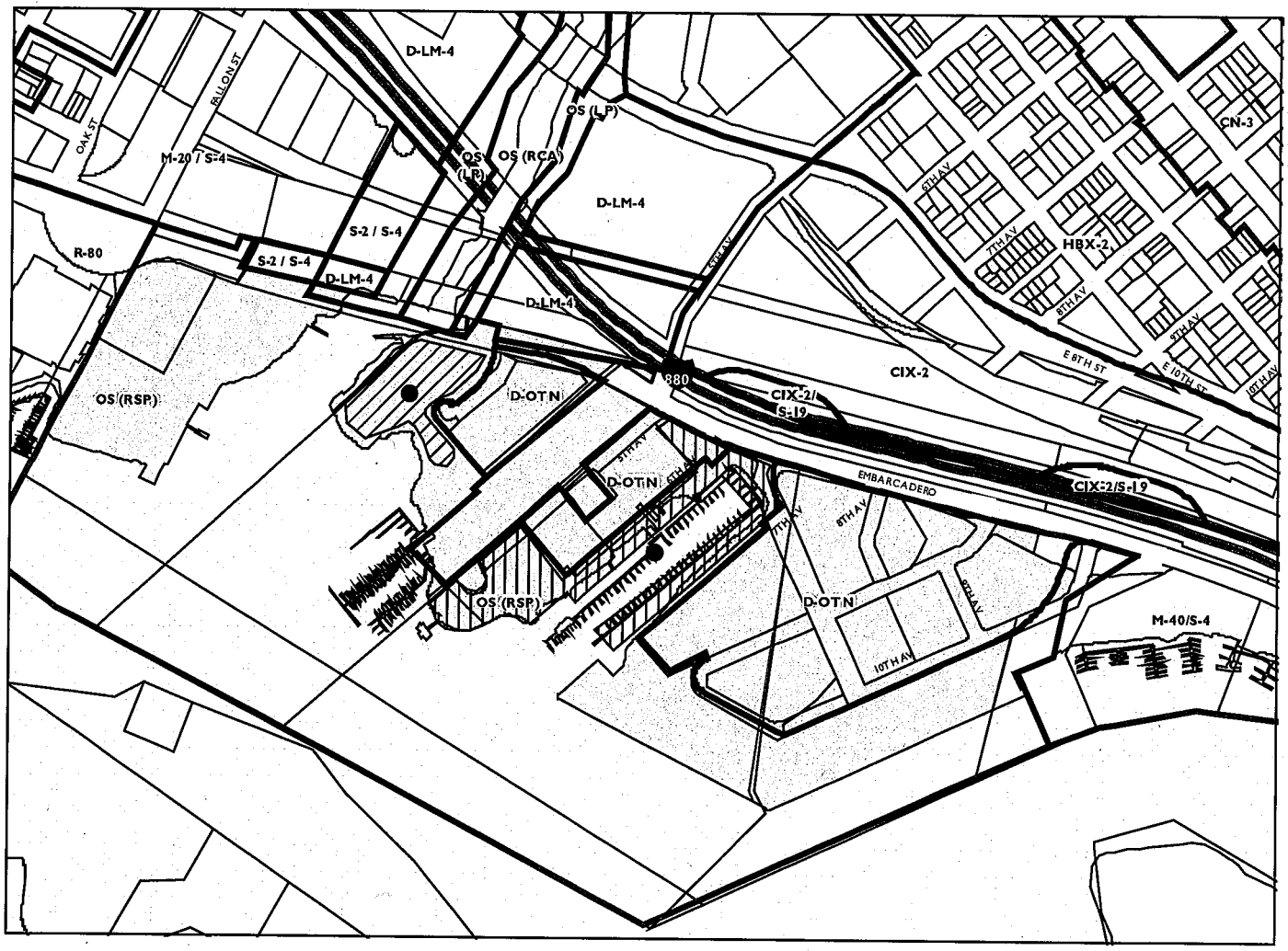
Location:	**Brooklyn Basin (formerly known as "Oak to 9th Avenue"); specifically, remaining parks (APN 018 043000118; 018 043000112; and 018 046000404).**
Proposal:	Two Final Development Permits (FDPs) for approx. 20 acres of parks (all remaining parks).
Applicant:	ZOHP, (510)251-9270.
Owner:	Port of Oakland/ZOHP
Planning Permits Required:	FDP, compliance with CEQA.
General and Estuary Plan:	Estuary Policy Plan-Parks (EPP-Parks).
Zoning:	Open Space (Region-Serving Park) (OS (RSP))
Environmental Determination:	Final EIR certified on January 20, 2009
Historic Status:	Non-Historic Property
Service Delivery District:	3
City Council District:	2 – Abel Guillen
Action to be Taken:	Decision based on staff report.
Finality of Decision:	Not applicable.
For further information:	Contact case planner **Catherine Payne** at **510-238-6168** or by e-mail at **cpayne@oaklandnet.com**

SUMMARY

The purpose of this report is to recommend approval of two Final Development Permits for all remaining Brooklyn Basin parks (including Gateway, South and Channel Parks). The Design Review Committee of the Planning Commission (DRC) reviewed the project on October 25, 2017. The Brooklyn Basin Planned Unit Development (PUD) was approved in 2009 with 30 acres of public parks to be located along the waterfront of the Oakland Estuary. The 10-acre Shoreline Park was the first Brooklyn Basin Park to receive FDP approval in 2016, and is currently under construction in the southeast portion of the Brooklyn Basin site. At this time, the Brooklyn Basin master developer, Zarsion-OHP 1, LLC (ZOHP), has submitted schematic design for the remaining 20 acres of planned parks and seeks approval of FDPs by the Planning Commission. The two proposed Final Development Permits are required to construct the remaining planned parks. The proposals are generally consistent with and a refinement and evolution of the conceptual design included in the 2009 approved Brooklyn Basin PUD.

CITY OF OAKLAND PLANNING COMMISSION



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Case File: PUD06010-PUDF07 & -PUDF08
Applicant: Zarsion Oakland Harbor Partners
Address: 1 9th Avenue, Brooklyn Basin Parks
Zone: OS (RSP)

PROJECT SITE AND SURROUNDING AREA

Brooklyn Basin encompasses a 64-acre site that adjoins the Oakland Estuary to the south, the Embarcadero and I-880 freeway to the north, 9th Avenue to the east, and Fallon Street to the west. The project includes 29.9 acres of City parks located along the Oakland Estuary edge of the Brooklyn Basin. The proposed FDPs include approximately 20 acres of the Brooklyn Basin parks, including Gateway, South and Channel Parks, all located along the edge of the Oakland Estuary, from Shoreline Park to the southeast, to the Lake Merritt Channel at Embarcadero to the northwest.

PROJECT BACKGROUND

Project History

The planned Brooklyn Basin Project consists of a mix of residential, retail and commercial, civic, and parks and open space uses preliminarily approved by the Planning Commission on March 15, 2006, and for which a Development Agreement was executed on July 18, 2006 by the City Council. Following a legal challenge, final entitlements were granted in 2009. The project sponsors plan to construct up to 3,100 residential units, 200,000 square feet of ground-floor commercial space, a minimum of 3,950 parking spaces, 29.9 acres of parks and public open space, two renovated marinas (with a total of 170 boat slips), and maintain an existing wetlands restoration area. The existing buildings on the site have all been demolished, apart from a portion of the 9th Avenue Terminal shed building and the Jack London Aquatic Center. The project does not include approximately six acres of privately-held property along and east of 5th Avenue that contains a mix of commercial and industrial uses, as well as a small community of work/live facilities.

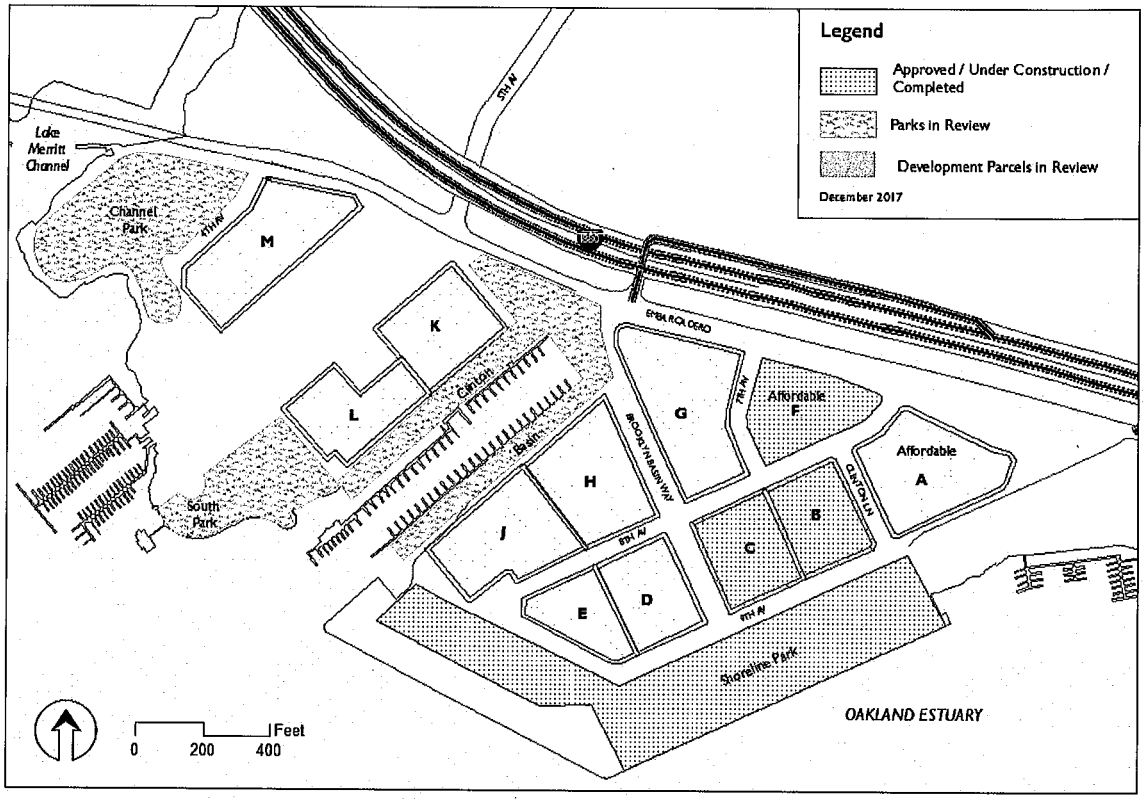
The Shoreline Park FDP was approved in early 2016 and is currently under development. The Phase 1 area is an active construction zone, with both horizontal and vertical improvements currently being built. The Phase 2 Final Map was filed Summer of 2017 and development activities are expected to begin in the near future. The applicant seeks FDPs for the remaining parks to be developed at Brooklyn Basin in order to ensure compliance with required completion timeframes for park improvements, summarized from the DA as follows:

- Completion of Phase I park improvements prior to the issuance of a certificate of occupancy for the 550th residential unit for the project or five (5) years from the issuance of the first building permit for Phase I.
- Completion of Phase II park improvements prior to the issuance of a certificate of occupancy for the 1,650th residential unit for the project or eight (8) years from the issuance of the first building permit for Phase I.
- Completion of Phase III park improvements prior to the issuance of a certificate of occupancy for the 2,340th residential unit for the project or eleven (11) years from the issuance of the first building permit for Phase I.

- Completion of the Phase IV park improvements prior to the issuance of a certificate of occupancy for the 2,800th residential unit for the project or fourteen (14) years from the issuance of the first building permit for Phase I.

The first building permit for Phase I was issued in April 2017 (Parcel B). At this time, building permit applications have been filed for 482 residential units.

The following provides a summary of the status of the Brooklyn Basin project:



Brooklyn Basin Status

Summary of Recent Brooklyn Basin Milestones Summer 2017

Milestone	Requirement	Status
Land Use Entitlements (DA, PUD/PDP, GPA, Rezone, EIR)	Oakland Municipal Code	Complies: Initial (challenged) approval 7/18/2006; Final approval 1/2009
Phase 1Soil remediation (grading/surcharge permits)	EIR MM H, Prior to issuance of site development building permits	Complies: Activities completed 2014
Affordable Housing Developer Selection	DA Exhibit L, Section 4: proposal to City within one year of acquisition of Sites F, T and G	Complies: MidPen selected by Master Developer and approved by City Housing Department in 2015
Phase 1 Final Map	TTM, DA	FM7621 Approved May 2015
Phase 1 Infrastructure FDP and construction permits	Zoning regulations	Under construction; Completion expected 2016
Embarcadero Roadway Improvements	PUD	Under construction; Completion anticipated 2018
Shoreline Park FDP	DA and PUD	Complies: Approved December 2015, BCDC confirmation May 2016
Parcel B FDP	PUD, FM7621	Approved September 2016
Parcel C FDP	PUD, FM7621	Approved August 2017
Phase 2 Final Map	PUD, TTM7621	Recorded June 2017
Parcel F FDP	PUD, TTM7621, DA, Cooperation Agreement	Approved November 2017
Community Facilities District	Condition of Approval 38	Formed November 2017

Public Review

The proposed project was subject to earlier review by the Parks and Recreation Advisory Board (PRAC) and the Design Review Committee of the Planning Commission (DRC). The PRAC unanimously recommended approval of the proposed project. The DRC recommended forwarding the application to the Planning Commission for consideration, and provided the following comments (staff response is provided in indented, italicized text below comment, where appropriate):

- Public Comments:
    - Support preservation of existing mitigation wetland located offshore of South Park, as shown in plans.
      The existing mitigation wetland area is outside of the scope of work for the proposed project and would not be altered by the project.
    - Ensure design provides habitat for existing wildlife at site;
      The revised plans include a plant list that notes habitat value for local fauna.
    - Can South Park be renamed to reflect presence of wetlands?

The current Brooklyn Basin Park names are identification placeholders. The parks will each be named through a process managed by the Office of Parks and Recreation with a final decision by the City Council.

- Plans should be proofread for clarity and accuracy.
  Plans have been updated.
- Wayfinding:
  - Need clarity regarding how Bay Trail users will move around the private out-parcel (lands of Silveira) to connect between the western and eastern portions of the Bay Trail through the Brooklyn Basin site.
  - Need clear signage directing visitors to the park entrances from Embarcadero.
    The plans include a park (and Bay Trail) wayfinding plan to use in conjunction with the approved Master Signage Master Plan, approved in 2016.
- Any transit stops at Gateway Park should keep sightlines open into the park and water beyond.
- How will transit be accommodated on-site? Will there be a bus turn-out or otherwise dedicated passenger loading area that does not impinge on traffic movement?
  There is flexibility in the design of the Embarcadero street section at Gateway Park to accommodate a transit stop. At such time as a transit stop is warranted, the City will work with AC Transit and the master developer to determine the appropriate design. Passenger loading and drop-off is fully accommodated in a multi-use parking lot located in Channel Park.

- DRC Comments:
  - All Brooklyn Basin illustratives should show approved plans, to the degree possible.
    There are no approved plans for development sites within the vicinity of the parks currently under consideration.
  - Would like to review park signage proposal at a later date.
    Comment noted.
  - Accommodate accessibility consistent with Americans with Disabilities Act (ADA).
    The construction documents will be reviewed by the City to confirm compliance with ADA.
  - Gateway and South Parks need a clear and generous connection between them. Current node is small and awkward.
    The connection between Gateway and South Parks has been revised to provide better connectivity between the two parks.
  - Gateway Park seems overly manicured and does not have enough "Oakland flavor". Using salvaged materials in the delivery of the plan could help.
    Revised plans for the entire park system indicate extensive reuse of materials from the site, including mooring cleats and bollards and remnant granite block. Gateway Park plans have been revised to reduce the number of palm trees (and

increase the number of evergreen trees) and use materials and design details that reflect the "maker" and industrial character of Oakland.

- Design should include layers of history of the site and Oakland.
  Revised plans indicate extensive reuse of materials from the site, including mooring cleats and bollards and remnant granite block. In addition, the design of Shoreline Park refers to the demolished portion of the 9th Avenue Terminal and the history of the site as a multi-modal break-bulk shipping facility.
- Provide habitat for bay wildlife.
  As noted above, the current plans include plantings for habitat value.

PROJECT DESCRIPTION

The master developer is currently requesting two FDPs for Brooklyn Basin Parks, as follows:

- Phase 2 Parks FDP: The proposed Phase 2 Park FDP (case file PUD06010-PUDF07) applies to Gateway Park, located at the center of the Brooklyn Basin site. The approximately 6-acre area is the gateway to the Brooklyn Basin park system. The park is located on Embarcadero and Brooklyn Basin Way, and surrounds Clinton Basin. Gateway Park will function as an access node and formal gathering area and promenade connecting to the Brooklyn Basin park system, as well as to the on-site ground floor commercial uses, Clinton Basin marina, and to the city beyond. All parks will include sections of the San Francisco Bay Trail. The Phase 2 Parks FDP is adjacent do but does not disturb existing wetland enhancement project located just offshore Clinton Basin (and near South Park). Key features of the Gateway Park design include:
  - Transit Access: The park includes a possible AC Transit bus stop designed as public art to be a meaningful place-making feature of the park, as opposed to a utilitarian afterthought.
  - Formal gathering areas: Two formal gathering areas are provided near Embarcadero, one a bosque of trees, the other a plaza. There are two architectural kiosks at the Clinton Basin edge of the plaza, providing opportunities for retail (coffee stand, snack stand, skate rental stand) or for information or small performance use.
  - Waterfront promenade: Gateway Park includes a waterfront promenade along both sides of Clinton Basin, providing access to the other Brooklyn Basin parks, opportunities for enjoying the Estuary (both in terms of viewing the water as well as accessing the marina located there), and ample seating (both café-style and informal park seating).
- Phases 3 and 4 Parks FDP: The proposed Phases 3 and 4 FDP (case file PUD06010-PUDF08) applies to South and Channel Parks, located in the northwest portion of the Brooklyn Basin site. South and Channel Parks include informal gathering and play areas, picnicking facilities, and a multi-use parking area. Key features of South and Channel Parks include the following:
  - South Park: South Park is located on the promontory northwest of Clinton Basin. The park is designed with an informal, more naturalistic appearance than Gateway

Park (or Shoreline Park). South Park is the smallest and most intimate of the Brooklyn Basin parks. Park features include:

- On-street, expanded parking to informally serve park use.
- Amphitheater-like seating and gathering area closest to the Gateway Park promenade.
- Picnic and barbecue facilities.
- Lawn for informal play and gatherings.
- Access to the water.
- Seating.
- The park will not infringe upon an existing wetland area located adjacent to the South Park shoreline.

- Channel Park: Channel Park is located along the Lake Merritt Channel, south of the Embarcadero Bridge. Park features include:
  - Multi-use parking lot: Channel Park includes an on-site parking lot with space for up to 50 vehicles. The lot is designed to be used for parking or for gatherings (such as food truck events, small festivals and events). The design allows for the lot to be modified, for example, should the demand for parking decrease over time.
  - Access to the Estuary from the parking lot.
    Sloping lawn for viewing Estuary, informal play and gatherings.
  - Seating.
- Shoreline: The proposed plans reconfigure the existing shoreline as follows:
  - South Park: The design creates 0.5 acres of new open water, shoreline protection, and high tidal marsh planting between the existing shoreline and the wetland enhancement area.
  - Channel Park: The design reconfigures the existing shoreline to create approximately 0.5 acres of new open water, shoreline protection, and high tidal marsh planting.

GENERAL PLAN ANALYSIS

General Plan Land Use Classification

The Brooklyn Basin park sites are located in the Estuary Policy Plan-Parks (EPP-Parks) land use designation of the Estuary Policy Plan (the General Plan for the subject site). The Estuary Policy Plan states, "With ambitious plans to change land use, this area of the shoreline could be converted into a large-scale network of open spaces and economic development that extend for over 60 acres from Estuary Park to Ninth Avenue. The assemblage of parkland would create the major open space resource in Oakland and, at the same time, establish a recreation asset of regional significance." Development of the Phases 2, 3 and 4 Brooklyn Basin parks would fully deliver the vision stated in the EPP.

ZONING ANALYSIS

The Phases 2, 3, and 4 sites are located entirely within the Open Space-Region-Serving Park (OS-RSP) zoning district. The OS zone is intended to "create, preserve, and enhance land for permanent open space to meet the active and passive recreational needs of Oakland residents and to promote park uses which are compatible with surrounding land uses and the city's natural environment." The OS-RSP zoning allows for regional-serving uses, such as athletic fields and courts, concessions, temporary uses (fairs and carnivals), public art and restrooms. Although the Brooklyn Basin parks are in the OS-RSP zoning district, it is subject to an approved PUD and PDP. Whereas conditional use permits are typically required for park improvements, in this case Shoreline Park improvements shall be processed under the PUD regulations and are subject to a Final Development Permit (FDP). In essence, the OS-RSP zoning regulations control the allowable park uses, whereas the PUD regulations control the process for considering approval of such uses.

Allowed Activities and Facilities in Shoreline Park

The Brooklyn Basin parks are subject to City of Oakland Open Space-Region Serving Park zoning regulations (OS-RSP), State Lands and Bay Conservation and Development Commission (BCDC) jurisdiction. In summary, park activities and facilities are limited by the regulatory framework and include the following:

Brooklyn Basin Parks Permitted Activities and Facilities

ACTIVITY/FACILITY TYPE (OS-RSP ACTIVITY AND FACILITY TYPES)	STATE LANDS JURISDICTION	OS-RSP ZONING REGULATIONS*	PERMITTED AT BROOKLYN BASIN PARKS?	PROVIDED AT PHASES 2, 3 AND 4 PARKS?
Caretaker's Quarters	INCONSISTENT	EP (Parcel "N" only)	No	
Botanical Gardens	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	
Community Gardens	INCONSISTENT	EP (Parcel "N" only)	No	
Trails and Paths	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	✓
Electrical, gas, and Telephone lines	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	✓
Water, Storm Drain, Sewage Lines	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	✓
Athletic Fields	INCONSISTENT	EP (Parcel "N" only)	No	
Basketball Courts	INCONSISTENT	EP (Parcel "N" only)	No	
Boathouse	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	
Bocce Ball	INCONSISTENT	EP (Parcel "N" only)	No	
Carousel/Amusement Rides	INCONSISTENT	EP (Parcel "N" only)	No	
Dog Play Area Off Leash (fenced)	INCONSISTENT	EP (Parcel "N" only)	No	
Fishing Pond	INCONSISTENT	EP (Parcel "N" only)	No	
Food Service and Other Concessions	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	✓

Gymnasium	INCONSISTENT	EP (Parcel "N" only)	No	
Handball Courts	INCONSISTENT	EP (Parcel "N" only)	No	
Horseback Riding	INCONSISTENT	EP (Parcel "N" only)	No	
Horseshoe Pit	INCONSISTENT	EP (Parcel "N" only)	No	
Lawn Bowling	INCONSISTENT	EP (Parcel "N" only)	No	
Miniature Golf	INCONSISTENT	EP (Parcel "N" only)	No	
Picnic Areas	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	✓
Play Grounds/Tot lots/Play Equipment	INCONSISTENT	EP (Parcel "N" only)	No	
Recreation Center	INCONSISTENT	EP (Parcel "N" only)	No	
Skate Park	INCONSISTENT	EP (Parcel "N" only)	No	
Swim Center	INCONSISTENT	EP (Parcel "N" only)	No	
Temporary Uses	**CONSISTENT (may be limited)**	**SHP,GP,SP,CHP,EP**	**Yes (with limitations)**	**✓ (accommodated)**
Tennis Court	INCONSISTENT	EP (Parcel "N" only)	No	
Wading Pools	INCONSISTENT	EP (Parcel "N" only)	No	
Water Play Feature (Fountain)	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	✓
Museum	INCONSISTENT	EP (Parcel "N" only)	No	
Maritime Office (Harbor Master)	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	
Auditorium	INCONSISTENT	EP (Parcel "N" only)	No	
Bandstand	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	**✓ (accommodated)**
Docks/Wharves/Piers	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	✓
Outdoor Performance Area/Stage/Amphitheater	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	**✓ (informal)**
Stormwater Detention/Water Quality Facilities	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	✓
Full Service Restaurant, within a publicly owned building	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	
General Food Sales	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	✓
Accessory Buildings	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	✓
Fences Walls, or Gates	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	✓
Benches and Street Furniture	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	✓
Irrigation Systems	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	✓
Kiosks/Maps/Historic Markers	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	✓
Interpretive Signage	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	✓
Lighting	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	✓
Lighting (Sports Facilities)	INCONSISTENT	EP (Parcel "N" only)	No	
Maintenance Sheds	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	
Parking for Park use	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	✓
Public Art	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	✓
Scenic Overlooks and Pullouts	**CONSISTENT**	**SHP,GP,SP,CHP,EP**	**Yes**	

Rest Room Facilities	CONSISTENT	SHP,GP,SP,CHP,EP	Yes	✓
San Francisco Bay Trail	CONSISTENT (Required)	SHP,GP,SP,CHP,EP	Yes (Required)	✓

*SHP = Shoreline Park; GP = Gateway Park; SP = South Park; CHP = Channel Park; and EP = Estuary Park.

The Brooklyn Basin parks have been designed to include only activities and facilities supported by the complex regulatory framework for the park. For example, in an effort to accommodate competing interests, the park design does not include a designated playground or tot lot (not a State Lands-compliant use); however, the park design does include public art, interpretive facilities and shoreline access which could feasibly engage children in much the same way as a playground facility might.

Brooklyn Basin Planned Unit Development Applicable Regulations and Design Guidelines

The following discussion outlines the park-related requirements of the project, as administered by the City of Oakland. Staff analysis of compliance is indicated in indented, italicized text below each requirement.

Oak to 9th Mixed Use Development Conditions of Approval

- 25.B.5) a schedule for completing the work. In no case shall the time allotted for project completion exceed the time allotted in Exhibit C of the Development Agreement.
    - *As noted above, the applicant has prepared and submitted remaining park FDP application well in advance of applicable milestones.*
- 38. Prior to and at the time of approval of the first final map for the project, a Community Facilities District (CFD) or other similar financing mechanism acceptable to the City, shall be fully operational, and all assessments, reserve funding and/or other long-term financing and other requirements necessary to fully fund, in perpetuity, the maintenance of the parks, open space and public right of way. In addition, a Community Services District (CSD) may be formed with the responsibility for operation and maintenance of all parks, open spaces, shoreline trails, piers and public rights of way within the project, following the Minimum Maintenance Standards set forth in Exhibit F of the Development Agreement. If at any time the CSD is dissolved or is otherwise unable to adequately perform specified functions, the Development Director may exercise his or her authority under the Development Agreement and Condition of Approval No. 7. The CFD shall specify, without limitation, those obligations as set forth in Section 4.4.3, 4.4.4. a., b., c. d., e. and f. in the Development Agreement, along with the following other provisions…
    - *The Brooklyn Basin CFD (Community Facilities District No. 2017-1 (Brooklyn Basin Public Services) was formed on November 28, 2017. Park maintenance will be provided by the CFD.*
- 40. The Project Applicant shall prepare and implement a Landscape, Open Space, Park and Trail Plan substantially consistent with the Preliminary Development Plans dated February 2006. This plan shall be part of the Final Development Plan package for each phase of the Project set forth in the Phasing Schedule in Exhibit C of the Development Agreement. The plans shall be developed based on detailed surveys of existing site conditions and locations

of major features including utility lines and other public improvements. This plan shall include a phasing and staging schedule showing how the landscaping for each phase of the project shall be implemented along with the detailed master improvement plan set forth in Condition of Approval No. 33 that must accompany and correlate with each Development Parcel. This plan must reference and incorporate all applicable conditions and requirements as set forth in these Conditions of Approval. This plan shall be submitted to the Development Director for review and approval prior to the issuance of the building permit for the first Development Parcel. This plan shall include:

a. Complete soils information, including soil preparation and amendment specifications, soil particle size for existing site soils and imported soils, representative soils and water table tests confirming the suitability of the site for the plant materials selected.

b. Plans for each park shall include paving materials, tree and plant materials, street furniture, lighting, major recreational and landscaping features, public art installations, play equipment, courts, plazas, sculptural features, etc.

c. An evaluation of feasible modifications to the grading and overall elevations to improve views of the Estuary from the western portion of the site, particularly from 9th Avenue and Shoreline Park.

d. Preservation of a significant portion of the 9th Avenue Terminal building wharf/apron area on the waterfront side to the recommended 26-foot width and the ramp to the water, as a part of the Shoreline Park and building reuse plan, as practically feasible.

e. Plans for all street sections including typical paving and materials cross sections, trees and plant materials,

f. Plans and general specifications for other landscaping features and public art installations. Oak to 9th Mixed Use Development

g. Plans and general specifications for the segments of the Bay Trail through the site pathways throughout the site, including the boardwalk areas adjacent to the Estuary.

h. Plans for the historic and interpretive elements in and around the area of the preserved portion of the 9th Avenue Terminal Building and Shoreline Park, including the reinstallation of existing features honoring the history and use of the area as a breakbulk cargo terminal, with an overall physical theme and other unifying physical elements.

i. All play surfaces and play structures throughout the development will comply with ADA standards.

j. Prior to the issuance of the first building permit for each Development Area, a final landscape plan shall be submitted for that phase, based on the results, requirements, information and recommendations contained in the master schematic landscape plan, and including but not limited to the following:

- Detailed irrigation plans, consistent with water conservation and sustainability practices. Planting details such as location, number and sizes of the plant materials and the specifications for planting.
- Street trees shown on the site plan.
- Specifications for driveways, paving, entry and other surface treatments.
- A detailed landscape maintenance plan for each phase, including short and long term plant and tree care, irrigation system maintenance and other information to assure that the landscape plan will be successfully established and maintained consistent with the Minimum Park Maintenance Standards specified in Exhibit F of the Development Agreement.
- All applicable mitigation measures in the MMRP.

All landscape plans shall be independently reviewed and approved by a qualified landscape architect and other professional consultant, as deemed required by the Development Director, at the Project Applicant's expense.

The Project Applicant shall work with staff regarding the design of the open space such that, to the extent such uses are approved by the State Lands Commission (now or in the future), the Project Applicant shall engineer and design portions of the open space for active (sports) recreation opportunities.

- *The Phases 2, 3 and 4 FDP submittals reflect the appropriate level of information at this milestone toward providing each of the components described above. Once a schematic design is approved by the Planning Commission, the applicant will prepare construction documents that indicate the soils information, irrigation design and specifications for design details.*

- 40.a. Refer to Exhibit N of the Development Agreement
  - *Exhibit N requires the delivery of the Temporary Bay Trail during the build-out of Brooklyn Basin. The Temporary Bay Trail has been constructed and is generally open to the public for use from dawn until dusk on a daily basis. It should be noted that, during construction, there are times when one or two sections of the Temporary Bay Trail will not be open to the public; however, at least one of the three sections is open on a daily basis.*

<u>Oak to 9th Brooklyn Basin Design Guidelines</u>

- Urban Design Principles:
  1. Establish a continuous and diverse network of public open spaces, including parks, promenades and plazas along the Estuary shoreline.
  2. Configure and design the open space system to serve as a city-side and regional resource.
  3. Provide a range of cultural, recreational and commercial activities that reinforce the public destination appeal and civic role of the waterfront.

4. Maintain and enhance public views to the waterfront.
   - *The proposed Phases 2, 3 and 4 plans indicate a range of spaces to accommodate activities from intimate gatherings to large, informal events. The plans indicate opportunities for nature appreciation, exercise, play, access to dining and entertainment, and viewing of the San Francisco Bay. The park design maintains clear views of the San Francisco Bay along the entire waterfront and provides axial views and otherwise frames views of the waterfront from the major park entries and further inland. The current FDP applications do not include as many formal and constructed features as the approved Shoreline Park plans. Phases 2, 3 and 4 parks are intended to be less programmed, more informal spaces than Shoreline Park.*

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council certified an Environmental Impact Report (EIR) for the existing project approvals on January 20, 2009. The Oak to Ninth Avenue Project Environmental Impact Report [SCH No. 2004062013] is provided under separate cover to the Planning Commission (Attachment B) and is available to the public at the Planning Department offices and on the web at: http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008409. Staff has determined that no new information about the site, changes to the project, or circumstances under which the project would be undertaken have occurred that would require subsequent or supplemental environmental review for the proposed Shoreline Park FDP. In accordance with CEQA, the City reviewed and analyzed the proposed project changes and other relevant information to determine whether circumstances requiring the preparation of a subsequent or supplemental EIR exist. Based upon available information, the City has determined that none of those circumstances are present. Because the FDPs are a refinement of, and not a substantive change to, the approved project, no further environmental review is required. None of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred. Specifically:

- There are no substantial changes proposed in the project which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- There are no substantial changes with respect to project circumstances which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

- There is no new information of substantial importance which would result in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, previously infeasible mitigation measures or alternatives now found to be feasible, or new mitigation measures or alternatives which are considerably different from previous ones that would substantially reduce environmental effects.

Here, based upon available information, the City believes that none of the circumstances described above have occurred since 2009 and, therefore, no subsequent or supplemental environmental review is required under CEQA.

ZONING AND RELATED ISSUES

Design

Staff supports the design of the Phases 2, 3 and 4 Brooklyn Basin park FDPs. The project is designed as a series of rooms appropriate to diverse uses and experiences, with unifying features and forms to emphasize the connectivity between the "rooms", similar to the experience at nearby Lake Merritt. Successful features include:

- Unifying features and forms:
    - Geometric tree plantings: Geometric tree plantings (gridded bosques and sinuous allees) are used to provide a formal form to the gateway area (Gateway Park) and throughout the park system to delineate the connective pathways. While the plantings will generally provide windbreaks and shade, the geometric plantings provide visual cues to guide visitors through the parks and to provide design identity. In addition, the formal planting arrangements complement the more naturalistic edge of the Estuary in what is a very urban setting.
    - Semicircle form: The semicircular form theme that is carried throughout the park design responds to the sinuous edge of the Estuary. The design formalizes the shape of the water's edge to provide a whimsical interpretation of the location of the parks along the Estuary in an intensively urban setting. The repetition of the semicircle as a gathering plaza in Gateway Park juxtaposed against the semicircular mouth of Clinton Basin, the informal amphitheater in South Park and as an organizational element of the park pathways contributes to the identity of the park system in much the same way as the geometric tree plantings discussed above.
    - Kiosks: The Gateway Park design includes two architecturally prominent kiosks flanking the sides of Clinton Basin. These kiosks could be used for food sales or equipment rentals, or could provide information, live performance opportunities or provide an identifiable meeting spot. Architecturally, the kiosks provide a visual marker and separation between the entrance area and the park system, as well as between land and marina.
    - Seating: The park design includes ample seating, including more traditional café and picnic area seating (with barbecues), as well as step seating (along Clinton Basin and at the informal amphitheater). In addition, the design includes distinct areas along the park pathway system with oversize swing seats. The amphitheater and swing seats, in particular, provide for unusual and desirable seating and sensory experiences in the park that will become part of a positive and unique identity for the Brooklyn Basin parks.

- Rooms: Each area delineated in the park design provides for different experiences. By separating functions, visitors have clarity regarding where to go within the park system for various uses, and the visitor experience is enhanced by separating conflicting uses from one another. Rooms provided include:
    - Gateway: Gateway Park functions much like a grand hotel lobby. The area is designed with a formal bosque and plaza for meeting and orienting oneself to the neighborhood and park system. Gateway Park includes access to transportation designed as part of the gateway experience, as well as architectural kiosks that provide wayfinding beacons at this central node.
    - Group gathering area: South Park, at the western end of Clinton Basin, functions much like a dining room, providing an informal amphitheater and picnicking and barbecuing area for parties or other informal group gatherings.
    - Informal area: Channel Park is the least activated area of the Brooklyn Basin park system, and functions like a library or playroom. Channel Park includes grading modifications to enhance viewing opportunities from the mounded, central portion of the park, and provide separation between the grassy area and the busier pathway. Channel Park provides for informal play (Frisbee, toss, kite flying), resting, nature viewing, and solitude.
    - Event area: The Channel Park parking lot is designed as a flex space that can accommodate parking or events that require limited infrastructure (such as food truck events or other formal, small festivals).

San Francisco Bay Trail

Both FDP applications include sections of the San Francisco Bay Trail (Bay Trail) along the edge of the Estuary. The Bay Trail is a minimum of 18 feet wide, constructed of a hard surface, and accommodates Class 1 bicycle and pedestrian access, and hosts signage and interpretive facilities as required by the Bay Conservation and Development Commission (BCDC, who has jurisdiction over the first 100 feet of waterfront above mean high water).

The Bay Trail includes two sections through Channel Park, in order to allow users to be close to the water's edge or to experience views from the elevated knoll at the center of the park. Both sections are accessible to all users, including pedestrians and bicyclists.

It should be noted that the Bay Trail will not connect across the private parcel that bisects the Brooklyn Basin site between South and Channel Parks. The master developer does not have site control over this property. Therefore, signage will be provided to bring Bay Trail users around the private parcel and back onto the Bay Trail on either side of the parcel.

Boat Launch

Although there is the desire for additional boat launches along the Estuary, there is no proposed boat launch as part of the planned Brooklyn Basin parks. However, it will be possible for people to conveniently launch small craft (kayaks, canoes) in Channel Park, near the parking lot, despite a lack of physical boat launch facilities.

Regional-serving uses (swings, water features, multi-use parking)

As noted above, the Brooklyn Basin parks have been designed to include only activities and facilities supported by the complex regulatory framework for the park. For example, in an effort to accommodate competing interests, the park design does not include a designated playground or tot lot (not a State Lands-compliant use); however, the park design does include public art, interpretive facilities, special seating and shoreline access which could feasibly engage children in much the same way as a playground facility might.

Parking at Channel Park

The proposed Channel Park plans include a parking lot that is larger than what is planned in the underlying PUD. Specifically, the planned parking lot accommodated approximately 25 parking spaces, and the currently proposed design is for approximately 50 parking spaces. On the surface, this appears contradictory to the trend of reducing parking throughout much of Oakland. However, the Brooklyn Basin parks are required to be regional-serving parks with facilities to serve visitors from outside of Oakland. The parking spaces provide convenient opportunities for boating, picnicking, and small gatherings that require vehicular access. In addition, the surface parking lot is designed to function as an event space as well as parking lot. This provides flexibility based on current demand, and the possibility of reducing parking easily at the site over time.

Compliance with Development Agreement

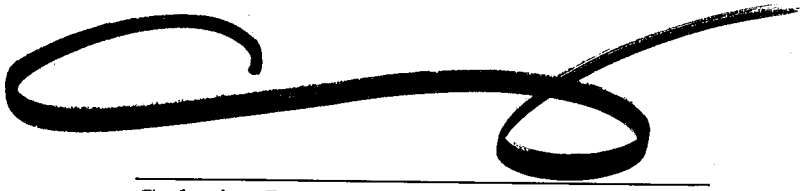
The proposed park FDPs deliver the remaining required parks for Brooklyn Basin, achieving one of the City's primary objectives of and benefits from the terms of the DA.

RECOMMENDATION

Staff finds the proposed Brooklyn Basin Phases 2, 3 and 4 park FDPs to be well-designed and reflective of Oakland's rich history and unique culture. Staff recommends the Planning Commission:

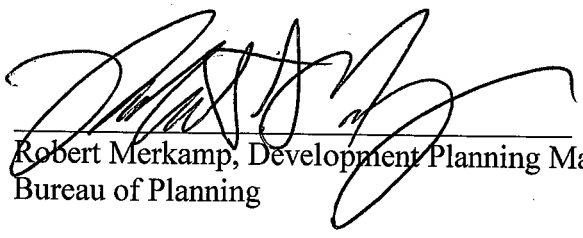
- Pursuant to CEQA Guidelines Section 15162, and based on the attached findings (and incorporated herein by reference), rely on the Oak to Ninth Avenue Project EIR as adequate under CEQA for analysis of the revision to the Shoreline Park FDP;
- Approve a Final Development Permit for Phase 2 Brooklyn Basin Park (Gateway Park), case file PUD06010-PUDF07; and
- Approve a Final Development Permit for Phases 3 and 4 Brooklyn Basin Parks (South and Channel Parks), case file PUD06010-PUDF08.

