for each user to access their vehicle, independently from the others. The lift system meets the basic intent of the ordinance but the vehicles would be stacked above and behind other vehicles. Strict compliance would likely require removal of units, the retail and office space and the community rooms or the addition of another parking level. If another parking level was added, there would be more lift or regular parking spaces than the Project needs. The addition of extra parking spaces above what is required would promote parking and would be inconsistent with the intent of Oakland's transit and alternative travel policies.

d) *Rear Yard Setbacks:* Although the Project places units and habitable space in the rear yard setback, the overall intent of the regulations is to provide for light and air to the Project and neighboring units and to provide adequate open space. As detailed in Project elevations, there is adequate light and air to these units due to the windows facing the street and the courtyard. The location of these units within the rear setback would not preclude development from occurring on adjacent lots. In addition, a rear yard setback is generally required for open space for the units. However, in this case, open space is provided by the 4<sup>th</sup>, 18<sup>th</sup>, and 22<sup>nd</sup> level courtyards and private balconies. These areas provide more open space than the required per the zoning regulations.

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

a) *Dimensions of Parking Spaces:* The Variance request for the parking space length is an internal issue with the Project and will not affect the character, livability, or development of the adjacent parcels. Approval of the Variance will not be detrimental to the public welfare or adopted plans and policy. On the contrary increasing the number of parking spaces or promoting parking would be inconsistent with Oakland's policies encouraging transit, pedestrians and bicyclists.

b) *Parking Space Dimension when Adjacent to a Wall or other Obstruction and Maneuvering Aisle Width:* The variance for the width of parking spaces adjacent to walls or similar obstructions will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area. The variance will result in minor effects to the internal operations of the garage and will not be detrimental to the public welfare.

c) *Number of Tandem Parking Spaces:* The variance for the number of tandem spaces will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area or be detrimental to the public welfare or adopted plans and policy. The variance will result in minor effects to the internal operations of the garage and will not affect adjacent parcels. Denial of the variance would likely result in the removal of units, the retail and office space and the community rooms or the addition of another parking level. This would result in a less pedestrian oriented ground floor; or if another parking level was added, there would be more lift or regular parking spaces than the Project needs. The addition of extra parking spaces above what is required would promote parking and would be inconsistent with the intent of Oakland's transit and alternative travel policies.

d) *Rear Yard Setbacks:* The Variance for residential units in the rear yard setback will not be detrimental to the public welfare or contrary to adopted plans. There will be adequate light and air to these units as well as open space. The location of these units within the rear setback would not preclude similar development from occurring on adjacent lots.

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

a-d) The project meets the intent of the zoning regulations by supporting appropriate development that will enhance and benefit the surrounding neighborhood, while meeting the overall goals of the General Plan. The lift parking system maximizes the floor area of the parking garage and reduces the need for additional parking levels which would increase the number of parking spaces contrary to public policy. The dimensions of the spaces and the lack of extra space near obstructions is an issue that is internal to the Project and will not adversely affect neighboring properties. The lift system and the Condition of Approval related to the parking management plan should alleviate any issues associated with the parking space dimensions. Staff believes that the Project is meeting the intent of the setback regulations to provide light air, and open space to the units though the overall design of the building.

**Section 17.136.070A (Residential Facilities Design Review Findings)**

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

The Project site is located in an area with a mix of styles and uses. Adjacent to the site along and across Harrison Street is the 7<sup>th</sup> Street / Harrison Square Residential District. This district consists of small residential units of the Queen Anne or colonial Revival style buildings. Next to the Project site along 7<sup>th</sup> Street is a 1980's modern office building. Behind the Project site are several 1970's 2-3 story commercial buildings and an Italianate residential building. There is no identifiable architectural context except on the side of Harrison Street facing the Chinese Garden Park. The applicant is proposing a building with high quality materials including pre-cast concrete panels, glass storefronts and balconies, translucent infill panels, and deeply recessed windows. The Project is urban or modern in design and uses two high-rise masses to reduce the overall scale and bulk of the building. With the proposed conditions of approval, the mass and bulk will be further reduced and the architectural features at the top of the building will relate to each other, other buildings in the area, and the Chinatown neighborhood. Although the project is larger than many buildings in the area, the project is under the allowable density and facilitates the construction of housing, which is a major goal of the General Plan.

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

As stated above, the area has many different architectural styles and no real identifiable characteristics except on the side Harrison Street. The EIR has concludes that although the project is different in scale, the Project will not adversely affect the remaining historic resources or the historic district including the integrity design and setting aspects. Staff and the General Plan anticipate a dramatic change in the area as many of the surface parking lots and vacant lots in the area are redeveloped. The proposed Project will enhance the neighborhood by affectively utilizing a Downtown site for a well-designed mixed-use building. The Project will help to provide a 24-hour presence in the area near transit and will be constructed of high quality materials. Furthermore, the Project will strengthen the identity of the neighborhood and takes advantage of the many cultural and recreational opportunities in the immediate area. The site plans show on-site amenities such as open space courtyards and community rooms. The ground floor plan, with ground floor commercial and residential lobbies along the street fronts, the addition of street trees, concrete tile pavers and planters will contribute to a successful streetscape. Furthermore, compliance with the Recommended Measures will result in an improved pedestrian experience.

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

The proposed project site is flat and is currently occupied by warehouse buildings, an office building, a surface parking lot, and an existing residential building. The site contains no notable landscaping. Therefore, the Project will have no affect on the existing topography or landscape.

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

See response #3

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

The proposed Project is consistent with the General Plan land use designation for the site, with Conditional Use Permit, and Variance findings, and with the Design Review Criteria as discussed in more detail throughout the report.

**Additional Criterion for Higher Residential Density Projects:**

**That the proposal will provide for its residents sufficient sunlight, privacy, and quiet, and in general, a convenient, attractive, and functional living environment, with consideration given to site planning, building and room orientation, circulation, and similar relevant factors.**

The proposed Project provides sufficient sunlight, privacy, and quiet for the residents. The plans show adequate usable open space with a large landscaped courtyard on the 4<sup>th</sup> level, courtyards on the 18<sup>th</sup> and 22<sup>nd</sup> levels, private balconies, and private patios. The units are oriented along a double loaded corridor each with a view to the outside for adequate light. The site planning with the amount of commercial/ retail space is appropriate for the location and will provide an attractive and functional living/working environment. Furthermore, the residents will be near many amenities including BART, Harrison Square Park, Madison Square Park, and Laney College.

**Historic Preservation Element Policy 3.5 Historic Preservation and Discretionary Approvals (Demolition of a Potentially Designated Historic Property)**

**Policy 3.5 of the Historic Preservation Element states that for demolitions to Potential Designated Historic Properties (PDHPs) requiring discretionary City permits, the City will make a finding that:**

- 1. the design quality of the proposed project is at least equal to that of the original structure and is compatible with the existing neighborhood; or**
- 2. the public benefits of the proposed project outweigh the benefit of retaining the existing structure; or**
- 3. the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.**

The project is proposing the demolition of a Potentially Designated Historic Property at 617-621 Harrison Street. This property has a rating by the Oakland Cultural Heritage Survey (OCHS) of C1+ [C, Secondary Importance; 1+ in an Area of Primary Importance (API)]. The demolition of this building is considered to be a significant impact for CEQA purposes pursuant to the analysis in the EIR and this would be Significant and Unavoidable impact. However, the demolition of the building meets Policy 3.5 finding number 2. The public benefits of the building outweigh the benefit of retaining the existing structure. The surrounding area is a mix of small commercial buildings, potential historic properties, high-rise buildings, surface parking lots, and recently approved projects. There is no identifiable neighborhood character or style except on the side of Harrison Street facing the Chinese Garden Park. The Project will construct two high-rise towers with 380 units as opposed to the one-unit in the historic resource, thereby meeting several General Plan policies facilitating housing. The Project will support and enhance the Chinatown and Jack London neighborhoods with the addition of new residents and shoppers. The Project will encourage a 24-hour presence in this area on the edge of Chinatown and Jack London. The Project will support transit due to the location and the inclusion of a Transportation Demand Management Program and conditions of approval related to pedestrian improvements and bus stops. The Project will be constructed on a large portion of the block redeveloping underutilized warehouse buildings and parking lots. The Project will also provide short-term construction jobs and long term jobs in the retail and office portions of the building (see also CEQA Statement of Overriding Considerations).

**CEQA FINDINGS:****Certification of the EIR, Rejection of Alternatives  
and Statement of Overriding Considerations****I. INTRODUCTION**

1. These findings are made pursuant to the California Environmental Quality Act (Pub. Res. Code section 21000 et seq; "CEQA") and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.) by the City of Oakland Planning Commission in connection with the EIR prepared for the 325 7<sup>th</sup> Street Project ("the Project"), SCH #200712205.
2. These CEQA findings are attached and incorporated by reference into each and every staff report, resolution and ordinance associated with approval the Project.
3. These findings are based on substantial evidence in the entire administrative record and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings.

**II. PROJECT DESCRIPTION**

4. The Project, which is the subject of the EIR, is located on a 35,500 sq. ft. parcel (.81 acres) at 325-335 7<sup>th</sup> Street, 320-330 6<sup>th</sup> Street and 621-635 Harrison Street in the Chinatown neighborhood of downtown Oakland. The Project studied in the EIR would demolish the existing commercial and residential buildings and add 380 residential condominium units, 6,795 square feet of general retail space, and 9,110 square feet of office space in two, high-rise towers (20 stories and 27-stories) over a four-story parking podium including one basement garage level. The residential units begin on the fourth floor and include a combination of studios (efficiency units, one-bedroom, two-bedroom, and two-bedroom plus units. The garage plans show vehicles entering the building from both 6<sup>th</sup> Street and 7<sup>th</sup> Street and 399 parking stalls on mechanical lifts. Group open space for the units is provided on top of the parking podium, in an 8,200 sq. ft. courtyard between the two towers. A 769 sq. ft. courtyard is provided on the 18<sup>th</sup> floor of the north tower (Tower II) and a 1,200 sq. ft. courtyard is provided on the 22<sup>nd</sup> floor of the south tower (Tower I). In addition to these courtyards, open space is provided through private balconies and patios. The Project also provides 9,110 sq. ft. of ground floor commercial space (6,795 sq. ft. of retail space and 2,315 sq. ft. of office space).

**III. ENVIRONMENTAL REVIEW OF THE PROJECT**

5. Pursuant to CEQA and the CEQA Guidelines, a Notice of Preparation (NOP) of an EIR and an Initial Study were published on December 18, 2007. The Initial Study screened out environmental factors that would not be further studied in the Draft EIR. These factors included: Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, and Utilities/Service Systems. The NOP/IS was distributed to state and local agencies, posted at the project site, and mailed to property owners within 300' of the project site. On, January 9, 2008 the Planning Commission conducted a duly noticed EIR scoping session concerning the scope of the EIR. At the time of the scoping session, the Draft EIR was expected to address the potential environmental effects for Aesthetics, Hazards and Transportation and Circulation only. A scoping session was not held before the Landmarks Preservation Advisory Board (LPAB) because the project was not proposing the demolition of the building at 617-621 Harrison at that time. The public comment period on the NOP ended on January 16, 2008. Since the Initial Study was prepared and the NOP was released, the applicant has changed the Project description as noted in the Background section of this report. These changes, along with comments received on the Initial Study and the Bay Area Air Quality Management District's (BAAQMD) new air quality thresholds, resulted in the addition of Air Quality, Greenhouse Gas Emissions, Water Collection Infrastructure, and Cultural Resource analysis within the Draft EIR

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6. Pursuant to CEQA and the CEQA Guidelines, a Notice of Availability/Notice of Release and the Draft Environmental Impact Report was published on October 18, 2010. A DEIR was prepared for the Project to analyze its environmental impacts. The Notice of Availability/Notice of Release of the DEIR was distributed to appropriate state and local agencies, posted at the project site, mailed to property owners within 300' of the project site, and e-mailed to individuals who have requested to specifically be notified of official City actions on the project. Copies of the DEIR were also distributed to appropriate state and local agencies, City officials including the Planning Commission, and made available for public review at the office of the Community and Economic Development Agency (250 Frank H. Ogawa Plaza, Suite 3315) and on the City's website. A duly noticed Public Hearing on the DEIR was held at the December 1, 2010 meeting of the Planning Commission and the November 8, 2010 meeting of the Landmarks Preservation Advisory Board. The DEIR was properly circulated for a 45-day public review period ending on December 1, 2010.

7. The City received written and oral comments on the DEIR. The City prepared responses to comments on environmental issues and made changes to the DEIR. The responses to comments, changes to the DEIR, and additional information were published in a Final EIR (FEIR) on June 30, 2011. The DEIR, the FEIR and all appendices thereto constitute the "EIR" referenced in these findings. The FEIR was made available for public review on June 30, 2011, thirteen (13) days prior to the duly noticed July 11, 2011 Landmarks Preservation Advisory Board public hearing and twenty-one (21) days prior to the duly noticed July 20, 2011 Planning Commission public hearing. The Notice of Availability/Notice of Release of the FEIR was distributed to those state and local agencies who commented on the DEIR, posted on the project site, to property owners within 300' of the project site, and e-mailed to individuals who have requested to specifically be notified of official City actions on the project. Copies of the DEIR and FEIR were also distributed to those state and local agencies who commented on the DEIR, City officials including the Planning Commission, and made available for public review at the office of the Community and Economic Development Agency (250 Frank H. Ogawa Plaza, Suite 3315), and on the City's website. Pursuant to CEQA Guidelines, responses to public agency comments have been published and made available to all commenting agencies at least 10 days prior to hearing. The Planning Commission has had an opportunity to review all comments and responses thereto prior to consideration of certification of the EIR and prior to taking any action on the proposed project.

#### IV. THE ADMINISTRATIVE RECORD

8. The record, upon which all findings and determinations related to the approval of the Project are based, includes the following:
- a. The EIR and all documents referenced in or relied upon by the EIR.
  - b. All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the EIR, the approvals, and the Project.
  - c. All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and sub-consultants who prepared the EIR or incorporated into reports presented to the Planning Commission.
  - d. All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR.
  - e. All final applications, letters, testimony and presentations presented by the project sponsor and its consultants to the City in connection with the Project.
  - f. All final information (including written evidence and testimony) presented at any City public hearing or City workshop related to the Project and the EIR.



- g. For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.
  - h. The Standard Conditions of Approval for the Project and Mitigation Monitoring and Reporting Program for the Project.
  - i. All other documents composing the record pursuant to Public Resources Code section 21167.6(e).
9. The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the Director of City Planning, Community and Economic Development Agency, or his/her designee. Such documents and other materials are located at 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612.

#### V. CERTIFICATION OF THE EIR

10. In accordance with CEQA, the Planning Commission certifies that the EIR has been completed in compliance with CEQA. The Planning Commission has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By these findings, the Planning Commission confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment and analysis of the City and the Planning Commission.

11. The Planning Commission recognizes that the EIR may contain clerical errors. The Planning Commission reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.

12. The Planning Commission certifies that the EIR is adequate to support all actions in connection with the approval of the Project and all other actions and recommendations as described in the July 20, 2011 Planning Commission staff report. The Planning Commission certifies that the EIR is adequate to support approval of the Project described in the EIR, each component and phase of the Project described in the EIR, any variant of the Project described in the EIR, any minor modifications to the Project or variants described in the EIR and the components of the Project.

#### VI. ABSENCE OF SIGNIFICANT NEW INFORMATION

13. The Planning Commission recognizes that the FEIR incorporates information obtained and produced after the DEIR was completed, and that the FEIR contains additions, clarifications, and modifications. The Planning Commission has reviewed and considered the FEIR and all of this information. The FEIR does not add significant new information to the DEIR that would require recirculation of the EIR under CEQA. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the project sponsor declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No information indicates that the DEIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the DEIR. Thus, recirculation of the EIR is not required.

14. The Planning Commission finds that the changes and modifications made to the EIR after the DEIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or the CEQA Guidelines section 15088.5.

## VII. STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

15. Public Resources Code section 21081.6 and CEQA Guidelines section 15097 require the City to adopt a monitoring or reporting program to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented. The Standard Conditions of Approval and Mitigation Monitoring and Reporting Program ("SCAMMRP") is attached and incorporated by reference into the July 20, 2011 Planning Commission staff report prepared for the approval of the Project, is included in the conditions of approval for the Project, and is adopted by the Planning Commission. The SCAMMRP satisfies the requirements of CEQA.

16. The standard conditions of approval (SCA) and mitigation measures set forth in the SCAMMRP are specific and enforceable and are capable of being fully implemented by the efforts of the City of Oakland, the applicant, and/or other identified public agencies of responsibility. As appropriate, some standard conditions of approval and mitigation measures define performance standards to ensure no significant environmental impacts will result. The SCAMMRP adequately describes implementation procedures and monitoring responsibility in order to ensure that the Project complies with the adopted standard conditions of approval and mitigation measures.

17. The Planning Commission will adopt and impose the feasible standard conditions of approval and mitigation measures as set forth in the SCAMMRP as enforceable conditions of approval. The City has adopted measures to substantially lessen or eliminate all significant effects where feasible.

18. The standard conditions of approval and mitigation measures incorporated into and imposed upon the Project approval will not have new significant environmental impacts that were not analyzed in the EIR. In the event a standard condition of approval or mitigation measure recommended in the EIR has been inadvertently omitted from the conditions of approval or the SCAMMRP, that standard condition of approval or mitigation measure is adopted and incorporated from the EIR into the SCAMMRP by reference and adopted as a condition of approval.

## VIII. FINDINGS REGARDING IMPACTS

19. In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the Planning Commission adopts the findings and conclusions regarding impacts, standard conditions of approval and mitigation measures that are set forth in the EIR and summarized in the SCAMMRP. These findings do not repeat the full discussions of environmental impacts, mitigation measures, standard conditions of approval, and related explanations contained in the EIR. The Planning Commission ratifies, adopts, and incorporates, as though fully set forth, the analysis, explanation, findings, responses to comments and conclusions of the EIR. The Planning Commission adopts the reasoning of the EIR, staff reports, and presentations provided by the staff and the project sponsor as may be modified by these findings.

20. The Planning Commission recognizes that the environmental analysis of the Project raises controversial environmental issues, and that a range of technical and scientific opinion exists with respect to those issues. The Planning Commission acknowledges that there are differing and potentially conflicting expert and other opinions regarding the Project. The Planning Commission has, through review of the evidence and analysis presented in the record, acquired a better understanding of the breadth of this technical and scientific opinion and of the full scope of the environmental issues presented. In turn, this understanding has enabled the Planning Commission to make fully informed, thoroughly considered decisions after taking account of the various viewpoints on these important issues and reviewing the record. These findings are based on a full appraisal of all viewpoints expressed in the EIR and in the record, as well as other relevant information in the record of the proceedings for the Project.

21. As a separate and independent basis from the other CEQA findings, pursuant to CEQA section 21083.3 and Guidelines section 15183, the Planning Commission finds: (a) the project is consistent with Land Use and Transportation Element (LUTE) of the General Plan, for which an EIR was certified in March 1998; (b) feasible mitigation measures

identified in the LUTE EIR were adopted and have been, or will be, undertaken; (c) this EIR evaluated impacts peculiar to the project and/or project site, as well as off-site and cumulative impacts; (d) uniformly applied development policies and/or standards (hereafter called "Standard Conditions of Approval") have previously been adopted and found to, that when applied to future projects, substantially mitigate impacts, and to the extent that no such findings were previously made, the City Planning Commission hereby finds and determines that the Standard Conditions of Approval (or "SCA") substantially mitigate environmental impacts (as detailed below); and (e) no substantial new information exists to show that the Standard Conditions of Approval will not substantially mitigate the project and cumulative impacts.

#### **IX. POTENTIALLY SIGNIFICANT BUT MITIGABLE IMPACTS**

22. Under Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b), and to the extent reflected in the EIR, the SCAMMRP, mitigation measures and the City's Standard Conditions of Approval, the Planning Commission finds that changes or alterations have been required in, or incorporated into, the components of the Project that mitigate or avoid potentially significant effects on the environment.

23. The following potentially significant impacts will be reduced to a less than significant level through the implementation of Project mitigation measures, or where indicated, through the implementation of Standard Conditions of Approval, referenced in the Initial Study as amended<sup>1</sup> and the EIR (which are an integral part of the SCAMMRP):

24. Aesthetics: Construction of the high-rise residential towers could create new sources of light and glare, as noted in the Initial Study (Section I), but any potential impact of new lighting will be reduced to a less than significant level through implementation of SCA Aesth-1, which requires approval of plans to adequately shield lighting to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties and minimize mirrored or reflective façade surfaces. Moreover, compliance with various policies, and goals contained in the City's general plans and mitigation measures contained in the Land Use and Transportation Element EIR would ensure there would not be significant adverse aesthetic impacts.

25. Air Quality and Green House Gases: The proposed project would generate fugitive dust and equipment exhaust emissions and greenhouse gas emissions as noted in DEIR (Chapter 4.3). However, compliance with the City's Standard Conditions of Approval SCA Air-1- 4, SCA Traf-1, Bio-1, and Util-1 which would require the project applicant to develop a dust control and equipment emission plan, address asbestos in structures, reduce air pollution from toxic air contaminants and gaseous emissions to future residents, recycle waste, and replant trees, would reduce these impacts to a less-than-significant level. The project would also expose nearby sensitive receptors to toxic air contaminants during construction. Compliance with Mitigation Measure Air-7 which requires a diesel emission reduction plan capable of achieving a project fleet-wide average of 85% particulate matter reduction would reduce this impact to less than significant. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse air quality impacts.

26. Biological Resources: Development of the proposed project would result in the removal of existing vegetation around the site as noted in Initial Study (Section IV). However, compliance with the City' SCA BIO-1, 2 and 4, requiring special action around protected trees would reduce these impacts to a less than significant level. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse biological impacts.

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<sup>1</sup> The Initial Study for this project was issued in December of 2007. Since that time, the City has updated, revised and formally adopted its List of Conditions of Approval and Uniformly Applied Development Standards in November 2008. As such, the Standard Conditions of Approval in the Initial Study have been updated to reflect the most current versions used by the City, which are used herein and the SCAMMRP.

27. Cultural Resources: Significant impacts to archeological, paleontological, and human remains could result if the proposed project were to be constructed in a manner that was not sensitive to historic resources, as noted in the Initial Study (Section V). Any such impact would be reduced to a less than significant level, through application of SCA Cultr-1 through 3, except demolition of an historic resource (see section 36 below). The proposed project would involve construction and demolition to adjacent historic structures and could adversely damage archeological resources, as noted in the DEIR (Chapter 4.7). The project applicant shall further implement SCA CUL1a-1d, which requires the project applicant to either implement an Intensive Pre-Construction Survey or a Construction Alert Sheet. If in either case a high-potential presence of archeological resources or an archeological resource is discovered, the project applicant shall also implement Construction Period Monitoring, Avoidance and/or Find Recovery, and update and provide more specificity to the initial the Construction Alert sheet originally implemented. Compliance with SCA Hist-1 which requires the applicant to construct the proposed project so that it doesn't damage the adjacent historic resources would reduce this impact to less than significant. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse cultural resource impacts.

28. Geology and Soils: Development of the proposed project could expose people or structures to seismic hazards such as groundshaking or liquefaction, could be subjected to geologic hazards including expansive soils, subsidence, seismically induced settlement and differential settlement, or could result in erosion, as noted in the Initial Study (Section VI). These impacts will be reduced to a less than significant level through the implementation of SCA GEO-1 through 3, which require erosion and sedimentation control, soils reports and geotechnical investigations and reports to be prepared and recommendations implemented, best management practices for soil and groundwater hazards. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements, including compliance with all applicable building codes, would ensure there would not be significant adverse geology and soils impacts.

29. Hazards and Hazardous Materials: Construction of the proposed project could result in risks associated to construction workers, project occupants and/or the public from hazardous materials due to demolition of structures that could contain hazardous materials, disturbance of soil and groundwater that could have been impacted by historic hazardous material use, and onsite use of hazardous materials such as solvents during construction activities and operations, as noted in the Initial Study (Section VII). This impact will be reduced to a less than significant level through implementation of Standard Conditions of Approval HAZ-1 through 6 (. Risks associated with possible exposure could occur due to contaminated groundwater, metals that may be found in the soil or other chemicals that may have been released during the prior use of the site, as noted in DEIR (Chapter 4.5). This impact will be reduced to a less than significant level through implementation of Standard Conditions of Approval Haz-1 through 10 and AIR-4, which impose best management practices to protect groundwater and soils from new impacts and appropriate handling of existing impacted groundwater and soils, proper removal of asbestos containing materials and soils, and requirements for lead, asbestos, radon, preparation of a health and safety plan, and other vapor intrusion assessment and remediation for the project. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse hazards and hazardous materials impacts.

30. Hydrology/Water Quality: The proposed project would involve activities that could result in erosion and generation of pollutants that could be carried off site and/or alter the existing drainage pattern of the site and surrounding area, as noted in Initial Study (Section VIII). Implementation of Standard Conditions of Approval Hydro 2-3 would ensure that project would have a less than significant impact on hydrology and water quality. These Standard Conditions require: practices to reduce erosion and pollutants during construction and pollutant discharge during project operation; and preparation of a post-construction Stormwater Pollution Management Plan. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse hydrology and water quality impacts.