Prepared by:



Catherine Payne, Planner IV

Reviewed by:



Robert Merkamp, Development Planning Manager
Bureau of Planning

Approved for forwarding to the Planning Commission:

Darin Ranelletti, Deputy Director
Bureau of Planning

Attachments:

A. Proposed Brooklyn Basin Phases 2, 3 and 4 Parks FDP Plans, dated December 5, 2017
B. Oak to Ninth Avenue Redevelopment Project EIR (provided under separate cover to the Planning Commission; available to the public at 250 Frank Ogawa Plaza, Suite 3315,

Oakland CA, 94612 during regular business hours, and at http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008409).

C. Background Documents:
   a. D-OTN Zoning District Regulations (formerly Planned Waterfront Zoning District (PWD-4) Oak-to-Ninth Mixed Use Development Project)
   b. Brooklyn Basin – Oak to 9th Preliminary Development Plan, October 2006, and Oak to 9th Brooklyn Basin Design Guidelines, November 2006
   c. Conditions of Approval, 2006
   d. Master Creek Permit Conditions of Approval (2016)

REQUIRED FINDINGS:
BROOLYN BASIN SHORELINE PARK
FINAL DEVELOPMENT PERMIT

Required findings include:

- California Environmental Quality Act
- Planned Waterfront Zoning District-4(PWD-4) Findings for FDP
- Regular Design Review: Planning Code Section17.136.050

California Environmental Quality Act

The City Council certified an Environmental Impact Report (EIR) for the existing project approvals on January 20, 2009. The Oak to Ninth Avenue Project Environmental Impact Report [SCH No. 2004062013] is provided under separate cover to the Planning Commission (Attachment B) and is available to the public at the Planning Department offices and on the web at: http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008409. Staff has determined that no new information about the site, changes to the project, or circumstances under which the project would be undertaken have occurred that would require subsequent or supplemental environmental review for the proposed Shoreline Park FDP. In accordance with CEQA, the City reviewed and analyzed the proposed project changes and other relevant information to determine whether circumstances requiring the preparation of a subsequent or supplemental EIR exist. Based upon available information, the City has determined that none of those circumstances are present. Because the FDPs are a refinement of, and not a substantive change to, the approved project, no further environmental review is required. None of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred. Specifically:

- There are no substantial changes proposed in the project which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- There are no substantial changes with respect to project circumstances which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

- There is no new information of substantial importance which would result in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, previously infeasible mitigation measures or alternatives now found to be feasible, or new mitigation measures or alternatives which are considerably different from previous ones that would substantially reduce environmental effects.

Here, based upon available information, the City believes that none of the circumstances described above have occurred since 2009 and, therefore, no subsequent or supplemental environmental review is required under CEQA.

Planned Waterfront Zoning District-4(PWD-4)
Findings for FDP

"The Planning Commission shall approve the Final Development Plan if it makes written findings that the Final Development Plan is in substantial conformance with the Preliminary Development Plan; Oak to Ninth Design Guidelines, Planned Waterfront Zoning District-4 (PWD-4) Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the Civic Center/Design Review Combining Zone (S-2/S4) regulations, Vesting Tentative Tract Map No. 7621, Conditions of Approval, Mitigation Monitoring Reporting Program, and the Development Agreement…"

As demonstrated throughout this staff report, the Brooklyn Basin Gateway, South and Channel Parks Final Development Permits are consistent with the Preliminary Development Plan, the Oak to Ninth Design Guidelines, and the OS-RSP zoning regulations, the Conditions of Approval, the MMRP, and the Development Agreement. As noted in this report, the FDPs are a refinement of the PDP and include only non-substantive changes intended to carry out the Oak to Ninth Design Guidelines and refine the design of Shoreline Park.

City of Oakland Design Review Findings

The proposed Shoreline Park design is subject to Planning Code Section 17.136.050 - Regular design review criteria. Accordingly, regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria:

B. For Nonresidential Facilities and Signs.

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

   Gateway, South and Channel parks will provide a buffer between the planned development in Brooklyn Basin and the Oakland Estuary. The parks will deliver an integrated park system at Brooklyn Basin that will also connect to Lake Merritt and the Bay Trail. Design components are designed to provide a unique and connected experience along the waterfront at this location.

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

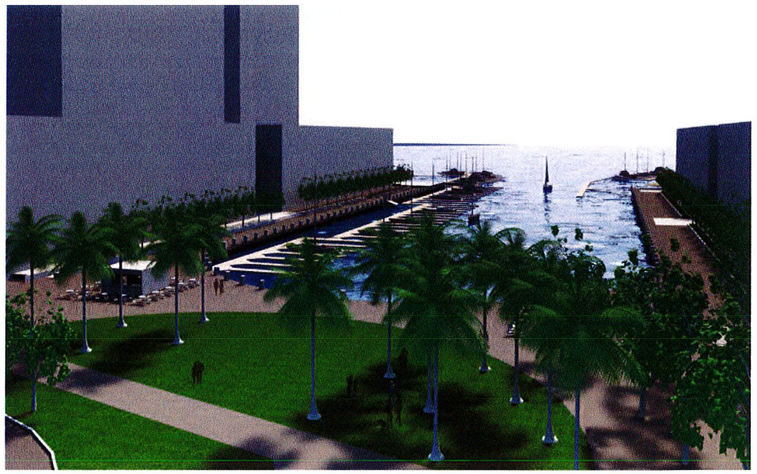
   Gateway, South and Channel parks will provide a buffer between the planned development in Brooklyn Basin and the Oakland Estuary. The parks will deliver an integrated park system at Brooklyn Basin that will also connect to Lake Merritt and the Bay Trail. Design components are designed to provide a unique and connected experience along the waterfront at this location. The parks provide informal gathering spaces that will complement the more activated Shoreline Park design.

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

   The proposed plans would result in significant new public open space in Oakland, consistent with the Brooklyn Basin approvals to date and the underlying zoning regulations for the site.

A. Proposed Brooklyn Basin Phases 2, 3 and 4 Parks FDP Plans, dated December 5, 2017

PHASE 2 PARK
GATEWAY PARK AT CLINTON BASIN



Sheet List

2-L1.0	Cover
2-L2.0	Open Space Context
2-L3.0	Narrative
2-L4.0	Site Amenities
2-L5.0	Overall Site Character
2-L6.0	Shoreline Park
2-L7.0	Illustrative Plan
2-L8.0	Ripple Walk
2-L9.0	Ripple Walk
2-L10.0	Ripple Walk Detail Plan
2-L11.0	Gateway Plaza
2-L12.0	Gateway Plaza
2-L13.0	North Promenade
2-L14.0	South Promenade
2-L15.0	Promenade Detail Plan
2-L16.0	Restaurant Zone Section
2-L17.0	Cafe Zone Section
2-L18.0	Salvage Seating Section
2-L19.0	Salvage Seating Section
2-L20.0	Seat Wall Section
2-L21.0	Patio Area Section
2-L22.0	Salvage Elements
2-L23.0	Plant Palette
2-L24.0	Wildlife Habitat
2-L25.0	Wildlife Habitat Plants
2-L26.0	Materials & Furnishings Palette
2-L27.0	EVAC Circulation
2-L28.0	Wayfinding & Circulation
2-L29.0	Bay Trail Diagram
2-L30.0	Response to Comments
2-L31.0	Response to Comments
2-L32.0	Response to Comments

BASIS OF BEARINGS

THE BASIS OF BEARING IS "S 65° 21' 44" E" BETWEEN FOUND MONUMENTS "SHIP" AND "H130" AS SHOWN ON PAGE 2 OF 4 OF THAT UNRECORDED "RECORD OF SURVEY" MAP ENTITLED, "MONUMENT AND PLAN LINES OF THE EMBARCADERO BETWEEN 5TH AVENUE AND 19TH AVENUE" DATED JULY 2001. SAID MAP IS BEING PREPARED BY THE PORT OF OAKLAND.

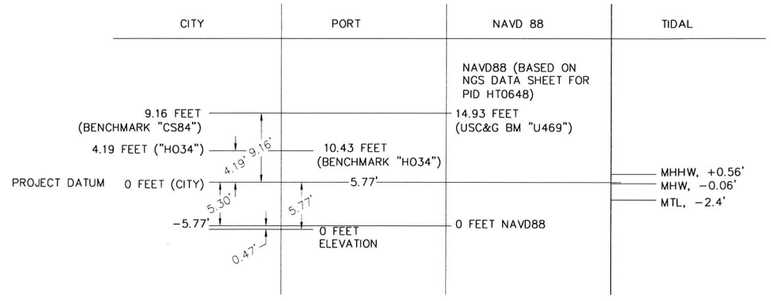
BENCHMARK

ELEVATIONS SHOWN HEREIN ARE ON THE CITY OF OAKLAND VERTICAL DATUM AND BASED ON CITY OF OAKLAND BENCHMARK "CS 84":
A FOUND U.S.C. & G.S. DISK AT THE CROSSING OF 5TH AVENUE AND THE SOUTHERN PACIFIC RAILROAD, BENEATH THE SOUTHBOUND LANES OF THE 880 FREEWAY, SET IN THE NORTHERLY FACE OF A COLUMN, APPROXIMATELY 25' WEST OF THE CENTERLINE OF 5TH AVENUE, 4.4 FEET ABOVE GROUND.
ELEVATION = 9.164 FT., CITY OF OAKLAND DATUM.

DATUM SUMMARY

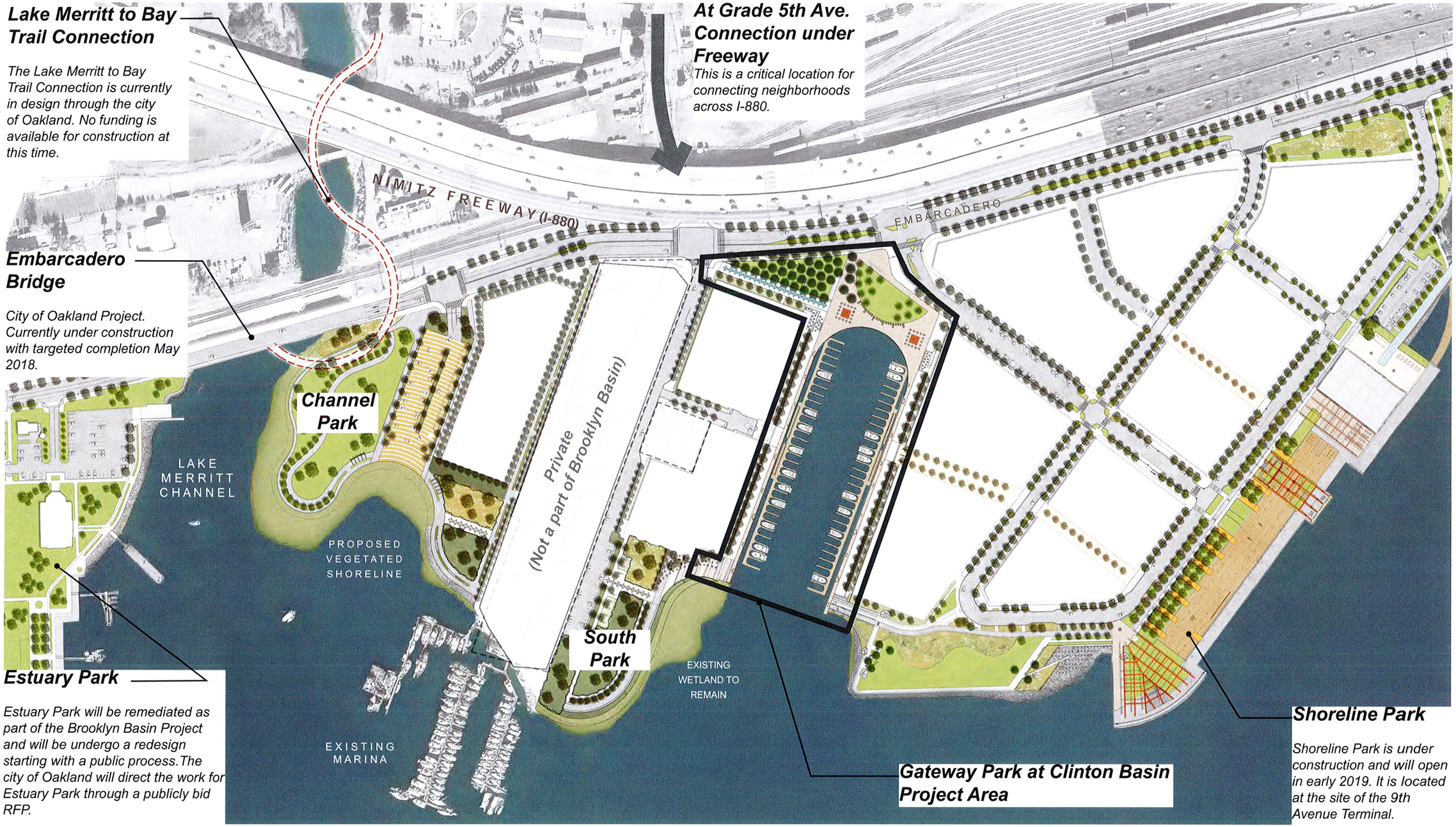
BENCHMARK CITY OF OAKLAND DATUM
CITY OF OAKLAND BENCHMARK "CS84"
FOUND UCS&GS DISK AT THE CROSSING OF 5TH AVENUE AND THE SOUTHERN PACIFIC RAILROAD, BENEATH THE SOUTH-BOUND LANES OF 880 FREEWAY, SET IN NORTHERLY FACE COLUMN, APPROXIMATELY 25' WEST OF THE CENTERLINE OF 5TH AVENUE AND 4.4 FEET ABOVE THE GROUND.
ELEVATION USED: 9.16 FT., CITY OF OAKLAND DATUM
NOTE BENCHMARK IS NOW DESTROYED. INFORMATION SHOWN IS BASED ON OBSERVATIONS AND DATA PROVIDED IN 2002. NOT CURRENT.

BENCHMARK PORT DATUM ELEVATION
PORT OF OAKLAND BENCHMARK "HO34 TBM"
FOUND BRASS DISK "SHIP" IN MONUMENT WELL STAMPED "EBMUD CONTROL SURVEY SHIP 1960" OPPOSITE ENTRANCE TO KAISER CEMENT, 401 EMBARCADERO.
ELEVATION USED: 10.43 FT., PORT OF OAKLAND DATUM



1. TO CHANGE FROM CITY ELEVATION TO A PORT ELEVATION: SUBTRACT 5.77 FEET.
2. TO CHANGE FROM PORT ELEVATION TO A CITY ELEVATION: ADD 5.77 FEET.

BROOKLYN BASIN ZOHP EINWILLERKUEHL



Lake Merritt to Bay Trail Connection

The Lake Merritt to Bay Trail Connection is currently in design through the city of Oakland. No funding is available for construction at this time.

At Grade 5th Ave. Connection under Freeway

This is a critical location for connecting neighborhoods across I-880.

Embarcadero Bridge

City of Oakland Project. Currently under construction with targeted completion May 2018.

Estuary Park

Estuary Park will be remediated as part of the Brooklyn Basin Project and will be undergo a redesign starting with a public process.The city of Oakland will direct the work for Estuary Park through a publicly bid RFP.

Gateway Park at Clinton Basin Project Area

Shoreline Park

Shoreline Park is under construction and will open in early 2019. It is located at the site of the 9th Avenue Terminal.

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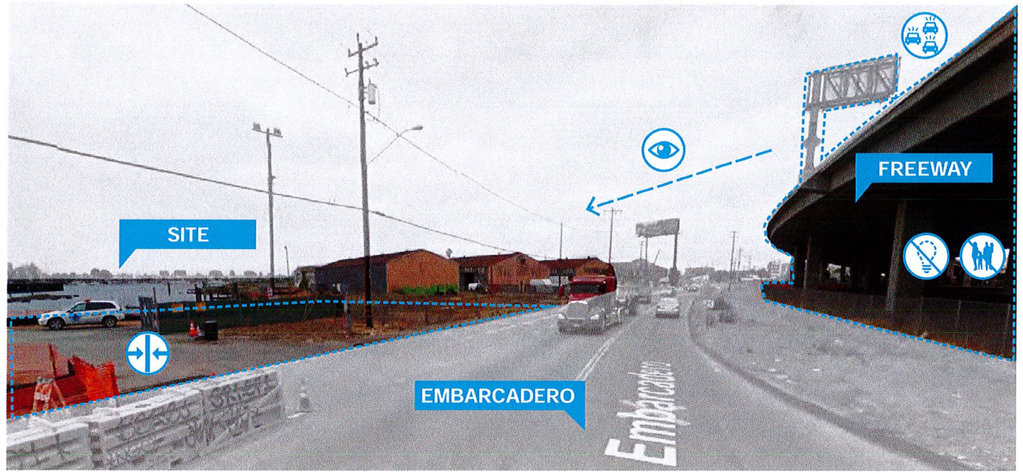
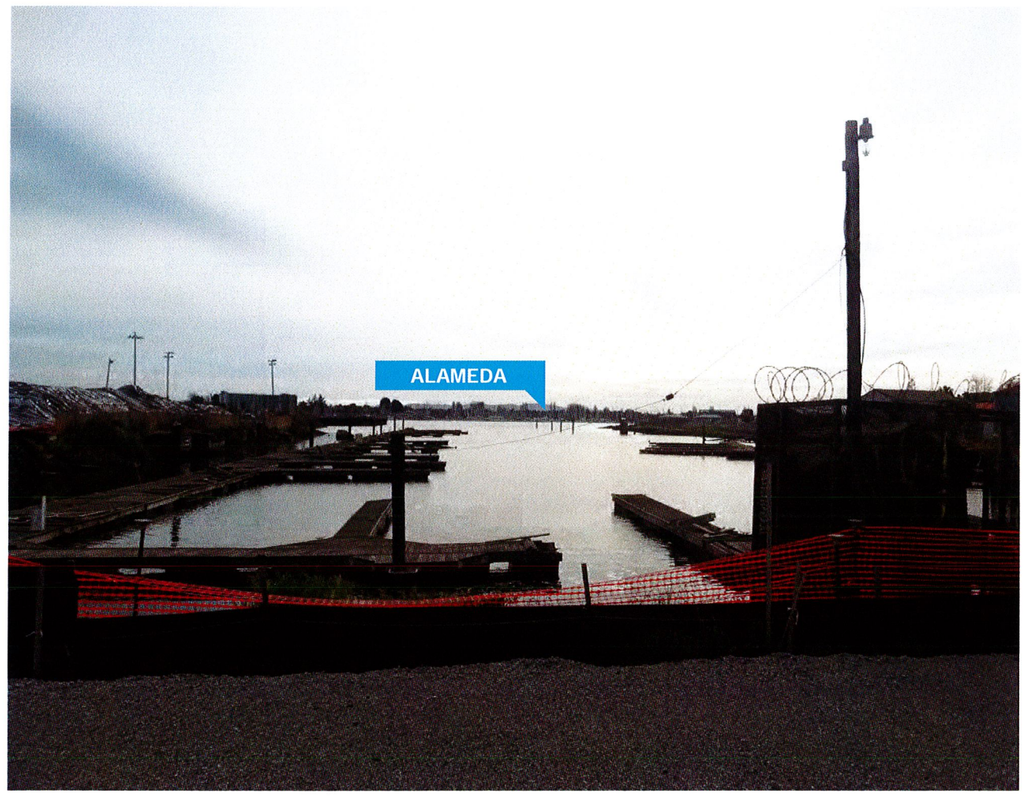
BROOKLYN BASIN
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

OPEN SPACE CONTEXT 2- L2.0



Existing Site at Embarcadero Future Gateway Park



Existing Site Waterfront at Clinton Basin

Brooklyn Basin is the newest Oakland neighborhood and will provide open space and trail connections for the general public to reconnect to the estuary waterfront. Gateway Park at Clinton Basin is the central point of arrival for people arriving by multiple modalities.

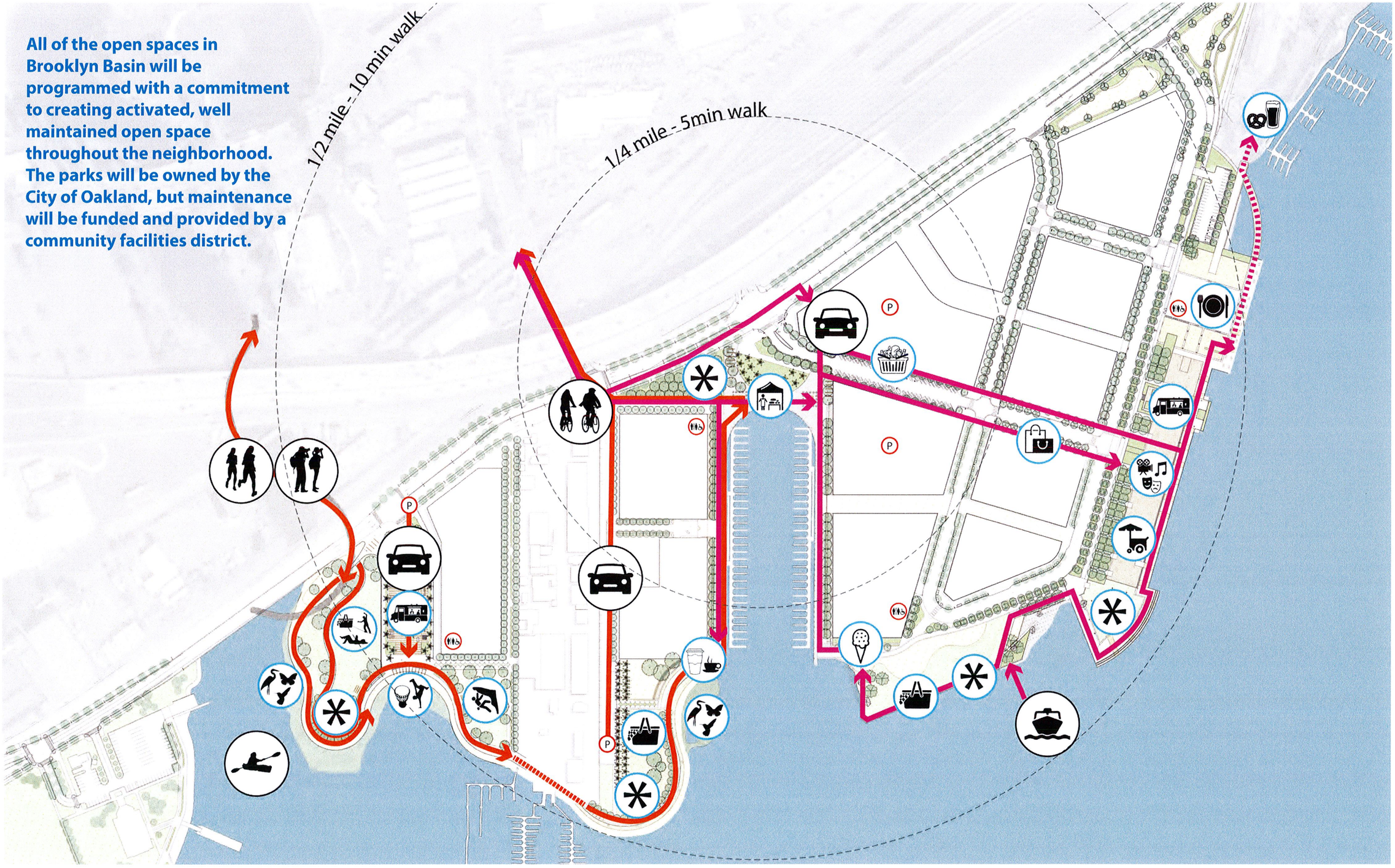
HISTORY Historic maps and aerial photographs show the Brooklyn Basin site was once a large natural marsh. In the early 1900s it was filled-in for industrial purposes such as lumberyards, break-bulk-cargo, ship repair, food warehouses, and other activities. Shoreline Park at the site of the 9th Avenue Terminal will remain the most industrial in character--preserving some of the 9th avenue Terminal and integrating the overall geometry and scale of the railroads and building into the design. As the terminal building gives way to lands at the north end, the parks will become softer and will wrap across to South Park with a more natural landscape. Gateway Park is in the middle and surrounds a now derelict existing Marina site and frontage lands on Embarcadero.

CONTEXT Gateway Park at Clinton Basin is approximately 1.6 acres stretched along the Oakland Estuary in the central portion of the Brooklyn Basin Development in Oakland, California. This park will be the second phase of development for open space within the Brooklyn Basin project following the development of Shoreline Park at the site of the 9th Avenue Terminal. Located adjacent to Embarcadero and very close to an existing marina site the proposed design welcomes the public to Brooklyn Basin. The design creates permeable buffer providing both open views towards the water and a buffer to the less desirable area under I-880.

CHARACTER Each of the open spaces at Brooklyn Basin as well as Estuary Park to the north will provide a continuous family of open space, but will also establish very different strong characters. Gateway Park's character is primarily a welcome center to the water as well as to all the open spaces at Brooklyn Basin. It extends as a waterfront promenade with vertical layers of planting, seating, and amenities including restaurants and cafes along the edges of Brooklyn Basin. Arrival at the park is designed to provide immediate visual access to the water. The visitor passes through a buffer of trees to arrive at the a plaza overlooking the Clinton Basin Marina waterfront. At the 5th Avenue intersection, a fountain extends the presence of water north and draws bicyclists and pedestrians into the site with a unique and smaller scaled arrival procession. In compliance with the State Lands Commission, the parks must be regional in program and will serve the entire Bay Area.

TRAILS In compliance with locating the Bay Trail at the edge of water, a new 30'-0" wide trail will circumnavigate Brooklyn Basin and connect to the Bay Trail at both the north and south ends. The design was created to emphasize the public access by multiple modalities and to strengthen connections to the existing residential fabric of Oakland at numerous critical intersections. The team is working with the city led project for the new bike bridge connection to insure the designs are integrated and positively reinforce each other. Access is challenging at the eastern edge of the project site along Embarcadero where there are limited points to cross the freeway. Gateway Park is a key piece of open space for wayfinding and connecting open spaces to both the Bay Trail and urban bike paths on city streets as well as local parking and public transportation nodes.

All of the open spaces in Brooklyn Basin will be programmed with a commitment to creating activated, well maintained open space throughout the neighborhood. The parks will be owned by the City of Oakland, but maintenance will be funded and provided by a community facilities district.



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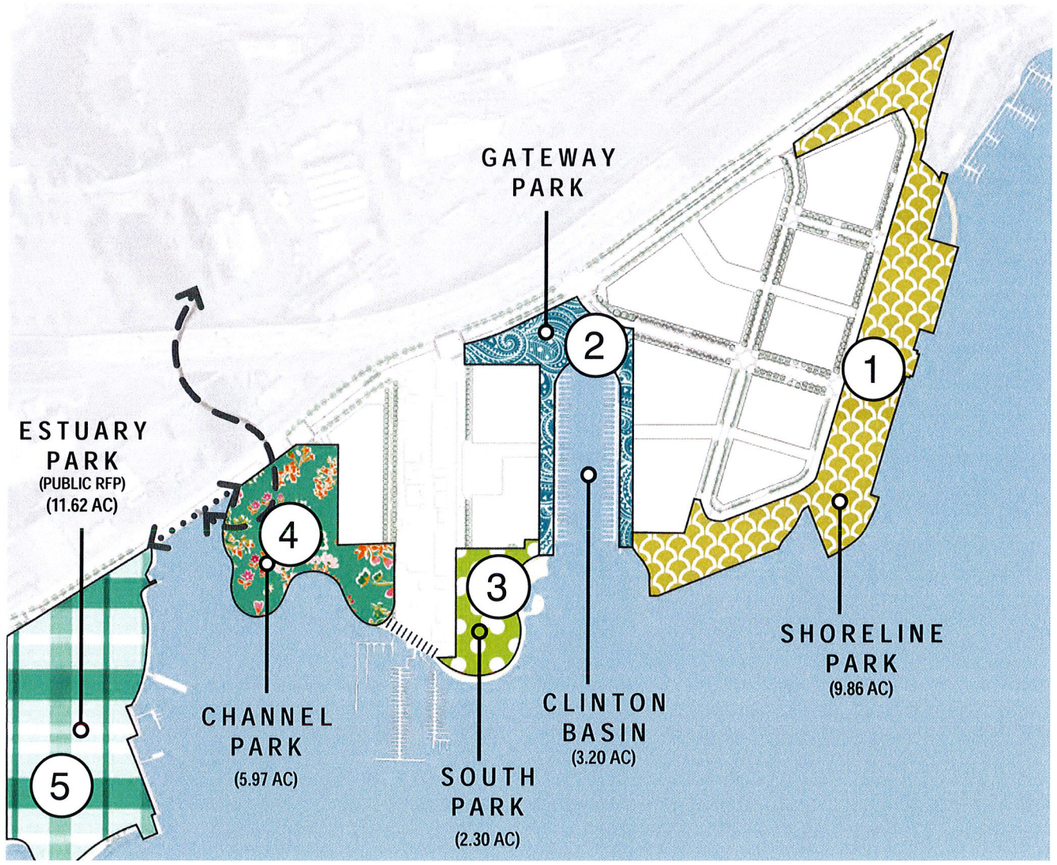
BROOKLYN BASIN
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

SITE AMENITIES 2- L4.0



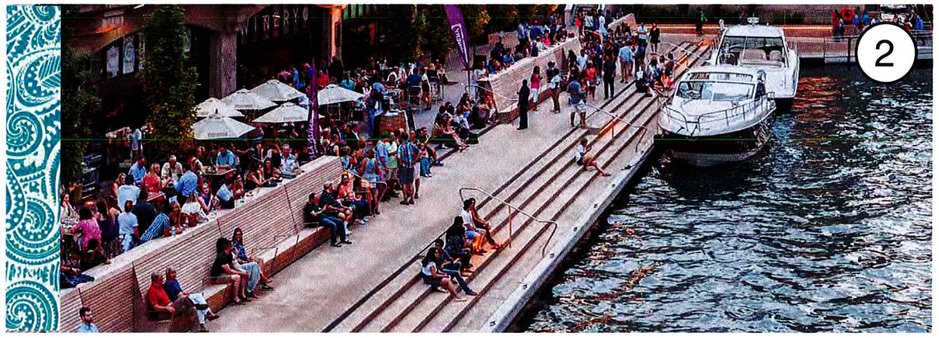
Each park in Brooklyn Basin will have a strong character and together they will form a family of open spaces linked by trails.

ESTUARY PARK

Historic park with a beloved Aquatic Center providing access to the water for rowers and paddlers. Currently under redesign through a public RFP through the city of Oakland underway.

SHORELINE PARK

A large, south facing deck and event space is at the heart of Shoreline Park. The retrofit of 9th Avenue Terminal offers a visitor center and restaurant. Historic interpretation of the old wharf occurs throughout the park.



GATEWAY PARK AT CLINTON BASIN

A clear entrance to the park that incorporates large-scale wayfinding, kiosks and cafes to welcome visitors to the park. Boardwalk promenade along Clinton Basin and the boat marina guides visitors into park.

SOUTH PARK

Natural area with picnic tables and bbq grills for public use is located adjacent to existing wetland. A large, communal bench offers space for community to come together and take in views over the water or may act as a meeting spot.

CHANNEL PARK

Viewing hill and waterfront trails adjacent to lawn areas for picnicking and impromtu gatherings. Regional parking lot that acts as a flexible space with bike parking/station and a design that can accommodate public events.

Shoreline Park is under construction and the demolition of the 9th Avenue Terminal has opened up views to the estuary.

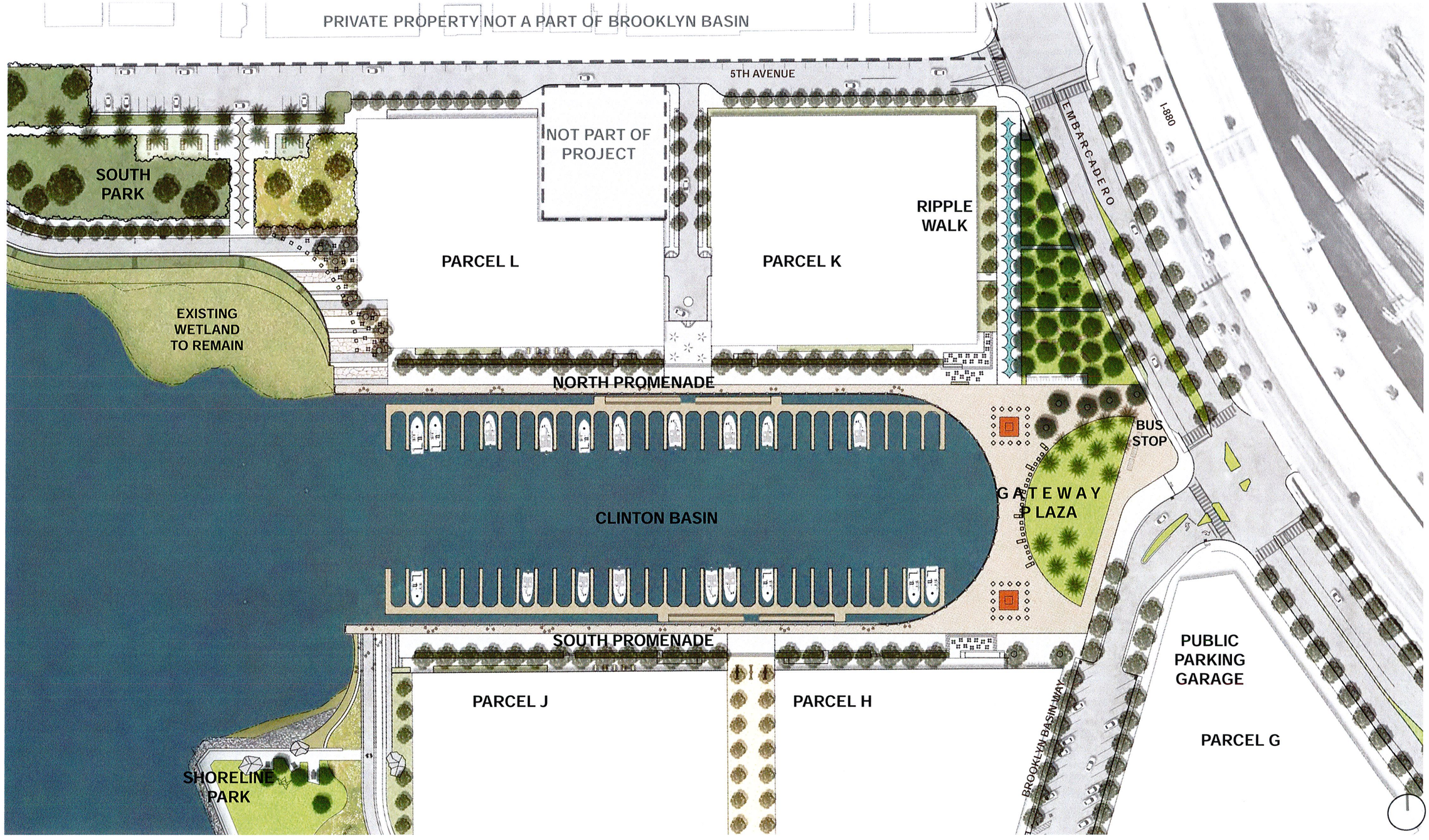
Salvaging granite blocks found on site

Partial demolition of 9th Avenue Terminal and new water view

Demolition in progress

Storage of granite blocks on wharf

Gateway Park at Clinton Basin is the central point of arrival to Brooklyn Basin and welcomes all to the estuary waterfront and the neighborhood.



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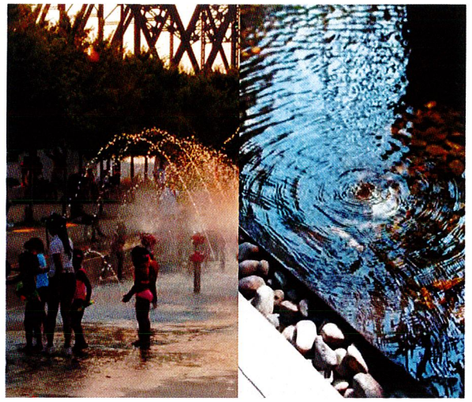
BROOKLYN BASIN
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

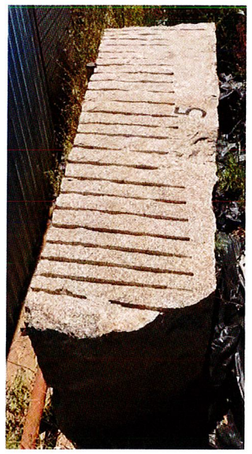
ILLUSTRATIVE PLAN 2- L7.0

Conifer Arrival Grove



Water Feature

1. Conifer Arrival Grove
2. Water Feature
3. Entry Walk
4. Signage
5. Bike Parking
6. Waterside Dining
7. Moveable Furniture
8. Salvaged Granite
9. Bus Stop
10. Pavilion

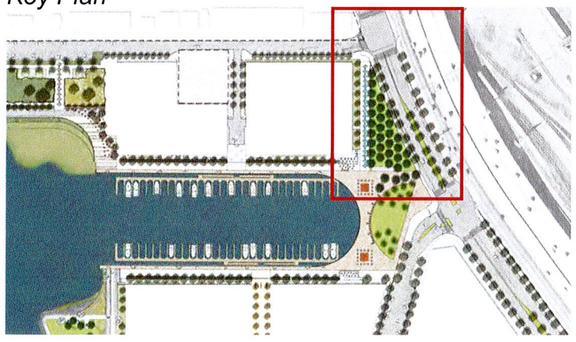


Salvaged Granite

Movable Furniture

Wayfinding Signage
(Proposed on salvaged granite slab)

Key Plan



Ripple walk is designed to welcome pedestrians and bicyclists arriving on 5th Avenue under I-880 and from northern points along the Embarcadero by extending water to greet and guide them into the park.

PLAN

0 50' 100'

BROOKLYN BASIN ZOHP EINWILLERKUEHL

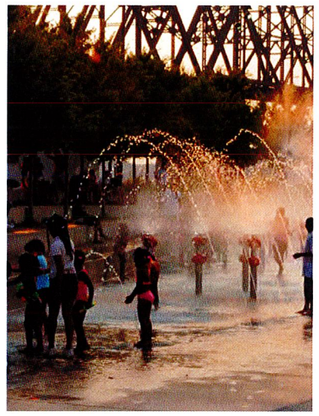
BROOKLYN BASIN
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

RIPPLE WALK 2- L8.0

Trees will be used to signify the parks from the adjacent freeway, but also to create a buffer and human scaled space at the eastern edge of Gateway Park.

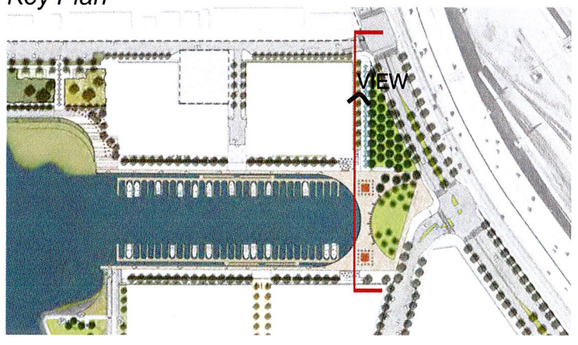
5th Avenue Entrance | Water Feature (Jets On) | Conifer Buffer | Moveable Seating | Salvaged Granite Blocks | Bike Parking | Cafe/Kiosk | Palm Grove

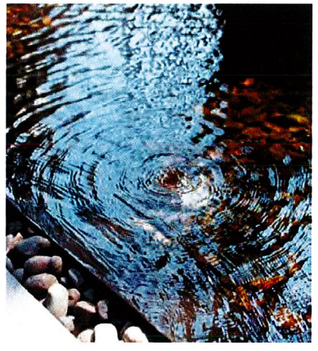
Conifer Buffer



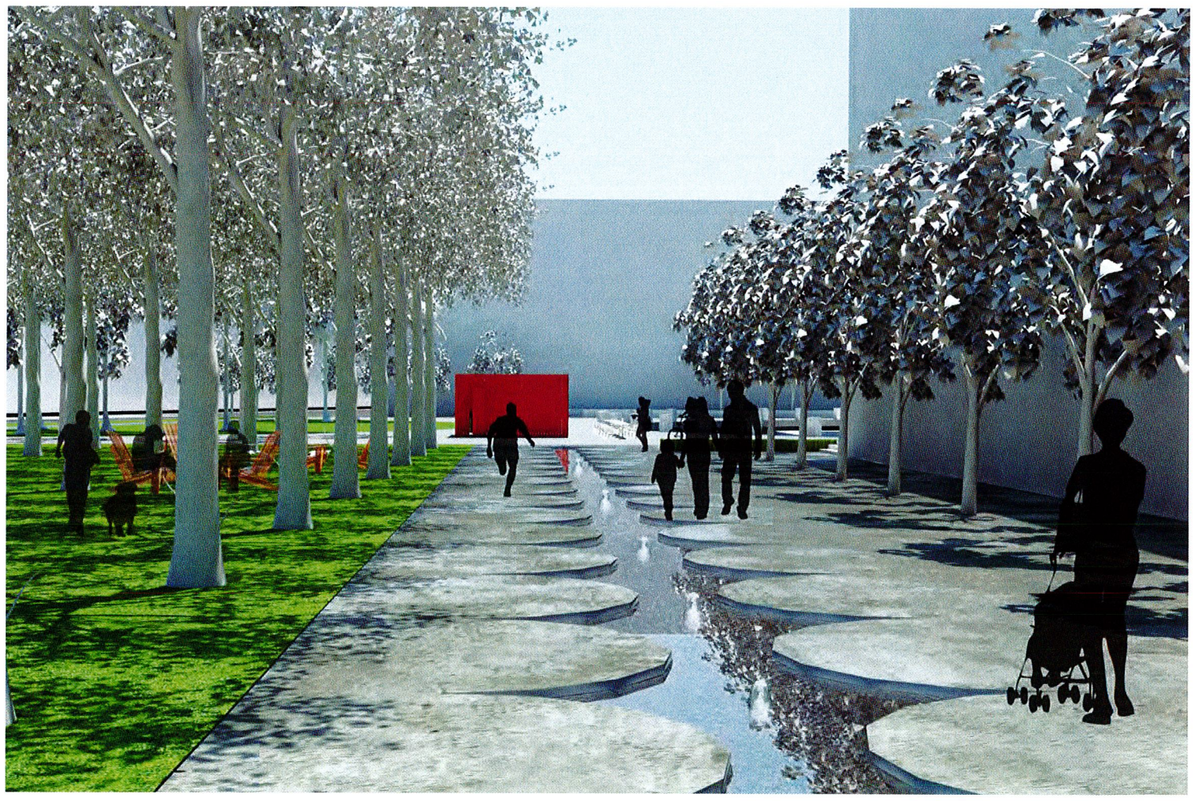
Water Jets On

Key Plan





Water Jets Off



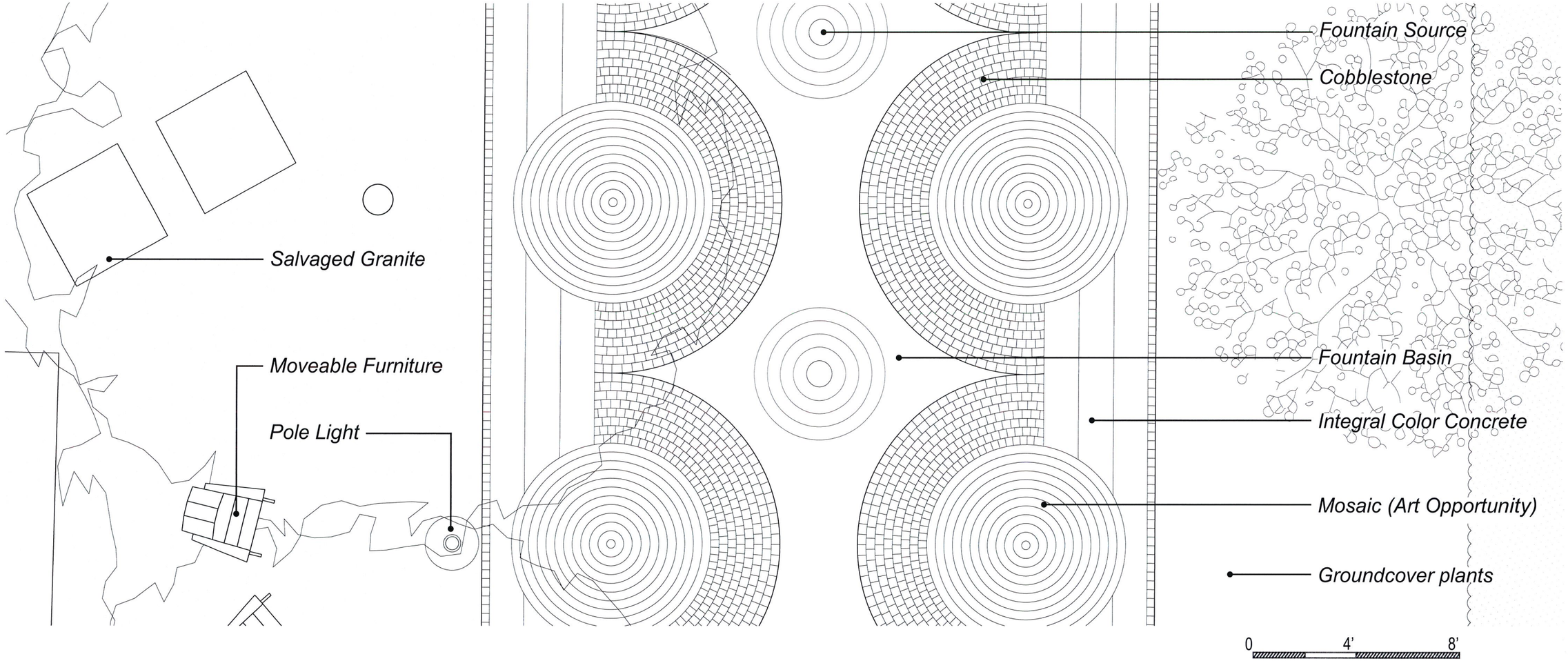
View South Towards Gateway Plaza

BROOKLYN BASIN ZOHP EINWILLERKUEHL

BROOKLYN BASIN
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

RIPPLE WALK 2- L9.0

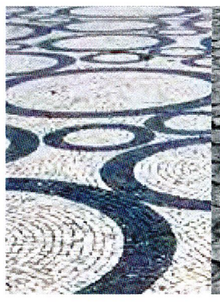
Materials and palette is simple, restrained, and has subtle reference to water



Salvaged Granite Blocks

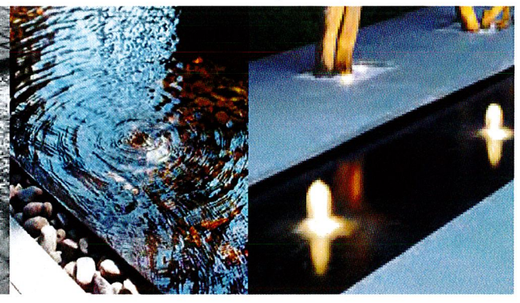
Movable Furniture

Cobblestone

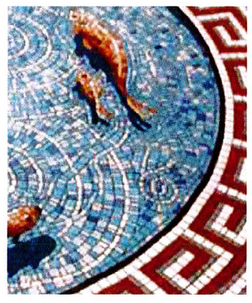


Ripple Effect Fountain

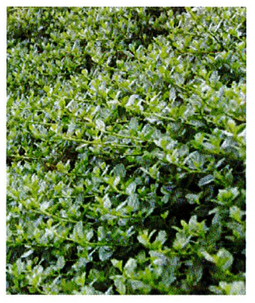
Lighting for fountain



Mosaic



Evergreen Groundcover



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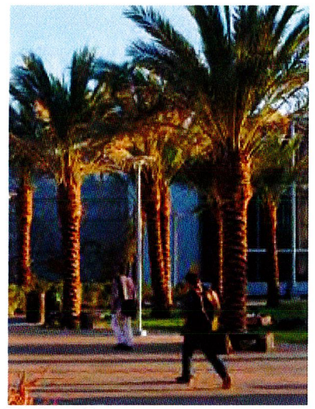
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

RIPPLE WALK DETAIL PLAN

2- L10.0

Inviting Bus Stop

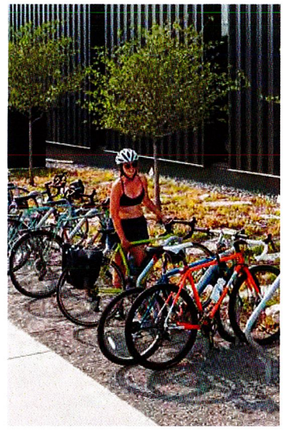


Palm Grove

1. *Bus Stop*
2. *Cobble Paving*
3. *Palm Grove*
4. *View to Water*
5. *Pavilion*
6. *Waterside Seating*
7. *Bike Parking*
8. *Restaurant Opportunity*
9. *Marina*
10. *Mixed Use Residential*

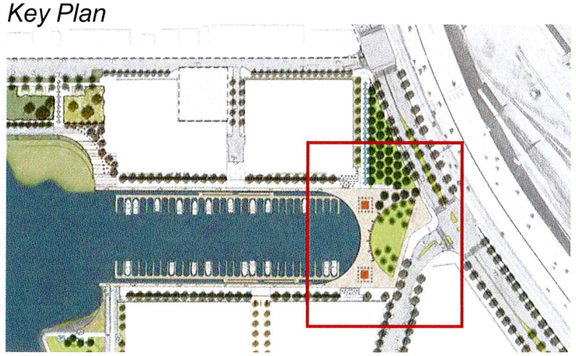
Pavilion

Cobble Paving

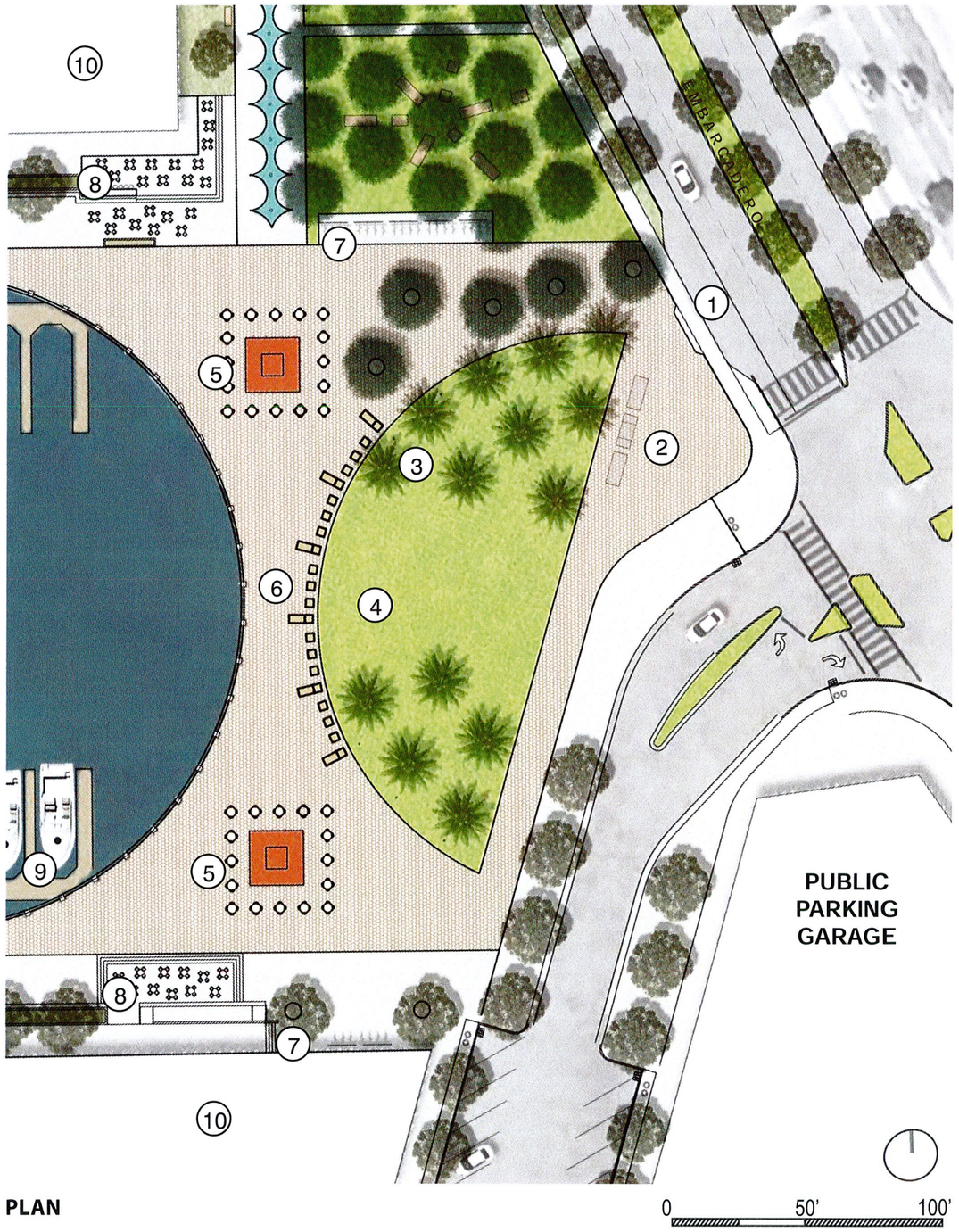


Bike Parking

Key Plan



The design of Gateway Plaza welcomes all arriving by car, bus, bike, and walking to this central location with immediate views to the water.



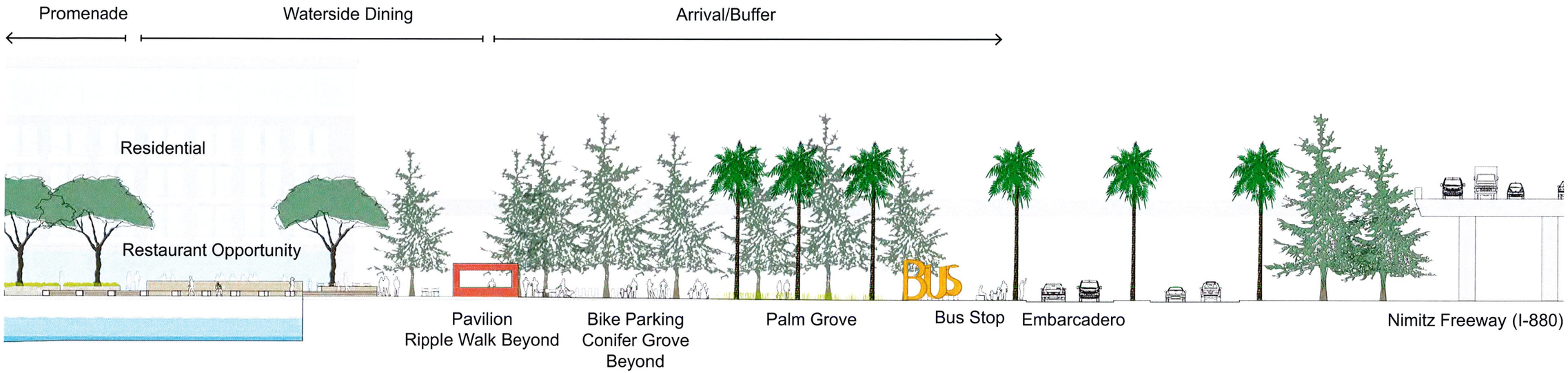
PLAN

BROOKLYN BASIN ZOHP EINWILLERKUEHL

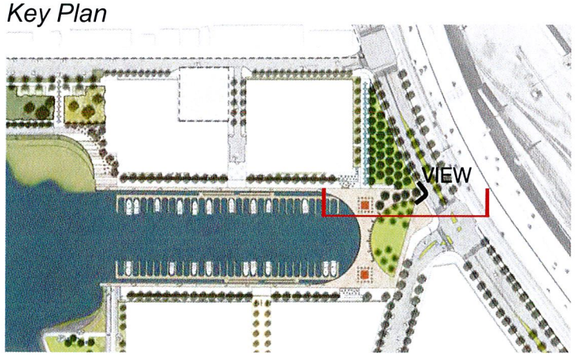
BROOKLYN BASIN
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

GATEWAY PLAZA 2- L11.0

Layers of planting and built elements define the arrival and draw visitors into the park.

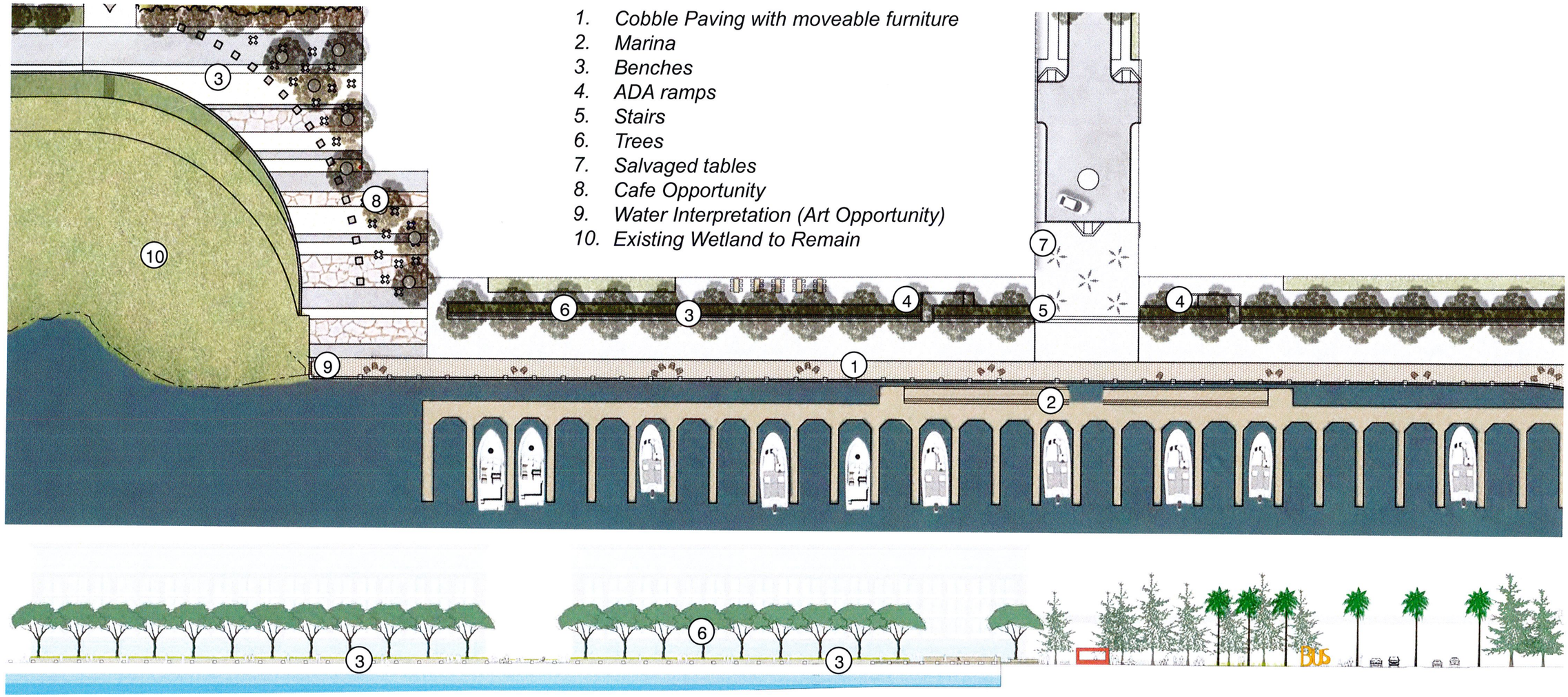


Key Plan

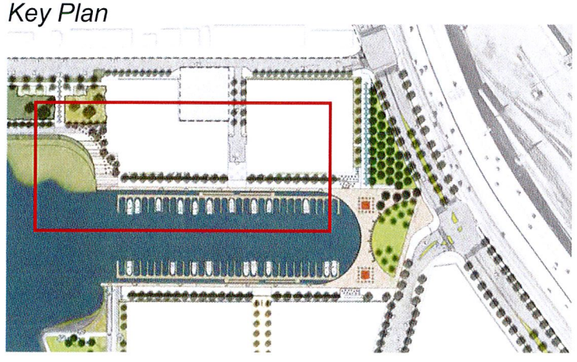


View West Towards Clinton Basin

BROOKLYN BASIN ZOHP EINWILLERKUEHL



Key Plan

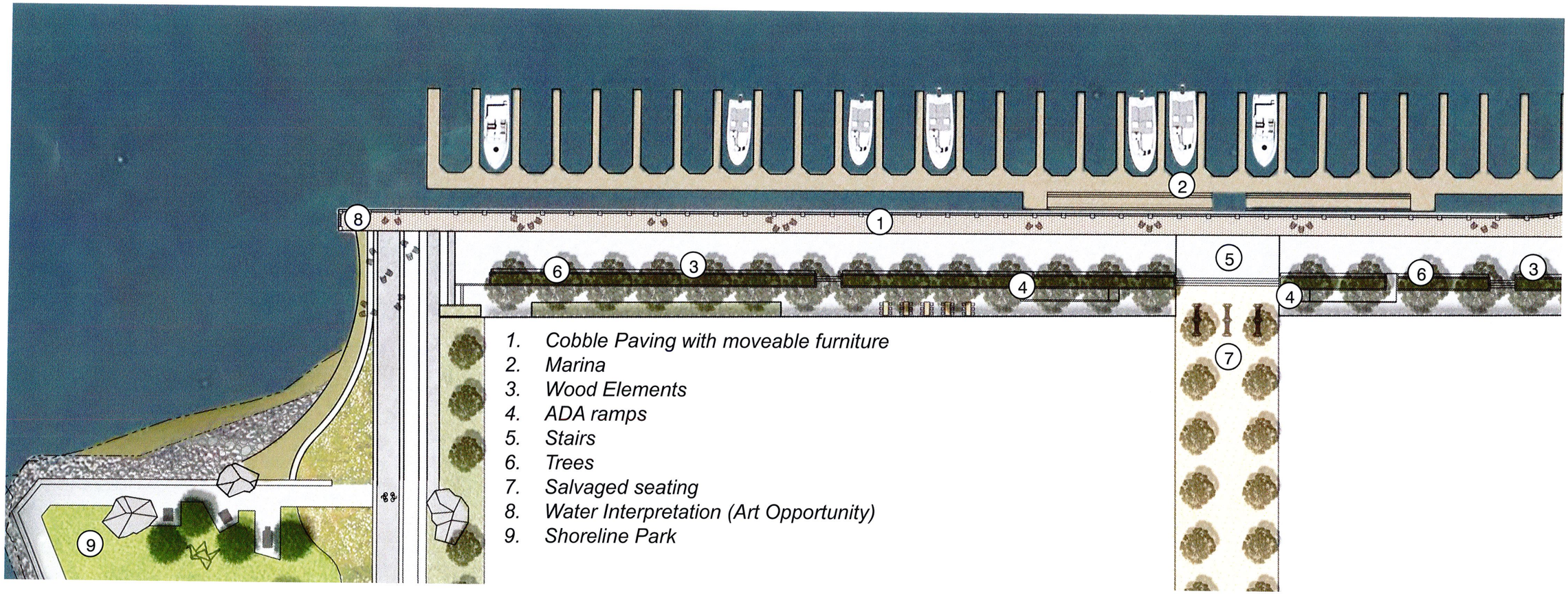


A waterfront promenade creates layers with vertical seating, planting, and activation at building corners.

BROOKLYN BASIN ZOHP EINWILLERKUEHL

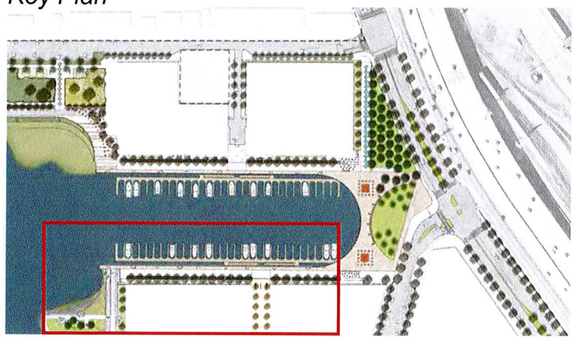
BROOKLYN BASIN
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

NORTH PROMENADE 2- L13.0



1. *Cobble Paving with moveable furniture*
2. *Marina*
3. *Wood Elements*
4. *ADA ramps*
5. *Stairs*
6. *Trees*
7. *Salvaged seating*
8. *Water Interpretation (Art Opportunity)*
9. *Shoreline Park*

Key Plan



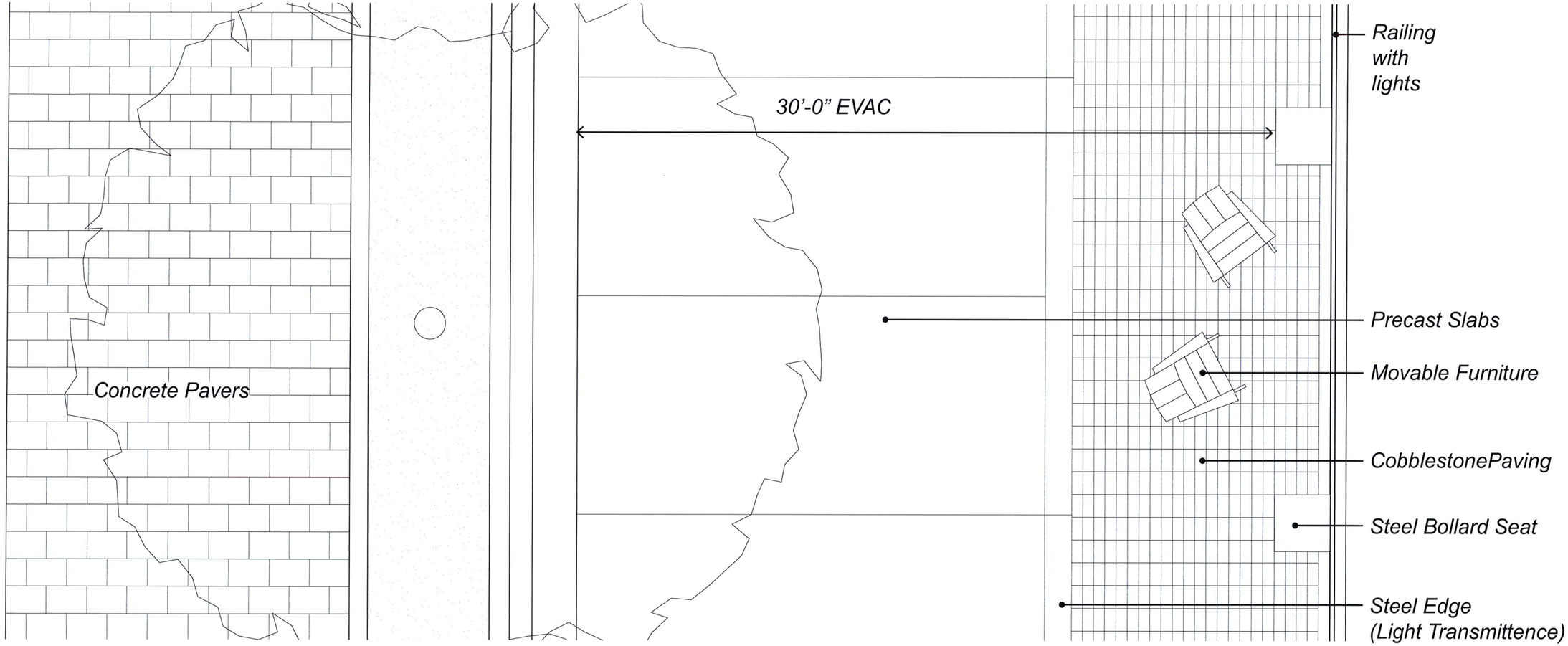
The materials of Clinton Basin are intended to evoke a simple waterfront vernacular while also inviting creative multi-purpose use of all elements.

BROOKLYN BASIN ZOHP EINWILLERKUEHL

BROOKLYN BASIN
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

SOUTH PROMENADE 2- L14.0

Materials and palette is durable, restrained, and has subtle reference to industrial history.



Concrete Pavers

Planting

Bench

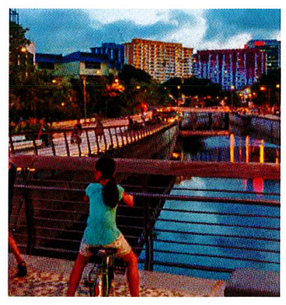
Precast Slabs

Steel Edge

Cobblestone

Bollard Seat

Railing



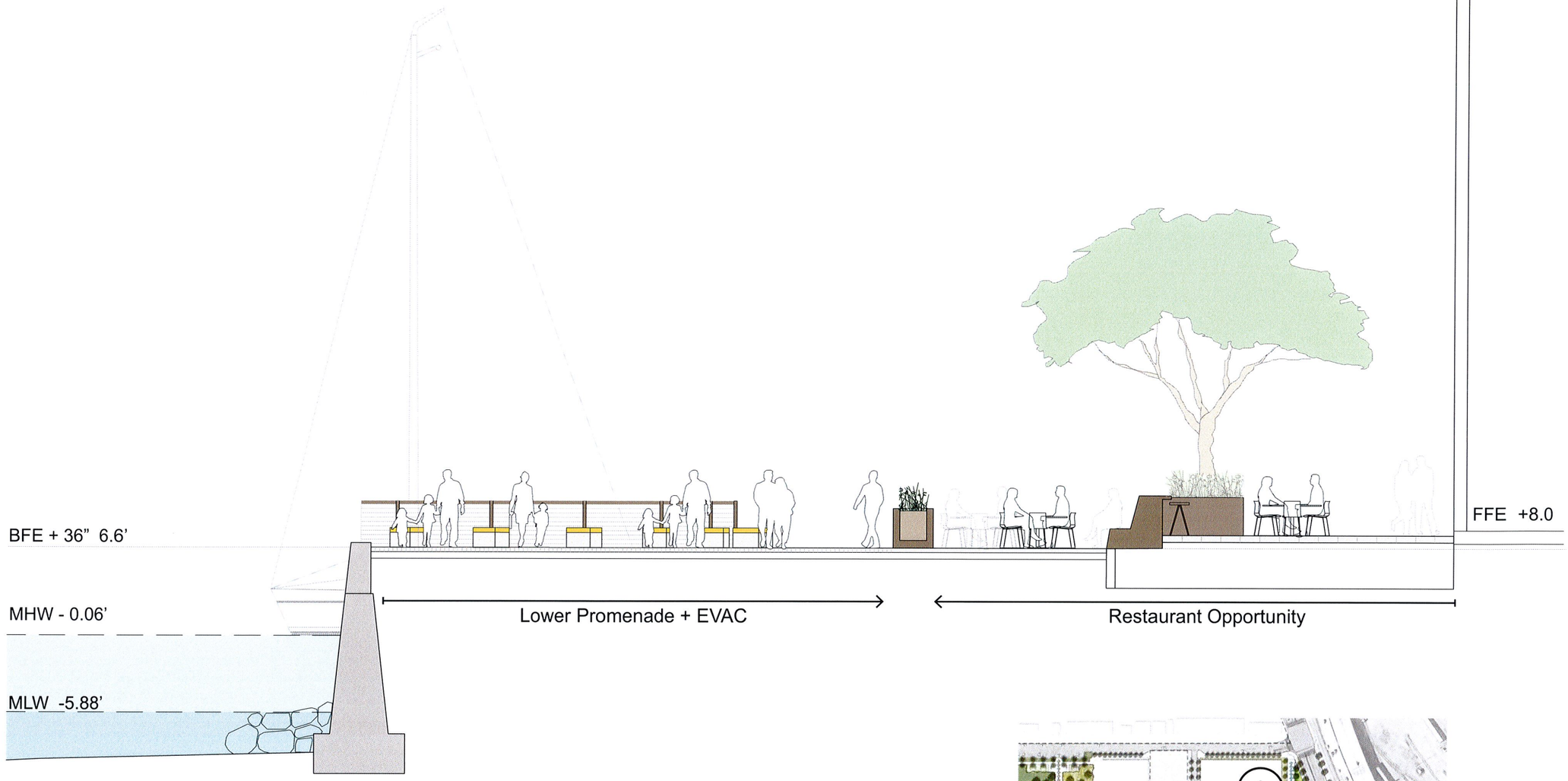
0 4' 8'

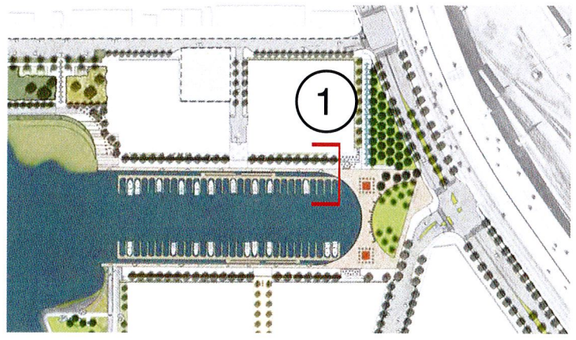
BROOKLYN BASIN ZOHP EINWILLERKUEHL

BROOKLYN BASIN
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

PROMENADE DETAIL PLAN 2- L15.0

(1) *Restaurant Zone*





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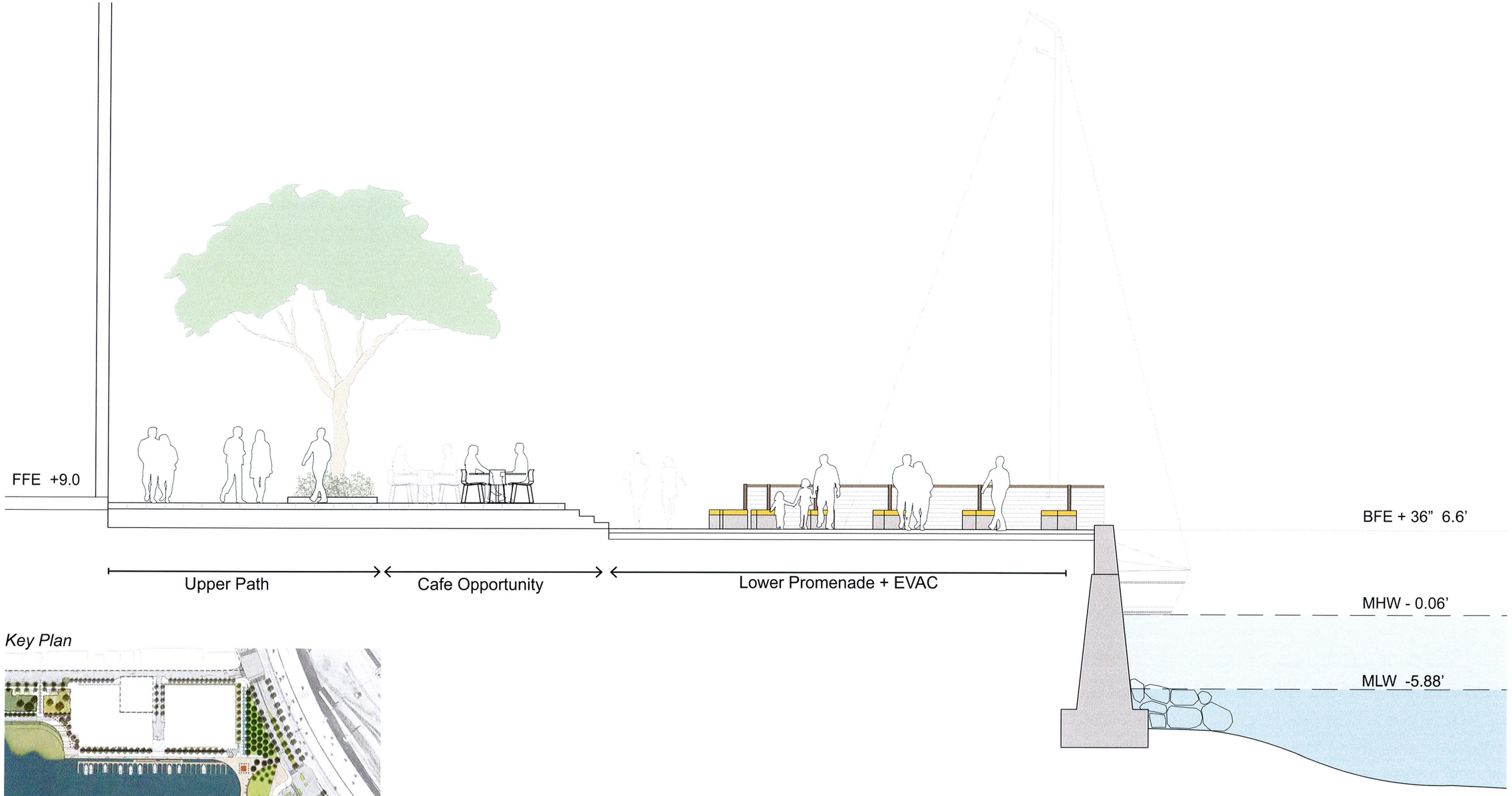
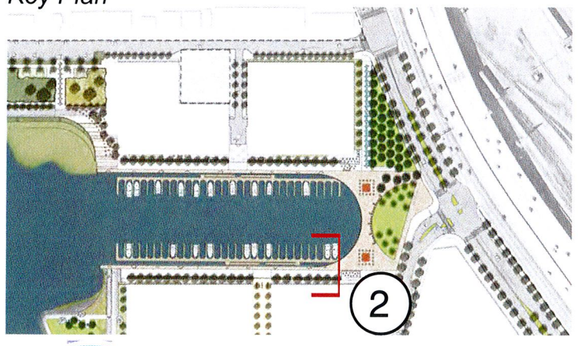
BROOKLYN BASIN
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