31. Noise: Project construction and operation would potentially increase construction and traffic noise levels as well as excessive ground borne vibration, as noted in the Initial Study (Section XI). This impact will be reduced to a less than

significant level through the implementation of Standard Conditions of Approval, which require practices and procedures to reduce noise generation during construction and project operational noise on the surrounding area. Specifically, compliance with SCA Noise-1, and 3 through Noise-6 would limit hours and days of construction, require a site-specific noise reduction program, tracking and responding to noise complaints, construct and operate the building to limit noise, and attenuate pile-driving and other extreme noise generators. These Standard Conditions of Approval would reduce construction, operation, and traffic noise impacts from development to a less-than-significant level. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse noise and vibration impacts.

32. Public Services: Project construction and occupancy would result in increased demands on public services, particularly on City fire services, as noted in the Initial Study (Section XIII). These impacts will be reduced to a less than significant level through the implementation of Standard Conditions of Approval Pub Serv-1 which require conformance with federal, state, and local requirements, and building plans for development to be submitted to the Fire Prevention Bureau for review and approval, to ensure that the project adequately addresses fire hazards. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse public services impacts.

33. Traffic and Transportation:

- a) Intersection #9 (8<sup>th</sup> Street / Webster Street) Added traffic would further degrade the vehicle level of service already at an unacceptable LOS F during the PM peak hour. (*Impacts Traf-9, Existing plus Project; Traf-12, 2015 plus Project*) and also further degrade the vehicle level of service already at an unacceptable LOS F during the AM and the PM peak hour. (*Traf-15, 2030 Plus Project*) Implementation of Mitigation Measure Traf-9 which would require the applicant to optimize signal timing, upgrade the intersection and install traffic hardware would reduce this impact to a Less than Significant level.
- b) Short-Term Construction Period Impacts: The proposed project could result in construction traffic impacts and there also may be a need to temporarily close traffic lanes, prohibit parking, and/or block traffic lanes, and disrupt pedestrian and bicycles (*Impact Traf-1*). Implementation of SCA Traf-2 would ensure that construction period impacts are reduced to a Less than Significant level and require consultation with AC Transit about construction activity and bus relocation.

34. Utilities/Service Systems: The proposed project could result in new or expanded stormwater infrastructure on site and increased demand for solid waste collection, as noted in the Initial Study (Section XVI). This impact will be reduced to a less than significant level through the implementation of Standard Conditions of Approval SCA WW-3-and Util-1. The proposed project would result in increased wastewater generation, as noted in DEIR (Chapter 4.6.) This impact will be reduced to a less than significant level through the implementation of Standard Conditions of Approval SCA WW-1-3 and Util-1 which improvements in the public right of way, a construction waste reduction recycling plan during construction, and confirmation of the state of repair of the City's surrounding stormwater and sanitary sewer system, and the applicant to make the necessary infrastructure improvements to accommodate the proposed project. Moreover, compliance with various policies, and goals contained in the City's general plans and other regulatory requirements would ensure there would not be significant adverse utilities/service systems impacts.

## **X. SIGNIFICANT AND UNAVOIDABLE IMPACTS**

35. Under Public Resources Code sections 21081(a)(3) and 21081(b), and CEQA Guidelines sections 15091, 15092, and 15093, and to the extent reflected in the EIR and the SCAMMRP, the Planning Commission finds that the following impacts of the Project remain significant and unavoidable, notwithstanding the imposition of all feasible Standard Conditions of Approval and mitigation measures, as set forth below.

36. Cultural Resources: The proposed project would demolish the residential structure located at 617-621 Harrison Street, which is a historic resource, and this would be a significant impact of the Project (*Impacts Hist-2*). Implementation of SCA Hist-2 and/or Mitigation Measures Hist-1 and Hist-2a-2b requires property relocation and if the building cannot be relocated a financial contribution to a historic related program and protection of adjacent resources during construction. Although it is possible that property relocation could reduce the cultural impacts to a less than significant level, the relocation is speculative and this impact is conservatively deemed Significant and Unavoidable. This unavoidable and significant impact is overridden as set forth below in the Statement of Overriding Considerations.

37. Traffic and Transportation - The proposed Project would result in significant and unavoidable traffic impacts at several roadways and intersections under “Existing plus Project”, “2015 plus Project Phase I Only”, “2015 plus Project”, and Cumulative 2030 plus Project.” The following summary of these impacts is organized by intersection with the impact statement (e.g., Traf-7) and scenario (e.g., Existing plus Project) noted for easier comparison for the reviewer.

Intersection #1 (5<sup>th</sup> Street / Oak Street) – Caltrans Facility

Added traffic would increase the average intersection vehicle delay on the critical movement by more than four seconds during the PM peak hour (Traf-7: Existing plus Project); added traffic would increase the average intersection vehicle delay on the critical movement (eastbound through) by more than 4 seconds during the AM and PM peak hour (Traf-10: 2015 plus Project); and added traffic would increase the total intersection vehicle delay by more than two seconds during the AM and PM peak hours (Traf-13: 2030 plus Project). Implementation of Mitigation Measure Traf-7 which would require the applicant to optimize signal timing, upgrade the intersection and install traffic hardware would reduce this impact to a Less than Significant level. However, because this Mitigation Measure cannot be implemented without Caltrans approval, this impact is conservatively deemed Significant and Unavoidable.

Intersection #4 (6<sup>th</sup> Street / Jackson Street) – Caltrans Facility

Added traffic would increase the average intersection vehicle delay on the critical movements (southbound right and westbound through) by more than six seconds during the PM peak hour (Traf-8: Existing plus Project); added traffic would increase the average intersection vehicle delay on the critical movements (southbound right) by more than 4 seconds during the AM peak hour and the PM peak hour (Traf-11: 2015 plus Project); and added traffic would increase the total intersection vehicle delay by more than 2 seconds during the AM and PM peak hours (Traf-14: 2030 plus Project). Implementation of Mitigation Measure Traf-8 which would require the applicant to optimize signal timing, upgrade the intersection and install traffic hardware would reduce this impact to a Less than Significant level. However, because this Mitigation Measure cannot be implemented without Caltrans approval, this impact is conservatively deemed Significant and Unavoidable./

## **XI. FINDINGS REGARDING ALTERNATIVES**

38. The Planning Commission finds that specific economic, social, environmental, technological, legal or other considerations make infeasible the alternatives to the Project as described in the EIR despite remaining impacts, as more fully set forth in the Statement of Overriding Considerations below.

39. The EIR evaluated a reasonable range of alternatives to the project that was described in the DEIR. An alternative site location was considered but rejected as infeasible for the reasons stated in the Draft EIR (see page 5-5), which are hereby incorporated by reference. The three potentially feasible alternatives analyzed in detail in the EIR represent a reasonable range of potentially feasible alternatives that reduce one or more significant impacts of the Project. These alternatives include: Alternative 1: the No Project/No Development Alternative, Alternative 2: the Reduced Density Alternative, and Alternative 3: the Reduced Site Alternative. In addition, the DEIR also included two non-CEQA planning alternatives that discussed the ongoing I-880/Broadway/Jackson Interchange transportation planning program and how this program would affect the Project as well as a variation on the architectural and urban form of the Project (Alternative 4: The Alternative Circulation – I-880/Broadway/Jackson Interchange Project Alternative and Alternative 5:

Point Tower Alternative.) (Because the non-CEQA alternatives were not legally required to be included in the Draft EIR, they are likewise not required to be formally rejected as infeasible, but are nevertheless determined to be infeasible, as detailed below). As presented in the EIR, the alternatives were described and compared with each other and with the proposed project. After the No Project Alternative (1), Alternative (3) Offsite Maximum Reduced Impacts was identified as the environmentally superior alternative.

40. The Planning Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the EIR and in the record. The EIR reflects the Planning Commission's independent judgment as to alternatives. The Planning Commission finds that the Project provides the best balance between the project sponsor's objectives, the City's goals and objectives, and the Project's benefits as described in the Staff Report and in the Statement of Overriding Considerations below. While the Project may cause some significant and unavoidable environmental impacts, mitigation measures and the City's SCAs identified in the EIR mitigate these impacts to the extent feasible. The five alternatives proposed and evaluated in the EIR are rejected for the following reasons. Each individual reason presented below constitutes a separate and independent basis to reject the project alternative as being infeasible, and, when the reasons are viewed collectively, provide an overall basis for rejecting the alternative as being infeasible.

41. Alternative 1: No Project / No Development Alternative: Under the No Project Alternative, the Project would not be undertaken and the existing buildings and the historic residential structure would not be demolished. This alternative would not result in any significant impacts. The No Project/No Development Alternative is rejected as infeasible because (a) it would not achieve any of the objectives sought by the Project; (b) it would not construct an appropriate urban in-fill project; (c) it would not provide 380 residential units which would provide significant new housing opportunities in the Chinatown area; (d) it would not provide 9,110 square feet of retail and office space which would enhance the street level pedestrian experience; (e) it would improve the overall aesthetics of the area by redeveloping a block with underutilized buildings and parking lots; (f) it would not achieve a high density development in the CBD near transit and other amenities; and (g) it would not promote or achieve many of the goals, objectives and actions of the City's Land Use and Transportation General Plan Element.

42. Alternative 2: Reduced Density Alternative: Under the Reduced Density Alternative, the project applicant would construct a project limited to that permitted under the City of Oakland's Planning Code at the time that the Project application was determined complete (without the need for a major conditional use permit for Floor Area Ratio that exceeds the zoning but is consistent with the general plan). The applicant would only construct 78 residential units, 98 off-street parking spaces and 9,110 sq. ft. of ground floor commercial space in a 5-story structure. Access to the ground level parking spaces would from 7<sup>th</sup> Street and access to the underground parking spaces would be via 6<sup>th</sup> Street. This alternative would also preserve the historic building at 617-621 Harrison Street. Under this alternative, there would still be Significant and Unavoidable traffic impacts at the intersection of 5<sup>th</sup> and Oak Streets under all scenarios. The impacts at 6<sup>th</sup> and Jackson Streets under all scenarios would be reduced to less than significant level with mitigation measures. Furthermore, the cultural resource impact would also be reduced to a less than significant level. This alternative is rejected as infeasible because (a) it would not achieve most of the fundamental objectives sought by the total Project; (b) it would not revitalize the Project site with the high-density promoted for this area in the General Plan and easily accommodated on the project site; (c) it would only develop 78 residential units which would not provide a critical mass of new housing opportunities in Chinatown where new housing is lacking; (d) it would not provide an identifiable marker and gateway to Chinatown from the freeway because of the reduced height; (e) it would not provide as many construction jobs as this alternative would be about 20% of the size of the proposed Project; (f) it would not provide enough residents or shoppers capable of supporting, revitalizing, and promoting the Chinatown district; (g) it would not provide as much retail as the Project, thereby decreasing anticipated property tax revenue; and (h) based on the feasibility study (Attachment E), it would not be economically feasible as it would only generate a 5% rate of return on the project which would be too low to receive financing.

43. Alternative 3: Reduced Site Alternative: This alternative would be similar to proposed project; however, the Project site would not include the property or the historic building located at 617-621 Harrison Street. This alternative would

result in a building with same height and mass, as well as the same retail and office uses and square footage as the proposed project. Due the reduced site area, only 320 units would be constructed. This alternative would reduce the Significant and Unavoidable historic impact to less than significant. This alternative would still result in significant and unavoidable impacts to 5<sup>th</sup> Street and Oak Street. This alternative would reduce the traffic impacts at 6<sup>th</sup> Street and Jackson Street to less than significant with implementation of mitigation measures for the Existing Plus Project and 2015 Plus Project scenarios. However, this alternative would still result in a Significant and Unavoidable impact to this intersection in the 2030 Plus Project scenario. This alternative is rejected because (a) it would not achieve most of the fundamental objectives sought by the total Project; (b) it will only add approximately 320 residential units to the Chinatown area, while the General Plan allows a maximum of 407 units; c) it would not provide as many construction jobs as this alternative would be 80% of the size of the proposed Project; (d) it would not provide as many residential units as the Project, thereby decreasing anticipated property tax revenue and sales tax revenue; and (e) would not provide as great of an economic benefit and rate of return as the proposed project based on the assumed risk, current market conditions, and financing availability.

44. Alternative 4: Alternative Circulation – I-880/Broadway/Jackson Interchange Project: This alternative considers the possible effects that might result from implementation of the I-880/Broadway/Jackson Interchange transportation project. Near the proposed development Project site, the I-880/Broadway/Jackson Interchange Project would reconstruct the I-880/Broadway/Jackson off-ramp to terminate at Webster Street, depress Harrison Street, provide a left turn from Harrison Street out of the Posey Tube onto 6<sup>th</sup> Street and depress 6<sup>th</sup> Street to Webster Street. These changes would necessitate the a redesign of the Project's vehicular and loading access on 6<sup>th</sup> Street as depression of the street would cause vehicular access to be eliminated. The driveway along 7<sup>th</sup> Street would provide the only access point. This alternative is rejected because (a) it would not achieve most of the fundamental objectives sought by the Project;; (b) it would not reduce any of the significant and unavoidable impacts of the Project; (c) the I-880/Broadway/Jackson Interchange Project does not have a finalized project description and remains in the Project Study Report phase; (d) the I-880/Broadway/Jackson Interchange Project has not been analyzed per the CEQA guidelines; (e) the I-880/Broadway/Jackson Interchange Project has not been funded; and (f) it would not achieve a pedestrian friendly environment.

45. Alternative 5: Point Tower Alternative: This alternative considers the possible development of a "Vancouver" style single point tower design with a 6-story mid-rise. This alternative would include 365 residential units, 9,100 square feet of retail. Parking for 365 spaces would be provided in one, below -ground level, ground level, and 2, above-ground levels and from 7<sup>th</sup> Street only. The building would be approximately 33-stories or 400; tall. This alternative would also preserve the historic building at 617-621 Harrison Street. This alternative was developed using the newly adopted Central Business District zoning regulations. Under this alternative, there would still be Significant and Unavoidable traffic impacts at the intersection of 5<sup>th</sup> and Oak Streets under all scenarios. This alternative would reduce the traffic impacts at 6<sup>th</sup> Street and Jackson Street to less than significant with implementation of mitigation measures for the Existing Plus Project and 2015 Plus Project scenarios. Furthermore, the cultural resource impact would also be reduced to a less than significant level. This alternative is rejected as infeasible because (a) it would not achieve most of the fundamental objectives sought by the Project; (b) it would require a different and more expensive construction type because of the height than the proposed Project; (c) it would create a high-rise tower that would be out of scale and unprecedented in the area of Downtown; (d) it could potentially conflict with the FAA established flight paths into Oakland International Airport due to the height; and (e) it would not construct two independently developable towers.

## **XII. STATEMENT OF OVERRIDING CONSIDERATIONS**

46. The Planning Commission finds that each of the following specific economic, legal, social, technological, environmental, and other considerations and the benefits of the Project separately and independently outweigh these remaining significant, adverse impacts and is an overriding consideration independently warranting approval. The remaining significant adverse impacts identified above are acceptable in light of each of these overriding considerations that follow. Each individual benefit/reason presented below constitutes a separate and independent basis to override each



and every significant unavoidable environmental impact, and, when the benefits/reasons are viewed collectively, provide an overall basis to override each and every significant unavoidable environmental impact.

47. The Project will develop a high-quality residential project with ground floor retail and office space which implements many of the City-wide General Plan goals, objectives, and policies.
48. The Project, with construction of 380 units and approximately 700 new residents, will provide a critical mass of new residents to support existing local businesses in the Chinatown neighborhood, Old Oakland, and Jack London.
49. The Project will add many temporary construction jobs and permanent jobs for retail and office workers after project construction, thereby achieving a better job-housing balance in the City.
50. The Project will provide a new influx of residents, thereby increasing both activity and safety in the area.
51. The Project will enhance the pedestrian experience by creating a modern and attractive street level experience along 7<sup>th</sup> Street and Harrison Streets, which will include retail, street trees, and landscaping.
52. The Project will promote the City's transit-first goals, by constructing the project in a transit-rich area near the Lake Merritt BART line, multiple AC Transit lines, and the Broadway Shuttle and will further promote the use of alternative transportation by implementing a Transportation Demand Management Program and other pedestrian enhancements in the area.
53. The Project's overall height and massing will create a visually interesting project design and a lasting contribution to Oakland's urban fabric and skyline.
54. The Project will revitalize the connection between this area and the Chinatown neighborhood by providing a marker or a gateway into the area.
55. The Project will meet the contemporary energy and green building objectives of the City and the State by ensuring that the new towers meet mandatory performance standards of CALGreen.
56. The Project will provide more retail opportunities and increase the City's sales tax and property tax revenue.

**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 July 20, 2011 and submitted on March 10, 2009, 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:
  - I.Approval of a Major Conditional Use Permit for a large-scale development over 100,000 square feet of new floor area or more than one hundred twenty (120) feet in height, under Oakland Municipal Code Section 17.134.50.
  - II.Approval of an Interim Major Conditional Use Permit for FAR that exceeds zoning but consistent with the General Plan, under Oakland Municipal Code Section 17.134.50.
  - III.Approval of Minor Variances for the dimensions of parking spaces, dimensions of parking spaces against a column or other obstruction, tandem parking spaces, and rear yard setbacks, under Oakland Municipal Code Section 17.148.050
  - IV.Approval of Major Design Review, under Oakland Municipal Code Section 17.136.050.

**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 to Approved Plans; Modification of Conditions or Revocation*****Ongoing***

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

#### **5. Signed Copy of the Conditions/ Mitigation Measures**

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

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

#### **6. Indemnification**

##### ***Ongoing***

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

#### **7. 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 **and all applicable adopted mitigation measures** set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

#### **8. 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/or mitigations**, and if one or more of such conditions **and/or mitigations** is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions **and/or mitigations** consistent with achieving the same purpose and intent of such Approval.

#### **9. 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 **and/or mitigations**, shall be available for review at the job site at all times.

#### **10. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management**

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

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

#### **11. Required Landscape Plan for New Construction and Certain Additions to Residential Facilities**

##### ***Prior to issuance of a building permit***

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

- a) Landscape plan shall include a detailed planting schedule showing the proposed location, sizes, quantities, and specific common botanical names of plant species.
- b) Landscape plans for projects involving grading, rear walls on downslope lots requiring conformity with the screening requirements in Section 17.124.040, 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. 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.

#### **12. Landscape Requirements for Street Frontages.**

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

- a) All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning.
- b) In addition to the general landscaping requirements set forth in Chapter 17.124, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet, the trees to be provided shall include street trees to the satisfaction of the Director of Parks and Recreation.

#### **13. Assurance of Landscaping Completion.**

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

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

#### **14. 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 fences, walls and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

**15. 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.

**16. 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.

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

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

**18. Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP)*****Ongoing***

All mitigation measures identified in the 325 7<sup>th</sup> Street EIR are included in the Standard Condition of Approval and Mitigation Monitoring Program (SCAMMRP) which is included in these conditions of approval and are incorporated herein by reference, as Attachment D as conditions of approval of the project. The Standard Conditions of Approval identified in the 325 7<sup>th</sup> Street EIR are also included in the SCAMMRP, and are therefore, not repeated in these conditions of approval. To the extent that there is any inconsistency between the SCAMMRP and these conditions, the more restrictive conditions shall govern; to the extent any mitigation measures and/or Standard Conditions of Approval identified in the EIR were inadvertently omitted, they are automatically incorporated herein by reference. The project sponsor (also referred to as the Developer or Applicant) shall be responsible for compliance with the recommendation in any submitted and approved technical reports, all applicable mitigation measures adopted and with all conditions of approval set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. The SCAMMRP identifies the time frame and responsible party for implementation and monitoring for each mitigation measure. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. Prior to the issuance of a demolition, grading, and/or construction permit, the project sponsor shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

**19. Tree Removal Permit*****Prior to issuance of a demolition, grading, or building permit***

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

**PROJECT SPECIFIC CONDITIONS****20. Indoor Air Quality*****Prior to issuance of a building permit and ongoing.***

- a) The project applicant shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These features shall be submitted to the Planning and Zoning Division and the Building Services Division for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the Project. 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 the efficiency standard of the 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.
- b) 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.
- c) Install indoor air quality monitoring units in buildings.
- d) The Project applicant, owner, or Home Owner's Association 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 maintenance and replacement schedule. This manual shall be included in the CC&R's 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 maintenance and replacement schedule for the HV system and the filters.

**21. Wind Reduction Plan*****Prior to issuance of a building permit***

The Project applicant shall develop a wind reduction plan to be included as part of the landscape plan, for further wind control on the 4, 18<sup>th</sup>, and 22<sup>nd</sup> courtyard spaces. This plan shall be submitted to the Planning and Zoning Division for review and approval. The Project applicant shall implement the approved plan which shall include features such as tree plantings, arbors, canopies, and lattice fencing. In addition, a full height wind screen (from the floor level to the underside of the canopy is also recommended along the western edge of the pedestrian walkway between the two buildings. The vertical wind control measures considered shall face perpendicular to local wind flow for the dominant west winds to be most effective.

**22. Pedestrian Enhancements*****Prior to issuance of a building or a p-job permit***

The Project applicant shall submit a plan, specifications, and estimates (PS&E) to upgrade the following intersections to include the following:

- a) Audible signals shall be installed at the intersection of 7<sup>th</sup> and Broadway, both westbound and eastbound.
- b) Pedestrian countdown signals should installed at the intersection of 7<sup>th</sup> and Harrison Streets.
- c) Enhancement of pedestrian crosswalks and installation of ADA compliant ramps with domes shall be installed at the intersections of 7<sup>th</sup> and Webster Streets; 7<sup>th</sup> and Harrison Streets; and 8<sup>th</sup> and Harrison Streets.

The plan shall be submitted to the Transportation Services Division and Planning and Zoning Division for review and approval and the Project applicant shall implement the approved plan prior to issuance of a certificate of occupancy

**23. Driveway Sight Distance*****Prior to issuance of a building or a p-job permit***

The Project applicant shall submit a plan, specifications, and estimates (PS&E) to include the following:

- a) 7th Street Driveway: In order to provide adequate sight distance at the 7th Street driveway, driveway tipping of approximately 54.8 feet would be required on the west side of the driveway.
- b) 6th Street Driveway: In order to provide adequate sight distance at the 6th Street driveway, driveway tipping of approximately 32.0 feet would be required on the west side of the driveway and 17.1 feet on the east side of the driveway.
- c) 6th Street Loading Dock Driveway: In order to provide adequate sight distance at the 6th Street Loading Dock driveway, driveway tipping of approximately 19.7 feet would be required on the west side of the driveway and 68.6- feet on the east side of the driveway.

The plan shall be submitted to the Transportation Services Division and Planning and Zoning Division for review and approval and the Project applicant shall implement the approved plan prior to issuance of a certificate of occupancy

**24. Historic Maintenance.*****a. 30 days after Project Approval***

Applicant shall submit a repair and maintenance plan for the Historic Resource located at 617-621 Harrison Street to the City Planning Director for review and approval. The applicant shall implement the approved plan. The goal of the plan is to ensure the exterior portions are kept in good repair so as to prevent deterioration and decay of any exterior portion and all interior portions thereof the maintenance of which is necessary to prevent deterioration and decay of any exterior portion, and prevent blight and an attractive nuisance.

***b. Ongoing***

The owner, property manager, future tenants, or other person in actual charge of the designated historic resource shall, in accordance with the approved plan in "a" above, keep in good repair all of the exterior portions thereof, and all interior portions thereof the maintenance of which is necessary to prevent deterioration and decay of any exterior portion, and prevent blight. Furthermore, the owner, property manager, future tenants, or other person in actual charge of the designated historic resource shall ensure that until a demolition permit is issued in accordance with the SCAMMRP related conditions/mitigation measures and the Demolition Permit for Demolition of Historic Resources Concurrent with Building Permit Issuance Condition, the building is adequately secured, including all points of entry.

**25. Demolition Permit for Demolition of Historic Resources Concurrent with Building Permit Issuance**

A demolition permit to demolish the historic resource (617-621 Harrison Street, or as described in the record), shall not be issued prior to payment and issuance of the building permit application and demonstrated compliance with applicable SCAMMRP related conditions/mitigation measures.

**26. Final Design Review.*****Prior to issuance of a demolition, grading, or building permit***

As the design development of the building proceeds, the design elements listed below shall be revised and shall be submitted for review and approval by the Planning Director prior to issuance of the building permit. Only high quality materials will be approved.

- a) The applicant will submit final plans and materials for the architectural features on top of the building. These features shall be reviewed and approved by the Design Review Committee. The features shall relate to both buildings' design and the other tower's terminus.
- b) The applicant shall submit final plans of the 7<sup>th</sup> Street façade that shows varying window proportions and window styles in order to reduce the perceived bulk of the building.
- c) The applicant shall submit the final materials and colors for staff's review, including the GFRC panels, metal shading devices, balcony materials, awnings, translucent infill panels, etc.