RESTAURANT ZONE SECTION

(2) *Cafe Zone*



Key Plan



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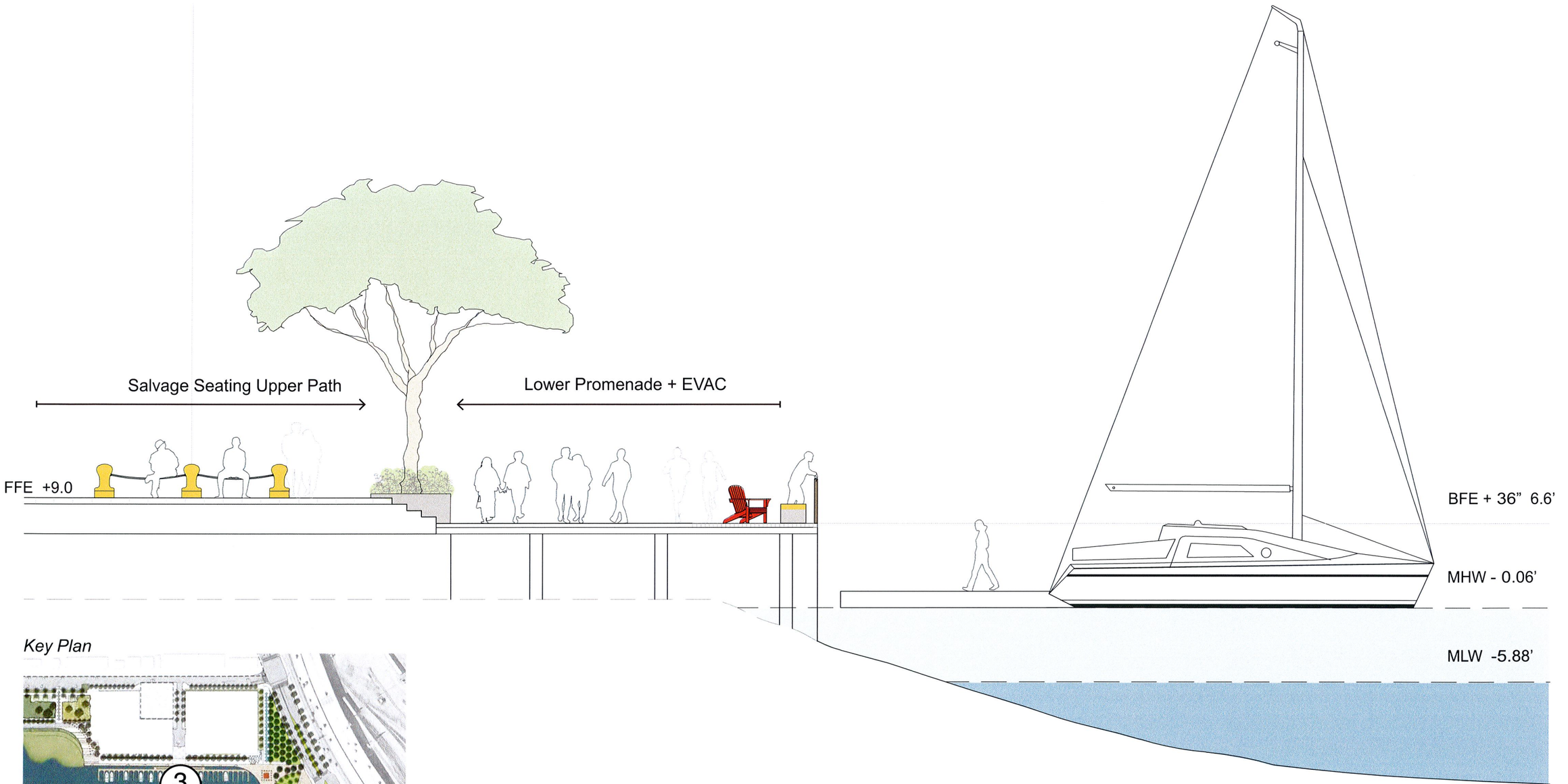
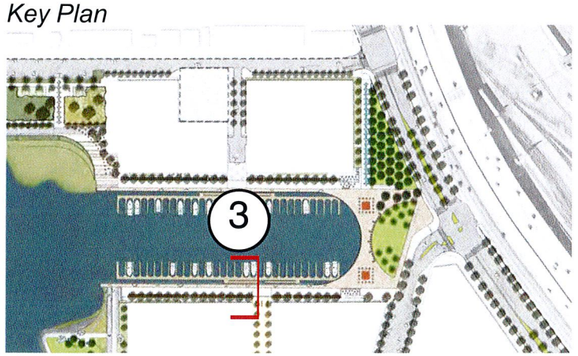
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

CAFE ZONE SECTION 2- L17.0

3 *Salvaged Seating*



Key Plan



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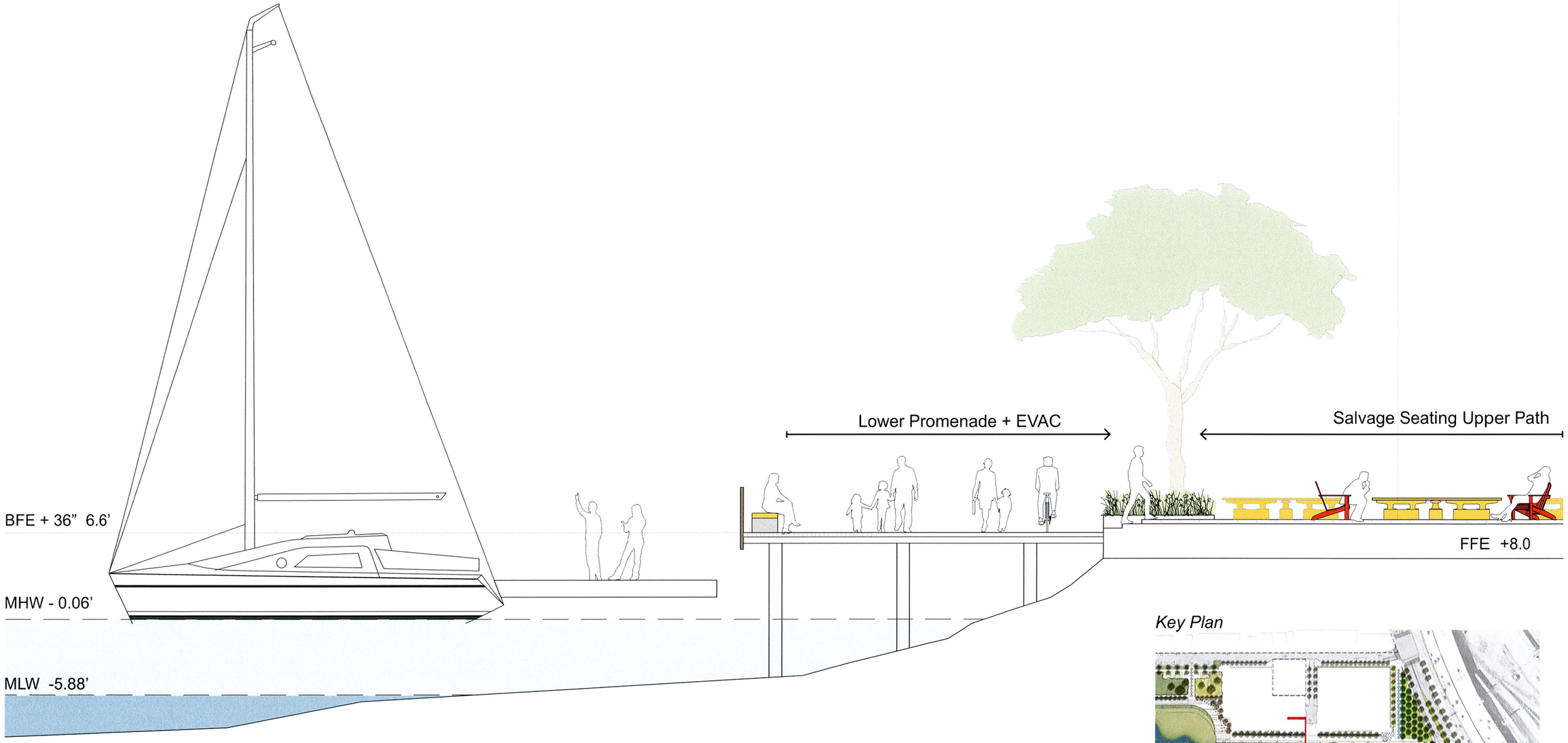
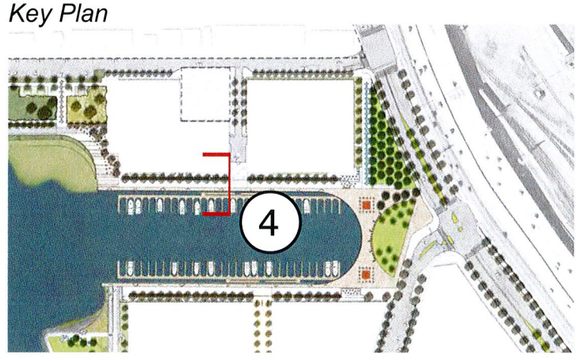
BROOKLYN BASIN
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

SALVAGE SEATING SECTION 2- L18.0

4 *Salvaged Seating*



Key Plan

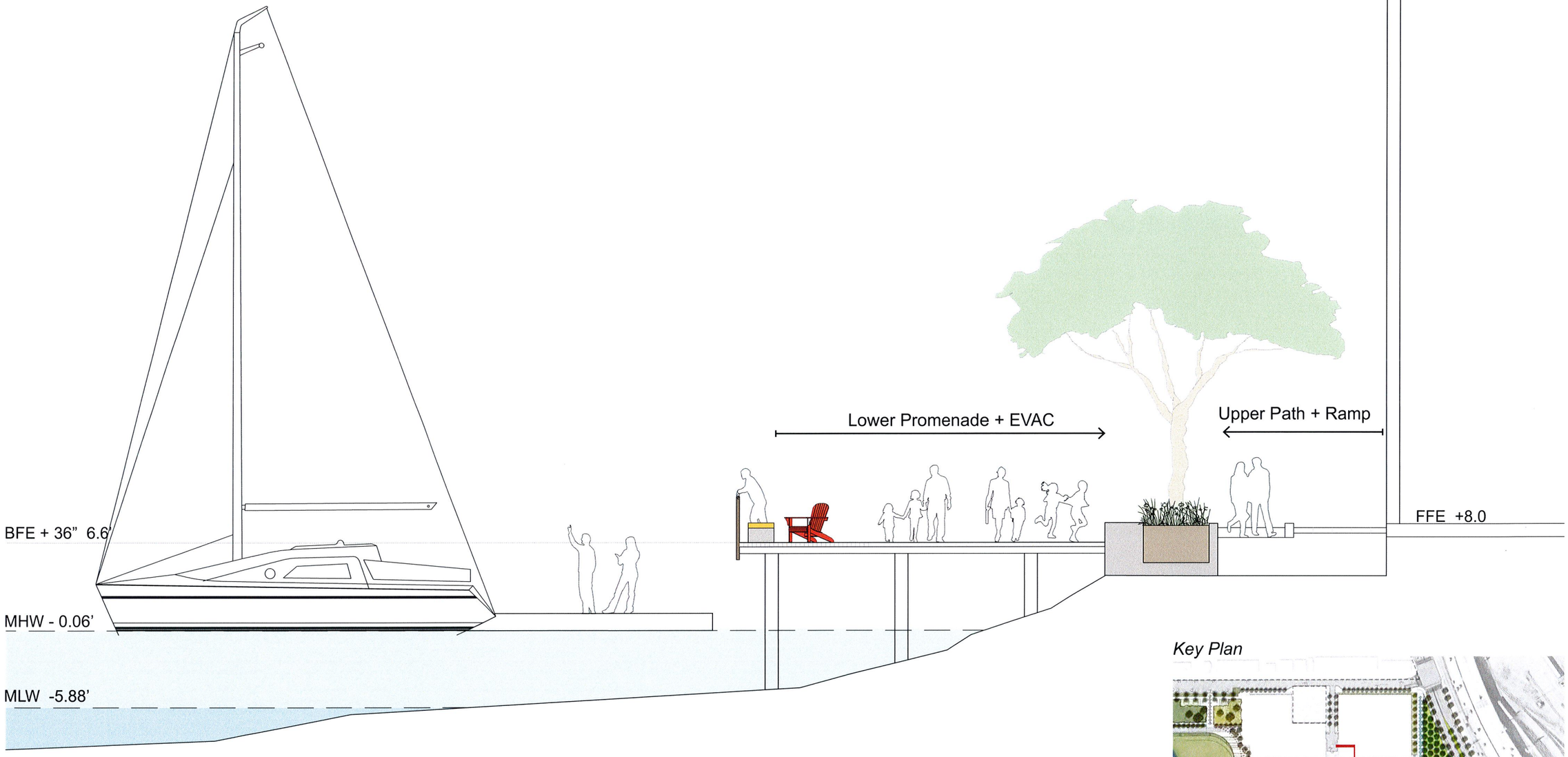


BROOKLYN BASIN ZOHP EINWILLERKUEHL

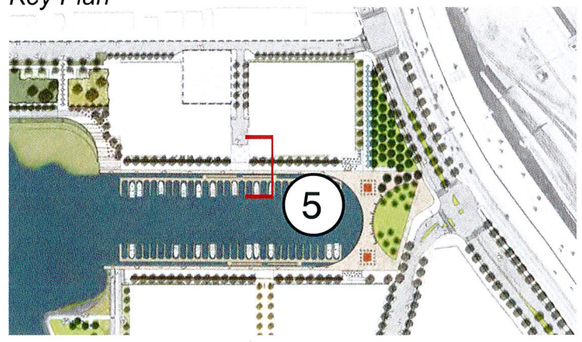
BROOKLYN BASIN
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

SALVAGE SEATING SECTION 2- L19.0

5 *Planter Seatwall*



Key Plan



BROOKLYN BASIN ZOHP EINWILLERKUEHL

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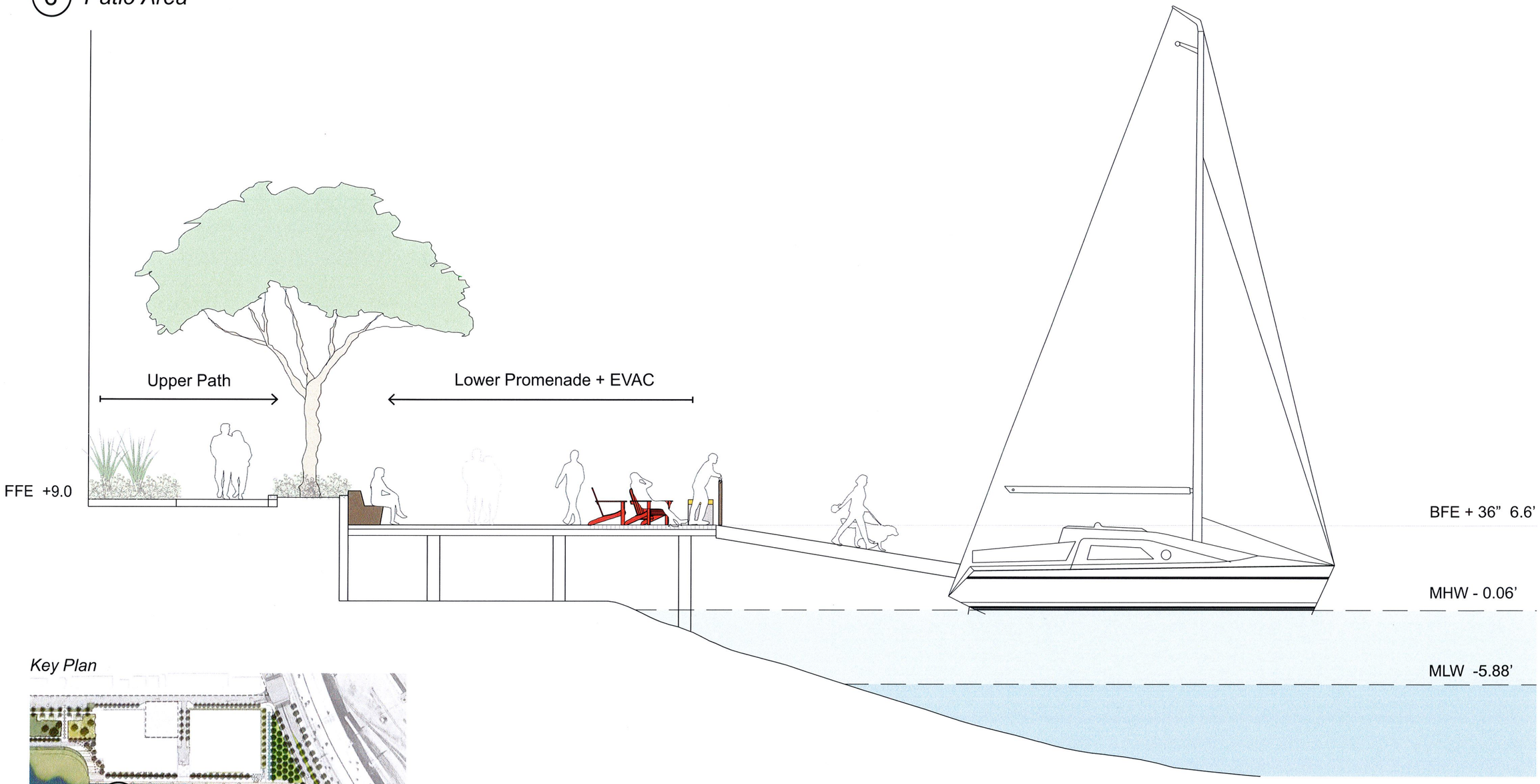
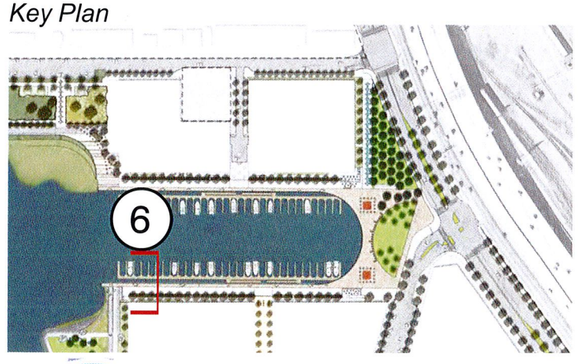
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

SEAT WALL SECTION 2- L20.0

6 *Patio Area*



Key Plan



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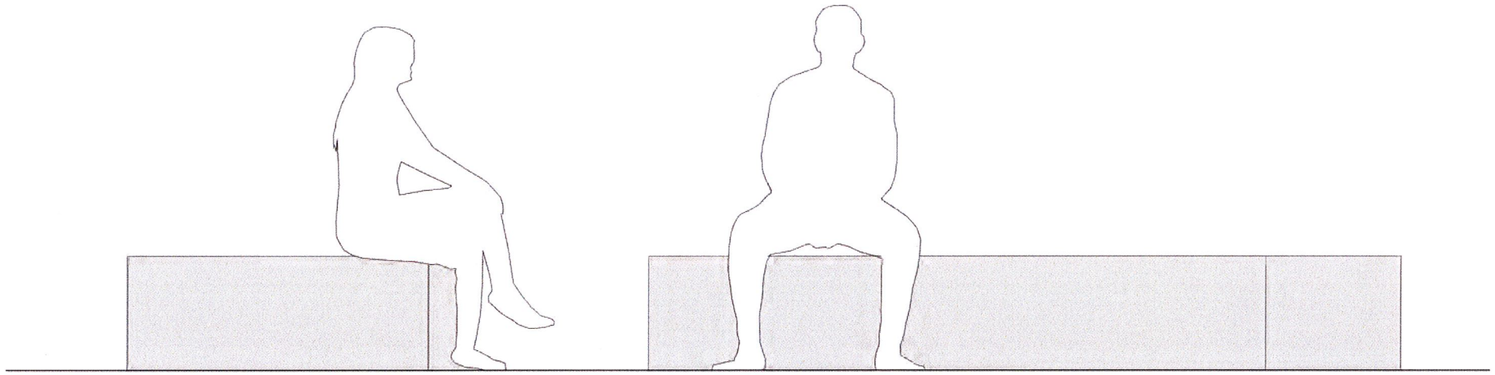
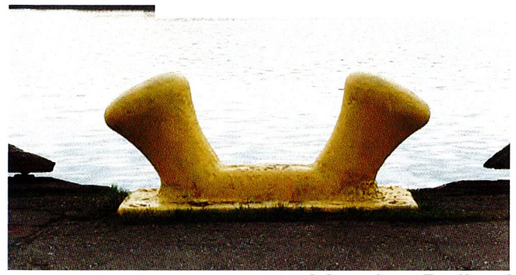
PATIO AREA SECTION 2- L21.0

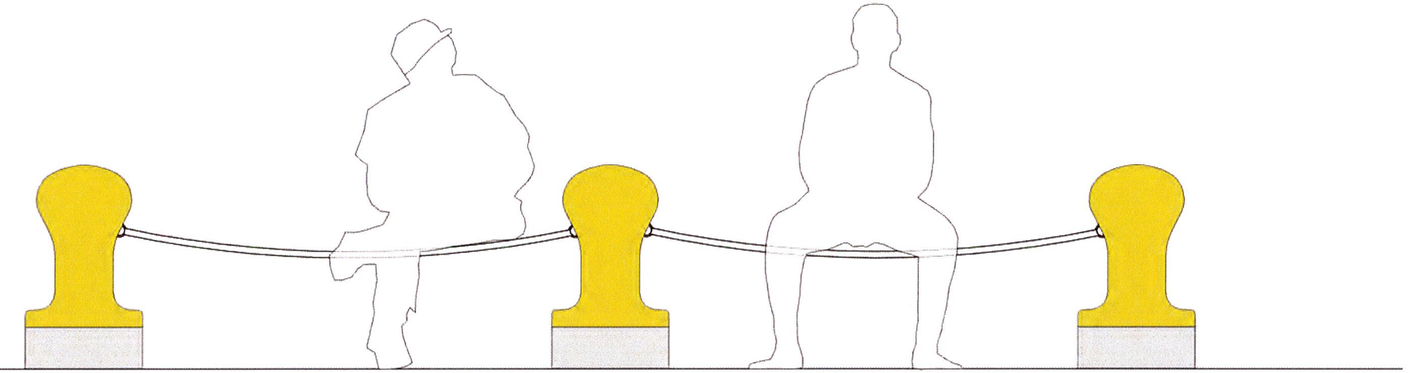
Granite Block



Granite Block Bench

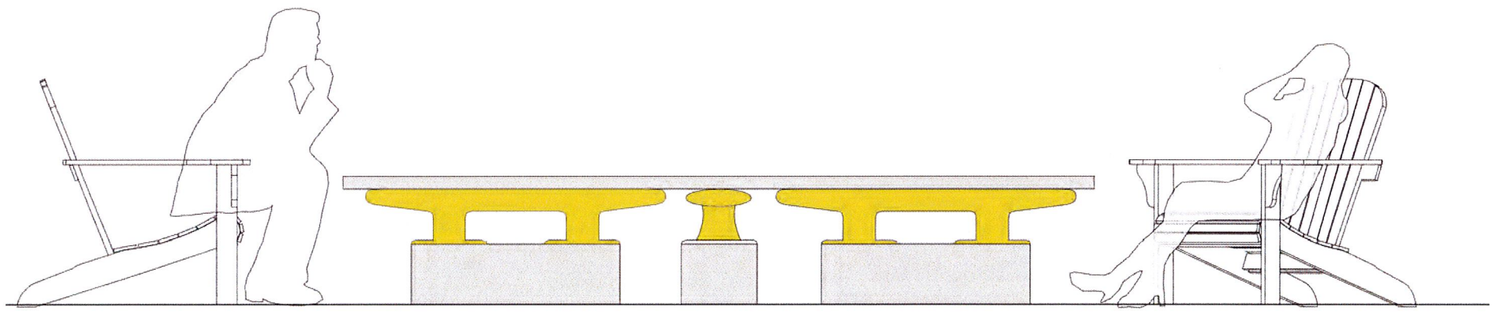


Mooring Bollard



Mooring Bollard Seating

Mooring Cleat



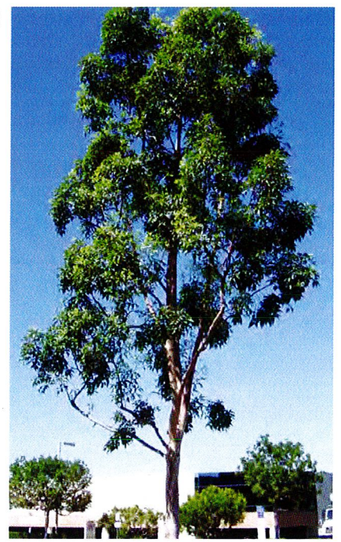
Mooring Cleat Table

BROOKLYN BASIN ZOHP EINWILLERKUEHL

BROOKLYN BASIN
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

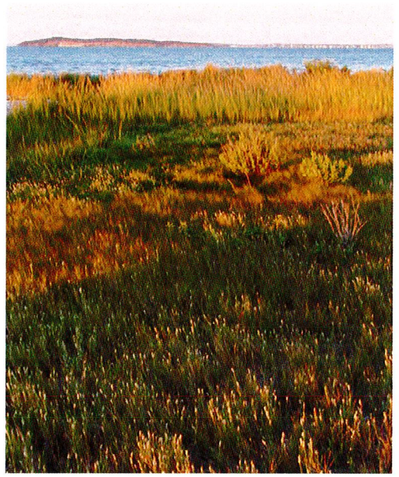
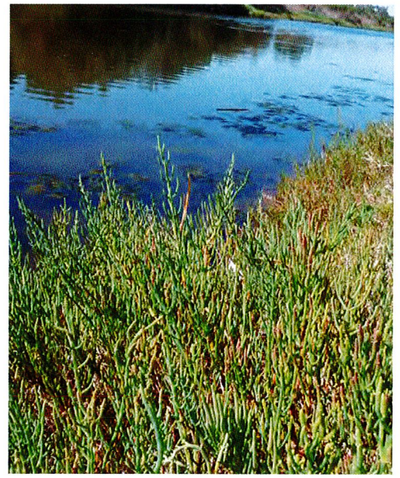
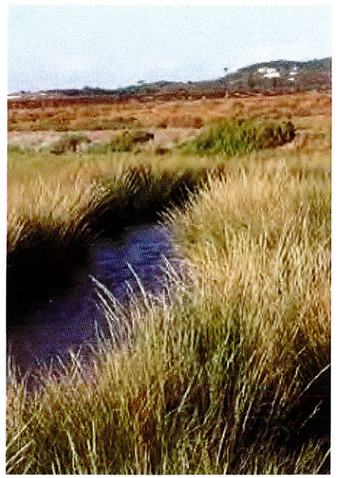
SALVAGE ELEMENTS 2- L22.0

SCULPTURAL + ICONIC TREE SPECIES



COASTAL SCRUB | FLOWERING SHRUBS

HIGH MARSH | GRASSES + GROUNDCOVER

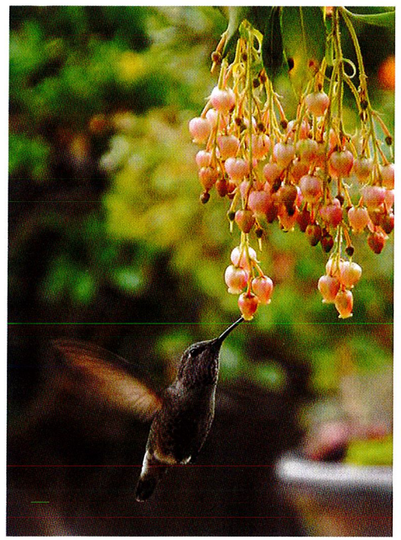




Plant material species shown are representative of concept and design goals for planting.
Water Efficient Landscaping and the use of native and endemic plants is a design criteria for our selections.
Final selection of plants will be based on plant quality, availability, and season.
Additional changes may be made to achieve a unified design following any required changes.

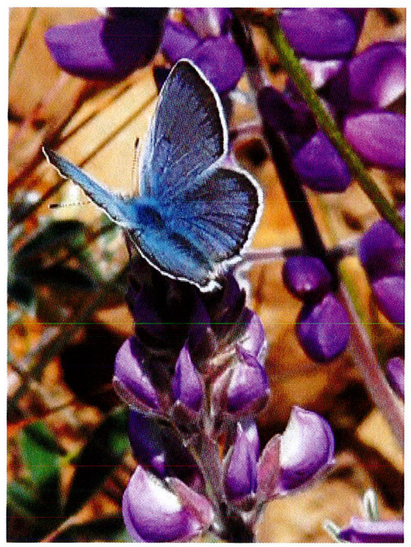
BROOKLYN BASIN ZOHP EINWILLERKUEHL

BROOKLYN BASIN
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

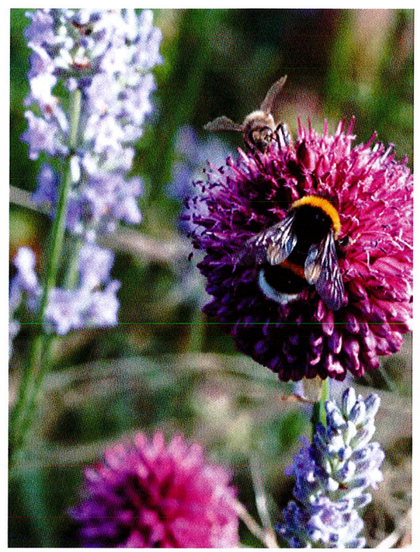
PLANT PALETTE 2- L23.0



Arbutus marina

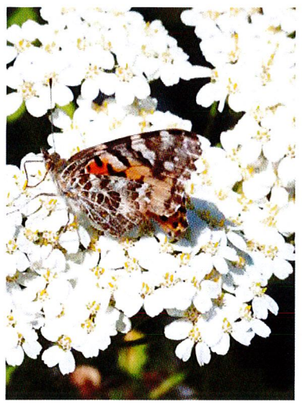


Lupinus albifrons

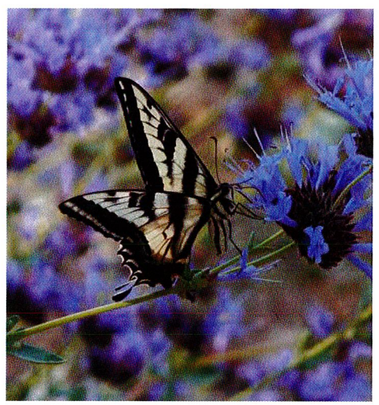


Allium sphaerocephalon

Ceanothus species



Achillea millefolium



Salvia clevelandii

Areas of Brooklyn Basin will be designed with native plants that provide habitat value and attract and support native birds, bees, butterflies, and other wildlife.
Final locations and selection of plants will be based on plant quality, availability, and season.

HABITAT AND HOST PLANTS FOR WILDLIFE

NECTAR PLANTS
(for butterflies)

Yarrow	*Achillea millefolium**
False Indigo	*Amorpha californica**
Coast Rock Cress	*Arabis blepharophylla**
Common Milkweed	*Asclepias speciosa***
Butterfly Bush	*Buddleia davidii*
Wild Lilac	*Ceanothus species***
Coreopsis	*Coreopsis californica**
Coreopsis	*Coreopsis lanceolata*
Purple Cone Flower	*Echinacea purpurea*
Buckwheat	*Eriogonum faseieulatum**
Lantana	*Lantana montevidensis*
Silver Lupine	*Lupinus albifrons**
Lupine	*Lupinus species***
Sticky Monkey Flower	*Mimulus aurantiacus***
Daisy Tree	*Mimulus guttatus***
Common Monkey Flower	*Montanoa grandiflora*
Flowering Tobacco	*Nicotiana alata**
Wild Tobacco	*Nicotiana (some*)*
Black-eyed Susan	*Rudbeckia laciniata*
Sedum (Stonecrop)	*Sedum species*
Goldenrod	*Solidago species**
Johnny-jump-up	*Viola pedunculata**
Cosmos	*Cosmos bipinnatus*
Heliotrope	*Heliotropium arborescens*
Alyssum	*Lobularia maritima*
Pincushion Flower	*Scabiosa caucasica*
Mexican Sunflower	*Tithonia rotundifolia*
Verbena	*Verbena species (some*)*
Zinnia	*Zinnia elegans*

FOOD PLANTS
(for caterpillars)

Dutchman's Pipe	*Aristolochia californica**
Milkweed	*Asclepias species (some*)*
Michaelmas Daisy	*Aster regulinis*
Borage	*Borago officinalis*
Wild Lilac	*Ceanothus species**
Lupine	*Lupinus species**

POLLINATOR GARDEN PLANTS

Trees & Shrubs

Marina Strawberry Tree	*Arbutus 'Marina'*
Manzanitas	*Arctostaphylos densiflora**
Redbuds	*Cercis canadensis, C. occidentalis**
Sages	*Salvia species**

Perrenials & Annuals

California sagebrush	*Artemisia californica 'Montara'**
Coyote mint	*Monardella villosa**
Foothill penstemon	*Penstemon heterophyllus**
Rosy buckwheat	*Eriogonum giganteum**

Grasses

California meadow sedge	*Carex pansa**
California fescue	*Festuca californica**

** California natives*
*** California native and host*

Sources: East Bay Regional Park District, Butterfly Gardening, 11/2016 and The California Wildlife Habitat Garden by Nancy Bauer, 2012.

Areas of Brooklyn Basin will be designed with native plants that provide habitat value and attract and support native birds, bees, butterflies, and other wildlife.
Final selection and location of plants will be based on plant quality, availability, and season.

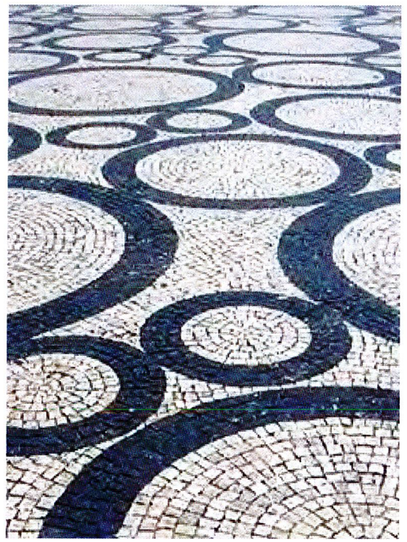
BROOKLYN BASIN ZOHP EINWILLERKUEHL

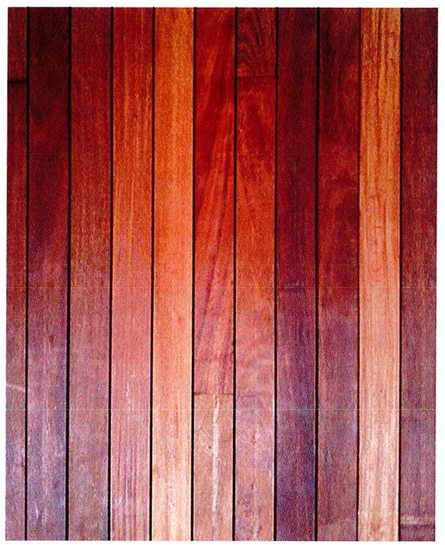
BROOKLYN BASIN
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

WILDLIFE HABITAT PLANTS

2- L25.0

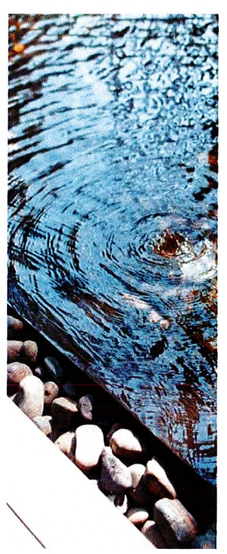
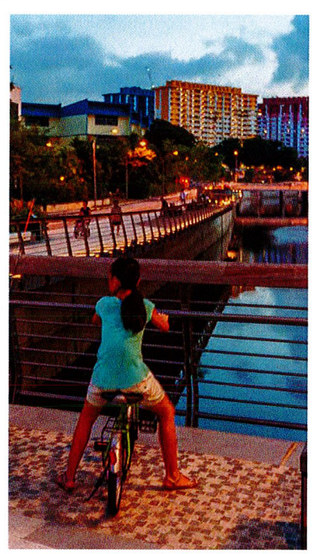
REFINED SIMPLE SURFACES





SALVAGE ELEMENTS

SPECIAL ELEMENTS

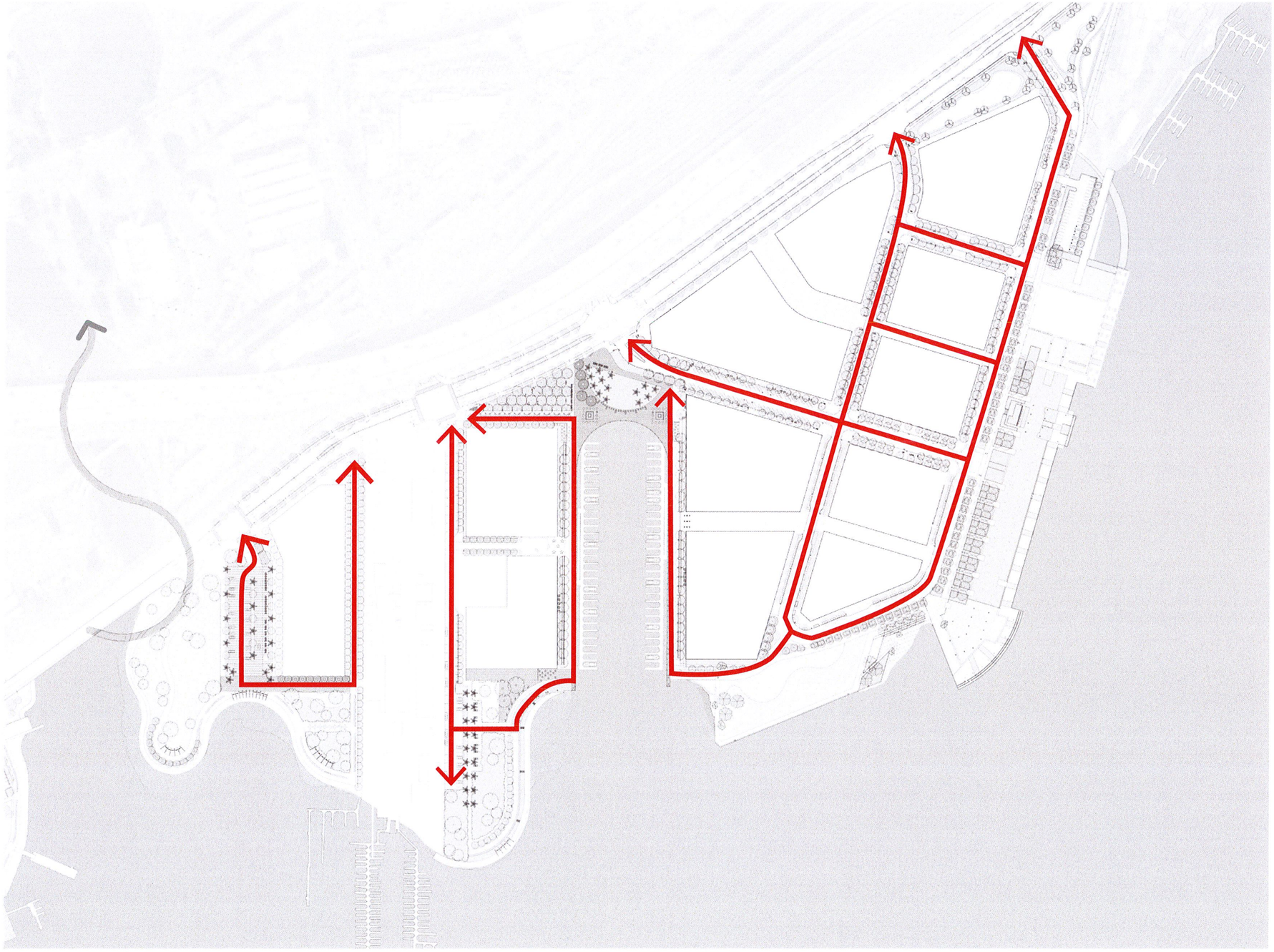



BROOKLYN BASIN ZOHP EINWILLERKUEHL

BROOKLYN BASIN
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

MATERIALS & FURNISHINGS PALETTE

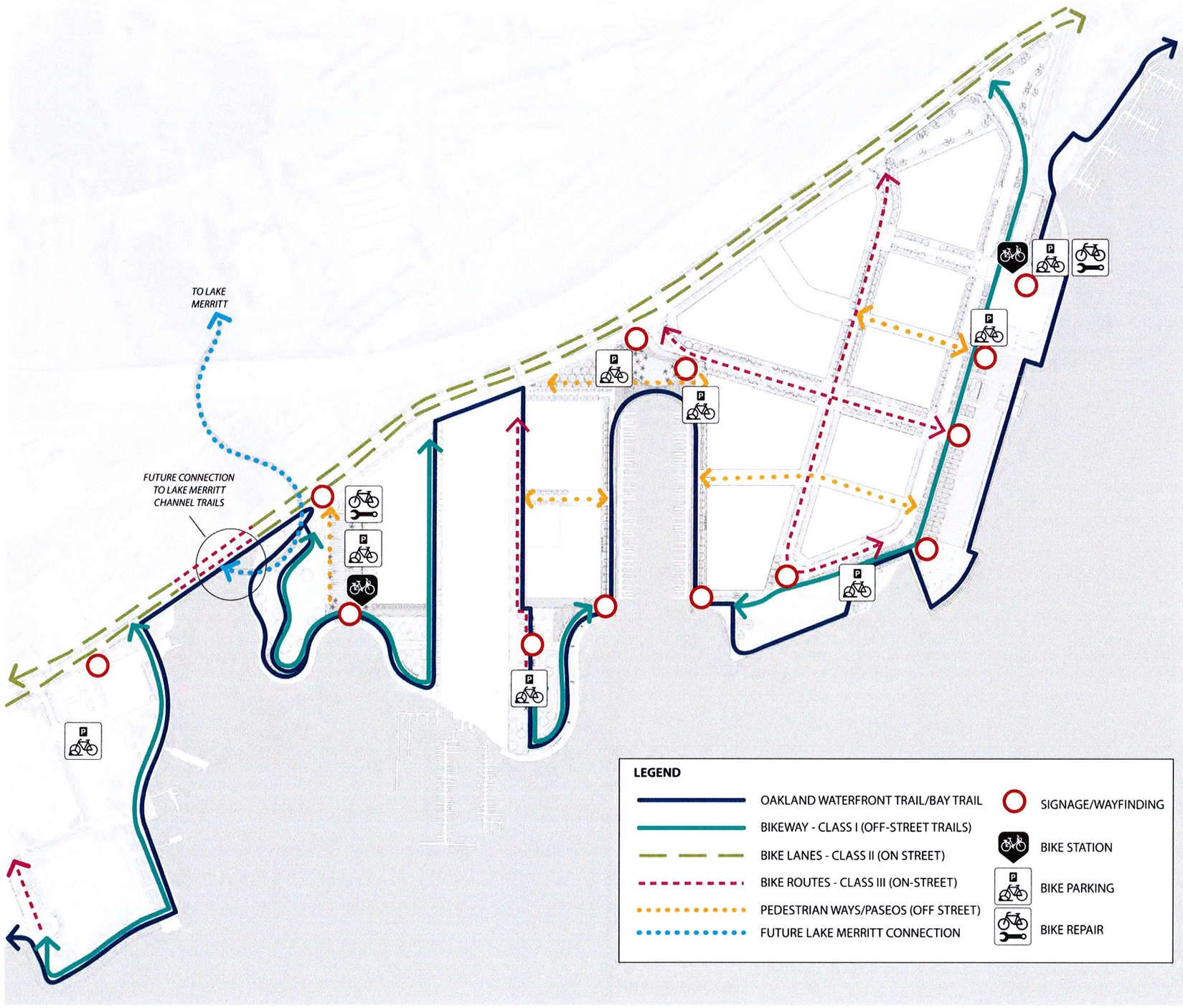
BROOKLYN BASIN
FIRETRUCK ACCESS

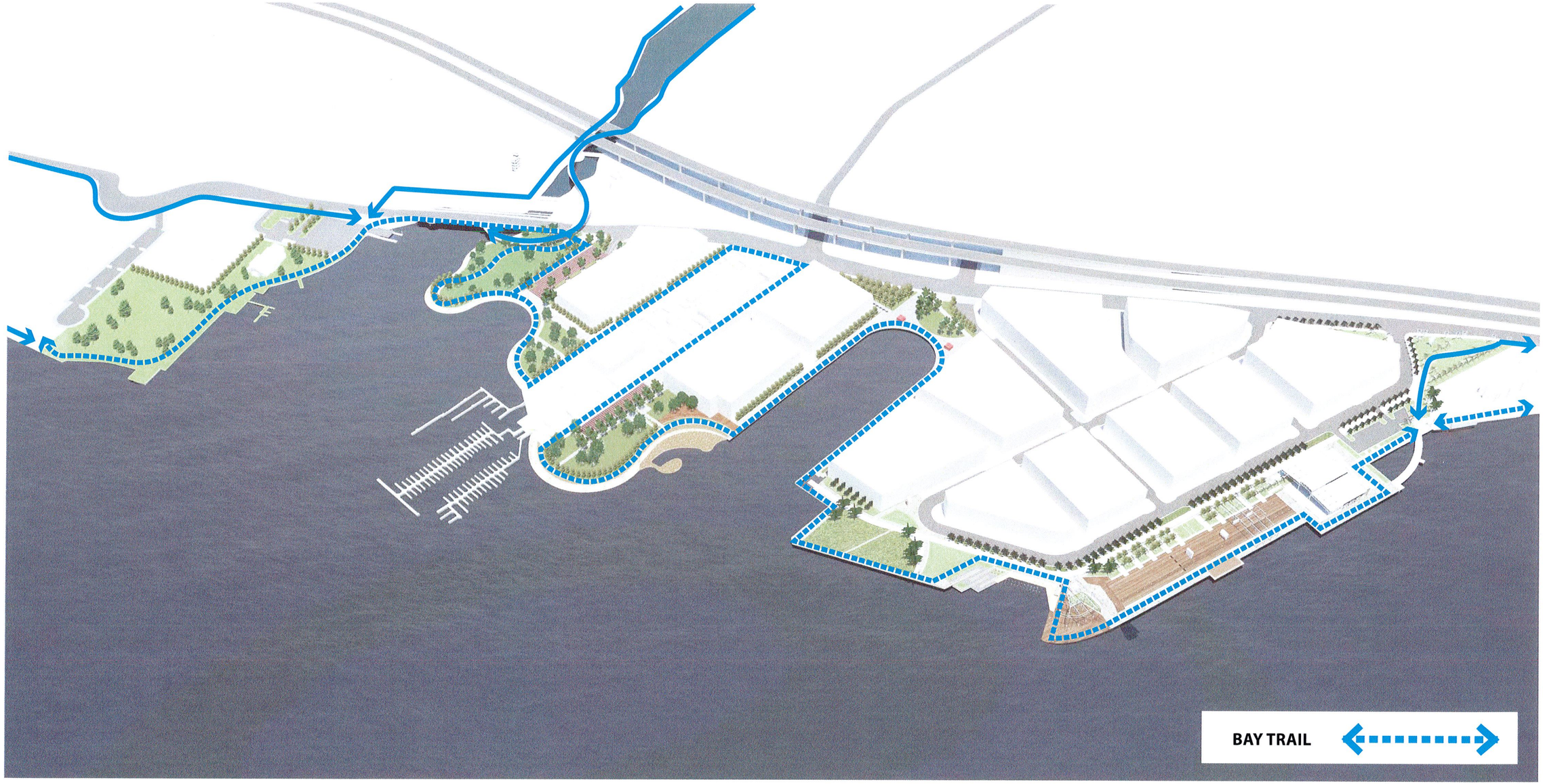


BROOKLYN BASIN ZOHP EINWILLERKUEHL

BROOKLYN BASIN
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

EVAC CIRCULATION 2- L27.0


TO LAKE MERRITT
FUTURE CONNECTION TO LAKE MERRITT CHANNEL TRAILS
LEGEND
OAKLAND WATERFRONT TRAIL/BAY TRAIL
BIKEWAY - CLASS I (OFF-STREET TRAILS)
BIKE LANES - CLASS II (ON STREET)
BIKE ROUTES - CLASS III (ON-STREET)
PEDESTRIAN WAYS/PASEOS (OFF STREET)
FUTURE LAKE MERRITT CONNECTION
SIGNAGE/WAYFINDING
BIKE STATION
BIKE PARKING
BIKE REPAIR



BROOKLYN BASIN ZOHP EINWILLERKUEHL

BROOKLYN BASIN
PHASE 2 PARKS | GATEWAY PARK AT CLINTON BASIN
DECEMBER 5, 2017

BAY TRAIL DIAGRAM 2- L29.0

Einwiller Kuehl Response to Comments Received for 10/25/2017 Design Review Committee

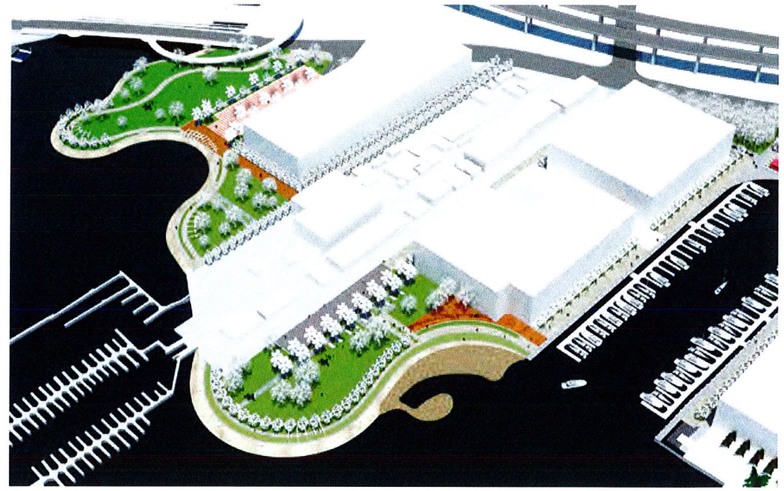
Brooklyn Basin Parks 2-4

Source	Number	Comment	Response	Action
CALM letter dated 10/24/2017	1	The Sheet Listing on the first page of the Phase 3-4 plan set is incorrect, and thus it is difficult to find one's way through the pages. Please update and correct this. Additionally, numbering is redundant between the two sets of plans, which is confusing. Sheets should carry unique numbers, and the sheet names should match the listings on the initial pages. Even if "appendix" pages don't have sheet numbers, please add some other sort of page numbers for ease of reference.	Good suggestion about unique page numbers and comprehensive pagination.	We will correct.
CALM letter dated 10/24/2017	2	Proofreading and revisions are required to clear up minor but confusing inconsistencies, such as on Sheet L8.0 "South Park Plan" the mislabeling of Parcel K, which is probably Parcel L. Also, is it "South Meadow" or "South Park"—it is referred to both ways. (We suggest not using "South Park" in this development at all since it is a TV show and an already-very-familiar San Francisco location; it could be confusing.) The description of the acreage is described in one place as 20 acres and another as 28 acres.	Names of all parks including South Park are placeholders from the EIR + PDP. They will change in the future.	We will review and correct inconsistencies or errors in labeling.
CALM letter dated 10/24/2017	3	We request clear information on the deployment, prominence, and locations of directional signs to be installed along Embarcadero (or further inland), clearly and obviously directing people to the public areas and clarifying public access possibilities. Such signage should be required in the conditions of approval.	There is a separate signage package to address and clarify these details.	The signage package is available for review.
CALM letter dated 10/24/2017	4	Some of the example photos, such as on L5.0 of PARK 2 package, are misleading. For example, why is there an image of a long quay or walkway out into the water? These photos should be captioned to explain what they show that is relevant.	We will review captions to provide clear explanations for relevant aspects of precedent imagery. The long quay on page L5.0 of Park 2 shows a condition we believe is very similar to the north edge of Clinton Basin.	Captions or images will be revised where needed.
CALM letter dated 10/24/2017	5	The visual and physical access to "South Park" as one turns the corner from Clinton Basin seems weak and unclear, and the renderings of it don't quite match each other (L8.0 and L7.0). One can definitely see the shortcomings of the corner treatment by looking at the developer's perspective on their webpage, as it toggles between two images: http://www.signaturedevelopment.com/development/brooklyn-basin/ Strengthen this design so that people can see the park, and how to get into it. It should be visible, friendly, inviting, accessible, and not confused with the restaurant or cafe areas. If necessary, recommend modified treatment of the building corner to enhance visibility of the park. Pulling back that corner—maybe also rounding it off—and then rounding geometry of the pathway between the building and the coast line might signal that the parkway extends around the corner.	This is a very challenging corner due to 3 overlapping constraints: EVAC access, an existing wetland mitigation project, and SLR strategies which raise grades.	We will take these comments into consideration in future iterations of the design. It is our intention to provide clear site lines throughout the park that are friendly, inviting, accessible, and visible. We have made some changes to simplify the design and pulled trees around the corner to visually suggest parkland beyond.
CALM letter dated 10/24/2017	6	Can one see the Ripple Walk and the water in Clinton Basin from Embarcadero, or will the landscaping prohibit this? How dense is the tree grove, and how would it be pruned for visibility? Or should it be thinner? (L7.0 and 8.0 of Phase 2 package)	Yes, the ripple walk will be visible from Embarcadero, especially at the intersection with 5th Avenue. Trees in the Arrival Grove are intended to be dense enough to block views to the adjacent freeway, but limbed up, so views are maintained for pedestrians and vehicles on Embarcadero.	We will study best tree spacing, species, and height of first limbs in 3D model to allow for visual connections to park lands and water.
CALM letter dated 10/24/2017	7	Are the Pavilions (number 5) transparent? What are these pavilions? The example photo from elsewhere shows something like a sheet metal shipping container, but something more transparent would be better.	The pavilions have not been designed yet. The intention is to maintain views to the water while also providing durable structures for the public realm.	We will continue to develop the character for the pavilions and their program. This is a potential site for a café or other retail and there may be program elements that help us determine the best architectural character. We will keep in kind the concern about maintaining transparency.
CALM letter dated 10/24/2017	8	We question the rows of trees near the Bay Trail at "South Meadow" on sheet L8.0 and at the seaward edge of "Viewing Hill" on L17.0. What are these? Why are they there? Should they be low native shrubs and marsh-compatible plants instead? This is an open waterfront area, and longtime volunteers associated with coastal clean-up and rehabilitation have been encouraging native plants and compatible species. Without knowing what plants are proposed it is difficult to comment, but it seems unwise to plant rows of trees in these two locations. Wouldn't they block views, as well as being inconsistent with exposed water-edge bay trail conditions? Or would these trees provide useful shade and withstand the wind and weather at that location?	Detailed tree locations and species are still being studied. In our preliminary public meetings there was concern that we are not using enough trees and more were desired to provide shade.	We will take into consideration the site conditions, both historic and current, to propose trees that will thrive on the site and provide necessary amenities for both people and wildlife.

CALM letter dated 10/24/2017	9	What is the detailed access to the parking area from 6th Avenue for South Park, and how is it shown on wayfinding signage or other indicators along Embarcadero? **How will it relate to the private outparcel adjoining it?**	The parking area along 5th avenue will be accessible from Embarcadero.	Wayfinding and signage will be provided along Embarcadero for this parking area. Park elements will be located adjacent private parcels. We have added a trail map to show access points and overall connectivity.
CALM letter dated 10/24/2017	10	The walkway from the parking area at 6th Ave. to South Park seems unnecessarily direct and a little harsh. (South Park Plan L9.0) Could it be curved or meander? The palm trees could be redeployed to allow this.	This Oyster walk provides EVAC access and must be straight. The small walk at the west end of the parking lot is temporary.	We will continue to study strategies for planting and materials to soften the edges and integrate the EVAC into the natural feeling of South Park. We will study and consider alternate layouts for the west end.
CALM letter dated 10/24/2017	11	In "Channel Park" could the paving for the flexible arrival court/event space/flex space (sheets 17.0, 20.0, 27.0, 29.0) be permeable rather than asphalt? Since food trucks are contemplated, install power hookups to avoid the presence of multiple small, polluting, and noisy diesel generators. Perhaps outlets and hookups for event arrangements should be provided, too? Portable generators should be avoided.	Paving for the flexible arrival court is still being studied. We will consider permeable options. Power hookups are planned.	We will research options for permeable pavers and study overall performance requirements for pavement.
CALM letter dated 10/24/2017	12	We question the use of cobblestones shown along the concrete "boardwalk" on L30.0; this could present serious mobility and access problems for people using canes, walkers, strollers, or wheelchairs to approach the railing at the water edge.	All cobble pavements will be ADA accessible.	Detail for ADA compliant cobbles we have used before will be provided in the permit set.
CALM letter dated 10/24/2017	13	We do not understand how pedestrian/bike traffic patterns would work around the swing sets, shown in two locations if we understand the indications correctly, and straddling the Bay Trail. Provide a detail that shows how this works.	Swing elements have been located off the main path, so bike and pedestrian circulation will not be impeded. At Channel Park, the swings have been moved to the water's edge, but sufficient space is provided for bike/pedestrian circulation to move behind them.	Future development of park design will continue to ensure unimpeded pedestrian and bike circulation.
CALM letter dated 10/24/2017	14	Provide much more information on proposed tree species. We see what looks like a tall eucalyptus on L31.0, which would be inappropriate to a windy site near a marsh, but with no details yet, it is difficult to comment. We urge the use of appropriate coastal species, and minimizing rows of trees where they may be incongruous. Historically this was all open water and marshland, and it is reasonable to evoke its natural condition.	We are at an early stage in planting design. The goals for the planting will be to find an elegant balance between natural plantings and structured planting.	We will take into consideration the site conditions, both historic and current, to propose trees that will thrive on the site and provide necessary amenities for both people and wildlife.
CALM letter dated 10/24/2017	15	We urge that all furniture, fixtures and improvements provided in the initial installation be durable enough to withstand the exposed conditions, and that a plan for replacement of any elements that may deteriorate or become damaged (such as those porch swings?) be included and covered within the maintenance agreements.	We will be proposing durable furnishings that can withstand the site conditions along the waterfront.	Repairs and maintenance will be funded and carried out by a community facilities district.
CALM letter dated 10/24/2017	16	On sheet L-11.0, at the Marina entry bustop, there should be a turnout for the bus to be out of the heavy traffic of single South-bound lane.	Exact location of bus stop is yet to be determined.	We will study turnout opportunities when that location is finalized.
CALM letter dated 10/24/2017	17	We appreciated the alert notice regarding the DRC hearing, but note that on the referenced Brooklyn Basin page of the city's website, the PDFs posted for download omit the date of the DRC committee hearing. It just says TBD and "future". Someone looking at the project would not find out about the hearing on Wednesday.	Comment for City of Oakland.	
Bay Trail, Lee Huo email dated 10/25/2017	1	As with any trail system, <u>connectivity, continuity, and the capacity</u> to accommodate the level of users expected are of upmost importance for the success of the Bay Trail.	We agree and have worked hard within our property boundaries to maximize these characteristics.	We will continue to advocate for trail connections on and adjacent to our project.
		a) Related to these concepts, it is unclear how the Bay Trail will connect across Embarcadero when it is forced to go around the private property that bisects the Brooklyn Basin Project site. In order to maintain connectivity and continuity, it is critical that this connection around the private parcel be made as part of the Brooklyn Basin Project and that the trail around the private parcel is designed as an off-street facility that has a width to match the capacity of the other sections of Bay Trail that will be built as a part of the Brooklyn Basin Project. This consistency in design and capacity is most important along Embarcadero within the City's right-of-way, so that a bottle-neck point is not created and that it doesn't discourage trail users from continuing on the trail across the private parcel.	This design issue is important, but is outside the scope of the park areas be considered in this FDP. There is an existing sidewalk and we would encourage the city to make any necessary changes to the sidewalk to promote continuity.	Issue will be forwarded to appropriate parties.
		b) Although the project plans appear to consider these important connections, it is important to emphasize that the Brooklyn Basin portion of the Bay Trail must be designed to create clear and logical connections with the Bay Trail that will be on the new Embarcadero Bridge and the Lake Merritt Connector trail that is currently being designed.	We agree and are working with the adjacent design teams.	We will continue to maintain these important goals.

Bay Trail, Lee Huo email dated 10/25/2017	2	We appreciate that the proposed Bay Trail designs accommodate both pedestrians and bicyclists consistent with the goals of the Bay Trail. According to the plans provided online, it appears that some portions of the Bay Trail at Brooklyn Basin are proposed to be separated into narrower pedestrian shoreline paths with a wider adjacent path inland that also accommodates bicyclists. One of the primary goals of the Bay Trail is to provide a "Bay Experience" for both bicyclists and pedestrians. Although we are open to parallel alignments that accommodate different users groups, it is critical that the design and alignment of these trails provide equivalent "Bay Experiences" for both pedestrians and bicyclists that include consistent views of the Bay and a feeling of proximity to the Bay.	We agree and understand. There is a vertical separation which we believe makes the two trails equally good.	We will continue to study and develop specific drawings to speak to this issue in future submittals.
Bay Trail, Lee Huo email dated 10/25/2017	3	From the plans provided, it appears that some materials being considered for use in constructing the trail include wood and cobblestone. For safety purposes related to bicyclists, it is necessary that the materials utilized for trails have a consistent even surface without significant gaps or grooves that will catch tires. In addition, materials that will eventually splinter will also create a hazard for bicyclists.	Understood. We will re-evaluate and adjust design as needed.	All materials for Bay Trail will be durable and non-hazardous to bicycles in future plans.
Bay Trail, Lee Huo email dated 10/25/2017	4	With more and more people on their bicycles and riding long distances, amenities such as bicycle repair stations are becoming more prevalent. With the potential for high bicycle use along the Brooklyn Basin portion of the Bay Trail, consider installing bicycle repair stations along a portion of the trail or at main bicycle parking areas.	Good suggestion.	We have added locations for bike repair and additional bike parking to our plans.

PHASE 3-4 PARKS
SOUTH PARK AND CHANNEL PARK



Sheet List

3+4-L1.0	Cover
3+4-L2.0	Open Space Context
3+4-L3.0	Narrative
3+4-L4.0	Narrative
3+4-L5.0	Site Amenities
3+4-L6.0	Overall Site Character
3+4-L7.0	Shoreline Park Update
3+4-L8.0	South Park
3+4-L9.0	Overlook Corner
3+4-L10.0	Overlook Corner Detail Plan
3+4-L11.0	Existing Wetland
3+4-L12.0	Picnic Grove
3+4-L13.0	Picnic Grove Sections
3+4-L14.0	South Meadow
3+4-L15.0	Detail Plan Bay Trail
3+4-L16.0	Channel Park Plan
3+4-L17.0	Channel Park Birds Eye View
3+4-L18.0	North Meadow and Shoreline Trail
3+4-L19.0	Shoreline Trail Detail Plan
3+4-L20.0	Arrival Court
3+4-L21.0	Arrival Court
3+4-L22.0	Arrival Court
3+4-L23.0	Arrival Court
3+4-L24.0	Arrival Court: Event
3+4-L25.0	Arrival Court: Parking
3+4-L26.0	Viewing Hill
3+4-L27.0	Separated Trail Detail Plan
3+4-L28.0	Viewing Hill
3+4-L29.0	Shoreline Reconfiguration
3+4-L30.0	Materials & Furnishings Palette
3+4-L31.0	Plant Palette
3+4-L32.0	Wildlife Habitat
3+4-L33.0	Wildlife Habitat Plants
3+4-L34.0	Wayfinding & Circulation
3+4-L35.0	EVAC Circulation
3+4 L36.0	Bay Trail Diagram
3+4 L37.0	Response to Comments
3+4 L38.0	Response to Comments
3+4 L39.0	Response to Comments

BASIS OF BEARINGS

THE BASIS OF BEARING IS "S 65° 21' 44" E" BETWEEN FOUND MONUMENTS "SHIP" AND "H130" AS SHOWN ON PAGE 2 OF 4 OF THAT UNRECORDED "RECORD OF SURVEY" MAP ENTITLED, "MONUMENT AND PLAN LINES OF THE EMBARCADERO BETWEEN 5TH AVENUE AND 19TH AVENUE" DATED JULY 2001. SAID MAP IS BEING PREPARED BY THE PORT OF OAKLAND.

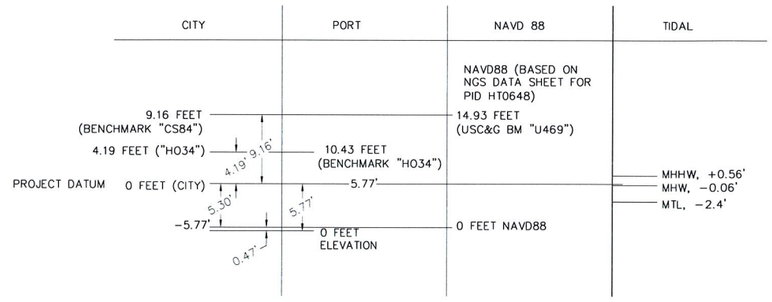
BENCHMARK

ELEVATIONS SHOWN HEREIN ARE ON THE CITY OF OAKLAND VERTICAL DATUM AND BASED ON CITY OF OAKLAND BENCHMARK "CS 84":
A FOUND U.S.C. & G.S. DISK AT THE CROSSING OF 5TH AVENUE AND THE SOUTHERN PACIFIC RAILROAD, BENEATH THE SOUTHBOUND LANES OF THE 880 FREEWAY, SET IN THE NORTHERLY FACE OF A COLUMN, APPROXIMATELY 25' WEST OF THE CENTERLINE OF 5TH AVENUE, 4.4 FEET ABOVE GROUND.
ELEVATION = 9.164 FT., CITY OF OAKLAND DATUM.

DATUM SUMMARY

BENCHMARK CITY OF OAKLAND DATUM
CITY OF OAKLAND BENCHMARK "CS84"
FOUND UCS&GS DISK AT THE CROSSING OF 5TH AVENUE AND THE SOUTHERN PACIFIC RAILROAD, BENEATH THE SOUTH-BOUND LANES OF 880 FREEWAY, SET IN NORTHERLY FACE COLUMN, APPROXIMATELY 25' WEST OF THE CENTERLINE OF 5TH AVENUE AND 4.4 FEET ABOVE THE GROUND.
ELEVATION USED: 9.16 FT., CITY OF OAKLAND DATUM
NOTE BENCHMARK IS NOW DESTROYED. INFORMATION SHOWN IS BASED ON OBSERVATIONS AND DATA PROVIDED IN 2002. NOT CURRENT.

BENCHMARK PORT DATUM ELEVATION
PORT OF OAKLAND BENCHMARK "H034 TBM"
FOUND BRASS DISK "SHIP" IN MONUMENT WELL STAMPED "EBMUD CONTROL SURVEY SHIP 1960" OPPOSITE ENTRANCE TO KAISER CEMENT, 401 EMBARCADERO.
ELEVATION USED: 10.43 FT., PORT OF OAKLAND DATUM

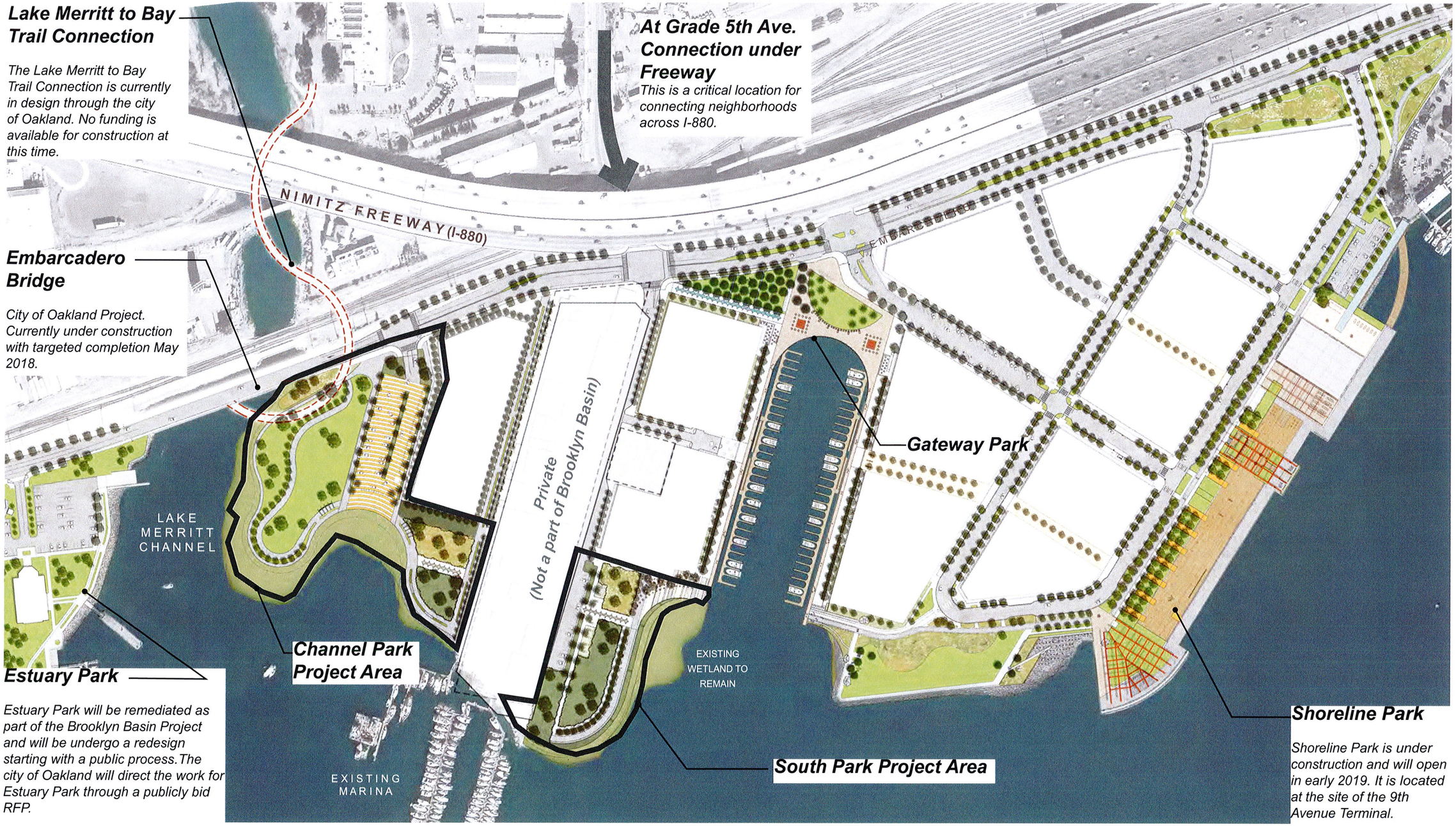


1. TO CHANGE FROM CITY ELEVATION TO A PORT ELEVATION: SUBTRACT 5.77 FEET.
2. TO CHANGE FROM PORT ELEVATION TO A CITY ELEVATION: ADD 5.77 FEET.

BROOKLYN BASIN ZOHP EINWILLERKUEHL

BROOKLYN BASIN
PHASE 3-4 PARKS | SOUTH PARK & CHANNEL PARK
DECEMBER 5, 2017

COVER 3+4- L1.0



Lake Merritt to Bay Trail Connection

The Lake Merritt to Bay Trail Connection is currently in design through the city of Oakland. No funding is available for construction at this time.

At Grade 5th Ave. Connection under Freeway

This is a critical location for connecting neighborhoods across I-880.

Embarcadero Bridge

City of Oakland Project. Currently under construction with targeted completion May 2018.

Gateway Park

Channel Park Project Area

Estuary Park

Estuary Park will be remediated as part of the Brooklyn Basin Project and will be undergo a redesign starting with a public process.The city of Oakland will direct the work for Estuary Park through a publicly bid RFP.

South Park Project Area

Shoreline Park

Shoreline Park is under construction and will open in early 2019. It is located at the site of the 9th Avenue Terminal.

BROOKLYN BASIN ZOHP EINWILLERKUEHL

BROOKLYN BASIN
PHASE 3-4 PARKS | SOUTH PARK & CHANNEL PARK
DECEMBER 5, 2017

OPEN SPACE CONTEXT 3+4- L2.0

Existing Site at South Park view from the water

Existing Site Water's Edge at South Park

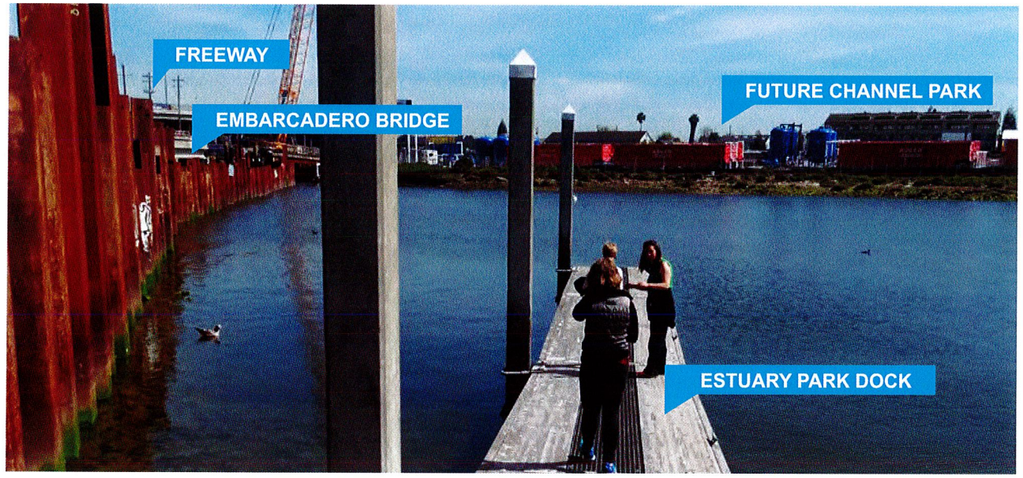
South Park and Channel Park complement the dynamic industrial character of Shoreline Park and Gateway Park with a more contemplative natural character.

HISTORY Historic maps and aerial photographs show the Brooklyn Basin site was once a large natural marsh. In the early 1900s it was filled-in for industrial purposes such as lumberyards, break-bulk-cargo, ship repair, food warehouses, and other activities. Shoreline Park at the site of the 9th Avenue Terminal will remain the most industrial in character--preserving some of the 9th avenue Terminal and integrating the overall geometry and scale of the railroads and building into the design. As the terminal building gives way to lands at the north end, the parks will become softer and will wrap across to South Park with a more natural landscape that connects to the Estuary at Channel park.

CONTEXT South Park and Channel Park are located on the Oakland Estuary at the northern end of the Brooklyn Basin Development in Oakland, California. These parks will be the third and fourth phase of development for open space within the Brooklyn Basin project following Gateway park and the development of Shoreline Park at the site of the 9th Avenue Terminal. The site is located adjacent to the Lake Merritt Channel and faces Estuary Park's beloved and heavily used community boating facility. A new bridge connection along Embarcadero will provide improved access for cars and bicycles in 2018. A planned bicycle and pedestrian bridge from Lake Merritt will make a critical connection to the waterfront trails from neighborhoods to the east.

CHARACTER Each of the open spaces at Brooklyn Basin as well as Estuary Park to the north will provide a continuous family of open space, but will also establish very different strong characters. South Park and the southern end of Channel Park will be the most contemplative providing spaces for quiet views to the water surrounded by native plantings. Smaller picnic areas and activation at the edges will provide clear nodes for accessing the Bay Trail at the water's edge. An existing wetland site that was created through a mitigation with the Port of Oakland will remain as a feature in the landscape. The central and northern edges of Channel Park are designed for larger groups and more dynamic passive recreation. A large flexible pavement area provides opportunities for parking by cars or bicycles as well as the staging area for events. The design of the pavement area can be right sized for changing needs of transportation and events. At the water's edge a community porch provides porch swings for visiting the water and defining your arrival. The porch swings repeat elsewhere in the parks as a trail maker and wayfinding device. At the northern edge of Channel Park a large mound elevates park goers for bigger water views and provides a gentle slope for play and picnicking. In compliance with the State Lands Commission, the parks must be regional in program and will serve the entire Bay Area.

LAND TRAILS In compliance with locating the Bay Trail at the edge of water, a new 30'-0" wide trail area will circumnavigate Brooklyn Basin and connect to existing Bay Trail at both the north and south ends. The design was created to emphasize the public access by multiple modalities and to strengthen connects to the existing residential fabric of Oakland at numerous critical intersections. The team is working with the city led project for the new bike bridge connection to insure the designs are integrated and positively reinforce each other. In total South Park and Channel Park provide nearly 2000 linear feet of water's edge trail.

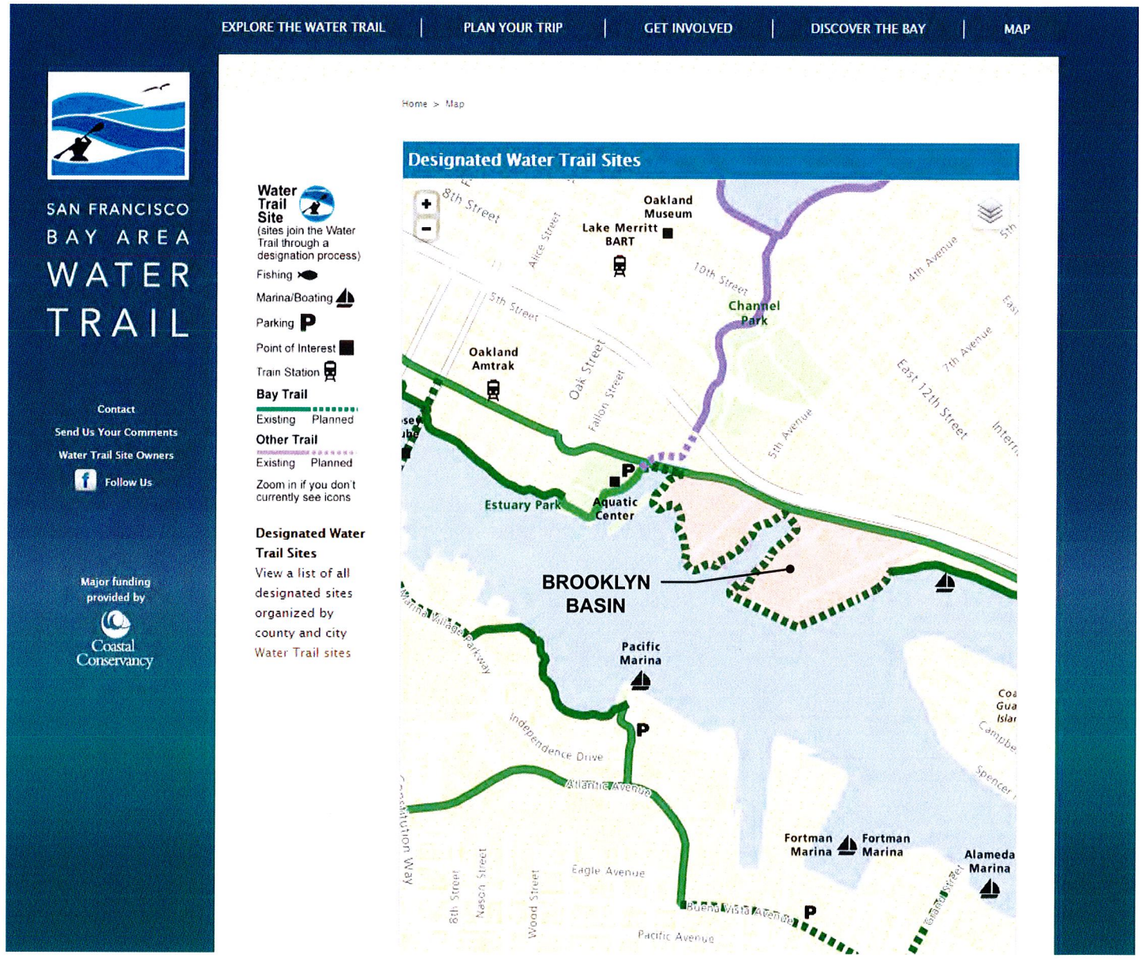


Existing Site at Channel Park viewed from Estuary Park

Existing Site at Channel Park viewed from Kayak

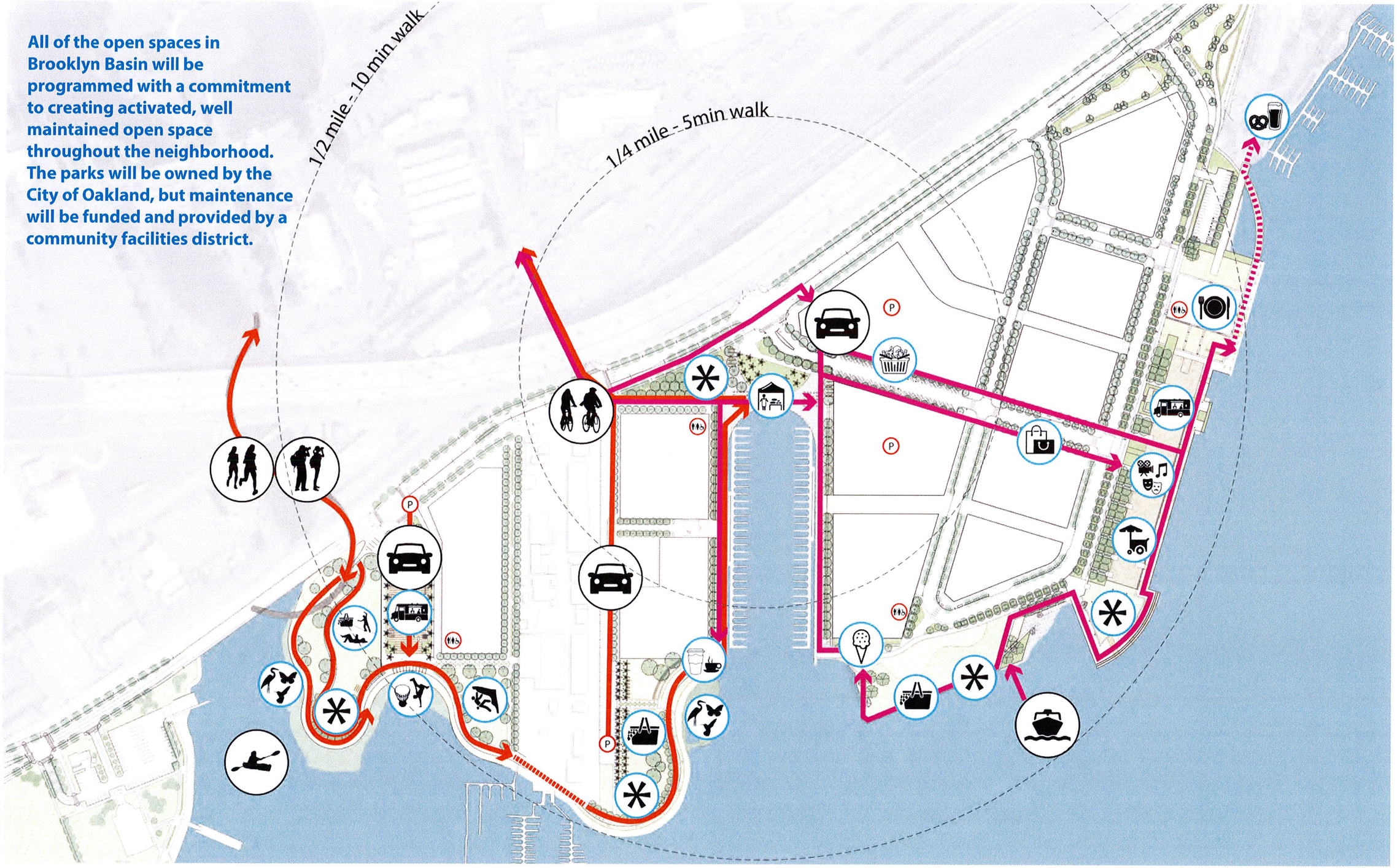
Channel Park makes important connections for trails on water and on land.