- d) Staff shall review a full-scale on-site mock up of the panels and the depth of the reveals and construction joints, and window construction.
- e) Provide details or “cut-sheet” of the garage and service doors for staff review. Roll up chain doors will not be acceptable.
- f) The applicant will submit information that affirms that any metal treatment used on the building will be coated or sealed to prevent rusting.
- g) The applicant will submit the samples of the decorative concrete tile pavers proposed for the street frontages for review and approval.
- h) The applicant will install planters with landscaping within the building recessed areas to improve the pedestrian experience.
- i) The applicant must provide staff with cut sheets for the all windows and details showing the window profiles. The applicant shall provide a minimum 2” window recess from the exterior façade and the frame will be of high quality.
- j) The above ground parking garage floors shall be enclosed and screened with translucent infill panels. These panels shall continue along the façade that is visible from Harrison Street behind the historic buildings and at the corner of 7<sup>th</sup> and Harrison Street to create a more prominent corner element.
- k) The GFRC band between the residential units and the above ground garage levels shall be increased to at least 2’ in order to emphasize this division in uses.
- l) The applicant will provide details of the balconies and/or shading device connections, to ensure that these features are well integrated into the overall building and project design. The balconies shall be transparent glass.
- m) Enclose all rooftop mechanical equipment. Design the enclosure and select its color to be integral with the overall architectural design.

#### **27. Design Review of Uncompleted Project**

##### ***Ongoing prior to the final inspection of the building permit for the Project***

If the Project applicant does not complete the second tower within the timeframes described in Condition 2 and the building permit expires, the Project applicant shall return to the Design Review Committee within 60 days of the permit’s expiration for review of the unfinished project and to approve the design state that the building is left in. The Design Review Committee shall ensure that a reasonable design review standard is upheld for the unfinished Project and that this state will be more stringent than the typical standards for blight/nuisance.

#### **28. Community Policing Through Environmental Design**

##### ***Prior to issuance of building permit***

- a) The applicant shall provide lighting under the soffit of all recessed building entrance, planting areas and vehicle entrances. Such illumination shall remain on as appropriate during all hours of darkness, but shall be shielded to a point below the light bulb and reflector and not cast unnecessary glare onto adjacent properties.
- b) The property manager shall maintain good sight lines in and out of the residential lobbies, community room, and offices to allow management staff to monitor and discourage inappropriate activity in front of the building.
- c) If loitering occurs at the ground floor along 6<sup>th</sup> Street, measures will be taken to discourage this activity including:
  - I. The applicant shall post “No Loitering” signs on the building façade and other visible locations around the site. Signs shall be of a permanent nature and have letters a minimum of 2 inches in height.
  - II. The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove loiters who refuse to leave. Persons loitering in the vicinity of the exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave. Techniques discussed in the manual entitled "Loitering: Business and Community Based Solutions" may be used and are recommended if applicable.
- d) Graffiti shall be removed within 72 hours of application. Removal can involve resurfacing of a material and/or color that matches the remaining surface.



**29. Master Signage Program.**

***Prior to sign permit***

The Project applicant shall submit a master signage plan for review for any commercial and residential signage per the Planning and Zoning regulations, including but not limited to location, dimensions, materials and colors.

**30. Pre-construction Meeting with the City**

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

A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site Project manager with the City’s project building coordinator to confirm that conditions of approval that must be completed prior to issuance of a grading, demolition, or building permit have been completed (including pre-construction meeting with neighborhood, construction hours, neighborhood notification, posted signs, etc.). The applicant shall coordinate and schedule this meeting with City staff.

**31. Covenants, Conditions, and Restrictions & Homeowner’s Association**

***Prior to certificate of occupancy***

The Covenants, Conditions and Restrictions (CC&Rs) for the units shall be submitted to the Planning and Zoning Division for review. The CC&Rs shall provide for the establishment of a non-profit homeowners association for the maintenance and operation of all on-site sidewalks, pathways, common open space and all common landscaping, driveways, and other facilities, in accordance with approved plans. Membership in the association shall be made a condition of ownership. The developer shall be a member of such association until all units are sold. In addition to the parking management requirements, the CC&R’s shall also include an acknowledgement that the units on the rear of the building facing Webster Street are located within the rear yard setback.

**32. Parking Management Plan**

***Prior to Certificate of Occupancy and On-going.***

The applicant shall establish an on-site parking management plan. The parking management plan shall include but not be limited to the following components and requirements:

- a) The Covenants, Conditions and Restrictions (CC&Rs) for the units shall be submitted to the Planning and Zoning Division for review to affirm that they include the provisions listed here.
- b) Acknowledgement that many and specific parking spaces are deficient in additional width and length. (Due to column or wall locations and the parking lifts.)
- c) Require purchasers to acknowledge that maneuverability of several of the parking spaces within the garage may be affected by the location of columns or walls and that due care and caution should be used.
- d) The management plan shall also stipulate that each unit shall be assigned a minimum of one off street parking space and that such space is included within the lease or ownership rights of the unit.
- e) The plan shall also include a brochure or instructions on how to use the mechanical, multi-parking lift system.
- f) The lift system must include a viable method to retrieve vehicles in case of a power failure.

**33. Parking Garage entrance/Exits and Loading Docks**

***Prior to issuance of a building permit***

The project applicant shall submit for review and approval a plan for the parking lot entrance/exits and loading docks that includes audible and visible warnings devices such as bells and lights to alert pedestrians, and a speed hump to force drivers exiting the garage to slow down and be more alert.

**APPROVED BY:**

City Planning Commission: \_\_\_\_\_ (date) \_\_\_\_\_ (vote)

City Council: \_\_\_\_\_ (date) \_\_\_\_\_ (vote)

**Applicant and/or Contractor Statement**

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on **July 20, 2011**. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant: \_\_\_\_\_(date)  
Signature of Contractor \_\_\_\_\_(date)

# 325 7<sup>TH</sup> STREET PROJECT

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## MITIGATION MONITORING AND REPORTING PROGRAM

This Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) is based on the Final Environmental Impact Report (EIR) prepared for the 325 7<sup>th</sup> Street Project in the City of Oakland. This SCAMMRP is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The SCAMMRP lists mitigation measures recommended in the EIR and identifies mitigation monitoring requirements. The City’s Standard Conditions of Approval identified in the EIR as measures that would minimize potential adverse effects that could result from implementation of the project are also included in this SCAMMRP to ensure the conditions are implemented and monitored.

The following Table presents the mitigation measures identified in the 325 7<sup>th</sup> Street Project EIR necessary to mitigate potentially significant impacts. Each mitigation measure is numbered according to the section of the EIR from which it is derived. For example, Mitigation Measure Traf-1 is the first mitigation measure identified in the Traffic and Circulation chapter of the EIR. The Standard Conditions are identified with the prefix SCA (e.g., SCA Traf-1).

- The first column indicates the environmental impact as identified in the EIR,
- The second column identifies the Standard Condition of Approval (SCA) or mitigation measure (MM) applicable to that impact.
- The third column identifies the monitoring schedule or timing,
- The fourth column names the party responsible for monitoring the required action.
- The fifth column, “Monitoring Procedure,” outlines the steps for monitoring the action identified in the mitigation measure or condition of approval.

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<b>Aesthetics, Wind and Shadows</b>				
<p><b>Light and Glare:</b> The development of the Project site as proposed would result in the creation of a new source of light or glare since these towers would replace existing structures at the site that generate relatively little light or glare. Exterior lighting, windows that would be illuminated at night or reflect sunlight during the day, and the use of building materials that may reflect sunlight during the day have the potential to create a new source of substantial light or glare.</p>	<p><b>SCA Aesth-1: Lighting Plan.</b> <i>Prior to the issuance of an electrical or building permit.</i> 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.</p>	<p>Submittal prior to the issuance of an electrical or building permit</p>	<p>City of Oakland CEDA-Planning &amp; Zoning City of Oakland CEDA-Building Services Division, Zoning Inspection City of Oakland Public Works Agency, Electrical Services Division</p>	<p>Review and approve plans Confirm implementation of the design features during construction</p>
<b>Other standard conditions would also serve to reduce impacts to light and glare, including:</b>				
<p><b>SCA Bio-5</b> Bird Collision Reduction (see Biology, below) (see SCA Bio 5, below)</p>				
<b>Traffic, Circulation and Parking</b>				
<p><b>Impact Traf-5:</b> The proposed Project would not conflict with adopted transportation policies, plans and programs supporting alternative transportation, and would be required to comply with City Standard Conditions of Approval that require preparation and implementation of a Parking and Transportation Demand Management Plan. However, there is an existing AC Transit bus stop located at the southwest corner of 7<sup>th</sup>/Harrison Street, directly in front of the Project site. The location of this bus stop could conflict with access to the Project site once the Project is constructed.</p>	<p><b>SCA Traf-1: Parking and Transportation Demand Management.</b> <i>Prior to issuance of a final inspection of the building permit.</i> The applicant shall submit for review and approval by the Planning and Zoning Division a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The applicant shall implement the approved TDM plan. The TDM shall include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use. All four modes of travel shall be considered. Strategies to consider include the following:</p> <ol style="list-style-type: none"> <li>Inclusion of additional bicycle parking, shower, and locker facilities that exceed the requirement</li> <li>Construction of bike lanes per the Bicycle Master Plan; Priority Bikeway Projects</li> <li>Signage and striping onsite to encourage bike safety</li> </ol>	<p>Submittal prior to issuance of a final inspection of the building permit Submittal of additional approved TDM reports as needed per approved TDM plan</p>	<p>City of Oakland CEDA-Planning &amp; Zoning; City of Oakland CEDA-Building Services Division, Zoning Inspection.</p>	<p>Review and approve the TDM plan Confirm items necessary to be implemented during construction Review and approve reports, and implementation of approved TDM strategies per approved TDM Plan</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>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</p> <p>e. Installation of amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.</p> <p>f. Direct transit sales or subsidized transit passes</p> <p>g. Guaranteed ride home program</p> <p>h. Pre-tax commuter benefits (checks)</p> <p>i. On-site car-sharing program (such as City Car Share, Zip Car, etc.)</p> <p>j. On-site carpooling program</p> <p>k. Distribution of information concerning alternative transportation options</p> <p>l. Parking spaces sold/leased separately</p> <p>m. Parking management strategies; including attendant/valet parking and shared parking spaces.</p> <p>To further implement this Standard Condition of Approval, the Project applicant shall include the following Project-specific conditions as part of the required TDM Plan:</p> <p>n. Investigate the possibility of contracting with off-site locations to provide additional parking.</p> <p>o. The applicant shall work with the City of Oakland to determine the Project's appropriate financial contribution share and/or other efforts to support the Broadway/Valdez shuttle service or other shuttle service which provides service along Broadway. The applicant shall include, in an annual report to be submitted to the City, documentation of financial contribution and/or other efforts to support the shuttle.</p>			

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<p><b>Impact Traf-1:</b> Construction activities could cause significant disruptions to transportation and pedestrian movement at the Project site, and could substantially reduce the availability of parking opportunities. These potential impacts would be reduced or avoided through implementation of the City's Standard Conditions of Approval that require preparation of a Construction Traffic and Parking Management Plan.</p>	<p>The Project will be required to comply with all of the provisions of City of Oakland Standard Conditions of Approval, including <b>SCA WW-2: Improvements in the Public Right-of-Way</b> (see Public Services and Utilities section, below)</p> <p><b>SCA Traf-2: Construction Traffic and Parking. Prior to the issuance of a demolition, grading or building permit.</b> 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 requirements:</p> <ol style="list-style-type: none"> <li>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.</li> <li>Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.</li> <li>Location of construction staging areas for materials, equipment, and vehicles at an approved location.</li> <li>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.</li> </ol>	<p>See <b>SCA WW-2: Improvements in the Public Right-of-Way</b>, Public Services and Utilities section, below</p> <p>Submittal prior to issuance of a grading, demolition, building or P-Job permit</p> <p>Ongoing through construction</p>	<p>City of Oakland CEDA- Planning &amp; Zoning;</p> <p>City of Oakland CEDA- Building Services, Zoning Inspection; and</p> <p>City of Oakland, CEDA - Transportation Services Division.</p>	<p>Review and approve the construction management plan;</p> <p>Confirm that all applicable measures are being implemented or complied with per the approved plan.</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>e. Provision for accommodation of pedestrian and bicycle flow.</p> <p>f. Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.</p> <p>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.</p> <p>h. Any heavy equipment brought to the construction site shall be transported by truck, where feasible.</p> <p>i. No materials or equipment shall be stored on the traveled roadway, including bicycle lanes, at any time.</p> <p>j. Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.</p> <p>k. All equipment shall be equipped with mufflers.</p> <p>l. Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.</p> <p>To further implement SCA Traf-2, the following additional Project-specific element shall be added to construction-period traffic and parking management</p>			

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<p><b>Existing Plus Project</b></p> <p><b>Impact Traf-7:</b> LOS F conditions at the intersection of 5th Street/Oak Street would prevail during the PM peak hour under the Existing + Project condition. The LOS would worsen with the addition of Project traffic. The Project generated increases in vehicle delay on the critical movement (eastbound through) would exceed the four-second threshold.</p>	<p>strategies:</p> <p>m. The Project sponsor shall coordinate with AC Transit and the City of Oakland Public Works Department Traffic Services Department to identify an appropriate temporary location for the existing bus stop located at the southwest corner of 7<sup>th</sup> and Harrison, which will most likely be adversely affected by Project construction. The Project sponsor shall implement all steps necessary to establish this temporary bus stop, including possible construction of a bus shelter, to a location mutually agreed upon by the City of Oakland and AC Transit. This temporary bus stop location is anticipated to be at the southeast corner of 7<sup>th</sup>/Webster Street, on the far side of the intersection and beyond the pedestrian crosswalks.</p>			
	<p><b>Mitigation Measure Traf-7:</b> Optimize the traffic signal timing at the intersection of 5th Street/Oak Street. Optimization of traffic signal timing shall include adjusting the signal cycle length from 45 seconds to 60 seconds, and determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches. Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. To implement this measure, the Project sponsor shall submit the following to City of Oakland's Transportation Service Division and Caltrans for review and approval:</p> <p>a. Plans, Specifications, and Estimates (PS&amp;E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction and all new and upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guideline) at the time of construction. Current City</p>	<p>Submittal prior to issuance of a building permit</p> <p>Implement TSD-approved improvements prior to final inspection of the building permit</p>	<p>City of Oakland, CEDA-Dept. of Engineering &amp; Construction, Transportation Services Division;</p> <p>City of Oakland CEDA-Building Services Division, Zoning Inspection;</p> <p>City of Oakland CEDA-Planning &amp; Zoning.</p> <p>Caltrans</p>	<p>Review and approve PS&amp;E.</p> <p>Confirm that improvements are designed and implemented pursuant to approved PS&amp;E.</p>



Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<p><b>Impact Traf-8:</b> The intersection of 6th Street/Jackson Street would operate at LOS E in the AM and PM peak hours. During the AM peak hour, the addition of Project traffic would cause an increase in the average delay for the critical movements (southbound right and westbound through) of 5.9 seconds, less than the City's six second threshold of significance. Therefore, the Project impact in the AM peak hour would be less than significant. During the PM peak hour, the Project generated increases in the average delay for the critical movements (7 seconds for southbound right and 2.6 seconds for westbound through) would exceed the</p>	<p>Standards call for among other items the elements listed below:</p> <ul style="list-style-type: none"> <li>i. 2070L Type Controller</li> <li>ii. Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons)</li> <li>iii. Fiber signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet</li> <li>iv. GPS communication clock</li> <li>v. Accessible pedestrian crosswalks according to Federal and State Access Board Guidelines</li> <li>vi. Accessible pedestrian signals audible and tactile according to Federal Access Board guidelines</li> <li>vii. Countdown Pedestrian Signals</li> </ul> <p>b. Signal timing plans for the signals in the coordination group.</p> <p>The Project sponsor shall fund, prepare and install the approved plans and improvements.</p>	<p><b>Mitigation Measure Traf-8:</b> Optimize the traffic signal timing at the intersection of 6th Street/Jackson Street. Optimization of traffic signal timing would include adjusting cycle length from 60 seconds to 75 seconds, and determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches. Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. To implement this measure, the Project sponsor shall submit the following to City of Oakland's Transportation Service Division and Caltrans for review and approval:</p> <ul style="list-style-type: none"> <li>a. Plans, Specifications, and Estimates (PS&amp;E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction and all new and upgraded signals</li> </ul>	<p>Project Sponsor; City of Oakland, CEDA-Dept. of Engineering &amp; Construction, Transportation Services Division; City of Oakland CEDA-Building Services Division, Zoning Inspection; City of Oakland CEDA-Planning &amp; Zoning Caltrans.</p>	<p>Review and approve PS&amp;E. Confirm that improvements are designed and implemented pursuant to approved PS&amp;E.</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<p>City's six-second threshold of significance.</p>	<p>should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guideline) at the time of construction. Current City Standards call for among other items the elements listed below:</p> <ol style="list-style-type: none"> <li>i. 2070L Type Controller</li> <li>ii. Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons)</li> <li>iii. Fiber signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet</li> <li>iv. GPS communication clock</li> <li>v. Accessible pedestrian crosswalks according to Federal and State Access Board Guidelines</li> <li>vi. Accessible pedestrian signals audible and tactile according to Federal Access Board guidelines</li> <li>vii. Countdown Pedestrian Signals</li> </ol> <p>b. Signal timing plans for the signals in the coordination group.</p> <p>The Project sponsor shall fund, prepare and install the approved plans and improvements.</p>	<p><b>Mitigation Measure Traf-9:</b> Optimize the traffic signal timing at the intersection of 8<sup>th</sup> Street/Webster Street. Optimization of traffic signal timing would include determination of allocation of green time within the current 90 second signal cycle length for each intersection approach in tune with the relative traffic volumes on those approaches, and implementing traffic actuation. Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. To implement this measure, the Project sponsor shall submit the following</p>	<p>City of Oakland, CEDA-Dept. of Engineering &amp; Construction, Transportation Services Division;  City of Oakland CEDA-Building Services Division, Zoning Inspection;  City of Oakland CEDA-</p>	<p>review and approve PS&amp;E  Confirm that improvements are designed and implemented pursuant to approved PS&amp;E.</p>
<p><b>Impact Traf-9:</b> The LOS F conditions at the intersection of 8<sup>th</sup> Street/Webster Street would prevail during the PM peak hour under the Existing + Project condition. The LOS would worsen with the addition of Project traffic. The Project generated increases in vehicle delay on the critical movement (southbound through) would exceed the four-second threshold.</p>		<p>Submittal prior to issuance of a building permit  Implement TSD-approved improvements identified in the PS&amp;E prior to final inspection of the building permit</p>		

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>to AC Transit for comment and to the City of Oakland's Transportation Service Division for review and approval:</p> <ol style="list-style-type: none"> <li>a. Plans, Specifications, and Estimates (PS&amp;E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction and all new and upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guideline) at the time of construction. Current City Standards call for among other items the elements listed below:               <ol style="list-style-type: none"> <li>i. 2070L Type Controller</li> <li>ii. Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons)</li> <li>iii. Fiber signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet</li> <li>iv. GPS communication clock</li> <li>v. Accessible pedestrian crosswalks according to Federal and State Access Board Guidelines</li> <li>vi. Accessible pedestrian signals audible and tactile according to Federal Access Board guidelines</li> <li>vii. Countdown Pedestrian Signals</li> </ol> </li> <li>b. Signal timing plans for the signals in the coordination group.</li> </ol> <p>The Project sponsor shall fund, prepare and install the approved plans and improvements.</p>		Planning & Zoning.	
<p><b>2015 + Project</b> <b>Cumulative Impact Traf-10:</b> The LOS E and F conditions at the intersection of</p>	<p><b>Mitigation Measure Traf-10:</b> Implement Mitigation Measure Traf-7.</p>	See Mitigation Measure Traf-7, above		

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<p>5th and Oak Streets during the AM and PM peak hours under the 2015 Short-Term with Project condition, would worsen with the addition of traffic generated by the project. The Project generated increases in vehicle delay on the critical movement (eastbound through) of 12.4 seconds during the AM peak hour 29.1 seconds during the PM peak hour would exceed the City's threshold of significance.</p>	<p><b>Mitigation Measure Traf-11:</b> Implement Mitigation Measure Traf-8</p>	<p>See Mitigation Measure Traf-8 above</p>		
<p><b>Cumulative Impact Traf-11:</b> The intersection of 6th Street/Jackson Street would continue to operate at LOS F in year 2015 during the AM Peak hour and LOS E during the PM Peak hour with the addition of Project traffic. The Project generated increases in vehicle delay on the critical movement (southbound right) of 4.8 seconds during the AM peak hour and 6.9 seconds during the PM peak hour would exceed the City's threshold of significance.</p>	<p><b>Mitigation Measure Traf-12:</b> Implement Mitigation Measure Traf-9</p>	<p>See Mitigation Measure Traf-9 above</p>		
<p><b>2030 Cumulative + Project</b></p>	<p><b>Mitigation Measure Traf-13:</b> Implement Mitigation Measure Traf-7.</p>	<p>See Mitigation Measure Traf-7 above</p>		

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<p>addition of traffic generated by the Project. The total intersection vehicle delay would exceed the City's two-second threshold of significance with the addition of traffic generated by the Project.</p>	<p><b>Cumulative Impact Traf-14:</b> The intersection of 6th Street/Jackson Street would operate at LOS F during the AM and PM peak hours. The 2030 Future Cumulative conditions would worsen with the addition of traffic generated by the project. The total intersection vehicle delay would exceed the City's threshold of significance with the addition of traffic generated by the project.</p>	<p>See Mitigation Measure Traf-8 above</p>	<p>See Mitigation Measure Traf-8 above</p>	
<p><b>Cumulative Impact Traf-15:</b> The LOS F conditions at the intersection of 8th Street/Webster Street during the AM and PM peak hours under the Future Cumulative conditions would worsen with the addition of Project traffic. The Project traffic would increase total intersection average vehicle delay by more than two seconds, exceeding the City's threshold of significance during both the AM and PM peak hours.</p>	<p><b>Mitigation Measure Traf-14:</b> Implement Mitigation Measure Traf-8</p>	<p>See Mitigation Measure Traf-9 above</p>	<p>See Mitigation Measure Traf-9 above</p>	
<p><b>Impact Air-1:</b> During construction, the proposed Project would generate fugitive dust from demolition, grading, hauling and construction activities. The fugitive dust emissions associated with these construction activities would be effectively reduced to a level of less than significant based on implementation of required City of Oakland Standard Conditions of Approval.</p>	<p><b>SCA Air-1: Construction-Related Air Pollution Controls (Dust and Equipment Emissions).</b> 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):</p> <ol style="list-style-type: none"> <li>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</li> </ol>	<p>Air Quality</p>	<p>City of Oakland, CEDA, Building Services Division, Zoning Inspection; City of Oakland CEDA, Planning and Zoning</p>	<p>Review and approve plan Confirm that all dust-control mitigation measures are being implemented.</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.</p> <p>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).</p> <p>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.</p> <p>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.</p> <p>e. Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).</p> <p>f. Limit vehicle speeds on unpaved roads to 15 miles per hour.</p> <p>g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.</p> <p>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.</p> <p>i. Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of</p>			

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>contacts at the City and BAAQMD shall also be visible. This information may be posted on other required on-site signage.</p> <p>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.</p> <p>k. All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.</p> <p>l. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</p> <p>m. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).</p> <p>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.</p> <p>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> <p>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.</p> <p>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.</p> <p>r. All trucks and equipment, including tires, shall be washed off prior to leaving the site.</p> <p>s. Site accesses to a distance of 100 feet from the</p>			

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.</p> <p>t. Minimize the idling time of diesel-powered construction equipment to two minutes.</p> <p>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 NO<sub>x</sub> 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.</p> <p>v. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3; Architectural Coatings).</p> <p>w. All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NO<sub>x</sub> and PM.</p> <p>x. Off-road heavy diesel engines shall meet the CARB's most recent certification standard.</p> <p><b>SCA Air-4: Asbestos Removal in Structures.</b> If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health &amp; Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be</p>	<p>Make determination prior to issuance of a demolition permit;</p>	<p>City of Oakland, CEDA, Building Services Division, Zoning Inspection  Planning and Zoning Division  Fire Prevention Bureau, Hazardous Materials Unit</p>	<p>Confirm that any asbestos removal is conducted in accordance with procedures specified by Regulation 11, Rule 2 of BAAQMD regulations and with all applicable measures</p>



Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<p><b>Impact Air-5:</b> The exposure risk to future residents of the Project to substantial pollutant concentrations and toxic air contaminants would not exceed the thresholds of significance under BAAQMD criterion for cancer or acute health risks. It is unlikely that future residents of the Project site would be exposed to a health risk which would be substantially greater than the average in California. This would be a less than significant impact.</p>	<p>amended.</p> <p>None needed. However, the Project would be required to comply with the following City Standard Conditions of Approval:</p> <p><b>SCA Air-2: Exposure to Air Pollution (Toxic Air Contaminants: Particulate Matter).</b> The Project applicant shall implement City of Oakland Standard Condition of Approval #20 which states:</p> <p>a. The applicant shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These features shall be submitted to the Planning and Zoning Division and the Building Services Division for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the project.</p> <p>i. 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.</p> <p>ii. 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.</p> <p>iii. Install indoor air quality monitoring units in buildings.</p> <p>iv. Project applicant shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and</p>	<p>Submittal prior to issuance of a demolition, grading, or building permit.</p> <p>Ongoing during operation of the Project</p>	<p>City of Oakland CEDA- Planning &amp; Zoning</p> <p>City of Oakland CEDA- Building Services Division, Zoning Inspection.</p>	<p>Review and approve qualified air quality consultant;</p> <p>Review and approve the Health Risk Assessment and confirm that additional measures are incorporated into the Project's final designs to reduce health risks from air pollution to the extent required.</p> <p>Or-</p> <p>Review and approve plan's operational and maintenance manual</p> <p>Confirm that all applicable measures are being implemented or complied with.</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>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&amp;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.</p> <p>b. <u>Exterior Air Quality:</u> 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.</p> <p><b>SCA Air-3: Exposure to Air Pollution (Toxic Air Contaminants: Gaseous Emissions).</b></p> <p><u>Indoor Air Quality:</u> 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 pollutants prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning and Zoning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.</p> <p><u>Exterior Air Quality:</u> To the maximum extent</p>	<p>Submittal prior to issuance of a demolition, grading, or building permit.</p> <p>Ongoing throughout construction</p>	<p>City of Oakland CEDA- Planning &amp; Zoning</p> <p>City of Oakland CEDA- Building Services Division, Zoning Inspection.</p>	<p>Review and approve qualified air quality consultant;</p> <p>Review and approve the Health Risk Assessment</p> <p>Review and approve final building plans incorporate HRA recommendations</p> <p>Confirm that all applicable measures and the HRA recommendations are being implemented and/or complied with during construction</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<p><b>Impact Air-7:</b> The exposure risk to nearby sensitive receptors to toxic air contaminants during the construction period would exceed the thresholds of significance under BAAQMD criterion for cancer and PM<sub>2.5</sub> exposure. This would be a potentially significant impact.</p>	<p>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.</p> <p><b>Mitigation Measure Air-7:</b> The Project applicant shall develop a Diesel Emission Reduction Plan including, but not limited to alternatively fueled equipment, engine retrofit technology, after-treatment products and add-on devices such as particulate filters, and/or other options as they become available, capable of achieving a project wide fleet-average of 85 percent particulate matter (PM) reduction compared to the most recent California Air Resources Board (CARB) fleet average. This fleet-wide average reduction is consistent with the 1<sup>st</sup> Tier (highest possible) reduction measures specified in the URBEMIS model's output calculations. This Plan shall be submitted for review and approval by the City, and the Project applicant shall implement the approved Plan.</p> <p>See also <b>SCA Air-1:</b> Construction-Related Air Pollution Controls (Dust and Equipment Emissions - measures through x pertaining to equipment exhaust emissions)</p>	<p>Submittal prior to issuance of a demolition, grading, or building permit.</p>	<p>City of Oakland CEDA-Planning &amp; Zoning City of Oakland CEDA-Building Services Division, Zoning Inspection.</p>	<p>Review and approve the Diesel Emission Reduction Plan and confirm that recommendations are incorporated into the Project's construction contracts Confirm implementation of Diesel Emission Reduction plan recommendations during construction</p>
<p><b>Cumulative Impact Air-8:</b> The Project's individual emissions would contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. For the Project, the inhalation cancer risk to nearby sensitive receptors due to construction-period concentrations of toxic air contaminants (DPM) and concentrations of PM<sub>2.5</sub> has been found to be significant, and would thus contribute to a cumulatively significant adverse air quality impact.</p>	<p>see <b>SCA Air-1</b> for cumulative criteria pollutant emissions, <b>SCA Air-2 and -3</b> for cumulative exposure of new residents to toxic air contaminants, and <b>SCA Traf-1</b> for reductions cumulative vehicle emissions see <b>SCA Air-1</b> and <b>Mitigation Measure Air-7</b> above for cumulative construction-period emissions</p>	<p>See SCA Air-1, above</p>	<p>See SCAs Air-1, Air-2, Air-3 and traf-1, above</p>	<p>See SCAs Air-7 and MM Air-7, above</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
	<b>Greenhouse Gas / Global Climate Change</b>			
<p><b>Impact GHG-1:</b> Construction and operation of the proposed Project would not result in a cumulatively considerable increase in GHG emissions under the thresholds established in the 2010 BAAQMD <i>Thresholds of Significance</i>.</p>	<p>None needed. Although no significant impacts have been identified and no mitigation is required, the Project is subject to all the regulatory requirements including the City's Standard Conditions of Approval, many of which would reduce GHG emissions of the Project. These include, but are not limited to:</p> <p>SCA Traf-1: Parking and Transportation Demand Management See SCA Traf-1, above</p> <p>SCA Air-1: Construction-Related Air Pollution Controls See SCA Air-1, above</p> <p>SCA Util-1: Waste Reduction and Recycling See SCA Util-1, below</p> <p>SCA Bio-1 through -3: Tree Removal and Replanting See SCA Bio-1 through -3, below</p>			
<p><b>Impact Haz-1:</b> Risks associated with possible exposure to contaminated groundwater, metals that may be found in the soil or other chemicals that may have been released during prior junkyard operations at the Project site will be reduced to a level of less than significant based on implementation of required Standard Conditions of Approval.</p>	<b>Hazardous Materials</b>			<p><b>SCA Haz-1: Phase I and/or Phase II Reports.</b> <i>Prior to issuance of a demolition, grading, or building permit.</i> Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment report, and a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.</p> <p>To further implement SCA Haz-1 the Project applicant shall submit follow-up subsurface investigations as recommended by the Phase II Subsurface Investigation report for the Project site, including the types of analyses as recommended by DTSC. These investigations shall be documented in a report which shall make recommendations for remedial action if appropriate and necessary, and shall be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer. The follow-up subsurface investigation shall include an analysis of soil and groundwater samples to determine:</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>a. the lateral and vertical extent of the two areas of groundwater contamination,</p> <p>b. the presence or absence of metals, and</p> <p>c. the presence or absence of other chemicals that may have been released during junkyard operations.</p> <p><b>SCA Haz-2: Site Review by the Fire Services Division.</b> <i>Prior to the issuance of demolition, grading or building permit.</i> The project applicant shall submit plans for site review and approval to the Fire Prevention Bureau Hazardous Materials Unit. Property owner may be required to obtain or perform a Phase II hazard assessment.</p> <p><b>SCA Haz-3: Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment.</b> <i>Prior to issuance of any demolition, grading or building permit.</i> The project applicant shall submit a comprehensive assessment report to the Fire Prevention Bureau, Hazardous Materials Unit, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.</p> <p><b>SCA Haz-4: Other Materials Classified as Hazardous Waste.</b> <i>Prior to issuance of any demolition, grading or building permit.</i> If other materials classified as hazardous waste by State or federal law are present, the project applicant shall submit written confirmation to Fire Prevention Bureau, Hazardous Materials Unit that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.</p>	<p>Submittal prior to issuance of a demolition, grading, or building permit</p> <p>Submittal prior to issuance of a demolition, grading, or building permit</p> <p>Submittal prior to issuance of a demolition, grading, or building permit</p>	<p>City of Oakland, CEDA, Building Services Division, Zoning Inspection</p> <p>City of Oakland, CEDA, Planning and Zoning Division</p> <p>Fire Prevention Bureau Hazardous Materials Unit</p> <p>City of Oakland, CEDA, Building Services Division, Zoning Inspection</p> <p>City of Oakland, CEDA, Planning and Zoning Division</p> <p>Fire Prevention Bureau Hazardous Materials Unit</p>	<p>Review and approve plans</p> <p>Review and approve the comprehensive assessment report detailing materials classified as hazardous waste</p> <p>Review that written confirmation has been obtained that all State and federal laws will be followed when profiling, handling, treating, transporting and/or disposing of all hazardous waste.</p>

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	<p><b>SCA Haz-5: Environmental Site Assessment Reports / Remediation. Prior to issuance of a demolition, grading, or building permit.</b> If the environmental site assessment reports recommend remedial action, the project applicant shall:</p> <ol style="list-style-type: none"> <li>Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.</li> <li>Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency.</li> <li>Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.</li> </ol> <p><b>SCA Haz-6: Hazards Best Management Practices. Prior to commencement of demolition, grading, or construction.</b> The project applicant and construction contractor shall ensure that 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:</p> <ol style="list-style-type: none"> <li>Follow manufacturer's recommendations on use, storage, and disposal of chemical products used in construction;</li> <li>Avoid overtopping construction equipment fuel gas tanks;</li> <li>During routine maintenance of construction</li> </ol>	<p>Submittal prior to issuance of a demolition, grading, or building permit;</p> <p>Prior to commencement of demolition, grading, or construction</p> <p>Ongoing through demolition, grading and construction activities</p>	<p>City of Oakland, CEDA, Building Services Division, Zoning Inspection</p> <p>City of Oakland, CEDA, Planning and Zoning Division</p> <p>Fire Prevention Bureau Hazardous Materials Unit</p> <p>City of Oakland, CEDA, Building Services Division, Zoning Inspection</p> <p>City of Oakland, CEDA, Planning and Zoning Division</p>	<p>Review written evidence of approval for any remedial actions required has been obtained and that Remediation Action Plan has been adequately prepared.</p> <p>Review and approve Construction-Phase Risk Management Plan</p> <p>Review and approve practices</p> <p>Confirm that all applicable measures are being implemented and complied with</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>equipment, properly contain and remove grease and oils;</p> <p>d. Properly dispose of discarded containers of fuels and other chemicals.</p> <p>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.</p> <p>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.</p>			
	<p><b>SCA Haz-7: Lead-Based Paint Remediation. Prior to issuance of any demolition, grading or building permit.</b> If lead-based paint is present, the project applicant shall submit specifications to the Fire Prevention Bureau, Hazardous Materials Unit signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the</p>	<p>Submittal prior to issuance of a demolition, grading, or building permit</p>	<p>City of Oakland, CEDA, Building Services Division, Zoning Inspection  City of Oakland, CEDA-Planning &amp; Zoning.</p>	<p>Review and approve specifications for the stabilization or removal of any lead paint</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.</p> <p><b>SCA Haz-8: Health and Safety Plan per Assessment.</b> <i>Prior to issuance of any demolition, grading or building permit.</i> If the required lead-based paint/coatings, asbestos, or PCB assessment finds presence of such materials, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal.</p> <p><b>SCA Haz-9: Best Management Practices for Soil and Groundwater Hazards.</b> <i>Ongoing throughout demolition, grading, and construction activities.</i> The project applicant shall implement all of the following Best Management Practices (BMPs) regarding potential soil and groundwater hazards.</p> <p>a. Soil generated by construction activities shall be stockpiled onsite in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state and federal agencies laws, in particular, the Regional Water Quality Control Board (RWQCB) and/or the Alameda County Department of Environmental Health (ACDEH) and policies of the City of Oakland.</p> <p>b. Groundwater pumped from the subsurface shall be contained onsite in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies of the City of Oakland, the RWQCB and/or the ACDEH. Engineering controls</p>	<p>Submittal prior to issuance of a demolition, grading, or building permit;</p> <p>Implement measures in accordance with timeframes outlined in plan</p> <p>Ongoing throughout demolition, grading, and/or construction activities.</p>	<p>City of Oakland Fire Prevention Bureau, Hazardous Materials Unit</p> <p>City of Oakland, CEDA, Building Services Division, Zoning Inspection</p> <p>City of Oakland, CEDA-Planning &amp; Zoning.</p> <p>City of Oakland, Fire Prevention Bureau, Hazardous Materials Unit;</p> <p>City of Oakland, CEDA-Building Services Division, Zoning Inspection;</p> <p>City of Oakland, CEDA-Planning &amp; Zoning</p>	<p>Review and approve health and safety plan to protect workers from hazardous waste</p> <p>Confirm that the appropriate federal, state or county oversight authorities, including but not limited to the RWQCB and/or the ACDEH, have granted all required clearances and confirmed that the all applicable standards, regulations and previous contamination at the site.</p> <p>Review evidence from the City's Fire Department, Office of Emergency Services, indicating compliance with the Standard Condition of Approval requiring a Site Review by the Fire Services Division pursuant to City Ordinance No. 12323, and compliance</p>



Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building (pursuant to the Standard Condition of Approval regarding Radon or Vapor Intrusion from Soil and Groundwater Sources</p> <p>c. Prior to issuance of any demolition, grading, or building permit, the applicant shall submit for review and approval by the City of Oakland, written verification that the appropriate federal, state or county oversight authorities, including but not limited to the RWQCB and/or the ACDEH, have granted all required clearances and confirmed that the all applicable standards, regulations and conditions for all previous contamination at the site. The applicant also shall provide evidence from the City's Fire Department, Office of Emergency Services, indicating compliance with the Standard Condition of Approval requiring a Site Review by the Fire Services Division pursuant to City Ordinance No. 12323, and compliance with the Standard Condition of Approval requiring a Phase I and/or Phase II Reports.</p> <p><b>SCA Haz-10: Radon or Vapor Intrusion from Soil or Groundwater Sources. Ongoing.</b> The project applicant shall submit documentation to determine whether radon or vapor intrusion from the groundwater and soil is located on-site as part of the Phase I documents. The Phase I analysis shall be submitted to the Fire Prevention Bureau, Hazardous Materials Unit, for review and approval, along with a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer. Applicant shall implement the approved recommendations.</p>	<p>Submittal with Phase I and/or Phase II documents, prior to issuance of a demolition, grading or building permit</p> <p>Ongoing if remediation actions are recommended</p>	<p>City of Oakland, Fire Prevention Bureau, Hazardous Materials Unit;</p> <p>City of Oakland, CEDA-Building Services Division, Zoning Inspection;</p> <p>City of Oakland, CEDA-Planning &amp; Zoning</p>	<p>Review documents indicating compliance with the Standard Condition of Approval requiring a Site Review by the Fire Services Division pursuant to City Ordinance No. 12323, and compliance with the Standard Condition of Approval requiring a Phase I and/or Phase II Reports</p> <p>Confirm implementation of remedial actions if recommended</p>

Public Services and Utilities

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<p><b>Impact WW-1:</b> Implementation of the Project would not exceed the wastewater treatment capacity of existing facilities, or require expansion of existing facilities which could cause significant environmental effects. This is a less than significant impact.</p>	<p>None needed. However, the Project would be subject to the following Standard Condition of Approval, which would even further reduce this less than significant impact:</p> <p><b>SCA WW-1: Improvements in the Public Right-of-Way (General)</b> Approved prior to the issuance of a P-job or building permit</p> <p>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.</p> <p>b. Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition.</p> <p>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.</p> <p>d. The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.</p>	<p>Submittal prior to the issuance of a P-job or building permit</p>	<p>City of Oakland, CEDA-Planning &amp; Zoning</p> <p>City of Oakland, CEDA, Building Services Division, Zoning Inspection</p> <p>City of Oakland Public Works Agency-Tree Services Division</p> <p>City of Oakland, Fire Services Division</p> <p>City of Oakland Public Works Department, Engineering and Construction</p>	<p>Review and approve final building and public improvement plans</p> <p>Confirm implementation of required public improvements during construction</p>
<p><b>SCA WW-2: Improvements in the Public Right-of-Way (Specific).</b> <i>Approved prior to the issuance of a</i></p>		<p>Submittal prior to the issuance of a grading or</p>	<p>City of Oakland, CEDA, Building Services</p>	<p>Review and approve that final building and</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Mitigation Monitoring:
		<div data-bbox="240 310 267 661">Monitoring Schedule</div> <div data-bbox="240 661 267 1018">Monitoring Responsibility</div> <div data-bbox="240 1018 267 1837">Monitoring Procedure</div>
	<p><i>grading or building permit.</i> Final building and public improvement plans submitted to the Building Services Division shall include the following components:</p> <ol style="list-style-type: none"> <li>Install additional standard City of Oakland streetlights.</li> <li>Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.</li> <li>Reconstruct drainage facility to current City standard.</li> <li>Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.</li> <li>Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards.</li> <li>Remove and replace deficient concrete sidewalk, curb and gutter within property frontage.</li> <li>Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.</li> </ol> <p>To further implement SCA WW-2, the following additional Project-specific element shall be added to the list of improvement plans required for the public right-of-way:</p> <ol style="list-style-type: none"> <li>The Project sponsor shall work closely with AC Transit and the City of Oakland to determine the desirability of permanently relocating the existing bus stop currently located at the southwest corner of 7<sup>th</sup>/Harrison Street, immediately in front of the Project site. A key consideration in determining whether the bus stop should be permanently relocated is whether it is more desirable to have Project vehicles access the Project's garage entry and exit in front of AC Transit buses (i.e., by permanently relocating the bus stop to the southeast corner of 7<sup>th</sup>/Webster Street) or whether cars should</li> </ol>	<div data-bbox="300 388 1421 661"> <p>building permit.</p> <p>Division City of Oakland, CEDA-Planning &amp; Zoning City of Oakland Public Works Department, Engineering and Construction</p> </div> <div data-bbox="300 661 1421 1018"> <p>public improvement plans include the required components Coordinate bus stop location with AC Transit Confirm implementation of required public improvements during construction</p> </div>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>access the Project's garage entry/exit behind AC Transit buses (i.e., returning the bus stop location to where it is currently located at the southwest corner of 7<sup>th</sup>/Harrison Street). The permanent location of the bus stop must be approved by the City of Oakland Public Works Department, Traffic Services Division and AC Transit. Under either scenario for the permanent bus stop location, the Project sponsor shall develop a bus stop relocation plan for City and AC Transit review and approval, and shall implement the approved plan, including but not limited to funding the furnishing, installation, maintenance, repair and replacement of the bus shelter.</p> <p><b>SCA WW-3: Stormwater and Sewer.</b> <i>Prior to completing the final design for the project's sewer service.</i> 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.</p>	<p>Submittal prior to completing the final design for the project's sewer service</p>	<p>City of Oakland, CEDA, Building Services Division, Zoning Inspection  City of Oakland, CEDA-Planning &amp; Zoning  City of Oakland Public Works Department, Sewer and Stormwater Division</p>	<p>Review and approve capacity and state of repair for any necessary stormwater and sanitary sewer infrastructure improvements  Confirm that the project applicant pays additional fees for any City improvements to the sanitary sewer system, as well as any fees to the affected service providers.  Confirm that BMPs to reduce stormwater runoff are implemented.</p>
<p><b>Cumulative Impact WW-2:</b> Implementation of the Project, in combination with other cumulative development would not cumulatively</p>	<p>None needed. Implementation of Standard Conditions of Approval WW-1 through WW-3 above would even further reduce this less than significant cumulative impact</p>	<p>See SCA WW-1, SCA WW-2 and SCA WW-3, above</p>		

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<p>exceed the wastewater treatment capacity of existing facilities, or require expansion of existing facilities which could cause significant environmental effects. This is a less than significant impact.</p> <p><b>Waste Generation:</b> Although development of the Project site as proposed would result in an increased demand for solid waste collection and disposal relative to that associated with current uses at the site, the Community Services Analysis prepared for the Land use and Transportation Element of the General Plan stated that future in-fill development through the General Plan horizon year of 2015 would not be likely to impose a burden on existing utilities and service systems</p>	<p><b>SCA Util-1: Waste Reduction and Recycling.</b> The project applicant will submit a Construction &amp; Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.</p> <p>a. <i>Prior to issuance of demolition, grading, or building permit.</i> Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&amp;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&amp;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 <a href="http://www.oaklandpw.com/Page39.aspx">www.oaklandpw.com/Page39.aspx</a> or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.</p> <p>b. <i>Ongoing.</i> The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review</p>	<p>Submit plan prior to issuance of demolition, grading, or building permit; Ongoing</p>	<p>City of Oakland, CEDA, Building Services Division City of Oakland CEDA, Planning and Zoning City of Oakland, Public Works, Environmental Services</p>	<p>Review and approve WRRP and ODP requirements; Confirm implementation of the WRRP and ODP during construction Confirm that the proposed program is implemented and maintained for the duration of the proposed activity or facility</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<p><b>Service Demand:</b> The Project site is located in an urban area where public services are already provided. The Community Services Analysis prepared for the Land Use and Transportation Element of the General Plan stated that future in-fill development through the General Plan horizon year of 2015 would not be likely to impose a burden on existing public services</p>	<p>and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.</p> <p><b>SCA-Pub Serv-1: Conformance with other Requirements.</b> <i>Prior to issuance of a demolition, grading, P-job, or other construction related permit</i></p> <p>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.</p> <p>b. The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.</p>	<p>Submittal prior to issuance of a demolition, grading, P-Job, other construction-related building permit.</p>	<p>City of Oakland, Fire Prevention Bureau;  City of Oakland, CEDA-Building Services Division, Zoning Inspection;  City of Oakland, CEDA-Planning &amp; Zoning.</p>	<p>Confirm that final development plans comply with all applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines  Review and approve fire protection plans</p>
<p><b>Potentially Unknown Resources:</b> No archaeological resources, paleontological resources or human remains are known to exist within the Project area. However, the possibility of discovery of buried resources during site preparation and construction activities exists.</p>	<p><b>SCA Cultrl-1: Archaeological Resources.</b> <i>Ongoing throughout demolition, grading, and/or construction.</i> 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</p>	<p>Ongoing throughout demolition, grading, and/or construction.</p>	<p>City of Oakland CEDA-Planning &amp; Zoning  City of Oakland CEDA-Building Services Division, Zoning Inspection.</p>	<p>Confirm that all applicable measures are being implemented or complied with.</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>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.</p> <p>i. 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.</p> <p>ii. 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.</p> <p>The following additional SCAs (SCA Cultrl-1a through</p>			

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>-1d) are added to supplement and further implement SCA Cultrl-1 to decrease the potential for adverse damage of archaeological resources, paleontological resources and human remains during construction. To implement these additional SCAs, the Project applicant may choose to either implement SCA Cultrl-1a (Intensive Pre-Construction Survey) or SCA Cultrl-1d (Construction ALERT Sheet). If, in either case, a high potential presence of historic-period archaeological resources on the Project site is indicated or a potential resource is discovered, the Project applicant shall also implement SCA Cultrl-1b (Construction Period Monitoring), SCA Cultrl-1c (Avoidance and/or Find Recovery) and SCA Cultrl-1d (to establish a Construction ALERT Sheet if the Intensive Pre-Construction Survey was originally implemented per SCA Cultrl-1a, or to update and provide more specificity to the initial Construction ALERT Sheet if a Construction Alert Sheet was originally implemented per SCA Cultrl-1d). If in either case a high potential presence of historic-period archaeological resources is not discovered, SCAs Cultrl-1, -2 and -3 shall apply and be adequate to decrease the potential for adverse damage to archaeological resources, paleontological resources and human remains during construction.</p> <p>SCA Cultrl-1a through -1d are detailed as follows:</p> <p>a. <b>Intensive Pre-Construction Survey.</b> <i>Prior to demolition, grading and/or construction.</i> The project applicant, upon approval from the City Planning Department, may choose to complete a site-specific, intensive archaeological resources study prior to soil-disturbing activities occurring on the Project site. The purpose of the site-specific, intensive archaeological resources study is early identification of the potential presence of historic-period archaeological resources on the Project site. If that approach is selected, the study shall be conducted by a qualified archaeologist approved by the City Planning Department. If prepared, at a minimum, the study shall include:</p> <p>i. An intensive cultural resources study of the</p>	<p>Submittal prior to demolition, grading and/or construction.</p>	<p>City of Oakland CEDA-Planning &amp; Zoning  City of Oakland CEDA-Building Services Division, Zoning Inspection.</p>	<p>Review and approve qualified archaeologist  Review and approve study;  Confirm that all applicable measures are being implemented or complied with.</p>



Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>Project site, including subsurface presence/absence studies of the Project site. Field studies conducted by the approved archaeologist(s) may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources;</p> <ul style="list-style-type: none"> <li>ii. A report disseminating the results of this research;</li> <li>iii. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.</li> </ul> <p>If the results of the study indicate a high potential for presence of historic-period archaeological resources on the Project site, or a potential resource is discovered, the Project applicant shall hire a qualified archaeologist to monitor any ground-disturbing activities on the Project site during construction (see SCA Cultur-1b: Construction-Period Monitoring, below), implement avoidance and/or find recovery measures (see SCA Cultur-1c: Avoidance and/or Find Recovery, below), and prepare an ALERT Sheet that details what could potentially be found at the Project site (see SCA Cultur-1d: Construction ALERT Sheet, below). If no potential resource is discovered during the pre-construction study, SCA Cultur-1, -2 and -3 shall apply and be adequate to reduce any potentially significant impact to less than significant.</p>			
	<p><b>b. Construction-Period Monitoring.</b> <i>Ongoing throughout demolition, grading and/or construction.</i> Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT Sheet required per SCA Cultur-1d: Construction ALERT Sheet, below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the <i>Secretary of Interior's</i></p>	<p>Ongoing throughout demolition, grading and/or construction.</p>	<p>City of Oakland CEDA-Planning &amp; Zoning City of Oakland CEDA-Building Services Division, Zoning Inspection.</p>	<p>Review and approve qualified archaeologist; Confirm that all applicable measures are being implemented or complied with.</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p><i>Standards and Guidelines for Archaeological Documentation</i>, notifying the appropriate officials if human remains or cultural resources are discovered, or preparing a report to document negative findings after construction is completed. If a significant archaeological resource is discovered during the monitoring activities, adherence to SCA Cultr1-1c: Avoidance and/or Find Recovery (discussed below), would be required to reduce the impact to less than significant. The Project applicant shall hire a qualified archaeologist to monitor all ground-disturbing activities on the Project site throughout construction.</p> <p>c. <b>Avoidance and/or Find Recovery.</b> <i>Ongoing and throughout demolition, grading and/or construction.</i> If a significant archaeological resource is present that could be adversely impacted by the Project, the Project applicant shall either:</p> <ol style="list-style-type: none"> <li>i. Stop work and redesign the proposed Project to avoid any adverse impacts to significant archaeological resource(s); or</li> <li>ii. If avoidance is determined infeasible by the City, design and implement an Archaeological Research Design and Treatment Plan (ARDTP). The Project applicant shall hire a qualified archaeologist who shall prepare a draft ARDTP that shall be submitted to the City Planning Department for review and approval. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information that the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the</li> </ol>	<p>Ongoing throughout demolition, grading, and/or construction.</p> <p>If a significant archaeological resource is present and could be adversely affected by construction, submittal of ARDTP prior to construction resuming</p>	<p>City of Oakland CEDA- Planning &amp; Zoning</p> <p>City of Oakland CEDA- Building Services Division, Zoning Inspection.</p>	<p>Review and approve ARDTP plan,</p> <p>Confirm that all applicable measures are being implemented or complied with.</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>archaeological resource that could be impacted by the proposed Project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if non-destructive methods are practical. The Project applicant shall implement the ARDTP. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource if feasible, preparation and implementation of the ARDTP would reduce the impact to less than significant.</p>			
	<p>d. <b>Construction ALERT Sheet.</b> <i>Prior to and during all subsurface construction activities for the Project.</i> The Project applicant, upon approval by the City Planning Department, may choose to prepare a Construction ALERT Sheet prior to soil disturbing activities occurring on the Project site, instead of conducting site-specific, intensive archaeological studies pursuant to SCA Cultr1-1a, above. The Project applicant shall submit for review and approval by the City prior to subsurface construction activity an ALERT Sheet prepared by a qualified archaeologist, with visuals that depict each type of artifact that could be encountered on the Project site. Training by the qualified archaeologist shall be provided to the Project's prime contractor, any subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and or utilities firm involved in soil disturbing activities within the Project site.</p>	<p>Submittal prior to and ongoing throughout demolition, grading, sub-surface construction, and/or construction.</p>	<p>City of Oakland CEDA- Planning &amp; Zoning City of Oakland CEDA- Building Services Division, Zoning Inspection.</p>	<p>Review and approve Construction ALERT Sheet; Confirm that a qualified archaeologist provides training to the Project's construction contractors and subcontractors and that ALERT Sheet is circulated to all field personnel; Confirm that all applicable measures are being implemented or complied with.</p>
	<p>i. The ALERT Sheet shall state, in addition to the basic measures of SCA Cult-1, that in the event of discovery of cultural resource materials, all work must be stopped in the area and the City's Environmental Review Officer contacted to evaluate the find.</p>			
	<p>ii. Significant cultural resource materials may include, but are not limited to: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks);</p>			

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rocks); building foundation remains; trash pits, privies [outhouse holes]; floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/ floor tiles; stone walls or footings; or gravestones.</p> <p>iii. Prior to any soil disturbing activities, each contractor shall be responsible for ensuring that the ALERT Sheet is circulated to all field personnel including machine operators, field crew, pile drivers and supervisory personnel.</p> <p>If the Project applicant chooses to implement SCA CultrI-1d: Construction ALERT Sheet, and a potential resource is discovered on the Project site during ground-disturbing activities, the Project applicant shall hire a qualified archaeologist to monitor any ground-disturbing activities on the Project site during construction (see SCA CultrI-1b: Construction-Period Monitoring, above), implement avoidance and/or find recovery measures (see SCA CultrI-1c: Avoidance and/or Find Recovery, above), and prepare an updated ALERT Sheet that addresses details what could potentially be found at the Project site (see SCA CultrI-1d: Construction ALERT Sheet, below). If no potential resource is discovered during the pre-construction study, SCA CultrI-1, -2 and -3 shall apply and be adequate to reduce any potentially significant impact to less than significant.</p> <p><b>SCA CultrI-2: Human Remains.</b> <i>Ongoing throughout demolition, grading, and/or construction.</i> 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</p>	<p>Ongoing throughout demolition, grading, and/or construction; Upon discovery of human remains, cease construction.</p>	<p>City of Oakland CEDA- Planning &amp; Zoning City of Oakland CEDA- Building Services, Zoning Inspection.</p>	<p>Confirm required agency notifications and consultations are conducted if human skeletal remains are found;</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<p><b>Impact Hist-1:</b> The Project would involve construction and demolition adjacent to two buildings identified as contributors to the 7<sup>th</sup> Street/Harrison Square Residential Historic District that are proposed to remain. Construction effects could potentially damage, but</p>	<p>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.</p> <p><b>SCA Cultri-3: Paleontological Resources.</b> 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.</p> <p><b>SCA Hist-1: Construction Adjacent to Historic Structures.</b> <i>Prior to issuance of a demolition, grading or building permit.</i> The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage the adjacent residential structures at 607 and 611 Harrison Street and design means and methods</p>	<p>Submittal of alternate plan prior to resuming construction</p> <p>Ongoing throughout demolition, grading, and/or construction;</p> <p>Upon discovery of paleontological resources, cease construction until examination by a qualified paleontologist and submittal of a discovery and excavation plan prior to resuming construction.</p> <p>Submittal prior to issuance of a demolition, grading or building permit.</p> <p>Ongoing throughout construction</p>	<p>City of Oakland CEDA- Planning &amp; Zoning</p> <p>City of Oakland CEDA- Building Services Division, Zoning Inspection.</p> <p>City of Oakland CEDA- Planning &amp; Zoning</p> <p>City of Oakland CEDA- Building Services Division, Zoning Inspection.</p>	<p>Review and approve an alternative plan, and confirm that the plan and all applicable measures are being implemented or complied with prior to resuming construction.</p> <p>Review and approve qualified paleontologist</p> <p>Confirm required agency notifications and consultations if resources are found;</p> <p>Review and approve the excavation plan and confirm the plan is implemented and all applicable measures are being implemented or complied with.</p> <p>Review and approve historical preservation architect, structural engineer and monitoring team</p> <p>Review and approval the existing conditions plan</p>

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<p>would not materially impair these historic resources.</p>	<p>of construction that shall be utilized to not exceed the thresholds.</p> <p>To further implement Standard Condition of Approval Hist-1:</p> <p>a. The applicant shall retain an historic preservation architect (who meets the Secretary of the Interior's Standards and Guidelines for Historic Preservation Professional Qualifications) and a structural engineer (Monitoring Team), who shall undertake an Existing Conditions Study (Study) of 617-621 Harrison Street. The purpose of the Study is to establish the baseline condition of the building(s) prior to construction of the Project, including but not limited to the location and extent of any visible cracks or spalls on the building(s), and condition of the roof. The Study shall include written descriptions and photographs of the building(s) and include, without limitation, those physical characteristics that justify their inclusion on or eligibility for the Local Register. The Study shall be reviewed and approved by the City of Oakland's CEDA Deputy Director and Building Official.</p> <p>b. Initial construction activities shall be monitored by the Monitoring Team and if vibrations are above threshold levels, appropriate measures shall be taken to reduce vibrations to below established levels. The Monitoring Team shall continue to regularly monitor the buildings during construction and report any changes to the existing conditions, including but not limited to, expansion of cracks, new spalls, or other exterior deterioration, including roof damage. If there are such changes, appropriate corrective measures shall be taken to reduce vibrations to below established levels, or other measures taken to prevent damage to the building(s).</p> <p>c. Written monitoring reports shall be submitted to the City's CEDA Deputy Director and Building Official on a periodic basis as determined by the Monitoring Team. The structural engineer shall</p>		<p>City of Oakland CEDA – Building Services, Division, Building Official</p> <p>Applicant's monitoring team</p>	<p>and design means and methods of construction</p> <p>Review and approve training program and confirm that training is included in project's construction contracts</p> <p>Monitoring team shall conduct regular visits to project construction site</p> <p>Review and approve written monitoring reports by monitoring team</p> <p>Consult with historic preservation architect as necessary and on a periodic basis</p> <p>Monitoring team shall report changes to building to City Planning and Zoning and Zoning Inspector staff, and recommend corrective measures for review and approval</p> <p>City staff to confirm implementation of corrective measures</p> <p>Confirm claims of damage within 5 working days after claim is filed</p> <p>Inform project sponsor, construction representative and Planning and Zoning staff if there are</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>consult with the historic preservation architect, especially if any problems with character defining features of a historic resource are discovered. If in the opinion of the structural engineer, in consultation with the historic preservation architect, substantial adverse impacts to historic resources related to construction activities are found during construction, the Monitoring Team shall immediately inform, both orally and in writing, the project sponsor and/or the project sponsor's designated representative responsible for construction activities and the City Planning and Zoning Division. The project sponsor shall follow the Monitoring Team's recommendations for corrective measures, including halting construction activities in situations where further construction work would damage historic resources, or taking other measures to protect the building. The historic preservation officer shall establish the frequency of monitoring and reporting prior to the issuance of a demolition, grading, or building permit.</p> <p>d. The project sponsor shall respond to any claims of damage by inspecting the affected property promptly, but in no case more than five working days after the claim was filed and received by the project sponsor's designated representative. Any new cracks or other changes in the structures, including roof damage, shall be compared to pre-construction conditions and a determination shall be made as to whether the proposed project could have caused the damage. In the event that the project is demonstrated to have caused any damage, such damage shall be repaired to the pre-existing condition, provided the property owner approves of such.</p> <p>e. The historic preservation architect shall establish a training program for construction workers involved in the project that emphasizes the importance of protecting historic resources. The program shall include information on recognizing historic materials and directions on how to exercise care</p>			substantial adverse effects to the historic resource

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<p><b>Impact Hist-2:</b> Demolition of the residential structure currently located at 617-621 Harrison Street, which is an historic resource, would be a significant impact of the Project.</p>	<p>when working around and operating equipment near historic structures, including storage of materials away from historic buildings. It shall also include information on means to reduce vibrations from demolition and construction, and preventing other damage, and monitoring and reporting any potential problems that could affect the historic resources in the area. A provision for establishing this training program shall be included in the construction contract, and the contract provisions shall be reviewed and approved by the City of Oakland.</p> <p><b>SCA Hist-2: Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition). <i>Prior to issuance of a demolition permit.</i></b> The project applicant shall make a good faith effort to relocate the building located at 617-621 Harrison Street to a site acceptable to the Planning and Zoning Division and the Oakland Cultural Heritage Survey, and to place the building on a permanent foundation. Good faith efforts include, at a minimum, the following:</p> <ol style="list-style-type: none"> <li>Advertising the availability of the building by: (1) posting of large visible signs (such as banners, at a minimum of 3' x 6' size or larger) at the site; (2) placement of advertisements in Bay Area news media acceptable to the City ;and (3) contacting neighborhood associations and for-profit and not-for-profit housing and preservation organizations;</li> <li>Maintaining a log of all the good faith efforts and submitting that along with photos of the subject building showing the large signs (banners) to the Planning and Zoning Division;</li> <li>Maintaining the signs and advertising in place for a minimum of 90 days; and</li> <li>Making the building available at no or nominal cost (the amount to be reviewed by the Oakland Cultural Heritage Survey) until removal is necessary for construction of a replacement project, but in no case for less than a period of 90 days after such</li> </ol>	<p>Submittal prior to issuance of demolition permit.</p>	<p>City of Oakland CEDA- Planning &amp; Zoning  City of Oakland CEDA- Building Services Division, Zoning Inspection;  Oakland Cultural Heritage Survey (OCHS)</p>	<p>Review and approve all applicable measures are being implemented or complied with</p>



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	<p>advertisement</p> <p>If relocation efforts prove unsuccessful, the following mitigation measures would apply:</p> <p><b>Mitigation Measure Hist-2a:</b> If the building cannot be successfully relocated, the Project applicant shall retain a qualified historic architect to prepare a Deconstruction and Salvage Plan (Plan) that identifies which, if any, of the interior and exterior elements from the building can be retained and re-used either on or off-site. Those features to be retained/reused could include but are not limited to doors, windows, wood members, timbers, roof trusses, siding, and specific architectural elements, etc. The Plan shall be submitted prior to demolition of the building for review and approval by the Landmarks Preservation Advisory Board. A demolition permit shall not be issued until the Plan has been approved and all deconstructed and salvageable features or materials that have been identified in the approved Plan have been appropriately preserved. The approved Plan shall be implemented by a person experienced in deconstruction techniques to ensure proper deconstruction techniques/processes are followed. This person shall be under the supervision of a qualified historic architect. All deconstructed materials shall be properly stored and promptly recycled back into the construction market.</p> <p><b>Mitigation Measure Hist-2b:</b> If the building cannot be successfully relocated, the Project applicant shall, prior to issuance of a Certificate of Occupancy, make a monetary contribution to the City which shall exclusively be used for (a) development of an Historic Interpretive and Improvement Program, and (b) an historic resource related program such as the Façade Improvement Program or the Property Relocation Assistance Program, as detailed below.</p> <p>a. The Historic Interpretive and Improvement Program will include interpretive materials such as information plaques depicting the history of the 7<sup>th</sup> Street / Harrison Square Historic District, district identification features and a printed guide to the 7<sup>th</sup> Street / Harrison Square Historic District with</p>	<p>Submittal prior to the issuance of a demolition permit</p>	<p>City of Oakland CEDA- Planning &amp; Zoning</p> <p>City of Oakland CEDA- Building Services Division, Zoning Inspection.</p> <p>City of Oakland Public Works, Environmental Services</p>	<p>Review and approve deconstruction contractor and historic preservation architect</p> <p>Review and approve deconstruction and Salvage Plan</p> <p>Obtain approval from Landmarks Preservation Advisory Board</p> <p>Confirm that all applicable measures are being implemented or complied with</p> <p>Confirm storage of materials and submittal back to construction market</p> <p>Review and approve historic consultant</p> <p>Review and approve program</p> <p>Obtain approval from Landmarks Preservation Advisory Board.</p> <p>Confirm financial contribution for Historic Interpretive and Improvement Program;</p> <p>Confirm financial contribution for historic</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>educational features. The Program shall be high quality and provide high public visibility. The Program shall be developed by a qualified historic consultant in consultation with the LPAB and historic preservation staff, based on a City-approved scope of work and submitted to the City for review and approval. The proposed Program will be approved by the Landmarks Preservation Advisory Board and installed prior to issuance of a Certificate of Occupancy.</p> <p>b. Any remaining funds after implementing the Historic Interpretive and Improvement Program shall be applied towards a historic resource related program, which can be used to fund other historic preservation projects in the 7<sup>th</sup> Street/ Harrison Square Historic District or in the immediate vicinity. Such programs include, without limitation, a Façade Improvement Program or the Property Relocation Assistance Program. The project applicant shall make the monetary contribution prior to Certificate of Occupancy.</p>			<p>resource related program such as the Façade Improvement Program or the Property Relocation Assistance Program</p>
<p><b>Tree Removal:</b> There are two street trees that are proposed for removal to enable development. One is a liquid amber tree approximately 20 inches dbh along the Seventh Street frontage (which meets the definition of a protected tree due to its diameter) and the other is a Lophostemon confertus (formerly known as Tristantia conferta, or Brisbane Box) approximately 8 inches dbh growing in a driveway along the Harrison Street frontage.</p>	<p><b>Biological Resources</b></p> <p><b>SCA Bio-1: Tree Removal Permit.</b> <i>Prior to issuance of a demolition, grading, or building permit.</i> Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Agency, and abide by the conditions of that permit.</p> <p><b>SCA Bio-2: Tree Replacement Plantings.</b> <i>Prior to issuance of a final inspection of the building permit.</i> Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:</p>	<p>Prior to issuance of a demolition, grading or building permit</p> <p>Submittal prior to issuance of a final inspection of the building permit.</p>	<p>City of Oakland Public Works Agency-Tree Services Division</p> <p>City of Oakland CEDA-Planning &amp; Zoning</p> <p>City of Oakland CEDA-Building Services Division, Zoning Inspection.</p> <p>City of Oakland Public Works Agency-Tree Services Division</p> <p>City of Oakland CEDA-Planning &amp; Zoning</p>	<p>Confirm issuance of a tree removal permit and that all conditions of that permit are being implemented and complied with</p> <p>Review and approve landscape and tree replacement plan</p> <p>Confirm implementation of the landscape and tree</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>a. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.</p> <p>b. Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye) or Umbellularia californica (California Bay Laurel) or other tree species acceptable to the Tree Services Division.</p> <p>c. Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.</p> <p>d. Minimum planting areas must be available on site as follows:</p> <ul style="list-style-type: none"> <li>i. For Sequoia sempervirens, three hundred fifteen square feet per tree;</li> <li>ii. For all other species listed in #2 above, seven hundred (700) square feet per tree.</li> </ul> <p>e. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.</p> <p>f. Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer of the Tree Division of the Public Works Agency may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become</p>		City of Oakland CEDA-Building Services Division, Zoning Inspection.	replacement plan during construction.

Environmental Impact	Mitigation Monitoring:		
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	<p>established within one year of planting shall be replanted at the project applicant's expense.</p> <p><b>SCA Bio-3: Tree Protection During Construction.</b>  <i>Prior to issuance of a demolition, grading, or building permit.</i> Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:</p> <ol style="list-style-type: none"> <li>Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.</li> <li>Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the City Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.</li> <li>No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a</li> </ol>	<p>Protection implemented prior to issuance of a demolition, grading, or building permit.</p> <p>Ongoing throughout construction</p>	<p>City of Oakland Public Works Agency-Tree Services Division</p> <p>City of Oakland CEDA-Planning &amp; Zoning</p> <p>City of Oakland CEDA-Building Services Division, Zoning Inspection</p> <p>Review and approve that the approved landscape and tree replacement plan includes tree protection measures</p> <p>Confirm that implementation of tree protection measures during construction.</p>

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	<p>distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.</p> <p>d. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.</p> <p>e. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Agency of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.</p> <p>f. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.</p> <p><b>SCA Bio-4: Tree Removal During Breeding Season.</b>  <i>Prior to issuance of a tree removal permit.</i> To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the</p>	<p>Submittal prior to issuance of a tree removal permit if removed during breeding season.</p>	<p>City of Oakland CEDA- Planning &amp; Zoning</p> <p>City of Oakland CEDA- Building Services Division, Zoning Inspection</p> <p>City of Oakland Public Works Agency-Tree Services Division.</p>	<p>Review and approve qualified biologist</p> <p>Prior to removal of any trees during the nesting season, review and approve survey results</p> <p>Confirm implementation of nesting survey recommendations during construction.</p>

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<p><b>Bird Collisions:</b> Project construction and operations have the potential to affect migratory and breeding birds, and wildlife, corridors, and nursery sites, through building collisions, increases in night lighting, increases in noise pollution due to Project construction, shading of existing habitat, and vegetation removal.</p>	<p>Tree Services Division of the Public Works Agency. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.</p> <p><b>SCA BIO-5: Bird Collision Reduction.</b> <i>Concurrent with submittal of planning applications or a building permit, whichever occurs first, and ongoing.</i> The Project applicant or his or her successor 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.</p> <p>Mandatory measures include <b>all</b> of the following:</p> <ol style="list-style-type: none"> <li>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.</li> <li>Minimize the number of and co-locate rooftop-antennas and other rooftop structures.</li> <li>Monopole structures or antennas shall not include guy wires.</li> <li>Avoid the use of mirrors in landscape design.</li> <li>Avoid placement of bird-friendly attractants (i.e. landscaped areas, vegetated roofs, water features)</li> </ol>	<p>Submittal concurrent with submittal of planning applications or a building permit, whichever occurs first, and ongoing</p>	<p>City of Oakland CEDA-Planning &amp; Zoning City of Oakland CEDA-Building Services Division, Zoning Inspection.</p>	<p>Review and approve design features incorporated into final building permit plans; Confirm implementation of the design features during construction.</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>near glass.</p> <p>Additional BMP strategies to consider include the following:</p> <ul style="list-style-type: none"> <li>f. Make clear or reflective glass visible to birds using visual noise techniques. Examples include:</li> <li>g. Use of opaque or transparent glass in window panes instead of reflective glass.</li> <li>h. 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).</li> <li>i. 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)</li> <li>j. Install paned glass with fenestration patterns with vertical and horizontal mullions of 10 cm or less.</li> <li>k. Place decorative grilles or louvers with spacing of 10 cm or less.</li> <li>l. Apply one-way transparent film laminates to outside glass surface to make the window appear opaque on the outside.</li> <li>m. Install internal screens through non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects.</li> <li>n. Install windows which have the screen on the outside of the glass.</li> <li>o. Use UV-reflective glass. Most birds can see ultraviolet light, which is invisible to humans.</li> <li>p. 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.</li> <li>q. Mute reflections in glass. Examples include:</li> </ul>			

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>i. 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).</p> <p>ii. 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.</p> <p>r. Reduce Light Pollution. Examples include:</p> <p>i. Turn off all unnecessary interior lights from 11 p.m. to sunrise.</p> <p>ii. 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.</p> <p>s. Reduce perimeter lighting whenever possible.</p> <p>t. Institute a building operation and management manual that promotes bird safety. Example text in the manual includes:</p> <p>i. 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.</p> <p>ii. Production of educational materials on bird-safe practices for the building occupants</p> <p>iii. Asking employees to turn off task lighting at their work stations and draw office blinds or curtains at end of work day.</p> <p>iv. Schedule nightly maintenance during the day or to conclude before 11 p.m., if possible.</p>			

**Geology**

<p><b>Seismicity:</b> The Project site is located in a seismically active region. The closest</p>	<p><b>SCA Geo-1: Soils Report.</b> Required as part of the <i>submittal of a Tentative Tract or Tentative Parcel Map.</i></p>	<p>Submittal with Tentative Tract or Tentative Parcel</p>	<p>City of Oakland CEDA- Planning &amp; Zoning</p>	<p>Review and approve report</p>
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Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility
<p>fault (the Hayward Fault), is approximately four miles from the Project site. The Project site is not located within an Alquist-Priolo Special Studies zone. However, according to the Association of Bay Area Government's (ABAG) online interactive hazards mapping website, the Project site would be subject to very strong seismic ground shaking, and according to the Phase I Environmental Site Assessment prepared by Schutze &amp; Associates, Inc., the site has a high liquefaction hazard potential. Additionally, expansive soils may be present at the Project site.</p>	<p>A preliminary soils report for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division. The soils reports shall be based, at least in part, on information obtained from on-site testing. Specifically the minimum contents of the report should include:</p> <ol style="list-style-type: none"> <li>a. Logs of borings and/or profiles of test pits and trenches: <ol style="list-style-type: none"> <li>i. The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two (2), when in the opinion of the Soils Engineer such borings shall be sufficient to establish a soils profile suitable for the design of all the footings, foundations, and retaining structures.</li> <li>ii. The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures.</li> <li>iii. All boring logs shall be included in the soils report.</li> </ol> </li> <li>b. Test pits and trenches <ol style="list-style-type: none"> <li>i. Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures.</li> <li>ii. Soils profiles of all test pits and trenches shall be included in the soils report.</li> </ol> </li> <li>c. A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled.</li> <li>d. Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, shear strength, active and passive</li> </ol>	<p>Map.</p>	<p>City of Oakland, CEDA-Building Services Division, Zoning Inspection</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit.</p> <p>e. Soils Report. A written report shall be submitted which shall include, but is not limited to, the following:</p> <ol style="list-style-type: none"> <li>i. Site description;</li> <li>ii. Local and site geology;</li> <li>iii. Review of previous field and laboratory investigations for the site;</li> <li>iv. Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Office of Planning and Building;</li> <li>v. Site stability shall be addressed with particular attention to existing conditions and proposed corrective actions to existing conditions and proposed corrective actions at locations where land stability problems exist;</li> <li>vi. Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required;</li> <li>vii. Conclusions and recommendations for temporary and permanent erosion control and drainage. If not provided in a separate report they shall be appended to the required soils report;</li> <li>viii. All other items which a Soils Engineer deems necessary;</li> <li>ix. The signature and registration number of the Civil Engineer preparing the report.</li> </ol> <p>f. The Director of Planning and Building may reject a report that she/he believes is not sufficient. The</p>			

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>Director of Planning and Building may refuse to accept a soils report if the certification date of the responsible soils engineer on said document is more than three years old. In this instance, the Director may be require that the old soils report be recertified, that an addendum to the soils report be submitted, or that a new soils report be provided.</p> <p><b>SCA Geo-2: Geotechnical Report. Required as part of the submittal of a tentative Tract Map or tentative Parcel Map</b></p> <p>a. A site-specific, design level, Landslide or Liquefaction geotechnical investigation for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division. Specifically:</p> <ol style="list-style-type: none"> <li>i. Each investigation shall include an analysis of expected ground motions at the site from identified faults. The analyses shall be accordance with applicable City ordinances and polices, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults.</li> <li>ii. The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots, and sidewalks).</li> <li>iii. The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, shall be included in the final design, as approved by the City of Oakland.</li> <li>iv. The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the</li> </ol>	<p>Submittal with Tentative Tract or Tentative Parcel Map(s)</p>	<p>City of Oakland, CEDA, Building Services Division</p>	<p>Review and approve site-specific, design level geotechnical investigation report;</p> <p>Review and approve measures from the report are in final project plans;</p> <p>Confirm all measures are being implemented or complied with during construction</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<p><b>Erosion:</b> Although the Project site has been previously developed or paved, and there is little or no visible topsoil remaining, site preparation and construction activity associated with the proposed development could result in soil erosion or the loss of any remaining topsoil at the site.</p>	<p>“No Build” zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge.</p> <p>v. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the projects design phase, shall be incorporated in the project.</p> <p>vi. Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project.</p> <p>vii. A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces.</p> <p>b. Tentative Tract or Parcel Map approvals shall require, but not be limited to, approval of the Geotechnical Report.</p>	<p>Submittal prior to any grading activities Ongoing throughout grading and construction activities</p>	<p>City of Oakland CEDA- Planning &amp; Zoning City of Oakland CEDA- Building Services Division, Zoning Inspection</p>	<p>Review the approve Erosion and Sedimentation Control Plan; Confirm that all applicable measures are being implemented or complied with</p>
<p><b>SCA Geo-3: Erosion and Sedimentation Control Plan.</b> <i>Prior to any grading activities.</i> The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 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</p>				

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>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.</p> <p><i>Ongoing throughout grading and construction activities</i></p> <p>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.</p>			
<p><b>Construction-Period Water Quality:</b> Site preparation and construction activity associated with the proposed development could result in adverse stormwater quality effects.</p>	<p><b>SCA Hydro-1: Stormwater Pollution Prevention Plan (SWPPP).</b> <i>Prior to and ongoing throughout demolition, grading, and/or construction activities.</i> The project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a notice of intent (NOI) with the SWRCB. The project applicant will be required to prepare a stormwater pollution prevention plan (SWPPP) and submit the plan for review and approval by the Building Services Division. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and</p>	<p>Submittal prior to applying for first building permit; Submit copy of approved SWPPP prior to issuance of first building permit; Ongoing throughout demolition, grading, and/or construction activities</p>	<p>City of Oakland CEDA- Planning &amp; Zoning City of Oakland CEDA- Building Services Division, Zoning Inspection</p>	<p>Review and approve SWPPP. Confirm that required NOI and SWPPP is filed with SWRCB; Confirm that all measures are being implemented or complied with Confirm that Notice of Termination is filed with SWRCB</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<p><b>Operational Water Quality:</b> Future residents of the Project could contribute pollutants into the stormwater runoff as a result of vehicular use, landscaping maintenance and other operational characteristics</p>	<p>maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit to the Building Services Division a copy of the SWPPP and evidence of submittal of the NOI to the SWRCB. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.</p>	<p>Submit plan prior to issuance of building permit (or other construction-related permit)  Implement prior to final building permit inspection</p>	<p>City of Oakland CEDA- Planning &amp; Zoning  City of Oakland CEDA- Building Services Division, Zoning Inspection.</p>	<p>Review and approve Post-Construction Stormwater Management Plan.  Confirm all measures in the Plan are being implemented or complied with</p>
	<p><b>SCA Hydro-2: Post-Construction Stormwater Management Plan.</b> <i>Prior to issuance of building permit or other construction-related permit.</i> The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Construction-Permit-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.</p> <p>The post-construction stormwater management plan shall include and identify the following:</p> <ol style="list-style-type: none"> <li>All proposed impervious surface on the site;</li> <li>Anticipated directional flows of on-site stormwater runoff; and</li> <li>Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and</li> </ol>			

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>d. Source control measures to limit the potential for stormwater pollution;</p> <p>e. Stormwater treatment measures to remove pollutants from stormwater runoff; and</p> <p>f. 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.</p> <p>The following additional information shall be submitted with the post-construction stormwater management plan:</p> <p>g. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and</p> <p>h. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e. non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.</p> <p>i. 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.</p>			

*Prior to final permit inspection.* The applicant shall implement the approved stormwater management plan.

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<p><b>Interior Noise:</b> The Project site is within approximately 60 feet of the edge of the elevated portion of I-880 freeway. This location results in a noise environment that exceeds the City's acceptable noise level standard for multi-family residential land uses. This is a severe noise environment which could expose those persons living in the nearest adjacent units to noise level in excess of standards established in the Oakland General Plan or applicable state standards</p>	<p><b>SCA Hydrdo-3: Maintenance Agreement for Stormwater Treatment Measures. Prior to final zoning inspection.</b> 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:</p> <ol style="list-style-type: none"> <li>The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and</li> <li>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.</li> </ol>	<p>Submittal prior to final zoning inspection</p>	<p>City of Oakland, Public Works Agency, Sewer &amp; Stormwater Division  City of Oakland CEDA-Planning and Zoning;  City of Oakland, CEDA-Building Services Division, Zoning Inspection.</p>	<p>Review and approve the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit.  Confirm recordation at County Recorder's Office</p>
<p><b>Interior Noise:</b> The Project site is within approximately 60 feet of the edge of the elevated portion of I-880 freeway. This location results in a noise environment that exceeds the City's acceptable noise level standard for multi-family residential land uses. This is a severe noise environment which could expose those persons living in the nearest adjacent units to noise level in excess of standards established in the Oakland General Plan or applicable state standards</p>	<p><b>SCA Noise-1: Interior Noise. Prior to issuance of a building permit and Certificate of Occupancy.</b> 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</p>	<p>Submit noise recommendations prior to the issuance of a building permit  Ongoing throughout construction</p>	<p>City of Oakland CEDA-Building Services Division, Zoning Inspection  City of Oakland CEDA-Planning &amp; Zoning.</p>	<p>Review and approve qualified acoustical engineer  Review and approve recommendations and final project plans with noise reduction measures  Confirm all measures are being implemented or complied with  Review and approve confirmation by</p>



Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>specific building designs and layout of buildings on the site and shall be determined during the design phases.</p> <p>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:</p> <ol style="list-style-type: none"> <li>Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and</li> <li>Demonstrates compliance with interior noise standards based upon performance testing of a sample unit.</li> <li>Inclusion of a Statement of Disclosure Notice in the CC&amp;R's on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity. Potential features/measures to reduce interior noise could include, but are not limited to, the following: <ul style="list-style-type: none"> <li>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.</li> </ul> </li> </ol>			<p>acoustical consultant</p>
<p><b>Operational Noise:</b> Although there would be some noise generated through routine activity in the commercial space and residential units proposed at the Project site, this development would be unlikely to generate noise in violation of the City's Noise Ordinance.</p>	<p><b>SCA Noise-2: Operational Noise-General.</b> <i>Ongoing.</i> 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.</p>	<p>Ongoing, throughout operation of the project.</p>	<p>City of Oakland CEDA-Planning &amp; Zoning City of Oakland, CEDA-Building Services Division, Zoning Inspection.</p>	<p>Confirm that all noise-generating operational equipment on the site do not exceed levels pursuant to the applicable performance standards in the Oakland Planning Code and Oakland Municipal Code.</p>
<p><b>Construction Noise:</b> Construction activity at the Project site would be expected to generate noise which could</p>	<p><b>SCA Noise-3: Days/Hours of Construction Operation.</b> <i>Ongoing throughout demolition, grading, and/or construction.</i> The project applicant shall require</p>	<p>Ongoing throughout demolition, grading, and/or construction</p>	<p>City of Oakland CEDA-Building Services Division, Zoning</p>	<p>Confirm that all applicable measures are being implemented and</p>

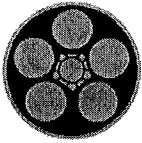
Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
affect those living and working nearby.	<p>construction contractors to limit standard construction activities as follows:</p> <p>a. Construction 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.</p> <p>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.</p> <p>c. Construction activity shall not occur on Saturdays, with the following possible exceptions:</p> <p>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.</p> <p>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.</p>		Inspection City of Oakland CEDA- Planning & Zoning.	complied with

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>d. No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.</p> <p>e. No construction activity shall take place on Sundays or Federal holidays.</p> <p>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.</p> <p>g. Applicant shall use temporary power poles instead of generators where feasible.</p> <p><b>SCA Noise -4: Noise Control. Ongoing throughout demolition, grading, and/or construction.</b> 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:</p> <p>a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).</p> <p>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</p>	<p>Submittal prior to, and ongoing throughout demolition, grading, and/or construction</p>	<p>City of Oakland, CEDA, Building Services Division</p>	<p>Review and approve noise reduction plan; Confirm that all applicable measures are being implemented and complied with</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>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.</p> <p>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.</p> <p>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.</p> <p><b>SCA Noise-5: Noise Complaint Procedures.</b> <i>Ongoing throughout demolition, grading, and/or construction.</i> 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:</p> <ol style="list-style-type: none"> <li>A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);</li> <li>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);</li> <li>The designation of an on-site construction complaint and enforcement manager for the project;</li> <li>Notification of neighbors and occupants within 300</li> </ol>	<p>Submit list prior to the issuance of a building permit;</p> <p>Ongoing throughout demolition, grading, and/or construction</p>	<p>City of Oakland, CEDA, Building Services Division</p> <p>City of Oakland – CEDA, Planning and Zoning</p>	<p>Review and approve the list of measures to respond to and track complaints pertaining to construction noise.</p> <p>Confirm that all applicable measures are being implemented and complied with.</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>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</p> <p>e. A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.</p> <p><b>SCA Noise-6: Pile Driving and Other Extreme Noise Generators.</b> <i>Ongoing throughout demolition, grading, and/or construction.</i> 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:</p> <p>a. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;</p>	<p>Submit plan prior commencing construction activities involving pile driving or other extreme noise generators;</p> <p>Implement measures according to timeframes outlined in the plan</p>	<p>City of Oakland, CEDA, Building Services Division, Zoning Inspection</p> <p>City of Oakland, CEDA, Planning and Zoning</p>	<p>Review and approve acoustical consultant</p> <p>Review and approve plan to ensure the maximum feasible noise attenuation.</p> <p>Confirm that a special inspection deposit has been submitted</p> <p>Confirm that all applicable measures are being implemented and complied with.</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<ul style="list-style-type: none"> <li>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;</li> <li>c. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;</li> <li>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</li> <li>e. Monitor the effectiveness of noise attenuation measures by taking noise measurements.</li> </ul>			



## Memorandum

**Date:** July 6, 2011

**To:** Heather Klein, City of Oakland

**From:** California Capital & Investment Group, Inc.

**RE:** Assessment of Financial Feasibility of CEQA Alternatives for  
the Proposed Development at 325 7<sup>th</sup> Street in Oakland, CA

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### INTRODUCTION

In response to the request from the City of Oakland, California Capital & Investment Group (CCIG) examined the financial feasibility and potential economic impact of various alternatives for the proposed development at 325 7<sup>th</sup> Street in Oakland, CA. The three scenarios analyzed are part of CEQA-required alternative development scenarios as described in the October 2010 Draft Environmental Impact Report (EIR). CCIG also analyzed the proposed Project to better understand the difference in feasibility and economic impact between the proposed Project and the alternatives presented in the Draft EIR.

The Draft EIR assesses the environmental impacts of the proposed Project and three CEQA alternatives:

- 1) *No Project Alternative*: No change to existing conditions.
- 2) *Reduced Density Alternative*: 78 residential units and 9,110 SF of retail space in a 5-story structure, per the zoning at the time that the application was deemed complete.
- 3) *Reduced Site Alternative*: 320 residential units and 9,100 SF of retail space in a 27-story structure (16% fewer units due to removal of 2,600 SF parcel at 627-621 Harrison Street from the development envelope).

The proposed Project includes the demolition of existing structures at the site and the construction of up to 380 residential units, approximately 9,100 SF of ground floor retail space, and 399 off-street parking spaces. It is located at 325 7<sup>th</sup> Street in the Chinatown district of Oakland, Alameda County. The project site is comprised of seven parcels located within the area bounded by 6<sup>th</sup> Street, 7<sup>th</sup> Street, Harrison Street, and Webster Street. The site is approximately 35,500 SF, or 0.81 acres.



The parcel located at 617-621 Harrison Street contains a residential structure that is considered a historic resource pursuant to CEQA criteria. Demolition of the structure is proposed to enhance the safety of the site and ensure the maximum design efficiency.

The CEQA guidelines require the analysis of a range of reasonable alternatives, which may be feasible and attain the basic objectives of the Project, but which may minimize the significant effects of the Project. The financial feasibility of three such alternatives is examined in this study. The table below compares the attributes of these three alternatives against the proposed Project.

**TABLE 1: PROJECT AND PROJECT ALTERNATIVES**

	<b>Demo of Historic Structure?</b>	<b>Building Massing</b>	<b>Land Use</b>	<b>Parking Spaces</b>
Project	Yes	Two Towers (27 and 20 stories)	380 Units 9,100 sq ft Commercial	399
Alternative 1: No Project	No	No development or improvements	No change	none
Alternative 2: Reduced Density	No	One, 5-story building	78 Units 9,110 sq ft Commercial	98
Alternative 3: Reduced Site	No	Two Towers (27 and 20 stories)	320 Units 9,100 sq ft Commercial	340

Section I of this study evaluates the financial feasibility of the Project and the various alternatives, and Section II of this study assesses the potential economic impact of the Project and the various alternatives.





## SECTION I – FINANCIAL FEASIBILITY OF CEQA ALTERNATIVES

### Methodology and Measure of Feasibility

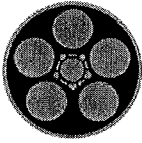
CCIG conducted a detailed analysis of construction costs and revenue assumptions for each of the alternatives described above. This analysis is static and assumes sell-out of residential units and commercial spaces.

In assessing the feasibility of a project, CCIG looks at a number of factors, including risk, market conditions, and the expected profitability of the project. Profitability in the first case is a measure of where a developer will want to proceed with a project, but it has an additional effect on feasibility through the availability of financing. Banks and other lenders will look to projected profitability as a measure of the likely success of a project, and therefore the likelihood that the project will be able to repay its debt obligations. There is no one number that serve as an absolute floor rate of return for all real estate projects, because the rate of return is balanced against the risks of an individual project and a range of general market conditions, most notably the strength of the real estate market and the general availability of financing. A rate of as little as thirteen to fifteen percent might be adequate on less-risky projects, but for infill urban projects, a higher rate of return is required. In CCIG's experience for projects of this type, a minimum rate of return to get financing would be eighteen to twenty percent.

### SUMMARY OF FINDINGS

Table 2 presents a summary of CCIG's analysis. Neither the No Project Alternative nor the Reduced Density Alternative is financially feasible. The No Project Alternative generates a loss to the developer, and the Reduced Density Alternative generates a return that is insufficient to secure financing. Despite the reduced construction costs of these two scenarios, reducing the number of residential units from 380 to 78 or to zero leads to a proportionally greater loss of revenue.

CCIG concludes that both the proposed Project and the Reduced Site Alternative are financially feasible.



**TABLE 2: FINANCIAL FEASIBILITY COMPARISONS**

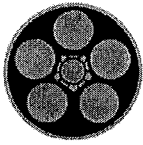
	Full Project	No Project Alternative	Reduced Density Alternative	Reduced Site Alternative
<b>BASIC CHARACTERISTICS</b>				
Number of Floors	27	-	5	27
Number of Units	380	-	78	320
Residential SF	367,840	-	75,504	309,760
Retail SF	9,100	-	9,110	9,100
Number of Parking Spaces	399	-	98	340
<b>DEVELOPMENT COSTS</b>				
Land Acquisition Cost <sup>1</sup>	\$16,000,000	\$16,000,000	\$16,000,000	\$16,000,000
Construction Cost	PSF <sup>3</sup> \$425	\$0	\$300	\$425
	Total \$190,374,500	\$0	\$45,124,200	\$163,480,500
<b>TOTAL</b>	<b>\$206,374,500</b>	<b>\$16,000,000</b>	<b>\$61,124,200</b>	<b>\$179,480,500</b>
<b>VALUATION</b>				
Units	PSF \$550	\$0	\$425	\$550
	Total \$241,362,000	\$0	\$60,054,200	\$206,558,000
Retail Space	Mo PSF Rent \$1.70	\$0.00	\$1.50	\$1.60
	Value <sup>4</sup> \$2,227,680	\$0	\$1,967,760	\$2,096,640
Parking	Per Space \$20,000	\$0	\$20,000	\$20,000
	Total \$7,980,000	\$0	\$1,960,000	\$6,800,000
<b>TOTAL</b>	<b>\$251,569,680</b>	<b>\$0</b>	<b>\$63,981,960</b>	<b>\$215,454,640</b>
<b>RETURN</b>				
	\$45,195,180	(\$16,000,000)	\$2,857,760	\$35,974,140
	21.90%	-100.00%	4.68%	20.04%

<sup>1</sup>Purchase and entitlements

<sup>2</sup>Below-grade construction costs included

<sup>3</sup>Soft costs, developer fee included

<sup>4</sup>8.5% cap rate



## SECTION II – ECONOMIC IMPACT ANALYSIS

### Methodology and Measure of Economic Impact

CCIG conducted a detailed analysis of construction costs and revenue assumptions for each of the alternatives described above. These costs and revenue assumptions were modeled in MIG, Inc.'s IMPLAN software<sup>1</sup>, with a Local Purchase Percentage of 60%, to measure the potential economic impact of the development on the surrounding area of Oakland, Emeryville, and Piedmont.

In assessing the economic impact of a project, CCIG measures the effect of direct spending by the developer during construction and by the on-site businesses during operation--as well as the indirect spending of the subcontractors and residents--on the area in question (in this case, Oakland, Emeryville, and Piedmont). The value of an economic impact is that it also calculates the estimated levels of spending induced in the economy (i.e. employees eating out, subcontractors renting new office space, etc), and thus the overall value of a project to the local economy in question. The ratio of indirect and induced spending generated by a project relative to the direct spend of the project, is referred to as the "multiplier".

### SUMMARY OF FINDINGS

Table 3 presents a summary of CCIG's analysis. Although each development alternative generates a positive economic impact in the local area, the "Reduced Density" alternative does not generate the level of impact envisioned by the developer and the City. Although the third CEQA alternative analyzed, the "Reduced Site Alternative", generates a positive economic impact, its reduced multiplier value shows that it has less value to the surrounding economy as compare to the proposed Project, a shortage that could have considerable consequences over the long-term.

CCIG concludes that the proposed Project generates the most positive economic impact, at about \$1.6 million per year (or \$160 million for the life of the project) greater than the "Reduced Site Alternative".

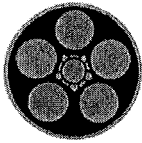
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<sup>1</sup> IMPLAN © Professional is the industry standard econometric software used by over 1,000 companies, organizations, and government agencies to estimate the impacts of an economic event.



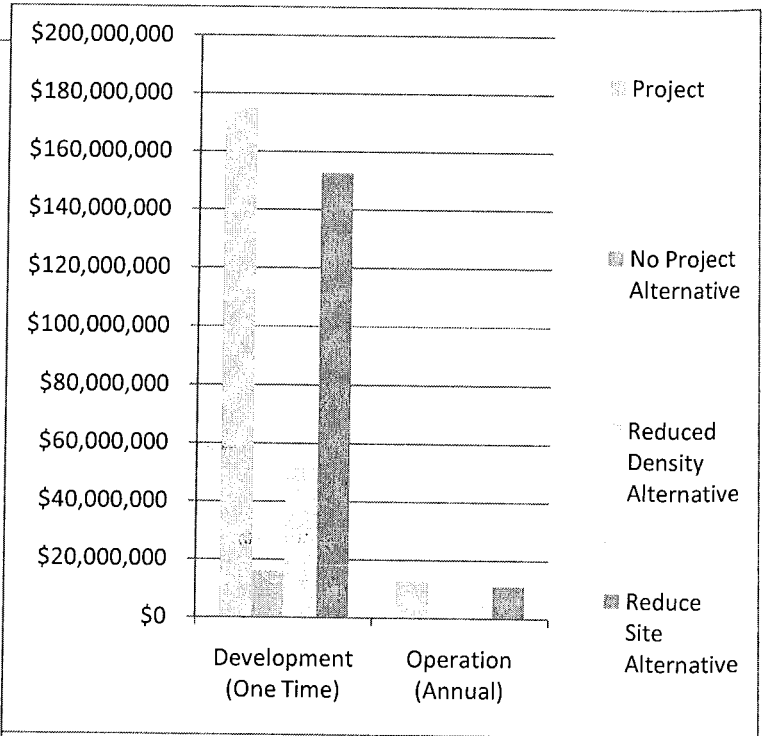
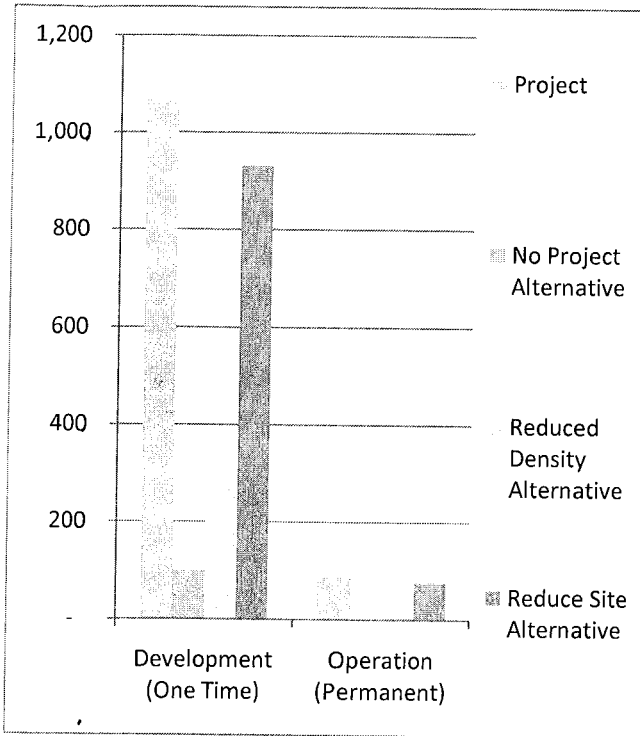
**TABLE 3: POTENTIAL ECONOMIC IMPACT**

	<b>Project</b>	<b>No Project Alternative</b>	<b>Reduced Density Alternative</b>	<b>Reduce Site Alternative</b>
<b>ASSUMPTIONS</b>				
Development Cost	\$195,176,000	\$16,000,000	\$61,124,200	\$169,864,000
Number of Units	380	-	78	320
Ground Floor Retail (SF)	9,100	-	9,110	9,110
Number of Parking Spaces	399	-	98	340
<b>LOCAL IMPACTS</b>				
<b>Jobs Created</b>				
Development (One Time)	1,065	99	315	931
Operation (Permanent)	86	-	35	76
Multiplier	5.33	-	2.16	4.70
<b>New Economic Activity</b>				
Development (One Time)	\$174,968,019	\$15,900,591	\$51,372,229	\$152,762,645
Operation (Annual)	\$12,731,339	\$0	\$4,671,408	\$11,130,028
Multiplier	7.57	-	2.78	6.62
<b>State and Local Taxes</b>				
Development (One Time)	\$8,204,110	\$754,511	\$2,415,753	\$7,164,167
Operation (Annual)	\$950,076	\$0	\$319,662	\$824,828



**Jobs Created**

**New Economic Activity Generated**



*The economic, employment and fiscal impacts shown here were generated using IMPLAN © Professional, the industry standard econometric software used by over 1,000 companies, organizations, and government agencies to estimate the impacts of an economic event.*

*Supporting documentation available upon request.*

CITY OF OAKLAND



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

Department of Planning and Building  
Zoning Division

(510) 238-3911  
FAX (510) 238-4730  
TDD (510) 238-3254  
October 12, 2017

325 7<sup>th</sup> Street, LLC  
1624 Franklin Street, Suite 1115  
Oakland, CA 94612

Dear Mr. Porter:

**RE: Case File Nos.: CMDV06-573 & ER07-0002; Address: 325 7<sup>th</sup> Street (APNs: 001-0189-003-00; 001-0189-009-00; 001-0189-013-00; 001-0189-014-01)**

Your application for a one year time extension of the entitlements as noted above was **APPROVED** at the City Planning Commission meeting of **September 6, 2017**. The Commission's action is indicated below. This action became final ten (10) days after the date of the Planning Commission meeting since no appeal to the City Council was filed by **September 19, 2017**. The new expiration date for these entitlements is **September 6, 2018**.

**(X) Granted with revisions to conditions of approval. (Vote: 5 Ayes, 1 Nays)**

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

Very Truly Yours,

A handwritten signature in cursive script that reads "Scott Miller".

SCOTT MILLER  
Zoning Manager

cc: Bill Quesada, Inspection Services  
Philip Basada, Fire Prevention Bureau  
Darin Ranelletti, Bureau of Planning

David Harlan, Building Services Division  
Kevin Kashi, PWA  
Gil Hayes, City Surveyor

Alexis Pelosi, Pelosi Law Group, 560 Mission Street, Suite 2800, San Francisco, CA, 94105  
Mark McClure, CCIG, 300 Frank Ogawa Plaza, Suite 340, Oakland, CA 94612

Attachments: Updated July 21, 2011 Conditions of Approval

- c) Violation of any term, **Conditions/ Mitigation Measures** 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/ Mitigation Measures** if it is found that there is violation of any of the **Conditions/ Mitigation Measures** 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.

**5. Signed Copy of the Conditions/ Mitigation Measures**

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

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

**6. Indemnification**

*Ongoing*

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

**7. 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 **and all applicable adopted mitigation measures** set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

**8. 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/or mitigations**, and if one or more of such conditions **and/or mitigations** is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions **and/or mitigations** consistent with achieving the same purpose and intent of such Approval.