WATER TRAILS The Oakland Estuary has long been an important site for boating and water use. With increasing congestion on roads interest in water transportation and recreation is growing. The park designs recognize the water experience as different from the land experience. The design of the landscape provides visual elements for wayfinding from the water as well as informal places where a kayak or small boat may slow along its way.



Water Trail Map

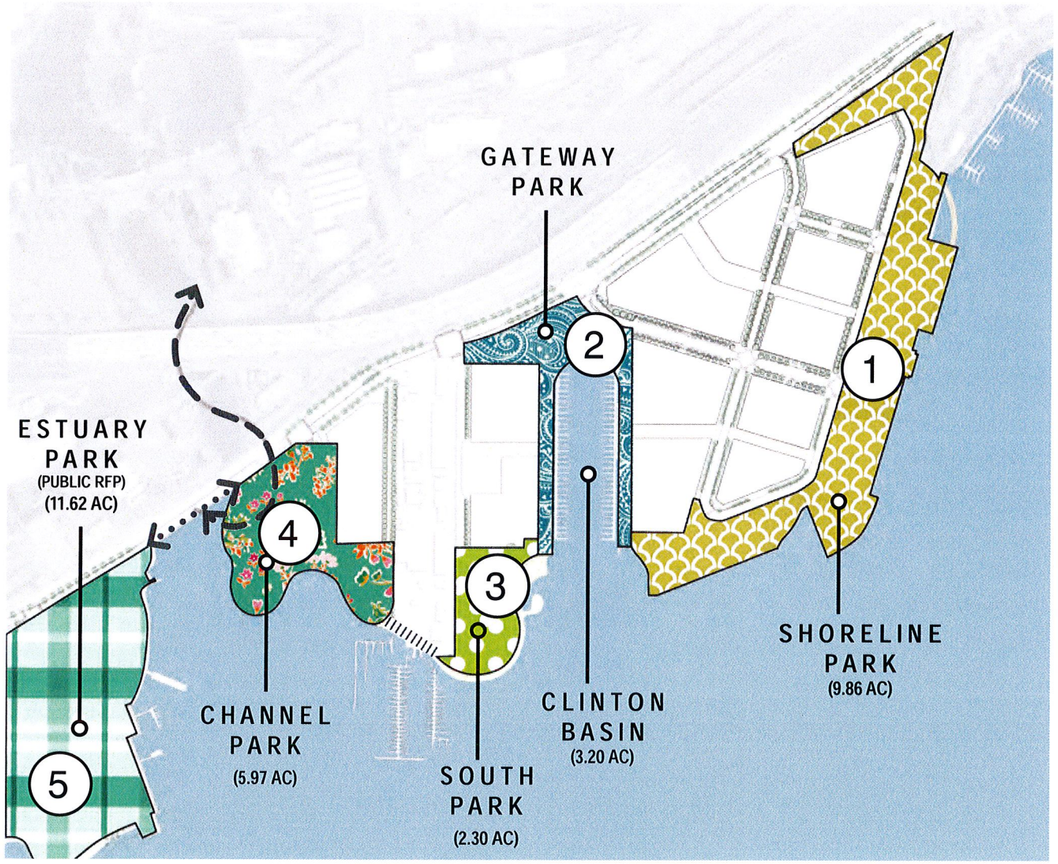
All of the open spaces in Brooklyn Basin will be programmed with a commitment to creating activated, well maintained open space throughout the neighborhood. The parks will be owned by the City of Oakland, but maintenance will be funded and provided by a community facilities district.



BROOKLYN BASIN ZOHP EINWILLERKUEHL

BROOKLYN BASIN
PHASE 3-4 PARKS | SOUTH PARK & CHANNEL PARK
DECEMBER 5, 2017

SITE AMENITIES 3+4- L5.0



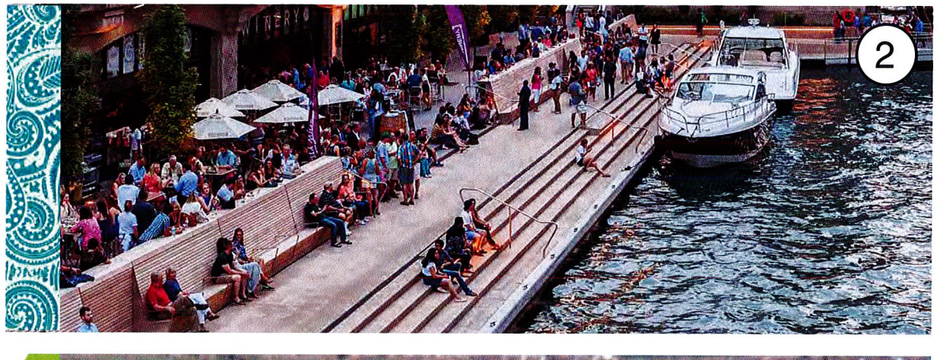
Each park in Brooklyn Basin will have a strong character and together they will form a family of open spaces linked by trails.

ESTUARY PARK

Historic park with a beloved Aquatic Center providing access to the water for rowers and paddlers. Currently under redesign through a public RFP through the city of Oakland underway.

SHORELINE PARK

A large, south facing deck and event space is at the heart of Shoreline Park. The retrofit of 9th Avenue Terminal offers a visitor center and restaurant. Historic interpretation of the old wharf occurs throughout the park.



GATEWAY PARK AT CLINTON BASIN

A clear entrance to the park that incorporates large-scale wayfinding, kiosks and cafes to welcome visitors to the park. Boardwalk promenade along Clinton Basin and the boat marina guides visitors into park.

SOUTH PARK

Natural area with picnic tables and bbq grills for public use is located adjacent to existing wetland. A large, communal bench offers space for community to come together and take in views over the water or may act as a meeting spot.

CHANNEL PARK

Viewing hill and waterfront trails adjacent to lawn areas for picnicking and impromptu gatherings. Regional parking lot that acts as a flexible space with bike parking/station and a design that can accommodate public events.

Shoreline Park is under construction and the demolition of the 9th Avenue Terminal has opened up views to the estuary.

Salvaging granite blocks found on site

Partial demolition of 9th Avenue Terminal and new water view

Demolition in progress

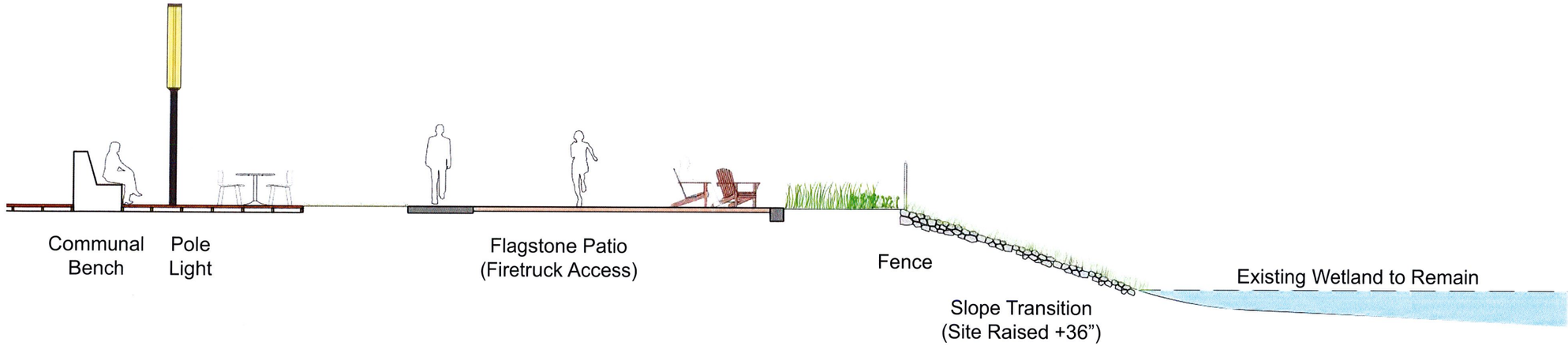
Storage of granite blocks on wharf

South Park will be a place of quiet and contemplation within the overall family of parks in Brooklyn Basin.

BROOKLYN BASIN ZOHP EINWILLERKUEHL

BROOKLYN BASIN
PHASE 3-4 PARKS | SOUTH PARK & CHANNEL PARK
DECEMBER 5, 2017

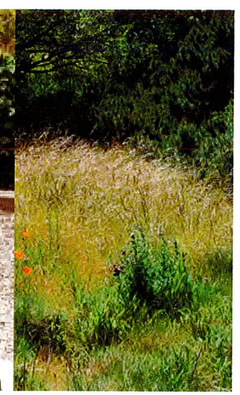
SOUTH PARK 3+4- L8.0



Communal Benches

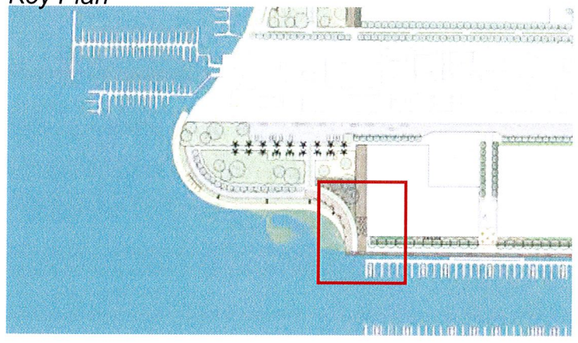
Flagstone DG

Rustic Furniture



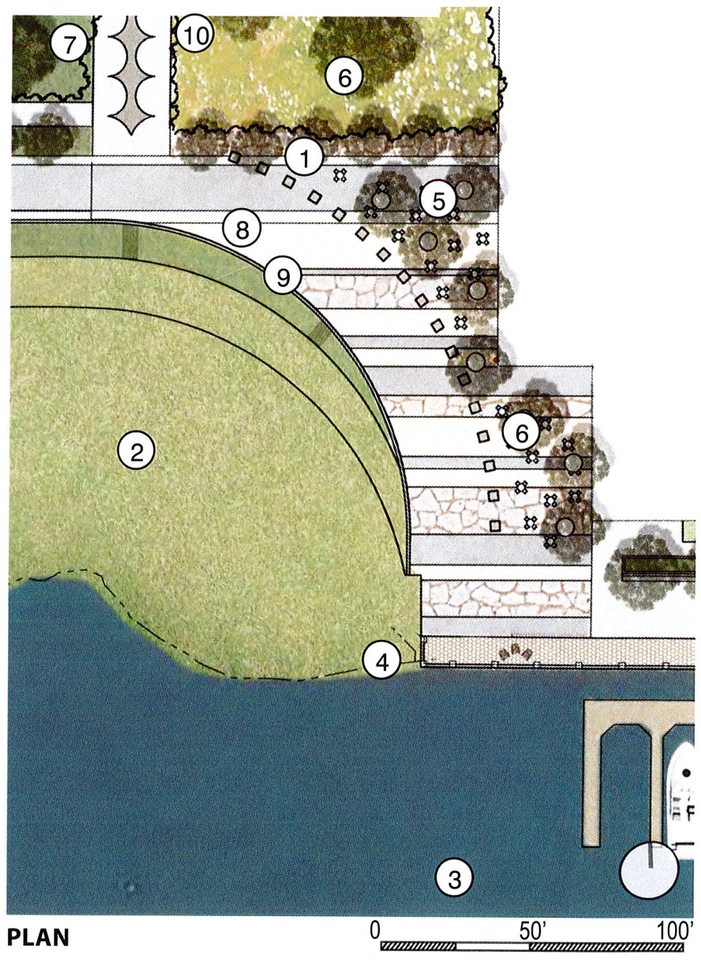
Native Plants

Key Plan



Overlook corner is designed to provide a point of slowness in the trail similar to an eddy in a stream. It will offer views over the existing wetland, a cafe opportunity, and a community scaled bench for lounging.

1. *Communal Seats*
2. *Existing Wetland*
3. *Clinton Basin*
4. *Water Interpretation*
5. *Cafe Opportunity*
6. *Shade Trees*
7. *Wetland Walk*
8. *Flagstone DG Patio*
9. *Rustic Furniture*
10. *Native Plantings*



PLAN

BROOKLYN BASIN ZOHP EINWILLERKUEHL

BROOKLYN BASIN
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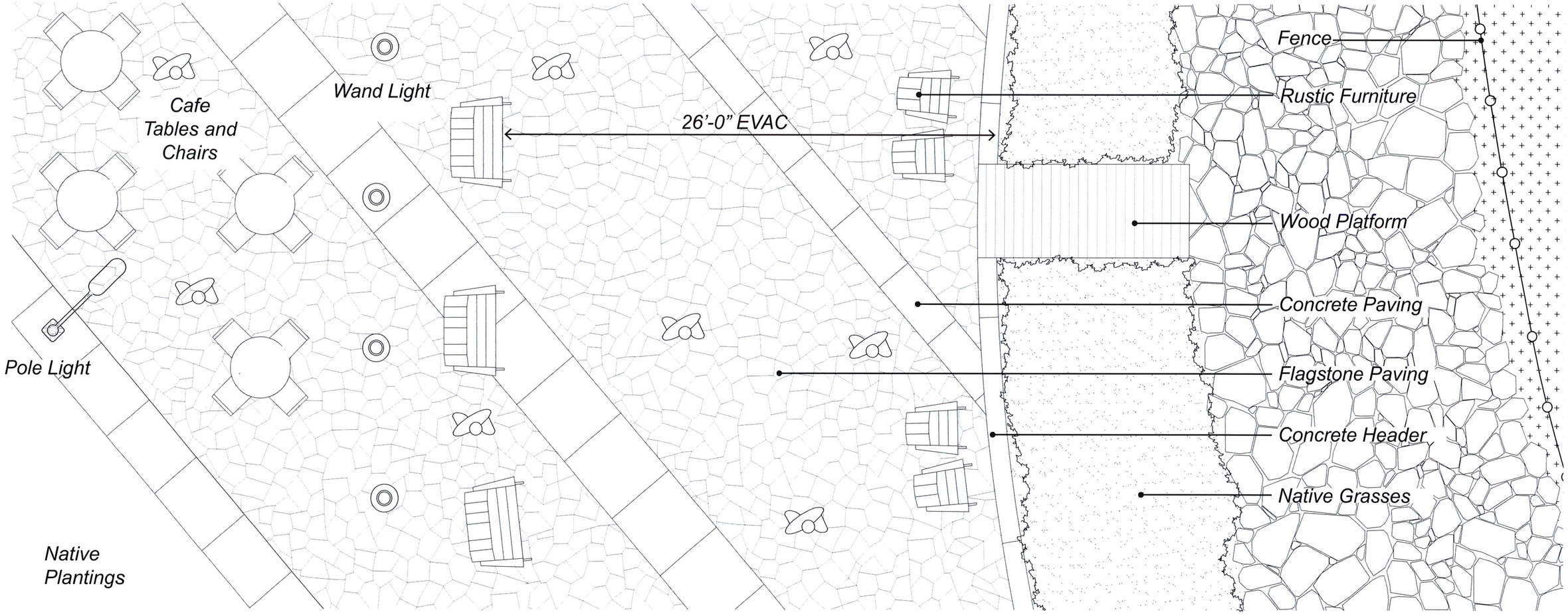
DECEMBER 5, 2017

OVERLOOK CORNER 3+4- L9.0

The materials palette will evoke the raw qualities of natural material.



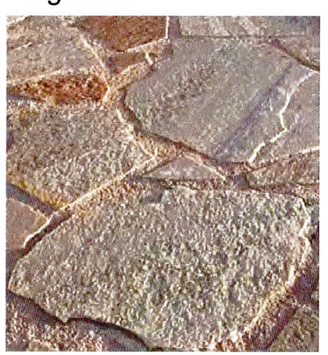
CommunalBench

Wood Deck

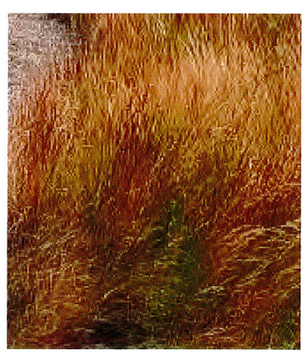
Evergreen Scrub

Concrete Paving

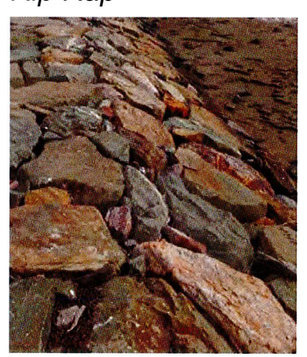
Flagstone



Native Grasses



Rip Rap



BROOKLYN BASIN ZOHP EINWILLERKUEHL

BROOKLYN BASIN
PHASE 3-4 PARKS | SOUTH PARK & CHANNEL PARK
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OVERLOOK CORNER DETAIL PLAN

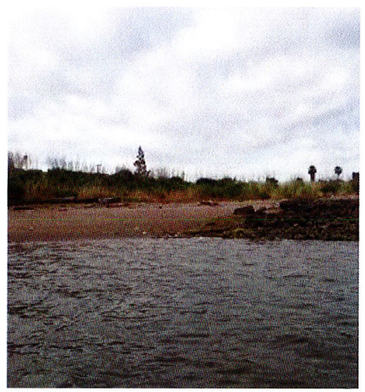
3+4-L10.0

Existing gate

Existing beach area

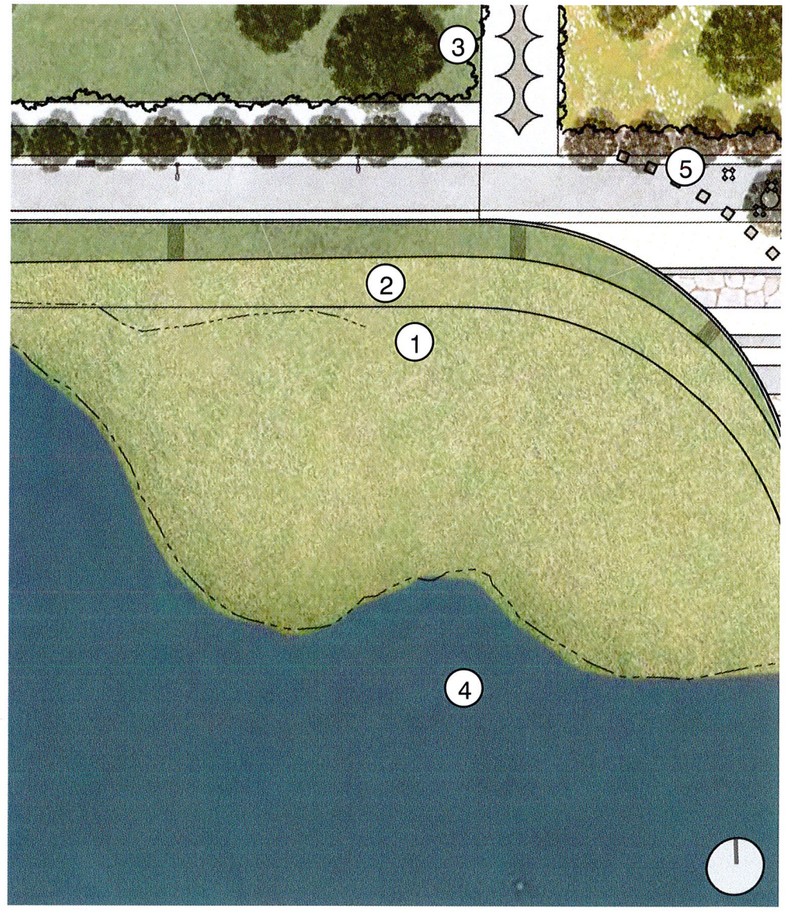
Trash

Existing edge of land



Existing view from water

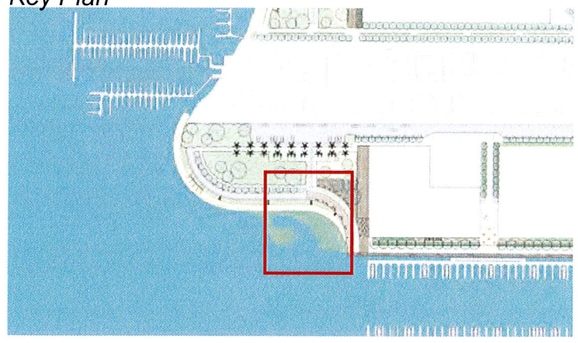
1. *Existing Wetland*
2. *Slope Transition*
3. *Wetland Walk*
4. *Oakland Estuary*
5. *Overlook Corner*



PLAN

0 50' 100'

Key Plan



The existing wetland was created as a mitigation and includes a metal fence with a heron at its gate. Invasive plant and trash within the existing wetland area should be removed. New native planting will augment the wetland area and extend its habitat value.

Proposed View

BROOKLYN BASIN ZOHP EINWILLERKUEHL

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DECEMBER 5, 2017

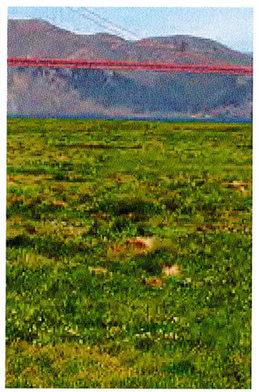
EXISTING WETLAND

3+4-L11.0

Washingtonia filifera allee

Stormwater treatment and lighting

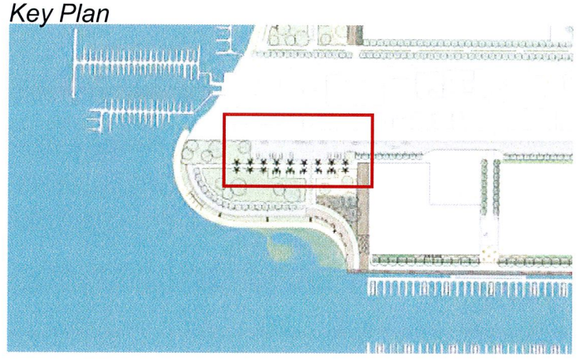
Picnic tables



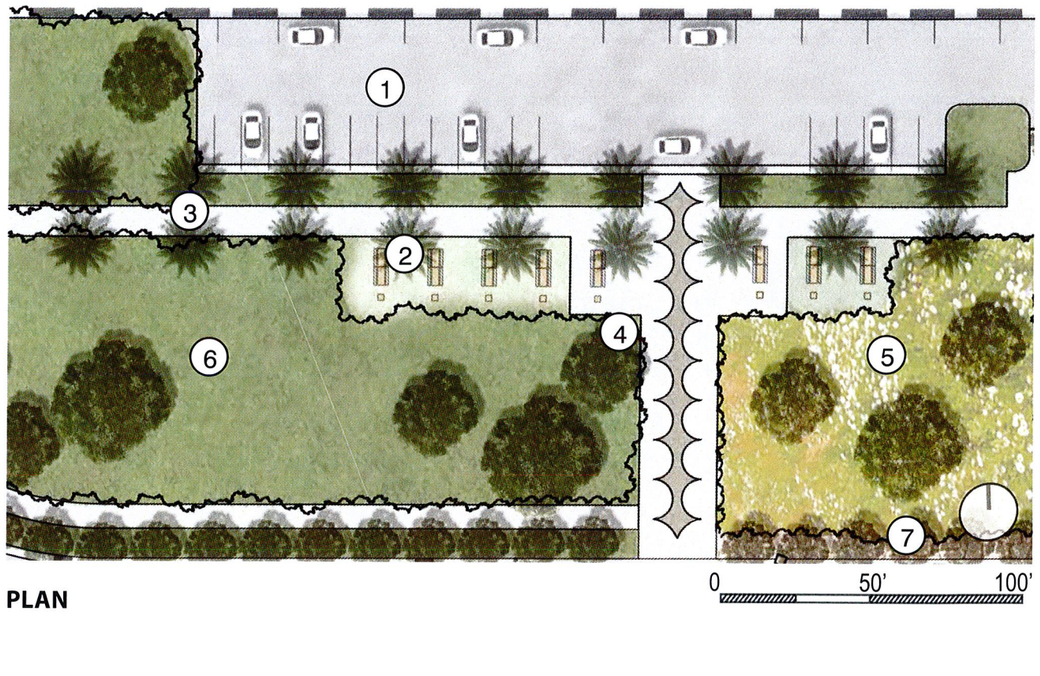
Meadow

Oyster Shells for Wetland Walk

Key Plan

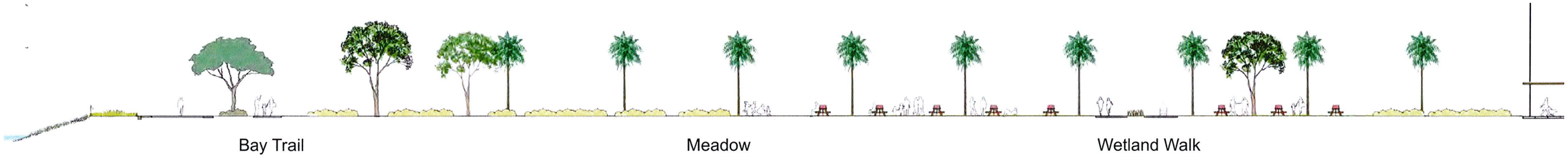


The Picnic Grove is designed to provide easy access to a natural area for parking and picnicking near the water. A special walkway--also providing EVAC--recalls the importance of oysters in the history of the site.



PLAN

1. *Parking*
2. *Picnic Tables*
3. *Native Palm Trees*
4. *Wetland Walk*
5. *Stormwater treatment area*
6. *Meadow*
7. *Overlook Corner*



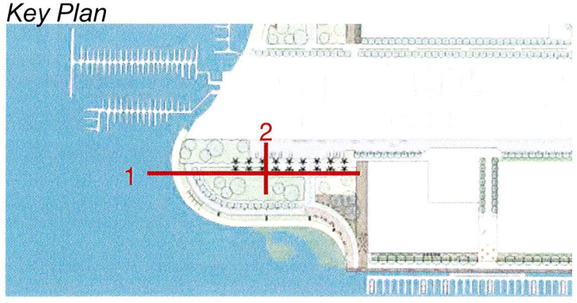
Bay Trail | Meadow | Wetland Walk

1

Parking | Native Palm Walk | Picnic Area | Bioretention Area (Wetland Walk Beyond) | Meadow | Shade Trees

2

Key Plan



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DECEMBER 5, 2017

PICNIC GROVE SECTIONS

3+4- L13.0

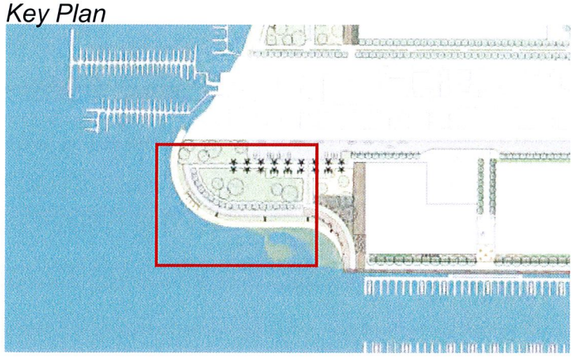
Bay Trail with Asphalt and DG

Interpretive Sign

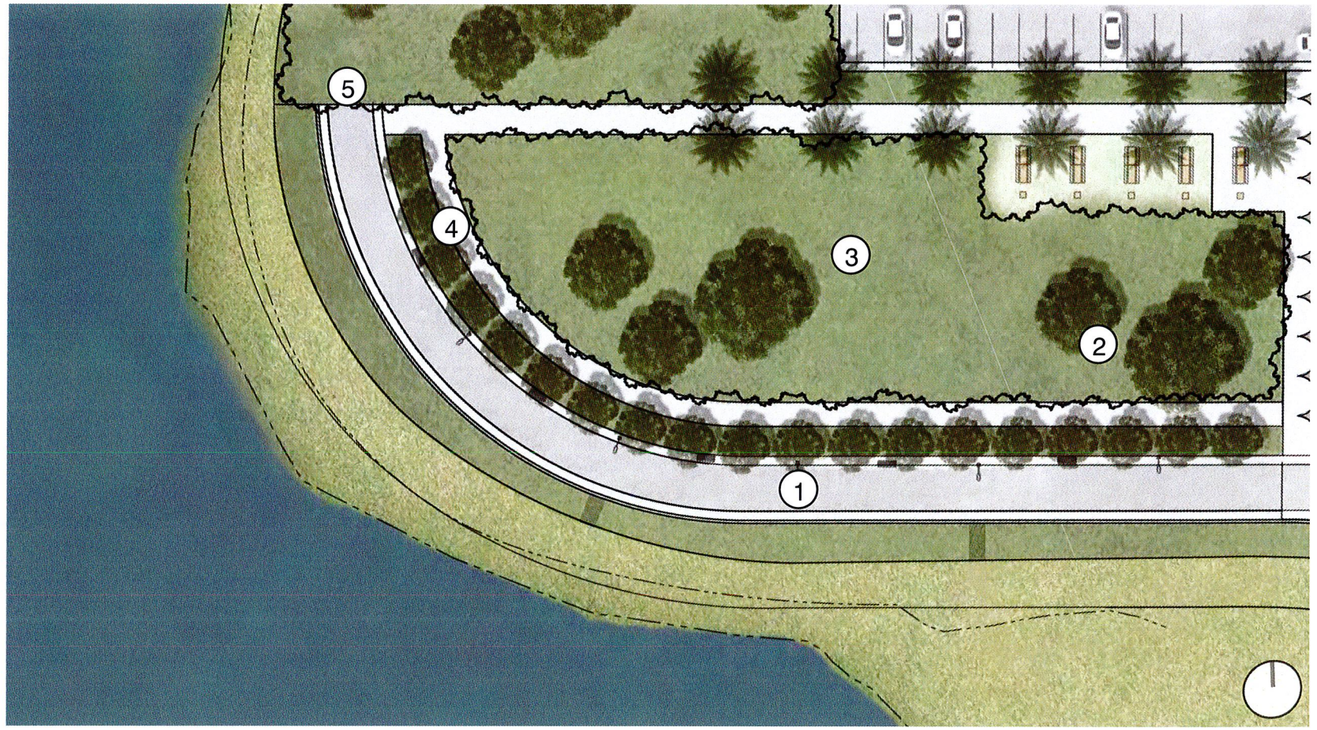
Meadow

Meadow Edge Plantings

Key Plan



The Meadow is a natural area with a combination of low grasses, groundcovers, and small shrubs designed to augment habitat value of the area.



PLAN

0 50' 100'

1. *Bay Trail*
2. *Shade Trees*
3. *Meadow*
4. *Coastal Scrub Plantings*
5. *Interpretive Sign*

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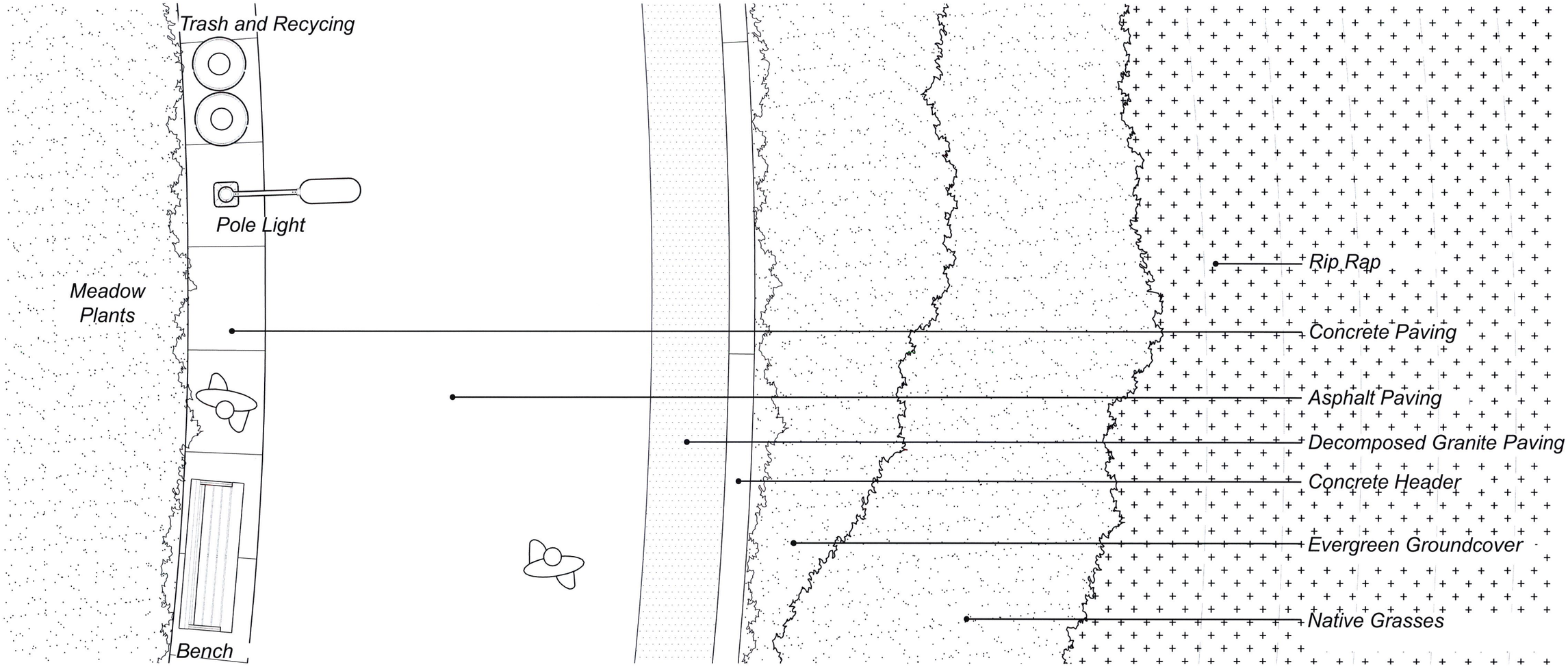
PHASE 3-4 PARKS | SOUTH PARK & CHANNEL PARK
DECEMBER 5, 2017

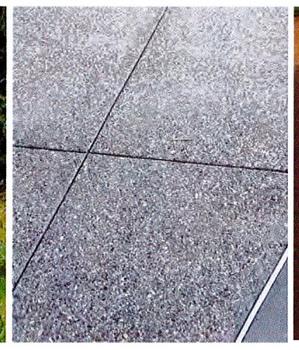
SOUTH MEADOW 3+4-L14.0

The materials palette will be simple, humble,and well proportioned.

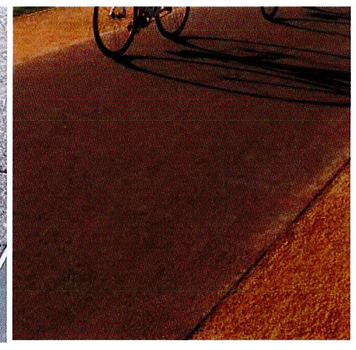


Meadow Plants

Concrete Paving



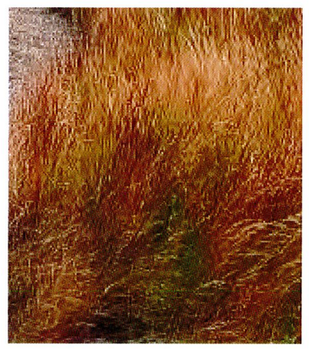
Asphalt Paving



Decomposed Granite

Evergreen Groundcover

Native Grasses



Rip Rap

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DECEMBER 5, 2017

BAY TRAIL DETAIL PLAN

3+4-L15.0

Channel Park is designed to encourage passive recreation and a connection to both the estuary and channel. It will be an important wayfinding point for the trail network.

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CHANNEL PARK 3+4-L16.0

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DECEMBER 5, 2017

CHANNEL PARK BIRD'S EYE VIEW

3+4-L17.0

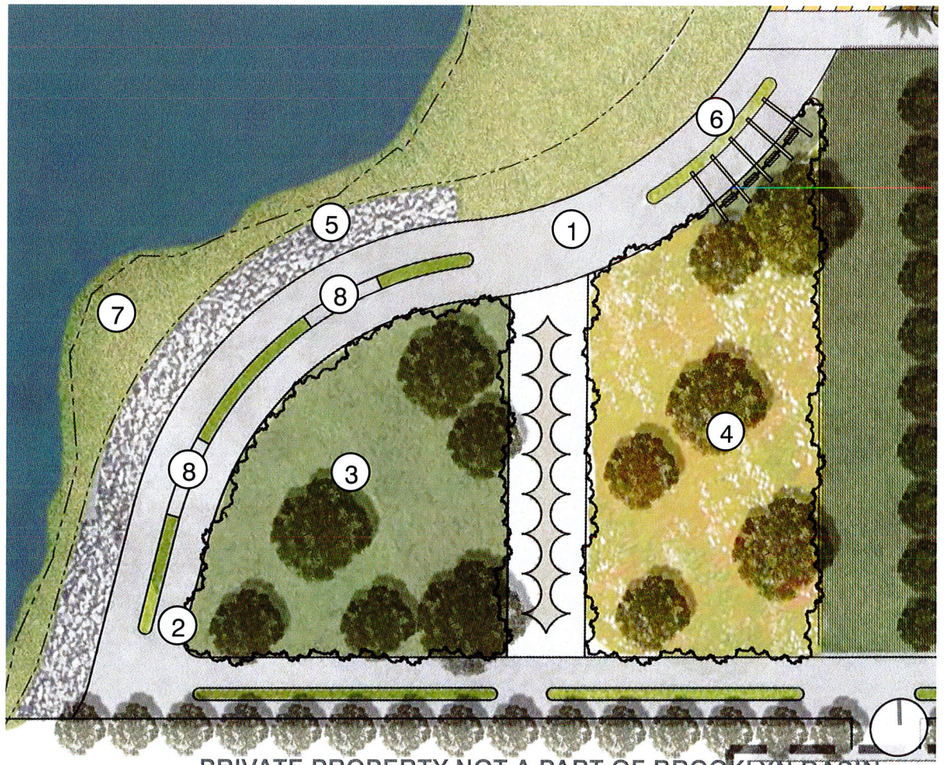
Bench and Planter

Stormwater treatment and lighting

Key Plan

The Meadow is a natural area with a combination of low grasses, groundcovers, and small shrubs designed to augment habitat value of the area.

1. *Bay Trail*
2. *Shade Trees*
3. *Meadow*
4. *Bioretention Area*
5. *Interpretive Sign*
6. *Swings*
7. *New Vegetated Shoreline*
8. *Bench*



PLAN

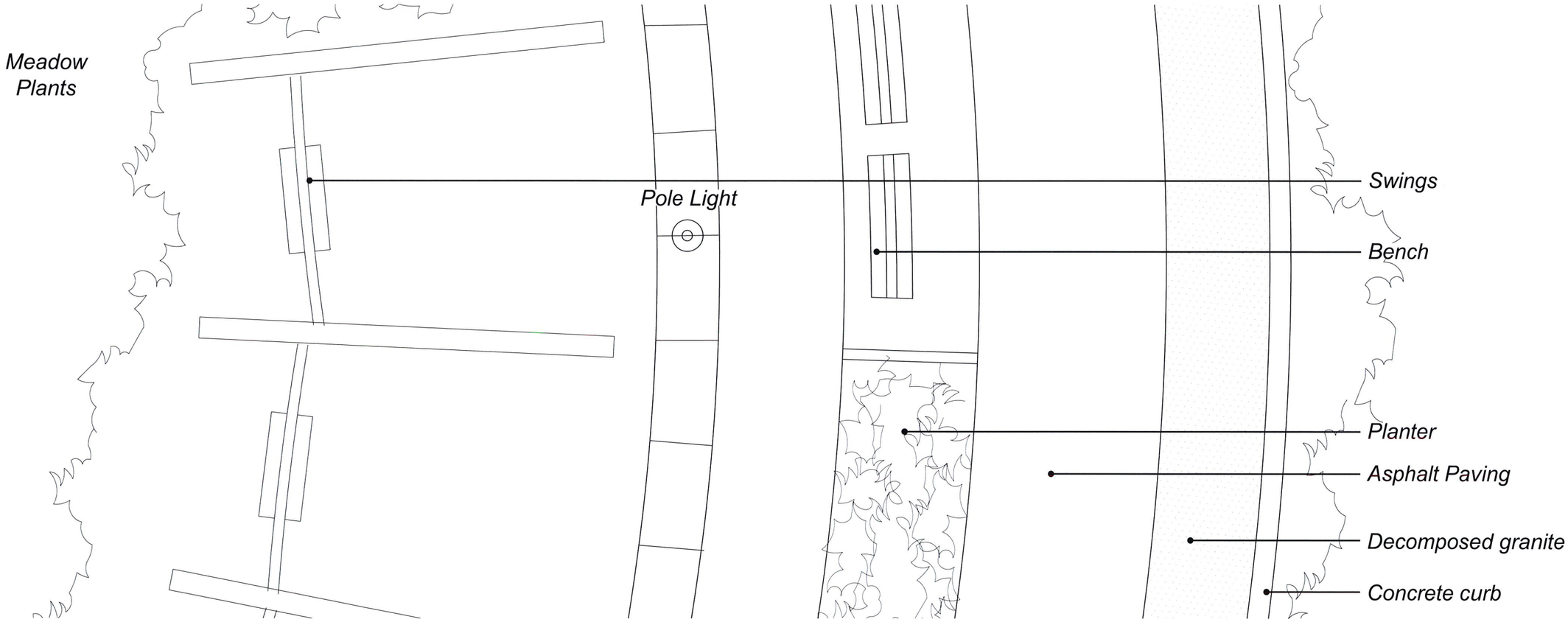
BROOKLYN BASIN ZOHP EINWILLERKUEHL

BROOKLYN BASIN
PHASE 3-4 PARKS | SOUTH PARK & CHANNEL PARK
DECEMBER 5, 2017

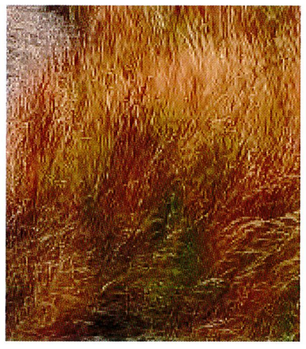
NORTH MEADOW + SHORELINE TRAIL

3+4-L18.0

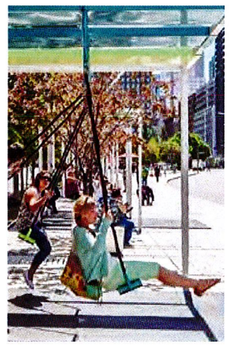
The materials palette will be simple and well proportioned.



Meadow Plants

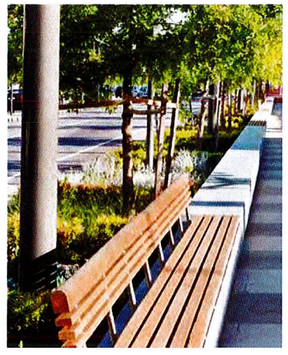


Swings

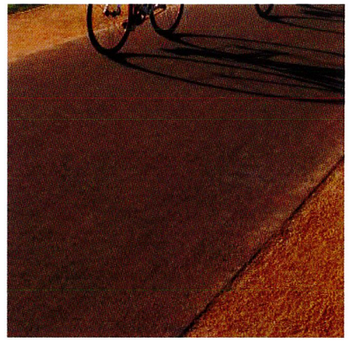


Concrete Paving

Bench Planter



Asphalt Paving



DG

vergreen Groundcover

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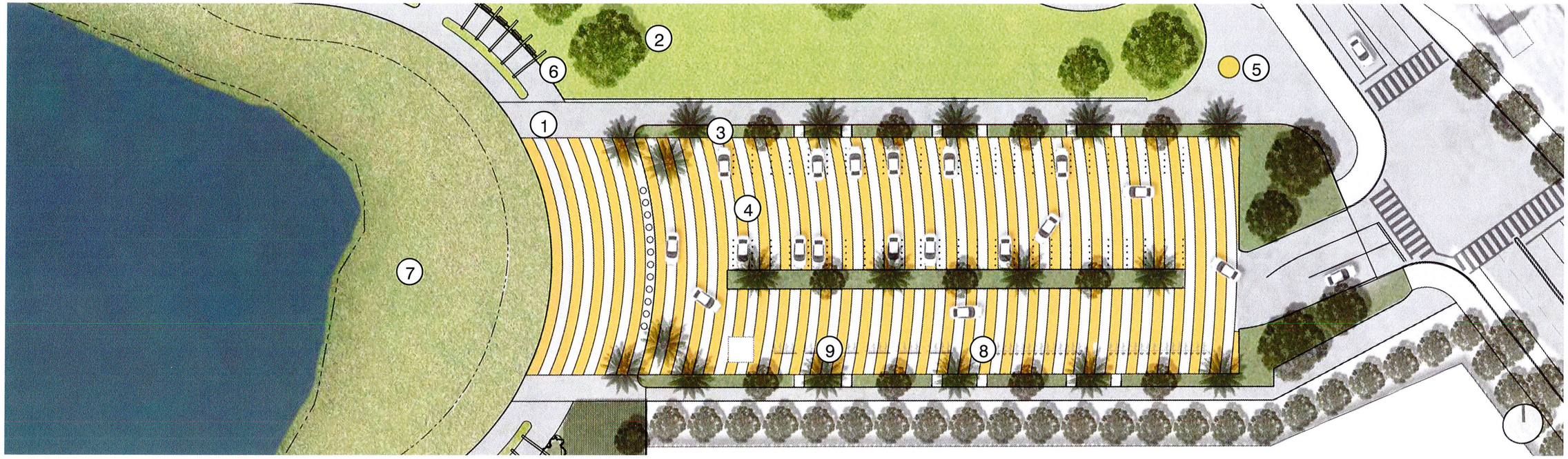
BROOKLYN BASIN
PHASE 3-4 PARKS | SOUTH PARK & CHANNEL PARK
DECEMBER 5, 2017

SHORELINE TRAIL DETAIL PLAN

3+4- L19.0



PLAN

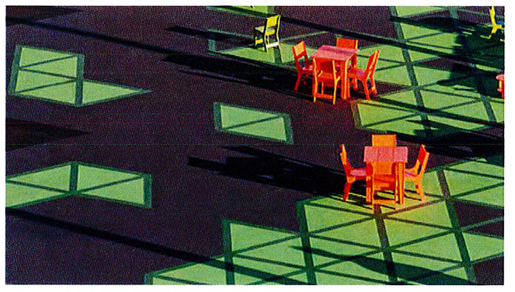
1. *Bay Trail*
2. *Shade Trees*
3. *Palm Tree*
4. *Special Paving*
5. *Wayfinding Monument*
6. *Swings*
7. *New Vegetated Shoreline*
8. *Bike Share Station*
9. *Bike Parking*

0 50' 100'

Key Plan

The Arrival Court is a level area of specialty paving that can be used for parking, events, or a combination of needs.

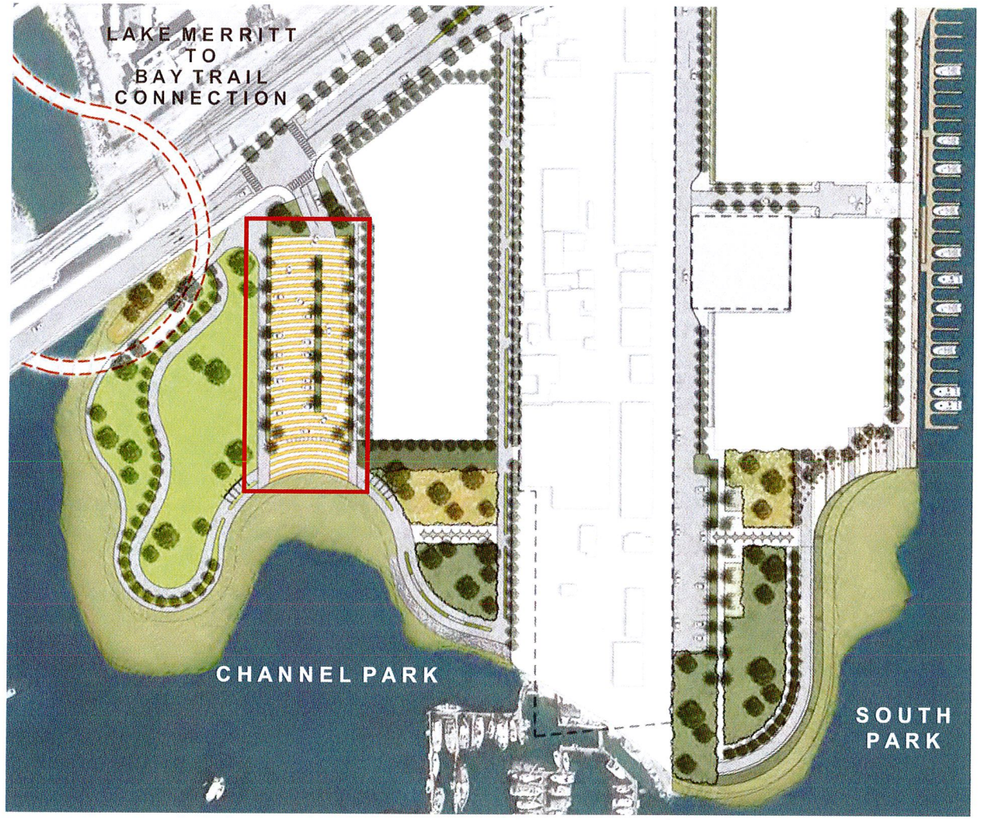
Sculptural Swings

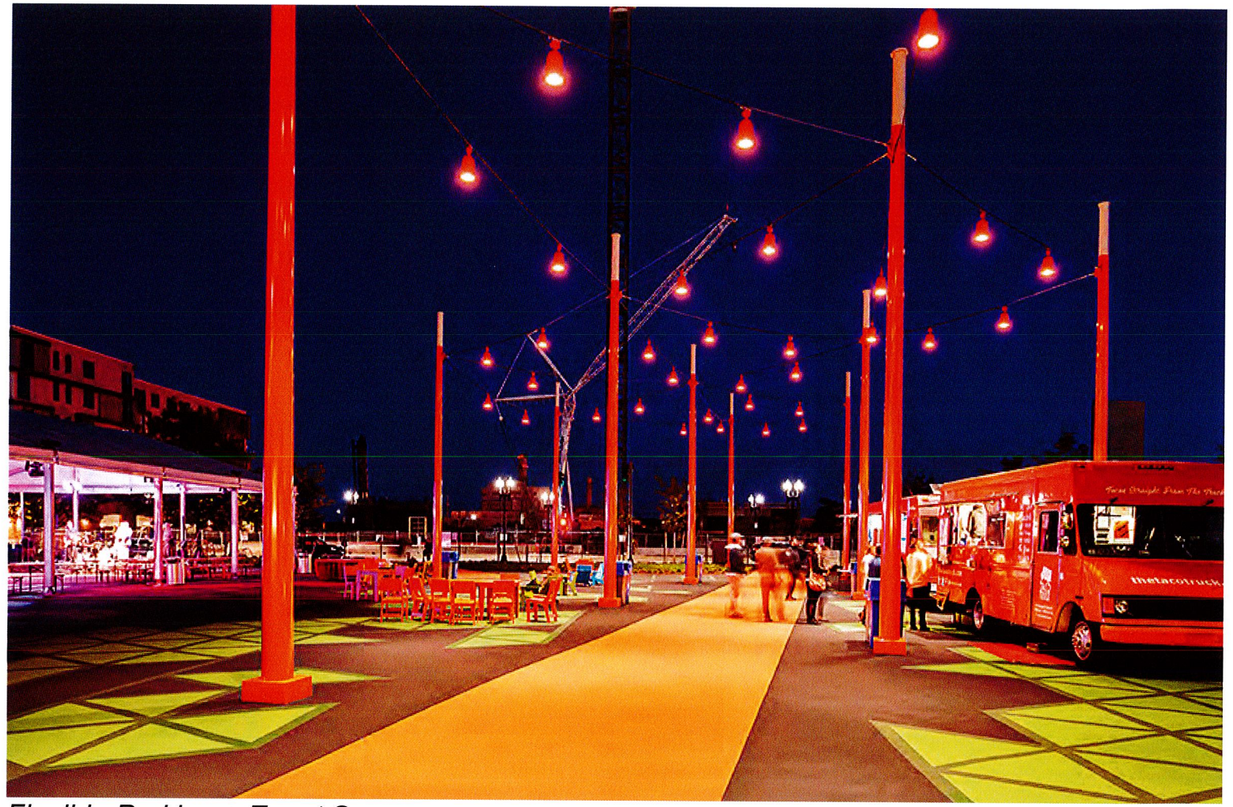


Specialty Pavement

Bike Parking

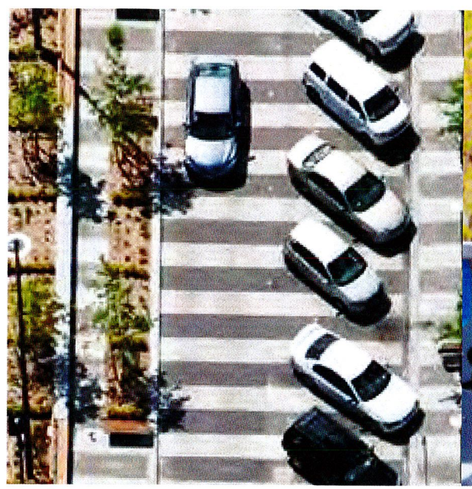
BROOKLYN BASIN ZOHP EINWILLERKUEHL





Flexible Parking + Event Space

The parking lot at Channel Park has been designed as a flexible space that acts as a regional parking lot, but can also be utilized by the community for public events of various sizes. We anticipate rightsizing the day one parking, bike parking, and bike station uses and having the flexibility to close the lot for events. The design will surface the lot with paint or another material that diminishes its assumed use for automobiles and suggests alternative uses.

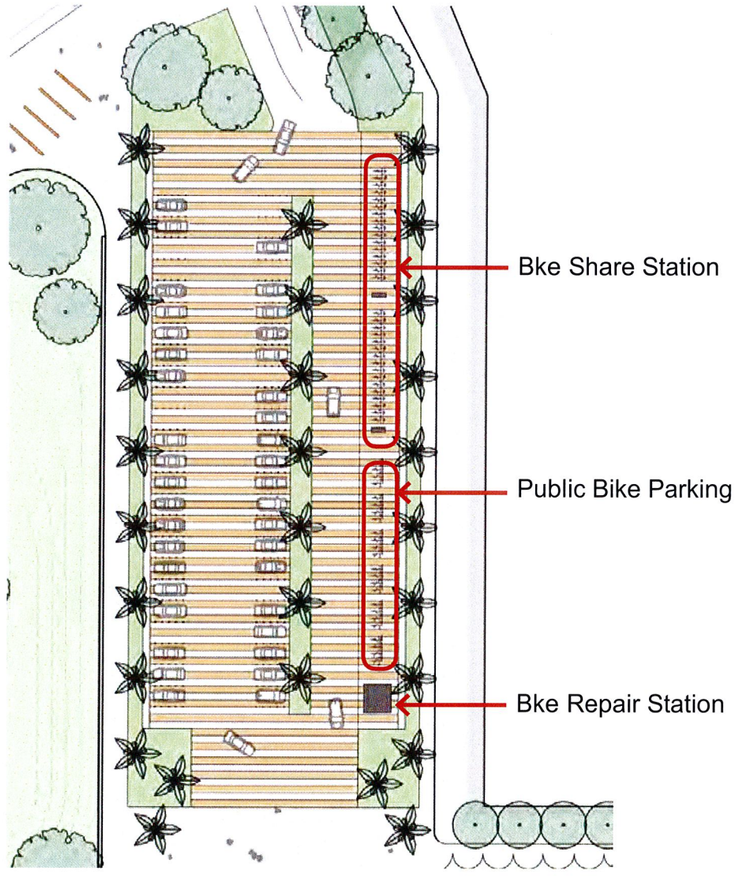


Auto Parking

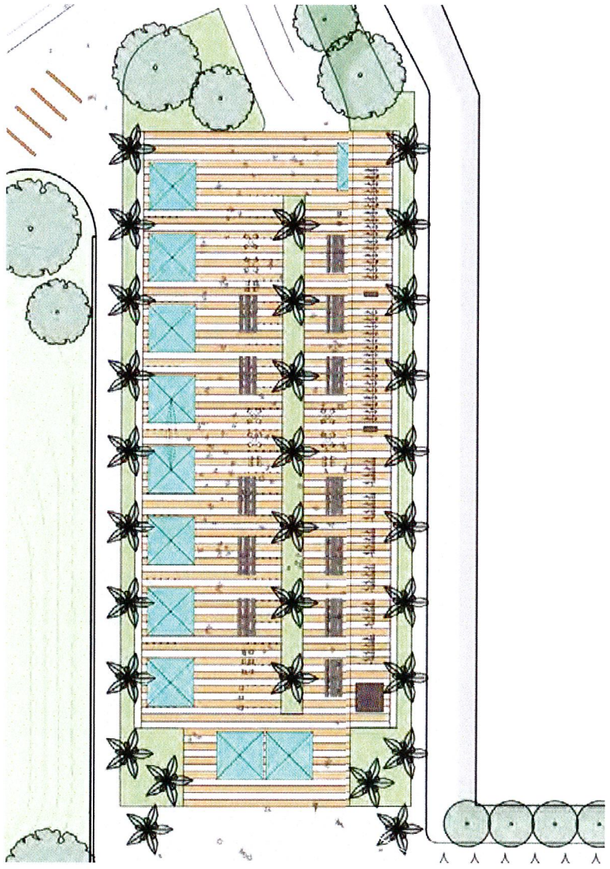
Bike Share Station

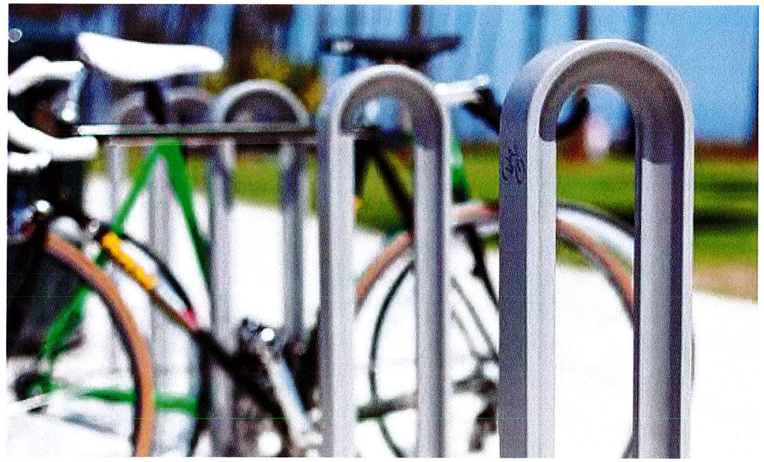
Community Events

Regional Parking + Bike Parking



Event Space + Bike Parking



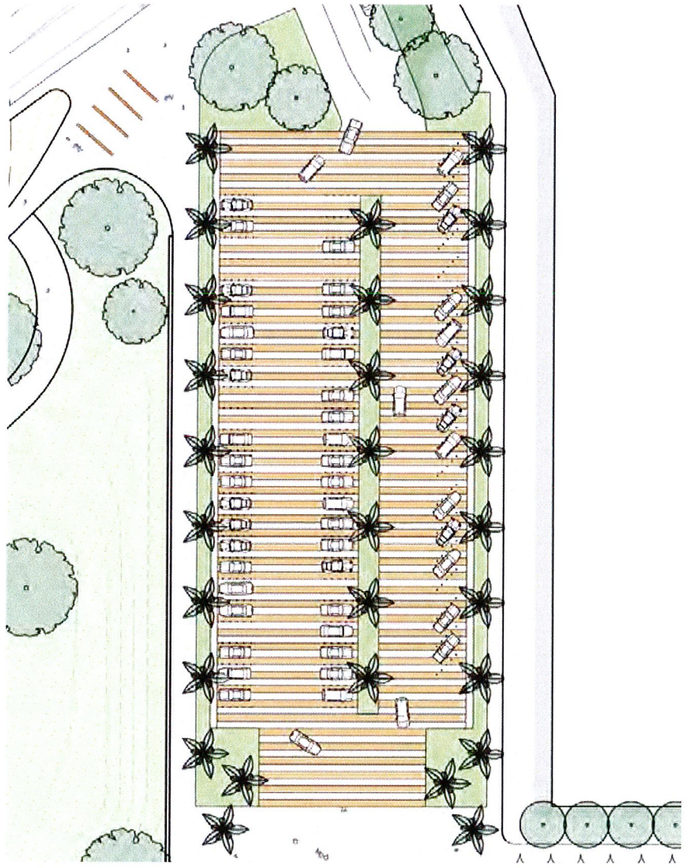


Public Bike Parking

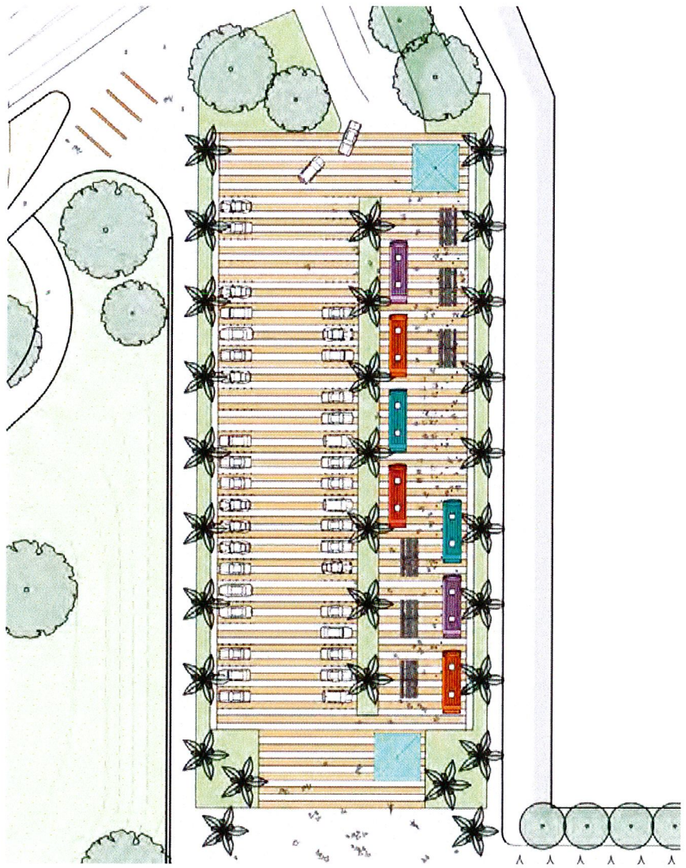
Bike Share Station

With connections to the Bay Trail, Lake Merritt, and city bike lanes, biking will be a popular mode of transit to access Brooklyn Basin. The design suggests that the Channel Park Flexible Parking Lot provide bike racks for personal bicycles as well as a bike share station and a bike repair station.

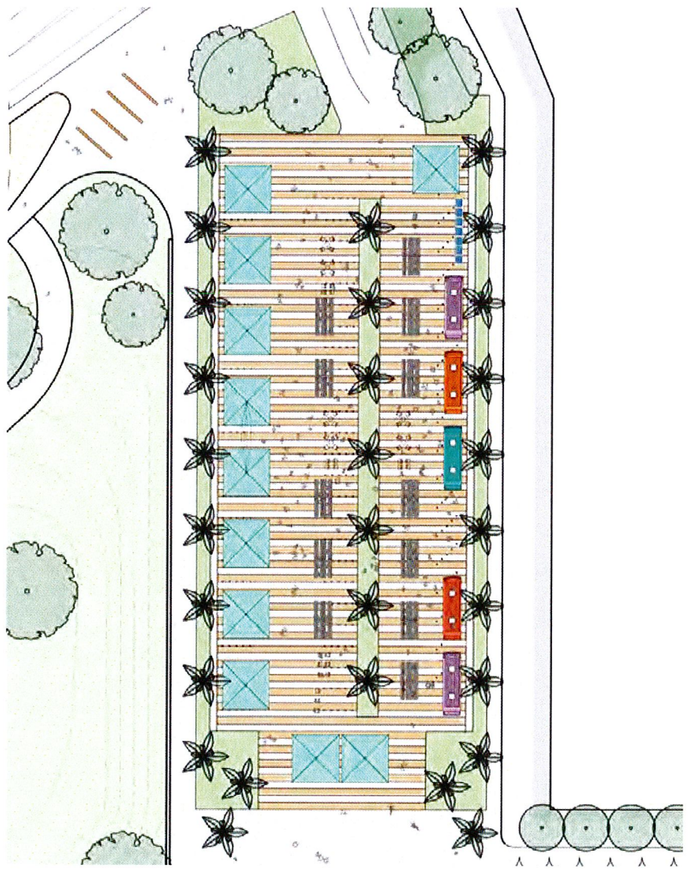
Regional Parking



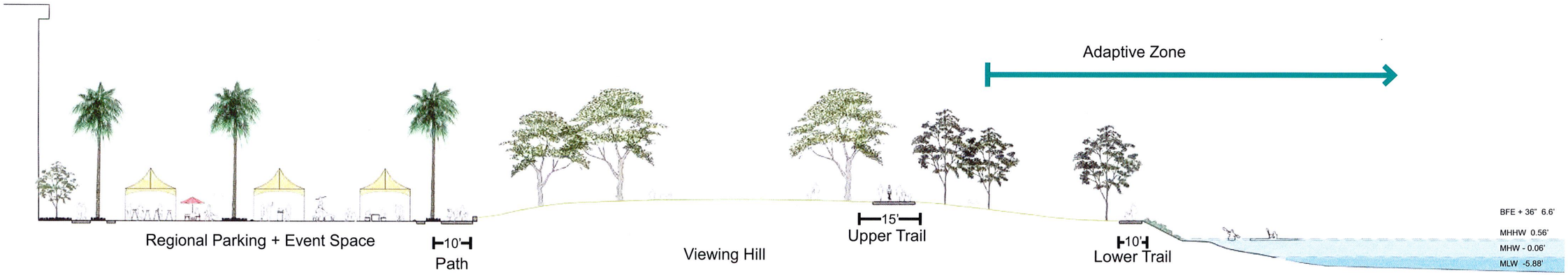
Regional Parking + Event Space



Event Space



The above diagrams and those shown on page L11.2 demonstrate the flexibility of the arrival plaza. It allows for many different kinds of activities to occur in the space, whether it be just parking, parking and an event at the same time or an event taking up the entire space. The rightsizing of the number of car spaces relative to bike parking spaces and bike stations will be developed as the design evolves. All of the parking is public.



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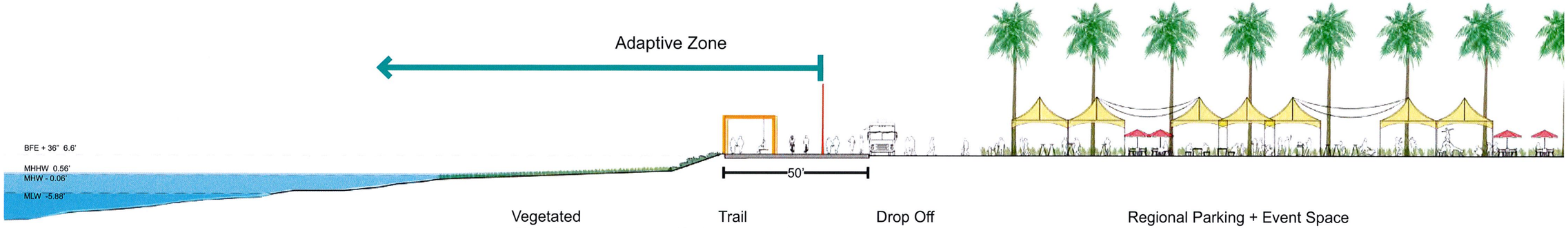
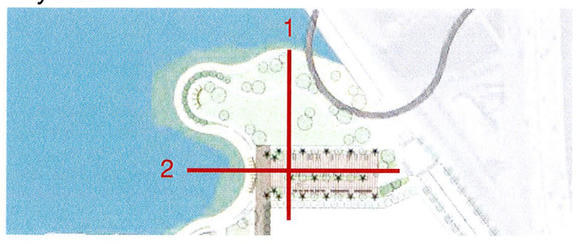


2

Key Plan



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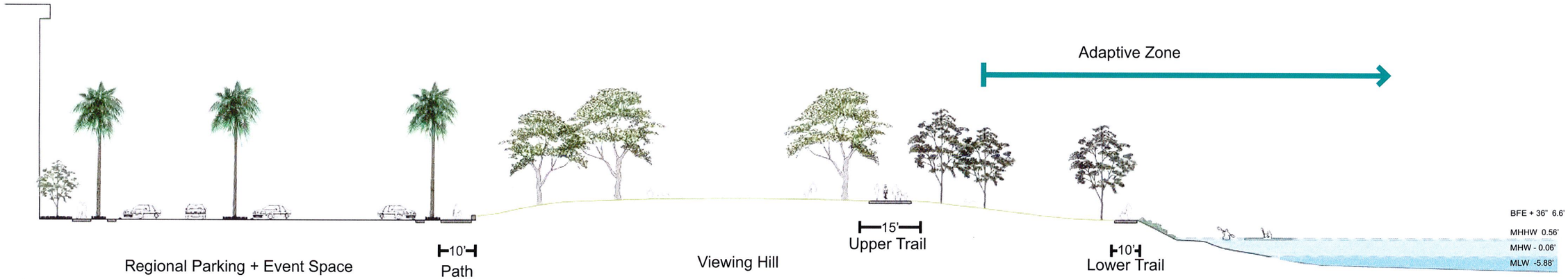
DECEMBER 5, 2017

ARRIVAL COURT: EVENT

3+4-L24.0



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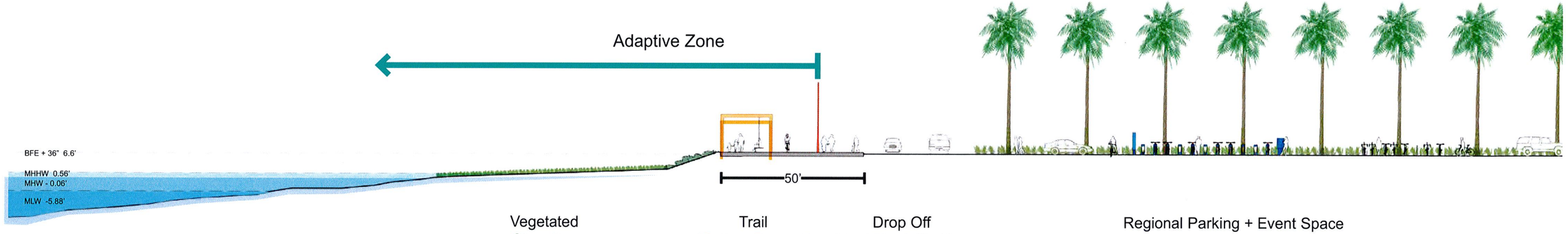
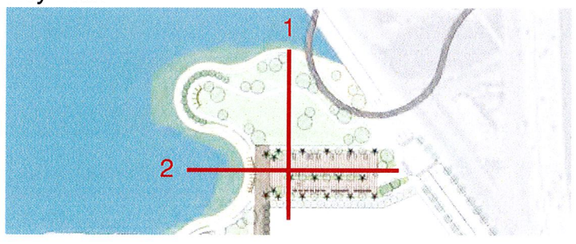


2

Key Plan



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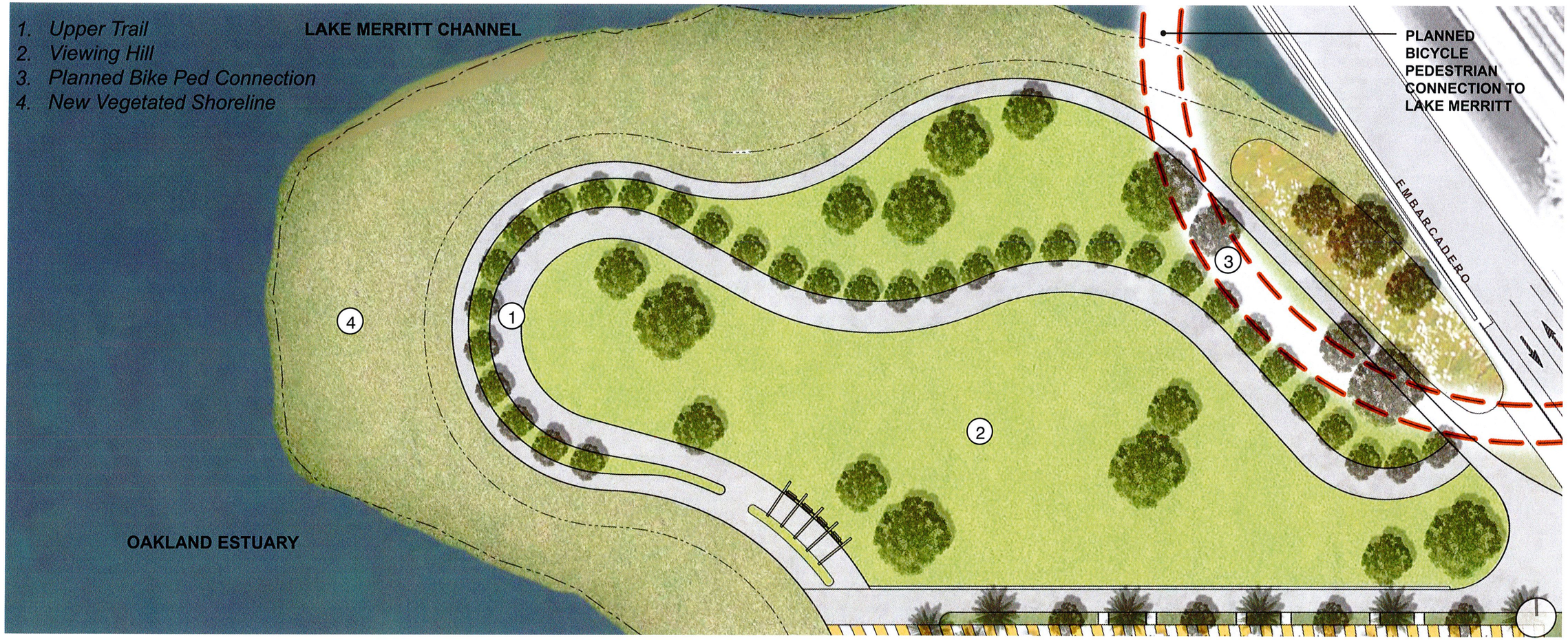
ARRIVAL COURT: PARKING

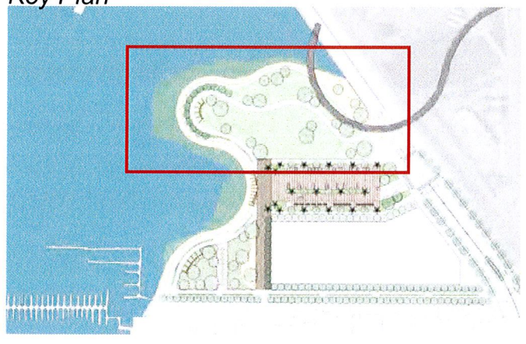
3+4- L25.0

1. *Upper Trail*
2. *Viewing Hill*
3. *Planned Bike Ped Connection*
4. *New Vegetated Shoreline*



PLAN

Key Plan



The viewing hill provides a transtion between the large size of the highway overcrossing and the proposed pedestrian bicycle bridge to the park lands. At the top it will provide bigger water views.