**9. 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 **and/or mitigations**, shall be available for review at the job site at all times.

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

**15. 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.

**16. 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.

**17. Compliance Matrix**

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

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

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

*Ongoing*

All mitigation measures identified in the 325 7<sup>th</sup> Street EIR are included in the Standard Condition of Approval and Mitigation Monitoring Program (SCAMMRP) which is included in these conditions of approval and are incorporated herein by reference, as Attachment D as conditions of approval of the project. The Standard Conditions of Approval identified in the 325 7<sup>th</sup> Street EIR are also included in the SCAMMRP, and are therefore, not repeated in these conditions of approval. To the extent that there is any inconsistency between the SCAMMRP and these conditions, the more restrictive conditions shall govern; to the extent any mitigation measures and/or Standard Conditions of Approval identified in the EIR were inadvertently omitted, they are automatically incorporated herein by reference. The project sponsor (also referred to as the Developer or Applicant) shall be responsible for compliance with the recommendation in any submitted and approved technical reports, all applicable mitigation measures adopted and with all conditions of approval set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. The SCAMMRP identifies the time frame and responsible party for implementation and monitoring for each mitigation measure. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. Prior to the issuance of a demolition, grading, and/or construction permit, the project sponsor shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.



The plan shall be submitted to the Transportation Services Division and Planning and Zoning Division for review and approval and the Project applicant shall implement the approved plan prior to issuance of a certificate of occupancy

**23. Driveway Sight Distance**

***Prior to issuance of a building or a p-job permit***

The Project applicant shall submit a plan, specifications, and estimates (PS&E) to include the following:

- a) 7th Street Driveway: In order to provide adequate sight distance at the 7th Street driveway, driveway tipping of approximately 54.8 feet would be required on the west side of the driveway.
- b) 6th Street Driveway: In order to provide adequate sight distance at the 6th Street driveway, driveway tipping of approximately 32.0 feet would be required on the west side of the driveway and 17.1 feet on the east side of the driveway.
- c) 6th Street Loading Dock Driveway: In order to provide adequate sight distance at the 6th Street Loading Dock driveway, driveway tipping of approximately 19.7 feet would be required on the west side of the driveway and 68.6- feet on the east side of the driveway.

The plan shall be submitted to the Transportation Services Division and Planning and Zoning Division for review and approval and the Project applicant shall implement the approved plan prior to issuance of a certificate of occupancy

**24. Historic Maintenance.**

***a. 30 days after Project Approval***

Applicant shall submit a repair and maintenance plan for the Historic Resource located at 617-621 Harrison Street to the City Planning Director for review and approval. The applicant shall implement the approved plan. The goal of the plan is to ensure the exterior portions are kept in good repair so as to prevent deterioration and decay of any exterior portion and all interior portions thereof the maintenance of which is necessary to prevent deterioration and decay of any exterior portion, and prevent blight and an attractive nuisance.

***b. Ongoing***

The owner, property manager, future tenants, or other person in actual charge of the designated historic resource shall, in accordance with the approved plan in "a" above, keep in good repair all of the exterior portions thereof, and all interior portions thereof the maintenance of which is necessary to prevent deterioration and decay of any exterior portion, and prevent blight. Furthermore, the owner, property manager, future tenants, or other person in actual charge of the designated historic resource shall ensure that until a demolition permit is issued in accordance with the SCAMMRP related conditions/mitigation measures and the Demolition Permit for Demolition of Historic Resources Concurrent with Building Permit Issuance Condition, the building is adequately secured, including all points of entry.

**25. Demolition Permit for Demolition of Historic Resources Concurrent with Building Permit Issuance**

A demolition permit to demolish the historic resource (617-621 Harrison Street, or as described in the record), shall not be issued prior to payment and issuance of the building permit application and demonstrated compliance with applicable SCAMMRP related conditions/mitigation measures.

**26. Final Design Review.**

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

As the design development of the building proceeds, the design elements listed below shall be revised and shall be submitted for review and approval by the Planning Director prior to issuance of the building permit. Only high quality materials will be approved.

- a) The applicant will submit final plans and materials for the entire building design and the architectural features on top of the building. These features and the entire building design shall be reviewed and approved by the Design Review Committee. The features shall relate to both buildings' design and the other tower's terminus.

- I. The applicant shall post "No Loitering" signs on the building façade and other visible locations around the site. Signs shall be of a permanent nature and have letters a minimum of 2 inches in height.
  - II. The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove loiters who refuse to leave. Persons loitering in the vicinity of the exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave. Techniques discussed in the manual entitled "Loitering: Business and Community Based Solutions" may be used and are recommended if applicable.
- d) Graffiti shall be removed within 72 hours of application. Removal can involve resurfacing of a material and/or color that matches the remaining surface.

**29. Master Signage Program.**

*Prior to sign permit*

The Project applicant shall submit a master signage plan for review for any commercial and residential signage per the Planning and Zoning regulations, including but not limited to location, dimensions, materials and colors.

**30. Pre-construction Meeting with the City**

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

A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site Project manager with the City's project building coordinator to confirm that conditions of approval that must be completed prior to issuance of a grading, demolition, or building permit have been completed (including pre-construction meeting with neighborhood, construction hours, neighborhood notification, posted signs, etc.). The applicant shall coordinate and schedule this meeting with City staff.

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

*Prior to certificate of occupancy*

The Covenants, Conditions and Restrictions (CC&Rs) for the units shall be submitted to the Planning and Zoning Division for review. The CC&Rs shall provide for the establishment of a non-profit homeowners association for the maintenance and operation of all on-site sidewalks, pathways, common open space and all common landscaping, driveways, and other facilities, in accordance with approved plans. Membership in the association shall be made a condition of ownership. The developer shall be a member of such association until all units are sold. In addition to the parking management requirements, the CC&R's shall also include an acknowledgement that the units on the rear of the building facing Webster Street are located within the rear yard setback.

**32. Parking Management Plan**

*Prior to Certificate of Occupancy and On-going.*

The applicant shall establish an on-site parking management plan. The parking management plan shall include but not be limited to the following components and requirements:

- a) The Covenants, Conditions and Restrictions (CC&Rs) for the units shall be submitted to the Planning and Zoning Division for review to affirm that they include the provisions listed here.
- b) Acknowledgement that many and specific parking spaces are deficient in additional width and length. (Due to column or wall locations and the parking lifts.)
- c) Require purchasers to acknowledge that maneuverability of several of the parking spaces within the garage may be affected by the location of columns or walls and that due care and caution should be used.
- d) The management plan shall also stipulate that each unit shall be assigned a minimum of one off street parking space and that such space is included within the lease or ownership rights of the unit.
- e) The plan shall also include a brochure or instructions on how to use the mechanical, multi-parking lift system.
- f) The lift system must include a viable method to retrieve vehicles in case of a power failure.

**Applicant and/or Contractor Statement**

I have read and accept responsibility for the revised Conditions of Approval, as approved by Planning Commission action on **September 6, 2016**. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant:

\_\_\_\_\_ (date)

Signature of Contractor

\_\_\_\_\_ (date)

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
<b>Aesthetics, Wind and Shadows</b>				
<p><b>Light and Glare:</b> The development of the Project site as proposed would result in the creation of a new source of light or glare since these towers would replace existing structures at the site that generate relatively little light or glare. Exterior lighting, windows that would be illuminated at night or reflect sunlight during the day, and the use of building materials that may reflect sunlight during the day have the potential to create a new source of substantial light or glare.</p>	<p><b>SCA Aesth-1: Lighting Plan.</b> <i>Prior to the issuance of an electrical or building permit.</i> 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.</p>	<p>Submittal prior to the issuance of an electrical or building permit</p>	<p>City of Oakland CEDA- Planning &amp; Zoning  City of Oakland CEDA- Building Services Division, Zoning Inspection  City of Oakland Public Works Agency, Electrical Services Division</p>	<p>Review and approve plans  Confirm implementation of the design features during construction</p>
<b>Traffic, Circulation and Parking</b>				
<p><b>Impact Traf-5:</b> The proposed Project would not conflict with adopted transportation policies, plans and programs supporting alternative transportation, and would be required to comply with City Standard Conditions of Approval that require preparation and implementation of a Parking and Transportation Demand Management Plan. However, there is an existing AC Transit bus stop located at the southwest corner of 7<sup>th</sup>/Harrison Street, directly in front of the Project site. The location of this bus stop could conflict with access to the Project site once the Project is constructed.</p>	<p><b>SCA Bio-5</b> Bird Collision Reduction (see Biology, below)</p> <p>Other standard conditions would also serve to reduce impacts to light and glare, including:</p>	<p>(see SCA Bio 5, below)</p>		
<p><b>Impact Traf-1:</b> Parking and Transportation Demand Management. <i>Prior to issuance of a final inspection of the building permit.</i> The applicant shall submit for review and approval by the Planning and Zoning Division a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The applicant shall implement the approved TDM plan. The TDM shall include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use. All four modes of travel shall be considered. Strategies to consider include the following:</p>	<p>a. Inclusion of additional bicycle parking, shower, and locker facilities that exceed the requirement</p> <p>b. Construction of bike lanes per the Bicycle Master Plan, Priority Bikeway Projects</p> <p>c. Signage and striping onsite to encourage bike safety</p>	<p>Submittal prior to issuance of a final inspection of the building permit  Submittal of additional approved TDM reports as needed per approved TDM plan</p>	<p>City of Oakland CEDA- Planning &amp; Zoning  City of Oakland CEDA- Building Services Division, Zoning Inspection.</p>	<p>Review and approve the TDM plan  Confirm items necessary to be implemented during construction  Review and approve reports, and implementation of approved TDM strategies per approved TDM Plan</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
<p><b>Impact Traf-1:</b> Construction activities could cause significant disruptions to transportation and pedestrian movement at the Project site, and could substantially reduce the availability of parking opportunities. These potential impacts would be reduced or avoided through implementation of the City's Standard Conditions of Approval that require preparation of a Construction Traffic and Parking Management Plan.</p>	<p>The Project will be required to comply with all of the provisions of City of Oakland Standard Conditions of Approval, including <b>SCA WW-2: Improvements in the Public Right-of-Way</b> (see Public Services and Utilities section, below)</p> <p><b>SCA Traf-2: Construction Traffic and Parking, Prior to the issuance of a demolition, grading or building permit.</b> 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 requirements:</p> <ol style="list-style-type: none"> <li>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.</li> <li>Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.</li> <li>Location of construction staging areas for materials, equipment, and vehicles at an approved location.</li> <li>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.</li> </ol>	<p>See <b>SCA WW-2: Improvements in the Public Right-of-Way</b>, Public Services and Utilities section, below</p> <p>Submittal prior to issuance of a grading, demolition, building or P-Job permit</p> <p>Ongoing through construction</p>	<p>City of Oakland CEDA- Planning &amp; Zoning;</p> <p>City of Oakland CEDA- Building Services, Zoning Inspection; and</p> <p>City of Oakland, CEDA - Transportation Services Division.</p>	<p>Review and approve the construction management plan;</p> <p>Confirm that all applicable measures are being implemented or complied with per the approved plan.</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring:	Monitoring Procedure
	Strategies:		Monitoring Responsibility	
<p><b>Existing Plus Project</b></p> <p><b>Impact Traf-7:</b> LOS F conditions at the intersection of 5th Street/Oak Street would prevail during the PM peak hour under the Existing + Project condition. The LOS would worsen with the addition of Project traffic. The Project generated increases in vehicle delay on the critical movement (eastbound through) would exceed the four-second threshold.</p>	<p>m. The Project sponsor shall coordinate with AC Transit and the City of Oakland Public Works Department Traffic Services Department to identify an appropriate temporary location for the existing bus stop located at the southwest corner of 7<sup>th</sup> and Harrison, which will most likely be adversely affected by Project construction. The Project sponsor shall implement all steps necessary to establish this temporary bus stop, including possible construction of a bus shelter, to a location mutually agreed upon by the City of Oakland and AC Transit. This temporary bus stop location is anticipated to be at the southeast corner of 7<sup>th</sup>/Webster Street, on the far side of the intersection and beyond the pedestrian crosswalks.</p>	<p>Submittal prior to issuance of a building permit Implement TSD-approved improvements prior to final inspection of the building permit</p>	<p>City of Oakland, CEEDA-Dept. of Engineering &amp; Construction, Transportation Services Division; City of Oakland CEEDA-Building Services Division, Zoning Inspection; City of Oakland CEEDA-Planning &amp; Zoning. Caltrans</p>	<p>Review and approve PS&amp;E. Confirm that improvements are designed and implemented pursuant to approved PS&amp;E.</p>
<p>a. Plans, Specifications, and Estimates (PS&amp;E) to modify the intersection. All elements shall be designed to City standards in effect at the time of construction and all new and upgraded signals should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guideline) at the time of construction. Current City</p>	<p><b>Mitigation Measure Traf-7:</b> Optimize the traffic signal timing at the intersection of 5th Street/Oak Street. Optimization of traffic signal timing shall include adjusting the signal cycle length from 45 seconds to 60 seconds, and determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches. Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. To implement this measure, the Project sponsor shall submit the following to City of Oakland's Transportation Service Division and Caltrans for review and approval:</p>	<p>Submittal prior to issuance of a building permit Implement TSD-approved improvements prior to final inspection of the building permit</p>	<p>City of Oakland, CEEDA-Dept. of Engineering &amp; Construction, Transportation Services Division; City of Oakland CEEDA-Building Services Division, Zoning Inspection; City of Oakland CEEDA-Planning &amp; Zoning. Caltrans</p>	<p>Review and approve PS&amp;E. Confirm that improvements are designed and implemented pursuant to approved PS&amp;E.</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
<p>City's six-second threshold of significance.</p>	<p>should include these enhancements. All other facilities supporting vehicle travel and alternative modes through the intersection should be brought up to both City standards and ADA standards (according to Federal and State Access Board guideline) at the time of construction. Current City Standards call for among other items the elements listed below:</p> <ul style="list-style-type: none"> <li>i. 2070L Type Controller</li> <li>ii. Full signal actuation (includes video detection, bicycle detection, pedestrian push buttons)</li> <li>iii. Fiber signal interconnect for corridors identified in the City's ITS Master Plan for a maximum of 600 feet</li> <li>iv. GPS communication clock</li> <li>v. Accessible pedestrian crosswalks according to Federal and State Access Board Guidelines</li> <li>vi. Accessible pedestrian signals audible and tactile according to Federal Access Board guidelines</li> <li>vii. Countdown Pedestrian Signals</li> </ul> <p>b. Signal timing plans for the signals in the coordination group.</p> <p>The Project sponsor shall fund, prepare and install the approved plans and improvements.</p>	<p><b>Mitigation Measure Traf-9:</b> Optimize the traffic signal timing at the intersection of 8th Street/Webster Street. Optimization of traffic signal timing would include determination of allocation of green time within the current 90 second signal cycle length for each intersection approach in tune with the relative traffic volumes on those approaches, and implementing signal actuation. Coordinate the signal timing changes at this intersection with the adjacent intersections that are in the same signal coordination group. To implement this measure, the Project sponsor shall submit the following</p>	<p>City of Oakland, CEDA-Dept. of Engineering &amp; Construction, Transportation Services Division; City of Oakland CEDA-Building Services Division, Zoning Inspection; City of Oakland CEDA-</p>	<p>review and approve PS&amp;E Confirm that improvements are designed and implemented pursuant to approved PS&amp;E.</p>
<p><b>Impact Traf-9:</b> The LOS F conditions at the intersection of 8<sup>th</sup> Street/Webster Street would prevail during the PM peak hour under the Existing + Project condition. The LOS would worsen with the addition of Project traffic. The Project generated increases in vehicle delay on the critical movement (southbound through) would exceed the four-second threshold.</p>		<p>Submittal prior to issuance of a building permit Implement TSD-improved improvements identified in the PS&amp;E prior to final inspection of the building permit</p>		

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Monitoring Procedure
<p>5th and Oak Streets during the AM and PM peak hours under the 2015 Short-Term with Project condition, would worsen with the addition of traffic generated by the project. The Project generated increases in vehicle delay on the critical movement (eastbound through) of 12.4 seconds during the AM peak hour 29.1 seconds during the PM peak hour would exceed the City's threshold of significance.</p>	<p><b>Mitigation Measure Traf-11:</b> Implement Mitigation Measure Traf-8</p>	<p>See Mitigation Measure Traf-8 above</p>	<p>Mitigation Monitoring: Monitoring Responsibility</p>
<p><b>Cumulative Impact Traf-11:</b> The intersection of 6th Street/Jackson Street would continue to operate at LOS F in year 2015 during the AM Peak hour and LOS E during the PM Peak hour with the addition of Project traffic. The Project generated increases in vehicle delay on the critical movement (southbound right) of 4.8 seconds during the AM peak hour and 6.9 seconds during the PM peak hour would exceed the City's threshold of significance.</p>	<p><b>Mitigation Measure Traf-12:</b> Implement Mitigation Measure Traf-9</p>	<p>See Mitigation Measure Traf-9 above</p>	
<p><b>2030 Cumulative + Project</b></p> <p><b>Cumulative Impact Traf-13:</b> The LOS F conditions at the intersection of 5th Street/Oak Street during the AM and PM peak hours under the Cumulative conditions would worsen with the</p>	<p><b>Mitigation Measure Traf-13:</b> Implement Mitigation Measure Traf-7.</p>	<p>See Mitigation Measure Traf-7 above</p>	



Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.</p> <p>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).</p> <p>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.</p> <p>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.</p> <p>e. Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).</p> <p>f. Limit vehicle speeds on unpaved roads to 15 miles per hour.</p> <p>g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.</p> <p>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.</p> <p>i. Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of</p>			

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.</p> <p>t. Minimize the idling time of diesel-powered construction equipment to two minutes.</p> <p>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.</p> <p>v. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3; Architectural Coatings).</p> <p>w. All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.</p> <p>x. Off-road heavy diesel engines shall meet the CARB's most recent certification standard.</p> <p><b>SCA Air-4: Asbestos Removal in Structures.</b> If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health &amp; Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be</p>	<p>Make determination prior to issuance of a demolition permit;</p>	<p>City of Oakland, CEDA, Building Services Division, Zoning Inspection          Planning and Zoning Division          Fire Prevention Bureau, Hazardous Materials Unit</p>	<p>Confirm that any asbestos removal is conducted in accordance with procedures specified by Regulation 11, Rule 2 of BAAQMD regulations and with all applicable measures</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>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&amp;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.</p> <p>b. <u>Exterior Air Quality:</u> 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.</p> <p><b>SCA Air-3: Exposure to Air Pollution (Toxic Air Contaminants: Gaseous Emissions).</b></p> <p><u>Indoor Air Quality:</u> 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 pollutants prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning and Zoning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.</p> <p><u>Exterior Air Quality:</u> To the maximum extent</p>	<p>Submittal prior to issuance of a demolition, grading, or building permit.</p> <p>Ongoing throughout construction</p>	<p>City of Oakland CEDA- Planning &amp; Zoning</p> <p>City of Oakland CEDA- Building Services Division, Zoning Inspection.</p>	<p>Review and approve qualified air quality consultant;</p> <p>Review and approve the Health Risk Assessment</p> <p>Review and approve final building plans incorporate HRA recommendations</p> <p>Confirm that all applicable measures and the HRA recommendations are being implemented and/or complied with during construction</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
<b>Greenhouse Gas / Global Climate Change</b>				
<p><b>Impact GHG-1:</b> Construction and operation of the proposed Project would not result in a cumulatively considerable increase in GHG emissions under the thresholds established in the 2010 BAAQMD <i>Thresholds of Significance</i>.</p>	<p>None needed. Although no significant impacts have been identified and no mitigation is required, the Project is subject to all the regulatory requirements including the City's Standard Conditions of Approval, many of which would reduce GHG emissions of the Project. These include, but are not limited to:</p> <p>SCA Traf-1: Parking and Transportation Demand Management See SCA Traf-1, above</p> <p>SCA Air-1: Construction-Related Air Pollution Controls See SCA Air-1, above</p> <p>SCA Util-1: Waste Reduction and Recycling See SCA Util-1, below</p> <p>SCA Bio-1 through -3: Tree Removal and Replanting See SCA Bio-1 through -3, below</p>			
<b>Hazardous Materials</b>				
<p><b>Impact Haz-1:</b> Risks associated with possible exposure to contaminated groundwater, metals that may be found in the soil or other chemicals that may have been released during prior junkyard operations at the Project site will be reduced to a level of less than significant based on implementation of required Standard Conditions of Approval.</p>	<p><b>SCA Haz-1: Phase I and/or Phase II Reports.</b> <i>Prior to issuance of a demolition, grading, or building permit</i> Permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment report, and a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.</p> <p>To further implement SCA Haz-1 the Project applicant shall submit follow-up subsurface investigations as recommended by the Phase II Subsurface Investigation report for the Project site, including the types of analyses as recommended by DTSC. These investigations shall be documented in a report which shall make recommendations for remedial action if appropriate and necessary, and shall be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer. The follow-up subsurface investigation shall include an analysis of soil and groundwater samples to determine:</p>	<p>Submittal prior to issuance of a demolition, grading, or building permit</p>	<p>City of Oakland, CEDA, Building Services Division, Zoning Inspection City of Oakland CEDA, Planning and Zoning Division City of Oakland Fire Prevention Bureau, Hazardous Materials Unit</p>	<p>Review and approve Phase I and Phase II reports Confirm that the follow-up subsurface investigations as recommended by the Phase II Subsurface Investigation report for the Project site is conducted, including the types of analyses as recommended by DTSC, and any recommendations from the follow-up investigation are implemented.</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
	<p><b>SCA Haz-5: Environmental Site Assessment Reports / Remediation.</b> <i>Prior to issuance of a demolition, grading, or building permit.</i> If the environmental site assessment reports recommend remedial action, the project applicant shall:</p> <ol style="list-style-type: none"> <li>Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.</li> <li>Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency.</li> <li>Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.</li> </ol> <p><b>SCA Haz-6: Hazards Best Management Practices.</b> <i>Prior to commencement of demolition, grading, or construction.</i> The project applicant and construction contractor shall ensure that 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:</p> <ol style="list-style-type: none"> <li>Follow manufacturer's recommendations on use, storage, and disposal of chemical products used in construction;</li> <li>Avoid overtopping construction equipment fuel gas tanks;</li> <li>During routine maintenance of construction</li> </ol>	<p>Submittal prior to issuance of a demolition, grading, or building permit;</p> <p>Prior to commencement of demolition, grading, or construction</p> <p>Ongoing through demolition, grading and construction activities</p>	<p>City of Oakland, CEEDA, Building Services Division, Zoning Inspection</p> <p>City of Oakland, CEEDA, Planning and Zoning Division</p> <p>Fire Prevention Bureau Hazardous Materials Unit</p> <p>City of Oakland, CEEDA, Building Services Division, Zoning Inspection</p> <p>City of Oakland, CEEDA, Planning and Zoning Division</p>	<p>Review written evidence of approval for any remedial actions required has been obtained and that Remediation Action Plan has been adequately prepared.</p> <p>Review and approve Construction-Phase Risk Management Plan</p> <p>Review and approve practices</p> <p>Confirm that all applicable measures are being implemented and complied with</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHHS regulation 17 CCR Sections 35001 through 36100, as may be amended.</p> <p><b>SCA Haz-8: Health and Safety Plan per Assessment.</b> <i>Prior to issuance of any demolition, grading or building permit.</i> If the required lead-based paint/coatings, asbestos, or PCB assessment finds presence of such materials, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal.</p> <p><b>SCA Haz-9: Best Management Practices for Soil and Groundwater Hazards.</b> <i>Ongoing throughout demolition, grading, and construction activities.</i> The project applicant shall implement all of the following Best Management Practices (BMPs) regarding potential soil and groundwater hazards.</p> <p>a. Soil generated by construction activities shall be stockpiled onsite in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state and federal agencies laws, in particular, the Regional Water Quality Control Board (RWQCB) and/or the Alameda County Department of Environmental Health (ACDEH) and policies of the City of Oakland.</p> <p>b. Groundwater pumped from the subsurface shall be contained onsite in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies of the City of Oakland, the RWQCB and/or the ACDEH. Engineering controls</p>	<p>Submittal prior to issuance of a demolition, grading, or building permit;</p> <p>Implement measures in accordance with timeframes outlined in plan</p> <p>Ongoing throughout demolition, grading, and/or construction activities.</p>	<p>City of Oakland Fire Prevention Bureau, Hazardous Materials Unit</p> <p>City of Oakland, CEDA, Building Services Division, Zoning Inspection</p> <p>City of Oakland, CEDA-Planning &amp; Zoning.</p> <p>City of Oakland, Fire Prevention Bureau, Hazardous Materials Unit;</p> <p>City of Oakland, CEDA-Building Services Division, Zoning Inspection;</p> <p>City of Oakland, CEDA-Planning &amp; Zoning</p>	<p>Review and approve health and safety plan to protect workers from hazardous waste</p> <p>Confirm that the appropriate federal, state or county oversight authorities, including but not limited to the RWQCB and/or the ACDEH, have granted all required clearances and confirmed that the all applicable standards, regulations and conditions for all previous contamination at the site.</p> <p>Review evidence from the City's Fire Department, Office of Emergency Services, indicating compliance with the Standard Condition of Approval requiring a Site Review by the Fire Services Division pursuant to City Ordinance No. 12323, and compliance</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<p><b>Impact WW-1:</b> Implementation of the Project would not exceed the wastewater treatment capacity of existing facilities, or require expansion of existing facilities which could cause significant environmental effects. This is a less than significant impact.</p>	<p>None needed. However, the Project would be subject to the following Standard Condition of Approval, which would even further reduce this less than significant impact:</p> <p><b>SCA WW-1: Improvements in the Public Right-of-Way (General)</b> Approved prior to the issuance of a P-job or building permit</p> <p>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.</p> <p>b. Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition.</p> <p>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.</p> <p>d. The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.</p> <p><b>SCA WW-2: Improvements in the Public Right-of-Way (Specific).</b> <i>Approved prior to the issuance of a</i></p>	<p>Submittal prior to the issuance of a P-job or building permit</p>	<p>City of Oakland, CEDA-Planning &amp; Zoning</p> <p>City of Oakland, CEDA, Building Services Division, Zoning Inspection</p> <p>City of Oakland Public Works Agency-Tree Services Division</p> <p>City of Oakland, Fire Services Division</p> <p>City of Oakland Public Works Department, Engineering and Construction</p>	<p>Review and approve final building and public improvement plans</p> <p>Confirm implementation of required public improvements during construction</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>access the Project's garage entry/exit behind AC Transit buses (i.e., returning the bus stop location to where it is currently located at the southwest corner of 7<sup>th</sup>/Harrison Street). The permanent location of the bus stop must be approved by the City of Oakland Public Works Department, Traffic Services Division and AC Transit. Under either scenario for the permanent bus stop location, the Project sponsor shall develop a bus stop relocation plan for City and AC Transit review and approval, and shall implement the approved plan, including but not limited to funding the furnishing, installation, maintenance, repair and replacement of the bus shelter.</p>			
	<p><b>SCA WW-3: Stormwater and Sewer.</b> <i>Prior to completing the final design for the project's sewer service.</i> 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.</p>	<p>Submittal prior to completing the final design for the project's sewer service</p>	<p>City of Oakland, CEDA, Building Services Division, Zoning Inspection  City of Oakland, CEDA-Planning &amp; Zoning  City of Oakland Public Works Department, Sewer and Stormwater Division</p>	<p>Review and approve capacity and state of repair for any necessary stormwater and sanitary sewer infrastructure improvements  Confirm that the project applicant pays additional fees for any City improvements to the sanitary sewer system, as well as any fees to the affected service providers.  Confirm that BMPs to reduce stormwater runoff are implemented.</p>
	<p><b>Cumulative Impact WW-2:</b> Implementation of the Project, in combination with other cumulative development would not cumulatively</p>		<p>See SCA WW-1, SCA WW-2 and SCA WW-3, above</p>	



Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
<p><b>Service Demand:</b> The Project site is located in an urban area where public services are already provided. The Community Services Analysis prepared for the Land Use and Transportation Element of the General Plan stated that future in-fill development through the General Plan horizon year of 2015 would not be likely to impose a burden on existing public services.</p>	<p>and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.</p> <p><b>SCA-Pub Serv-1: Conformance with other Requirements.</b> <i>Prior to issuance of a demolition, grading, P-job, or other construction related permit</i></p> <p>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.</p> <p>b. The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.</p>	<p>Submittal prior to issuance of a demolition, grading, P-Job, other construction-related building permit.</p>	<p>City of Oakland, Fire Prevention Bureau;  City of Oakland, CEDA-Building Services Division, Zoning Inspection;  City of Oakland, CEDA-Planning &amp; Zoning.</p>	<p>Confirm that final development plans comply with all applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines  Review and approve fire protection plans</p>
<p><b>Potentially Unknown Resources:</b> No archaeological resources, paleontological resources or human remains are known to exist within the Project area. However, the possibility of discovery of buried resources during site preparation and construction activities exists.</p>	<p><b>SCA Cultr1-1: Archaeological Resources.</b> <i>Ongoing throughout demolition, grading, and/or construction.</i> 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</p>	<p>Ongoing throughout demolition, grading, and/or construction.</p>	<p>City of Oakland CEDA-Planning &amp; Zoning  City of Oakland CEDA-Building Services Division, Zoning Inspection.</p>	<p>Confirm that all applicable measures are being implemented or complied with.</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>-1d) are added to supplement and further implement SCA Cultrl-1 to decrease the potential for adverse damage of archaeological resources, paleontological resources and human remains during construction. To implement these additional SCAs, the Project applicant may choose to either implement SCA Cultrl-1a (Intensive Pre-Construction Survey) or SCA Cultrl-1d (Construction ALERT Sheet). If, in either case, a high potential presence of historic-period archaeological resources on the Project site is indicated or a potential resource is discovered, the Project applicant shall also implement SCA Cultrl-1b (Construction Period Monitoring), SCA Cultrl-1c (Avoidance and/or Find Recovery) and SCA Cultrl-1d (to establish a Construction ALERT Sheet if the Intensive Pre-Construction Survey was originally implemented per SCA Cultrl-1a, or to update and provide more specificity to the initial Construction ALERT Sheet if a Construction Alert Sheet was originally implemented per SCA Cultrl-1d). If in either case a high potential presence of historic-period archaeological resources is not discovered, SCAs Cultrl-1, -2 and -3 shall apply and be adequate to decrease the potential for adverse damage to archaeological resources, paleontological resources and human remains during construction.</p> <p>SCA Cultrl-1a through -1d are detailed as follows:</p> <p>a. <b>Intensive Pre-Construction Survey.</b> <i>Prior to demolition, grading and/or construction.</i> The project applicant, upon approval from the City Planning Department, may choose to complete a site-specific, intensive archaeological resources study prior to soil-disturbing activities occurring on the Project site. The purpose of the site-specific, intensive archaeological resources study is early identification of the potential presence of historic-period archaeological resources on the Project site. If that approach is selected, the study shall be conducted by a qualified archaeologist approved by the City Planning Department. If prepared, at a minimum, the study shall include:</p> <p>i. An intensive cultural resources study of the</p>	<p>Submittal prior to demolition, grading and/or construction.</p>	<p>City of Oakland CEQA-Planning &amp; Zoning  City of Oakland CEQA-Building Services Division, Zoning Inspection.</p>	<p>Review and approve qualified archaeologist  Review and approve study;  Confirm that all applicable measures are being implemented or complied with.</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
	<p><i>Standards and Guidelines for Archaeological Documentation</i>, notifying the appropriate officials if human remains or cultural resources are discovered, or preparing a report to document negative findings after construction is completed. If a significant archaeological resource is discovered during the monitoring activities, adherence to SCA Cultrl-1c: Avoidance and/or Find Recovery (discussed below), would be required to reduce the impact to less than significant. The Project applicant shall hire a qualified archaeologist to monitor all ground-disturbing activities on the Project site throughout construction.</p>			
	<p>c. <b>Avoidance and/or Find Recovery.</b> <i>Ongoing and throughout demolition, grading and/or construction.</i> If a significant archaeological resource is present that could be adversely impacted by the Project, the Project applicant shall either:</p> <ol style="list-style-type: none"> <li>i. Stop work and redesign the proposed Project to avoid any adverse impacts to significant archaeological resource(s); or</li> <li>ii. If avoidance is determined infeasible by the City, design and implement an Archaeological Research Design and Treatment Plan (ARDTP). The Project applicant shall hire a qualified archaeologist who shall prepare a draft ARDTP that shall be submitted to the City Planning Department for review and approval. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information that the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the</li> </ol>	<p>Ongoing throughout demolition, grading, and/or construction.</p> <p>If a significant archaeological resource is present and could be adversely affected by construction, submittal of ARDTP prior to construction resuming</p>	<p>City of Oakland CEQA-Planning &amp; Zoning</p> <p>City of Oakland CEQA-Building Services Division, Zoning Inspection.</p>	<p>Review and approve ARDTP plan.</p> <p>Confirm that all applicable measures are being implemented or complied with.</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
	<p>concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rocks); building foundation remains; trash pits, privies [outhouse holes]; floor remains: wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/ floor tiles; stone walls or footings; or gravestones.</p> <p>iii. Prior to any soil disturbing activities, each contractor shall be responsible for ensuring that the ALERT Sheet is circulated to all field personnel including machine operators, field crew, pile drivers and supervisory personnel.</p> <p>If the Project applicant chooses to implement SCA Cultr1-1d: Construction ALERT Sheet, and a potential resource is discovered on the Project site during ground-disturbing activities, the Project applicant shall hire a qualified archaeologist to monitor any ground-disturbing activities on the Project site during construction (see SCA Cultr1-1b: Construction-Period Monitoring, above), implement avoidance and/or find recovery measures (see SCA Cultr1-1c: Avoidance and/or Find Recovery, above), and prepare an updated ALERT Sheet that addresses details what could potentially be found at the Project site (see SCA Cultr1-1d: Construction ALERT Sheet, below). If no potential resource is discovered during the pre-construction study, SCA Cultr1-1, -2 and -3 shall apply and be adequate to reduce any potentially significant impact to less than significant.</p> <p><b>SCA Cultr1-2: Human Remains.</b> <i>Ongoing throughout demolition, grading, and/or construction.</i> 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</p>	<p>Ongoing throughout demolition, grading, and/or construction;</p> <p>Upon discovery of human remains, cease construction.</p>	<p>City of Oakland CEEDA-Planning &amp; Zoning</p> <p>City of Oakland CEEDA-Building Services, Zoning Inspection.</p>	<p>Confirm required agency notifications and consultations are conducted if human skeletal remains are found;</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<p>would not materially impair these historic resources.</p>	<p>of construction that shall be utilized to not exceed the thresholds.</p> <p>To further implement Standard Condition of Approval Hist-1:</p> <p>a. The applicant shall retain an historic preservation architect (who meets the Secretary of the Interior's Standards and Guidelines for Historic Preservation Professional Qualifications) and a structural engineer (Monitoring Team), who shall undertake an Existing Conditions Study (Study) of 617-621 Harrison Street. The purpose of the Study is to establish the baseline condition of the building(s) prior to construction of the Project, including but not limited to the location and extent of any visible cracks or spalls on the building(s), and condition of the roof. The Study shall include written descriptions and photographs of the building(s) and include, without limitation, those physical characteristics that justify their inclusion on or eligibility for the Local Register. The Study shall be reviewed and approved by the City of Oakland's CEDA Deputy Director and Building Official.</p> <p>b. Initial construction activities shall be monitored by the Monitoring Team and if vibrations are above threshold levels, appropriate measures shall be taken to reduce vibrations to below established levels. The Monitoring Team shall continue to regularly monitor the buildings during construction and report any changes to the existing conditions, including but not limited to, expansion of cracks, new spalls, or other exterior deterioration, including roof damage. If there are such changes, appropriate corrective measures shall be taken to reduce vibrations to below established levels, or other measures taken to prevent damage to the building(s).</p> <p>c. Written monitoring reports shall be submitted to the City's CEDA Deputy Director and Building Official on a periodic basis as determined by the Monitoring Team. The structural engineer shall</p>		<p>City of Oakland CEDA - Building Services, Division, Building Official</p> <p>Applicant's monitoring team</p>	<p>and design means and methods of construction</p> <p>Review and approve training program and confirm that training is included in project's construction contracts</p> <p>Monitoring team shall conduct regular visits to project construction site</p> <p>Review and approve written monitoring reports by monitoring team</p> <p>Consult with historic preservation architect as necessary and on a periodic basis</p> <p>Monitoring team shall report changes to building to City Planning and Zoning and Zoning Inspector staff, and recommend corrective measures for review and approval</p> <p>City staff to confirm implementation of corrective measures</p> <p>Confirm claims of damage within 5 working days after claim is filed</p> <p>Inform project sponsor, construction representative and Planning and Zoning staff if there are</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<p><b>Impact Hist-2:</b> Demolition of the residential structure currently located at 617-621 Harrison Street, which is an historic resource, would be a significant impact of the Project.</p>	<p>when working around and operating equipment near historic structures, including storage of materials away from historic buildings. It shall also include information on means to reduce vibrations from demolition and construction, and preventing other damage, and monitoring and reporting any potential problems that could affect the historic resources in the area. A provision for establishing this training program shall be included in the construction contract, and the contract provisions shall be reviewed and approved by the City of Oakland.</p>	<p>Submittal prior to issuance of demolition permit.</p>	<p>City of Oakland CEDA- Planning &amp; Zoning City of Oakland CEDA- Building Services Division, Zoning Inspection; Oakland Cultural Heritage Survey (OCHS)</p>	<p>Review and approve all applicable measures are being implemented or complied with</p>
	<p><b>SCA Hist-2: Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition). Prior to issuance of a demolition permit.</b> The project applicant shall make a good faith effort to relocate the building located at 617-621 Harrison Street to a site acceptable to the Planning and Zoning Division and the Oakland Cultural Heritage Survey, and to place the building on a permanent foundation. Good faith efforts include, at a minimum, the following:</p> <ol style="list-style-type: none"> <li>Advertising the availability of the building by: (1) posting of large visible signs (such as banners, at a minimum of 3' x 6' size or larger) at the site; (2) placement of advertisements in Bay Area news media acceptable to the City; and (3) contacting neighborhood associations and for-profit and not-for-profit housing and preservation organizations;</li> <li>Maintaining a log of all the good faith efforts and submitting that along with photos of the subject building showing the large signs (banners) to the Planning and Zoning Division;</li> <li>Maintaining the signs and advertising in place for a minimum of 90 days; and</li> <li>Making the building available at no or nominal cost (the amount to be reviewed by the Oakland Cultural Heritage Survey) until removal is necessary for construction of a replacement project, but in no case for less than a period of 90 days after such</li> </ol>			

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring:	Monitoring Procedure
			Monitoring Responsibility	
	<p>educational features. The Program shall be high quality and provide high public visibility. The Program shall be developed by a qualified historic consultant in consultation with the LPAB and historic preservation staff, based on a City-approved scope of work and submitted to the City for review and approval. The proposed Program will be approved by the Landmarks Preservation Advisory Board and installed prior to issuance of a Certificate of Occupancy.</p> <p>b. Any remaining funds after implementing the Historic Interpretive and Improvement Program shall be applied towards a historic resource related program, which can be used to fund other historic preservation projects in the 7<sup>th</sup> Street/ Harrison Square Historic District or in the immediate vicinity. Such programs include, without limitation, a Façade Improvement Program or the Property Relocation Assistance Program. The project applicant shall make the monetary contribution prior to Certificate of Occupancy.</p>			<p>resource related program such as the Façade Improvement Program or the Property Relocation Assistance Program</p>
<p><b>Tree Removal:</b> There are two street trees that are proposed for removal to enable development. One is a liquid amber tree approximately 20 inches dbh along the Seventh Street frontage (which meets the definition of a protected tree due to its diameter) and the other is a Lophostemon confertus (formerly known as Tristantia conferta, or Brisbane Box) approximately 8 inches dbh growing in a driveway along the Harrison Street frontage.</p>	<p><b>SCA Bio-1: Tree Removal Permit.</b> <i>Prior to issuance of a demolition, grading, or building permit.</i> Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Agency, and abide by the conditions of that permit.</p> <p><b>SCA Bio-2: Tree Replacement Plantings.</b> <i>Prior to issuance of a final inspection of the building permit.</i> Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:</p>	<p>Prior to issuance of a demolition, grading or building permit</p>	<p>City of Oakland Public Works Agency-Tree Services Division City of Oakland CEDA-Planning &amp; Zoning City of Oakland CEDA-Building Services Division, Zoning Inspection.  City of Oakland Public Works Agency-Tree Services Division City of Oakland CEDA-Planning &amp; Zoning</p>	<p>Confirm issuance of a tree removal permit and that all conditions of that permit are being implemented and complied with  Review and approve landscape and tree replacement plan Confirm implementation of the landscape and tree</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
	<p>established within one year of planting shall be replanted at the project applicant's expense.</p> <p><b>SCA Bio-3: Tree Protection During Construction.</b>  <i>Prior to issuance of a demolition, grading, or building permit.</i> Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:</p> <ol style="list-style-type: none"> <li>Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the City Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.</li> <li>Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the City Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.</li> <li>No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a</li> </ol>	<p>Protection implemented prior to issuance of a demolition, grading, or building permit.</p> <p>Ongoing throughout construction</p>	<p>City of Oakland Public Works Agency-Tree Services Division</p> <p>City of Oakland CEQA-Planning &amp; Zoning</p> <p>City of Oakland CEQA-Building Services Division, Zoning Inspection</p>	<p>Review and approve that the approved landscape and tree replacement plan includes tree protection measures</p> <p>Confirm that implementation of tree protection measures during construction.</p>



Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
<p><b>Bird Collisions:</b> Project construction and operations have the potential to affect migratory and breeding birds, and wildlife, corridors, and nursery sites, through building collisions, increases in night lighting, increases in noise pollution due to Project construction, shading of existing habitat, and vegetation removal.</p>	<p>Tree Services Division of the Public Works Agency. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.</p>	<p>Submittal concurrent with submittal of planning applications or a building permit, whichever occurs first, and ongoing</p>	<p>City of Oakland CEDA- Planning &amp; Zoning City of Oakland CEDA- Building Services Division, Zoning Inspection.</p>	<p>Review and approve design features incorporated into final building permit plans; Confirm implementation of the design features during construction.</p>
	<p><b>SCA BIO-5: Bird Collision Reduction.</b> <i>Concurrent with submittal of planning applications or a building permit, whichever occurs first, and ongoing.</i> The Project applicant or his or her successor 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.</p> <p>Mandatory measures include <b>all</b> of the following:</p> <ol style="list-style-type: none"> <li>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.</li> <li>Minimize the number of and co-locate rooftop-antennas and other rooftop structures.</li> <li>Monopole structures or antennas shall not include guy wires.</li> <li>Avoid the use of mirrors in landscape design.</li> <li>Avoid placement of bird-friendly attractants (i.e. landscaped areas, vegetated roofs, water features)</li> </ol>			

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<ul style="list-style-type: none"> <li>i. 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).</li> <li>ii. 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.</li> <li>r. Reduce Light Pollution. Examples include:               <ul style="list-style-type: none"> <li>i. Turn off all unnecessary interior lights from 11 p.m. to sunrise.</li> <li>ii. 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.</li> </ul> </li> <li>s. Reduce perimeter lighting whenever possible.</li> <li>t. Institute a building operation and management manual that promotes bird safety. Example text in the manual includes:               <ul style="list-style-type: none"> <li>i. 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.</li> <li>ii. Production of educational materials on bird-safe practices for the building occupants</li> <li>iii. Asking employees to turn off task lighting at their work stations and draw office blinds or curtains at end of work day.</li> <li>iv. Schedule nightly maintenance during the day or to conclude before 11 p.m., if possible.</li> </ul> </li> </ul>			

**Seismicity:** The Project site is located in a seismically active region. The closest

**Geology**

**SCA Geo-1: Soils Report.** Required as part of the submittal of a Tentative Tract or Tentative Parcel Map.

Submittal with Tentative Tract or Tentative Parcel

City of Oakland CEDA- Planning & Zoning

Review and approve report

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit.</p> <p>e. Soils Report. A written report shall be submitted which shall include, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>i. Site description;</li> <li>ii. Local and site geology;</li> <li>iii. Review of previous field and laboratory investigations for the site;</li> <li>iv. Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Office of Planning and Building;</li> <li>v. Site stability shall be addressed with particular attention to existing conditions and proposed corrective attention to existing conditions and proposed corrective actions at locations where land stability problems exist;</li> <li>vi. Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required;</li> <li>vii. Conclusions and recommendations for temporary and permanent erosion control and drainage. If not provided in a separate report they shall be appended to the required soils report;</li> <li>viii. All other items which a Soils Engineer deems necessary;</li> <li>ix. The signature and registration number of the Civil Engineer preparing the report.</li> </ul>			
	<p>f. The Director of Planning and Building may reject a report that she/he believes is not sufficient. The</p>			

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<p><b>Erosion:</b> Although the Project site has been previously developed or paved, and there is little or no visible topsoil remaining, site preparation and construction activity associated with the proposed development could result in soil erosion or the loss of any remaining topsoil at the site.</p>	<p>"No Build" zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge.</p> <p>v. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the projects design phase, shall be incorporated in the project.</p> <p>vi. Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project.</p> <p>vii. A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces.</p> <p>b. Tentative Tract or Parcel Map approvals shall require, but not be limited to, approval of the Geotechnical Report.</p> <p><b>SCA Geo-3: Erosion and Sedimentation Control Plan.</b> <i>Prior to any grading activities.</i> The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 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</p>	<p>Submittal prior to any grading activities</p> <p>Ongoing throughout grading and construction activities</p>	<p>City of Oakland CEDA- Planning &amp; Zoning</p> <p>City of Oakland CEDA- Building Services Division, Zoning Inspection</p>	<p>Review the approve Erosion and Sedimentation Control Plan;</p> <p>Confirm that all applicable measures are being implemented or complied with</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
<p><b>Operational Water Quality:</b> Future residents of the Project could contribute pollutants into the stormwater runoff as a result of vehicular use, landscaping maintenance and other operational characteristics</p>	<p>maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit to the Building Services Division a copy of the SWPPP and evidence of submittal of the NOI to the SWRCB. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.</p>	<p>Submit plan prior to issuance of building permit (or other construction-related permit)</p> <p>Implement prior to final building permit inspection</p>	<p>City of Oakland CEDA- Planning &amp; Zoning</p> <p>City of Oakland CEDA- Building Services Division, Zoning Inspection.</p>	<p>Review and approve Post-Construction Stormwater Management Plan.</p> <p>Confirm all measures in the Plan are being implemented or complied with</p>
	<p><b>SCA Hydro-2: Post-Construction Stormwater Management Plan.</b> <i>Prior to issuance of building permit or other construction-related permit.</i> 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-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.</p> <p>The post-construction stormwater management plan shall include and identify the following:</p>			<ol style="list-style-type: none"> <li>All proposed impervious surface on the site;</li> <li>Anticipated directional flows of on-site stormwater runoff; and</li> <li>Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and</li> </ol>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure
<p><b>Interior Noise:</b> The Project site is within approximately 60 feet of the edge of the elevated portion of I-880 freeway. This location results in a noise environment that exceeds the City's acceptable noise level standard for multi-family residential land uses. This is a severe noise environment which could expose those persons living in the nearest adjacent units to noise level in excess of standards established in the Oakland General Plan or applicable state standards</p>	<p><b>SCA Hydrdo-3: Maintenance Agreement for Stormwater Treatment Measures. <i>Prior to final zoning inspection.</i></b> 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:</p> <ol style="list-style-type: none"> <li>The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and</li> <li>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.</li> </ol>	<p>Submittal prior to final zoning inspection</p>	<p>City of Oakland, Public Works Agency, Sewer &amp; Stormwater Division City of Oakland CEDA-Planning and Zoning; City of Oakland, CEDA-Building Services Division, Zoning Inspection.</p>	<p>Review and approve the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit. Confirm recordation at County Recorder's Office</p>
<p><b>Interior Noise:</b> The Project site is within approximately 60 feet of the edge of the elevated portion of I-880 freeway. This location results in a noise environment that exceeds the City's acceptable noise level standard for multi-family residential land uses. This is a severe noise environment which could expose those persons living in the nearest adjacent units to noise level in excess of standards established in the Oakland General Plan or applicable state standards</p>	<p><b>SCA Noise-1: Interior Noise. <i>Prior to issuance of a building permit and Certificate of Occupancy.</i></b> 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</p>	<p>Submit noise recommendations prior to the issuance of a building permit Ongoing throughout construction</p>	<p>City of Oakland CEDA-Building Services Division, Zoning Inspection City of Oakland CEDA-Planning &amp; Zoning.</p>	<p>Review and approve qualified acoustical engineer Review and approve recommendations and final project plans with noise reduction measures Confirm all measures are being implemented or complied with Review and approve confirmation by</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
affect those living and working nearby.	<p>construction contractors to limit standard construction activities as follows:</p> <p>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.</p> <p>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.</p> <p>c. Construction activity shall not occur on Saturdays, with the following possible exceptions:</p> <p>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.</p> <p>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.</p>		<p>Inspection City of Oakland CEDA- Planning &amp; Zoning.</p>	<p>complied with</p>

Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<p>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.</p> <p>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.</p> <p>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.</p> <p><b>SCA Noise-5: Noise Complaint Procedures. Ongoing throughout demolition, grading, and/or construction.</b> 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:</p> <p>a. A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);</p> <p>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);</p> <p>c. The designation of an on-site construction complaint and enforcement manager for the project;</p> <p>d. Notification of neighbors and occupants within 300</p>	<p>Submit list prior to the issuance of a building permit;</p> <p>Ongoing throughout demolition, grading, and/or construction</p>	<p>City of Oakland, CEDA, Building Services Division</p> <p>City of Oakland - CEDA, Planning and Zoning</p>	<p>Review and approve the list of measures to respond to and track complaints pertaining to construction noise.</p> <p>Confirm that all applicable measures are being implemented and complied with.</p>



Environmental Impact	Mitigation Measures/ Standard Conditions of Approval	Monitoring Schedule	Mitigation Monitoring: Monitoring Responsibility	Monitoring Procedure
	<ul style="list-style-type: none"> <li>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;</li> <li>c. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;</li> <li>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</li> <li>e. Monitor the effectiveness of noise attenuation measures by taking noise measurements.</li> </ul>			