Vegetated Shoreline

Multi-Level Paths

Viewing Hill

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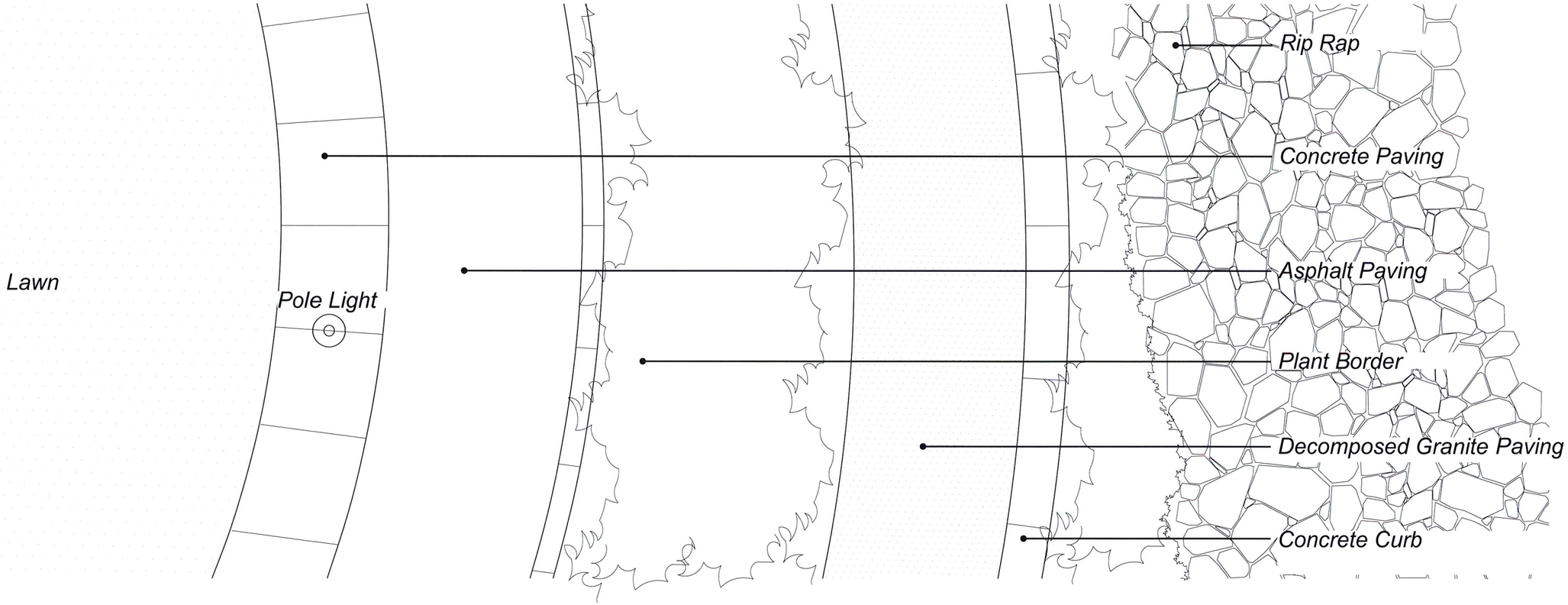
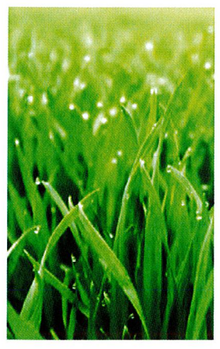
DECEMBER 5, 2017

VIEWING HILL

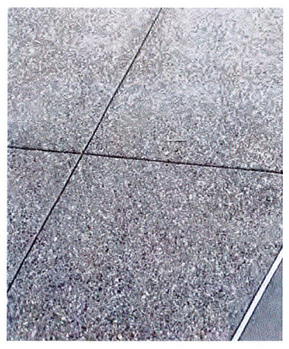
3+4-L26.0



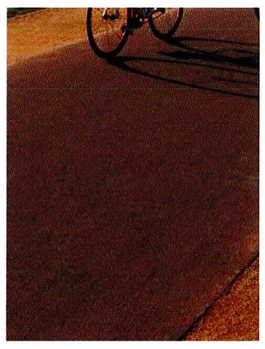
Delta Bluegrass



Concrete Paving



Asphalt Paving



Plant Border

DG

Evergreen groundcover

Rip Rap

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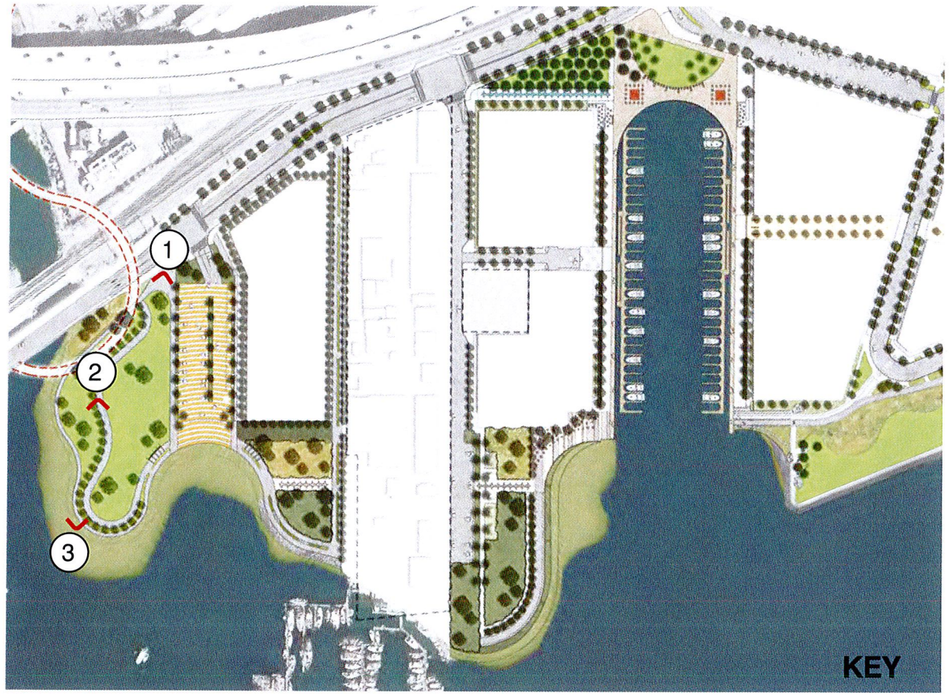
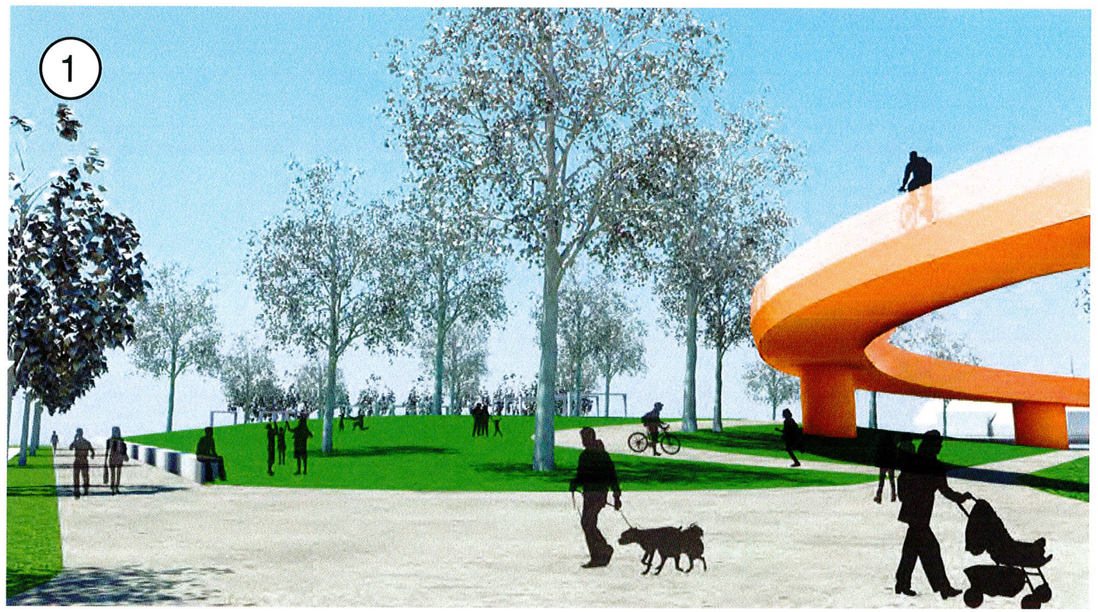
SEPARATED TRAIL DETAIL PLAN

3+4-L27.0



View From Top of Viewing Hill towards Estuary



Channel Park Arrival at Embarcadero

Lower Trail view towards Embarcadero

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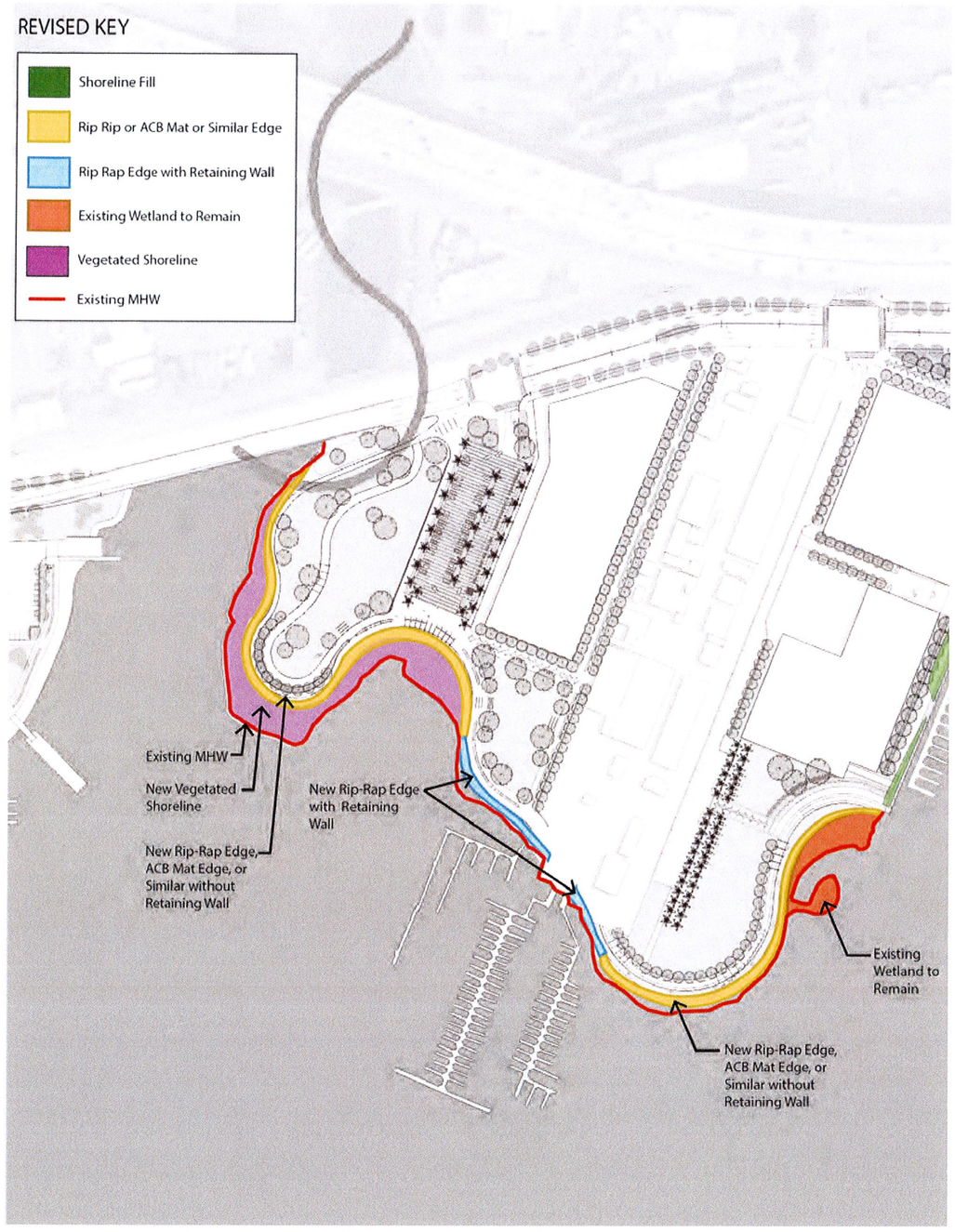
VIEWING HILL

3+4- L28.0



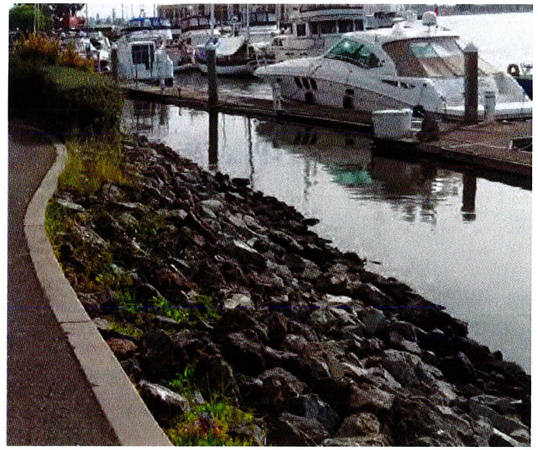
Rip-rap Edge

ACB Mat

Vegetated Shoreline, Mudflat, and Open Water

Shoreline reconfiguration and protection will be addressed in the parks through various methods. Some areas will have rip-rap edges with and without retaining walls or similar engineering to provide wave attenuation for shoreline erosion. There will also be zones of vegetated shoreline areas that will be designed to optimize the potential for natural vegetation to establish in areas where the elevation is appropriate.

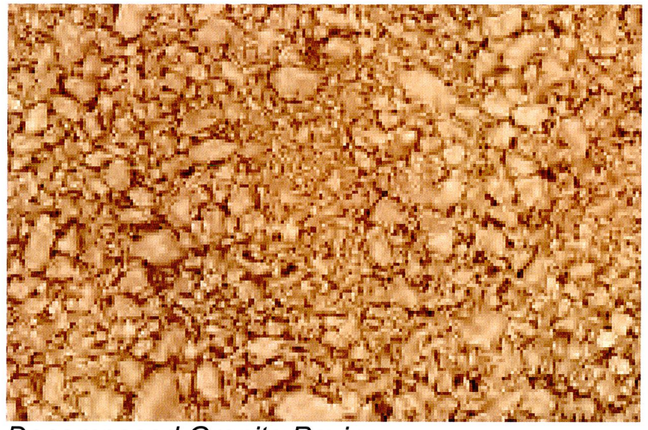
Asphalt path with Concrete Border



Rip-rap Edge or Similar

Painted Asphalt

Flagstone



Decomposed Granite Paving

Timber Communal Bench

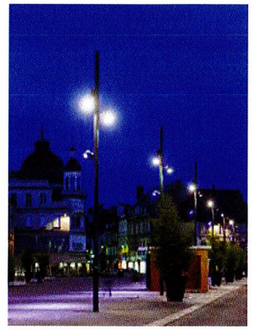
Planter with Bench

Picnic Table

Long Park Bench

Moveable Cafe/Plaza Seating

Bike Rack



Site lighting

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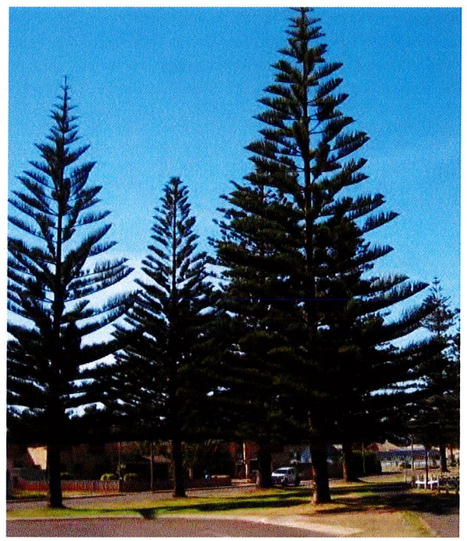
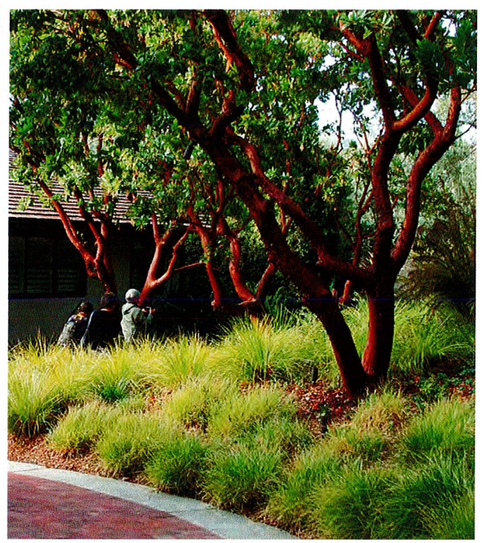
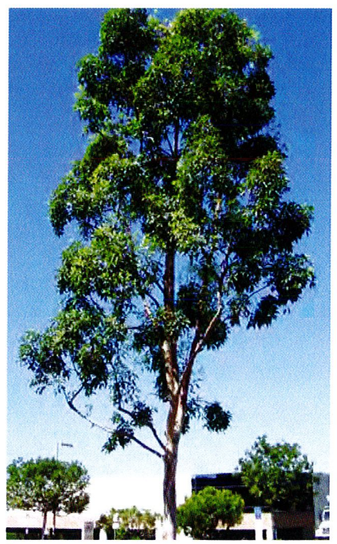
DECEMBER 5, 2017

MATERIALS & FURNISHINGS PALETTE

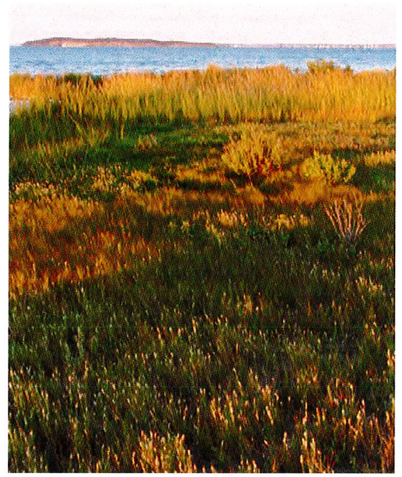
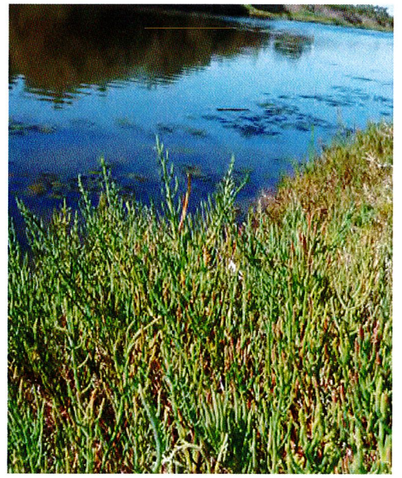
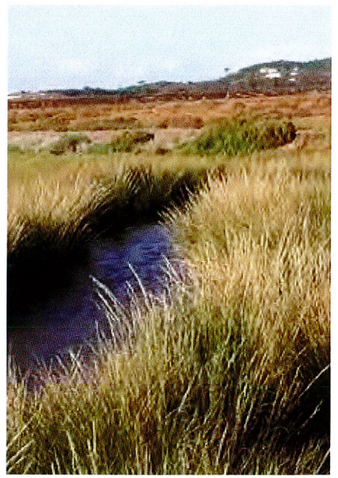
3+4-L30.0

SCULPTURAL + ICONIC TREE SPECIES

COASTAL SCRUB | FLOWERING SHRUBS

HIGH MARSH | GRASSES + GROUNDCOVER

Plant material species shown are representative of concept and design goals for planting.
Water Efficient Landscaping and the use of native and endemic plants is a design criteria for our selections.
Final selection of plants will be based on plant quality, availability, and season.
Additional changes may be made to achieve a unified design following any required changes.

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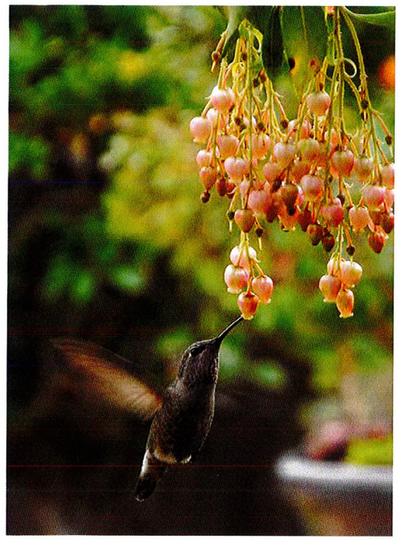
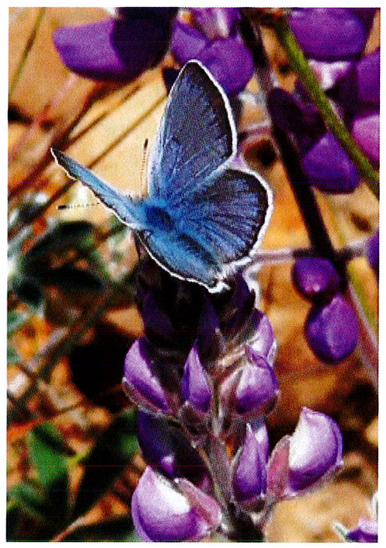
DECEMBER 5, 2017

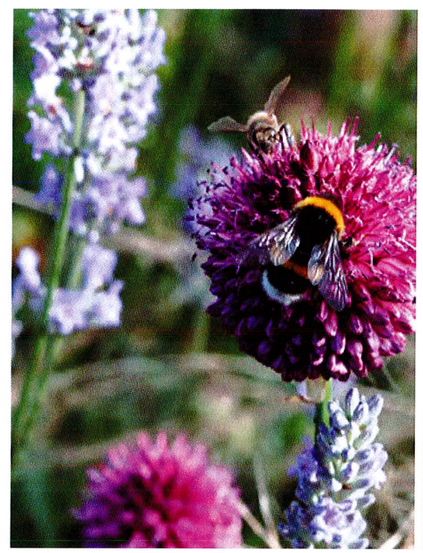
PLANT PALETTE 3+4-L31.0



Arbutus marina

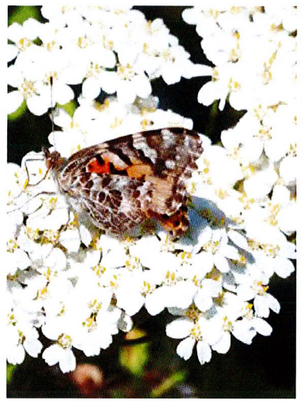


Lupinus albifrons

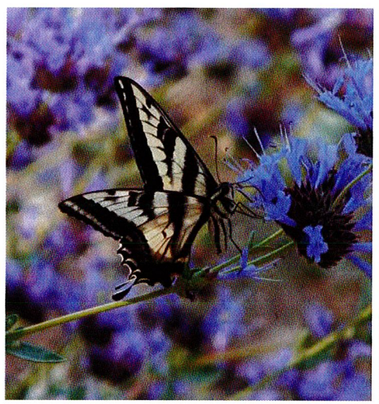


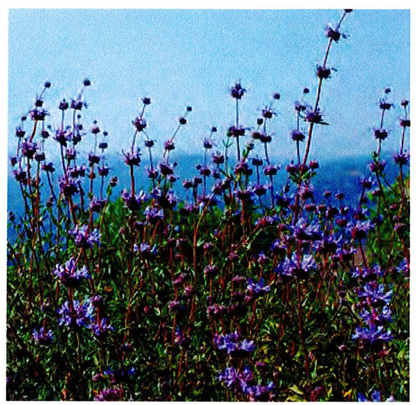
Allium sphaerocephalon

Ceanothus species



Achillea millefolium





Salvia clevelandii

Areas of Brooklyn Basin will be designed with native plants that provide habitat value and attract and support native birds, bees, butterflies, and other wildlife.
Final locations and selection of plants will be based on plant quality, availability, and season.

BROOKLYN BASIN ZOHP EINWILLERKUEHL

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DECEMBER 5, 2017

WILDLIFE HABITAT

3+4- L32.0

HABITAT AND HOST PLANTS FOR WILDLIFE

NECTAR PLANTS
(for butterflies)

Yarrow — *Achillea millefolium**
False Indigo — *Amorpha californica**
Coast Rock Cress — *Arabis blepharophylla**
Common Milkweed — *Asclepias speciosa***
Butterfly Bush — *Buddleia davidii*
Wild Lilac — *Ceanothus species***
Coreopsis — *Coreopsis californica**
Coreopsis — *Coreopsis lanceolata*
Purple Cone Flower — *Echinacea purpurea*
Buckwheat — *Eriogonum faseieulatum**
Lantana — *Lantana montevidensis*
Silver Lupine — *Lupinus albifrons**
Lupine — *Lupinus species***
Sticky Monkey Flower — *Mimulus aurantiacus***
Daisy Tree — *Mimulus guttatus***
Common Monkey Flower — *Montanoa grandiflora*
Flowering Tobacco — *Nicotiana alata**
Wild Tobacco — *Nicotiana (some*)*
Black-eyed Susan — *Rudbeckia laciniata*
Sedum (Stonecrop) — *Sedum species*
Goldenrod — *Solidago species**
Johnny-jump-up — *Viola pedunculata**
Cosmos — *Cosmos bipinnatus*
Heliotrope — *Heliotropium arborescens*
Alyssum — *Lobularia maritima*
Pincushion Flower — *Scabiosa caucasica*
Mexican Sunflower — *Tithonia rotundifolia*
Verbena — *Verbena species (some*)*
Zinnia — *Zinnia elegans*

FOOD PLANTS
(for caterpillars)

Dutchman's Pipe — *Aristolochia californica**
Milkweed — *Asclepias species (some*)*
Michaelmas Daisy — *Aster regulinis*
Borage — *Borago officinalis*
Wild Lilac — *Ceanothus species**
Lupine — *Lupinus species**

POLLINATOR GARDEN PLANTS

Trees & Shrubs

Marina Strawberry Tree — *Arbutus 'Marina'*
Manzanitas — *Arctostaphylos densiflora**
Redbuds — *Cercis canadensis, C. occidentalis**
Sages — *Salvia species**

Perrenials & Annuals

California sagebrush — *Artemisia californica 'Montara'**
Coyote mint — *Monardella villosa**
Foothill penstemon — *Penstemon heterophyllus**
Rosy buckwheat — *Eriogonum giganteum**

Grasses

California meadow sedge — *Carex pansa**
California fescue — *Festuca californica**

** California natives*
*** California native and host*

Sources: East Bay Regional Park District, Butterfly Gardening, 11/2016 and The California Wildlife Habitat Garden by Nancy Bauer, 2012.

Areas of Brooklyn Basin will be designed with native plants that provide habitat value and attract and support native birds, bees, butterflies, and other wildlife.
Final selection and location of plants will be based on plant quality, availability, and season.

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BROOKLYN BASIN
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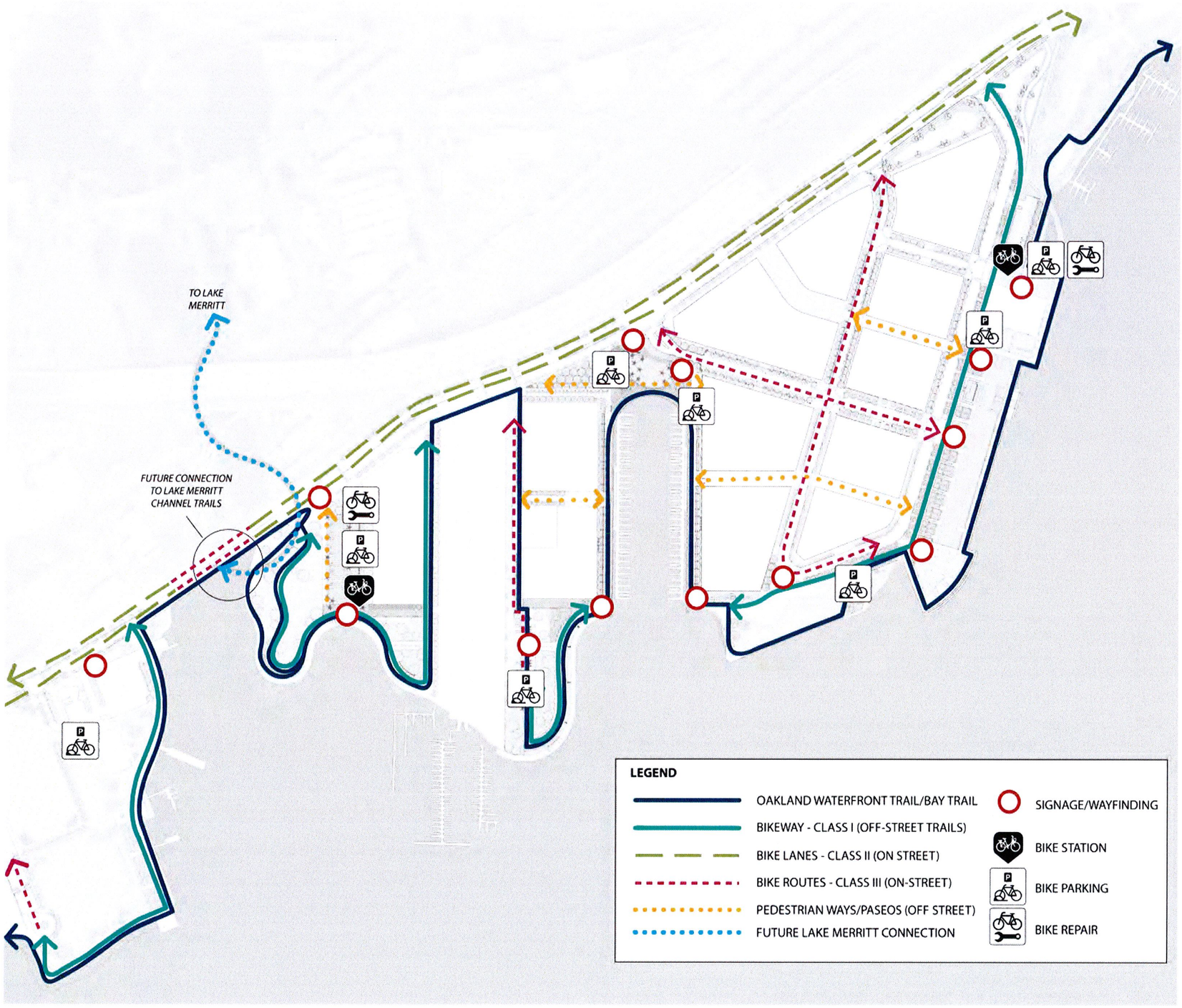
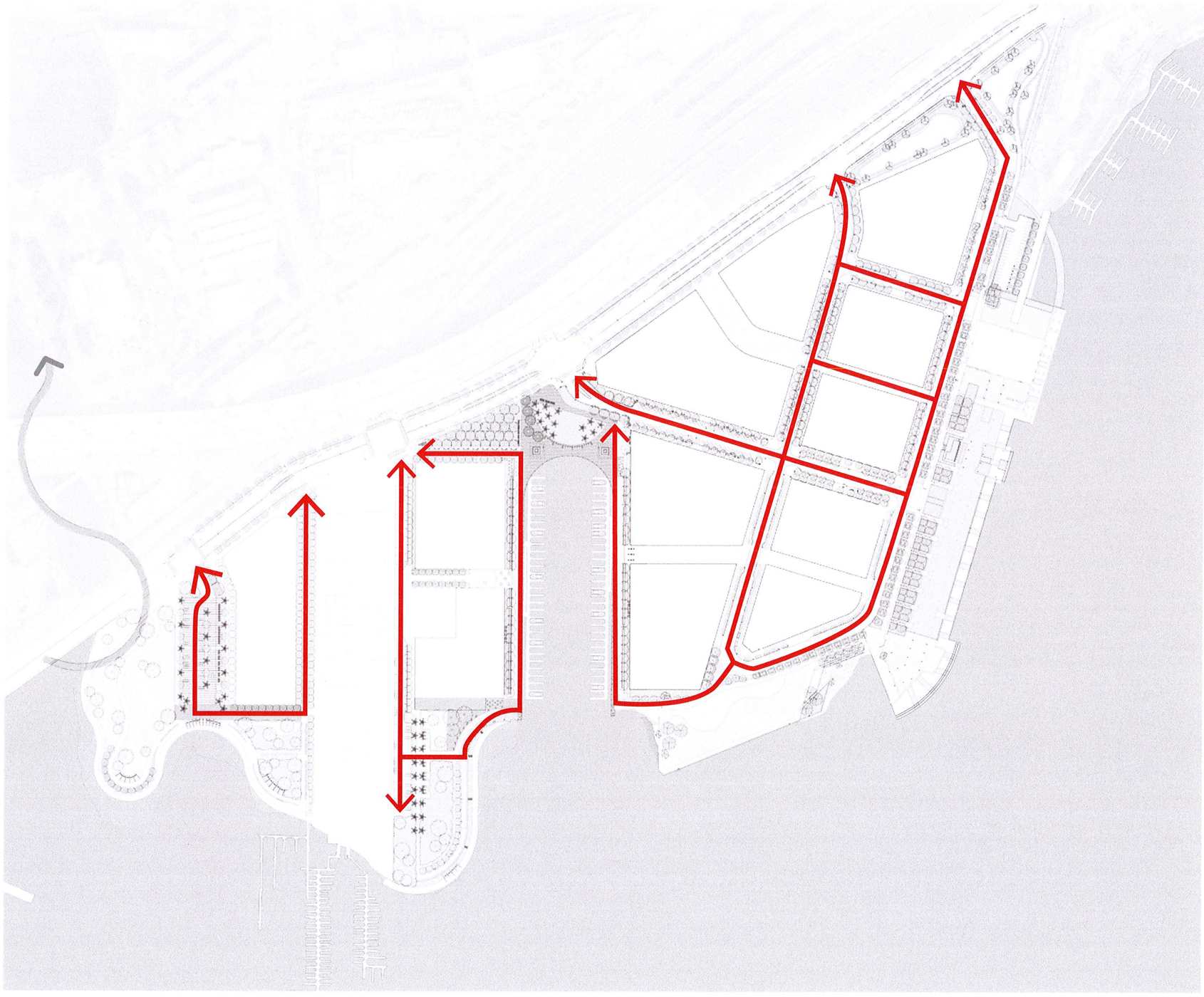
DECEMBER 5, 2017

WILD LIFE HABITAT PLANTS 3+4-L33.0


TO LAKE MERRITT
FUTURE CONNECTION TO LAKE MERRITT CHANNEL TRAILS
LEGEND
OAKLAND WATERFRONT TRAIL/BAY TRAIL
BIKEWAY - CLASS I (OFF-STREET TRAILS)
BIKE LANES - CLASS II (ON STREET)
BIKE ROUTES - CLASS III (ON-STREET)
PEDESTRIAN WAYS/PASEOS (OFF STREET)
FUTURE LAKE MERRITT CONNECTION
SIGNAGE/WAYFINDING
BIKE STATION
BIKE PARKING
BIKE REPAIR

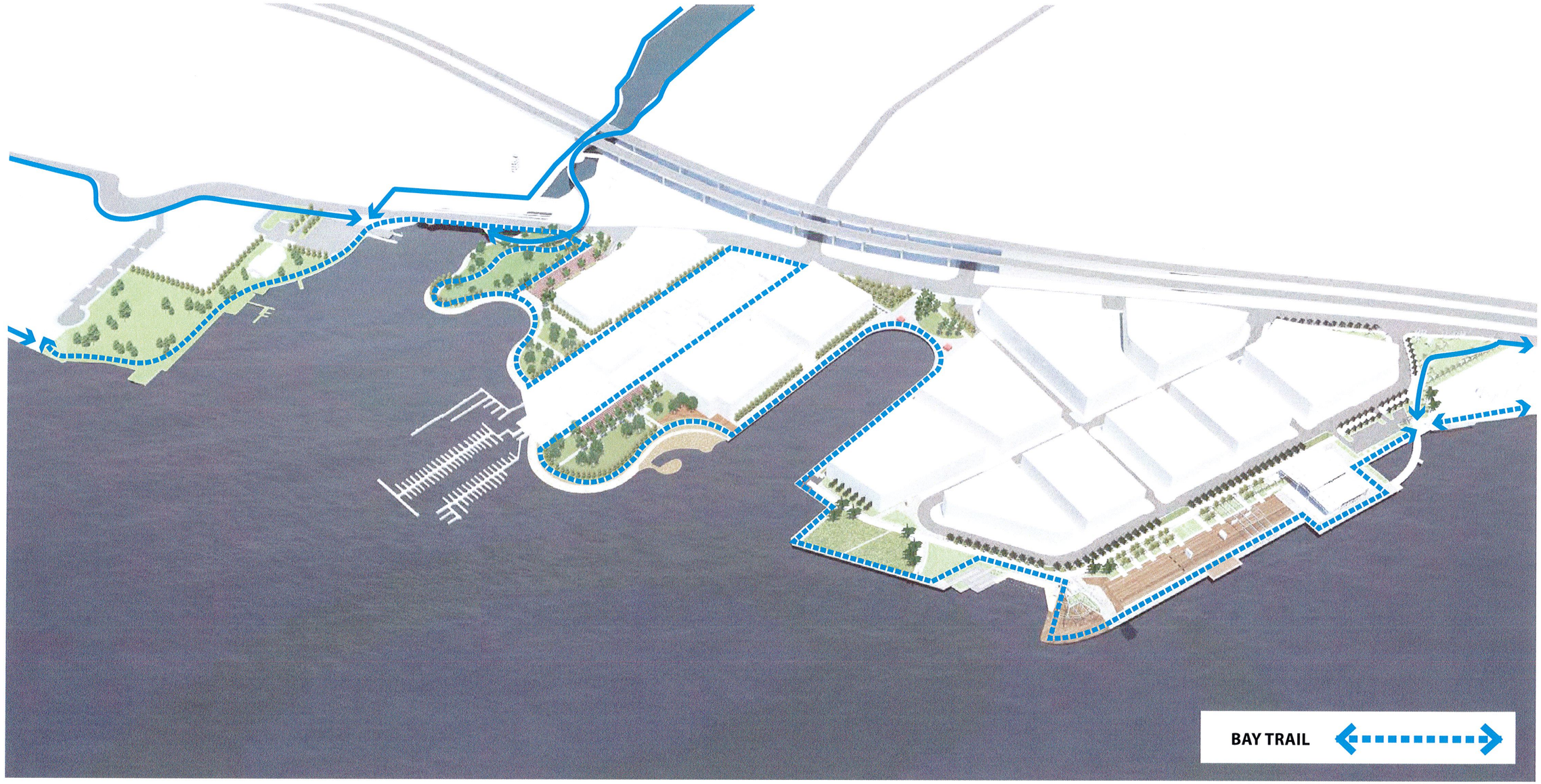
BROOKLYN BASIN
FIRETRUCK ACCESS



BROOKLYN BASIN ZOHP EINWILLERKUEHL

BROOKLYN BASIN
PHASE 3-4 PARKS | SOUTH PARK & CHANNEL PARK
DECEMBER 5, 2017

EVAC CIRCULATION 3+4-L35.0



BROOKLYN BASIN ZOHP EINWILLERKUEHL

BROOKLYN BASIN
PHASE 3-4 PARKS | SOUTH PARK & CHANNEL PARK
DECEMBER 5, 2017

BAY TRAIL DIAGRAM 3+4-L36.0

Einwiller Kuehl Response to Comments Received for 10/25/2017 Design Review Committee
Brooklyn Basin Parks 2-4

Source	Number	Comment	Response	Action
CALM letter dated 10/24/2017	1	The Sheet Listing on the first page of the Phase 3-4 plan set is incorrect, and thus it is difficult to find one's way through the pages. Please update and correct this. Additionally, numbering is redundant between the two sets of plans, which is confusing. Sheets should carry unique numbers, and the sheet names should match the listings on the initial pages. Even if "appendix" pages don't have sheet numbers, please add some other sort of page numbers for ease of reference.	Good suggestion about unique page numbers and comprehensive pagination.	We will correct.
CALM letter dated 10/24/2017	2	Proofreading and revisions are required to clear up minor but confusing inconsistencies, such as on Sheet L8.0 "South Park Plan" the mislabeling of Parcel K, which is probably Parcel L. Also, is it "South Meadow" or "South Park"—it is referred to both ways. (We suggest not using "South Park" in this development at all since it is a TV show and an already-very-familiar San Francisco location; it could be confusing.) The description of the acreage is described in one place as 20 acres and another as 28 acres.	Names of all parks including South Park are placeholders from the EIR + PDP. They will change in the future.	We will review and correct inconsistencies or errors in labeling.
CALM letter dated 10/24/2017	3	We request clear information on the deployment, prominence, and locations of directional signs to be installed along Embarcadero (or further inland), clearly and obviously directing people to the public areas and clarifying public access possibilities. Such signage should be required in the conditions of approval.	There is a separate signage package to address and clarify these details.	The signage package is available for review.
CALM letter dated 10/24/2017	4	Some of the example photos, such as on L5.0 of PARK 2 package, are misleading. For example, why is there an image of a long quay or walkway out into the water? These photos should be captioned to explain what they show that is relevant.	We will review captions to provide clear explanations for relevant aspects of precedent imagery. The long quay on page L5.0 of Park 2 shows a condition we believe is very similar to the north edge of Clinton Basin.	Captions or images will be revised where needed.
CALM letter dated 10/24/2017	5	The visual and physical access to "South Park" as one turns the corner from Clinton Basin seems weak and unclear, and the renderings of it don't quite match each other (L8.0 and L7.0). One can definitely see the shortcomings of the corner treatment by looking at the developer's perspective on their webpage, as it toggles between two images: http://www.signaturedevelopment.com/development/brooklyn-basin/ Strengthen this design so that people can see the park, and how to get into it. It should be visible, friendly, inviting, accessible, and not confused with the restaurant or cafe areas. If necessary, recommend modified treatment of the building corner to enhance visibility of the park. Pulling back that corner—maybe also rounding it off—and then rounding geometry of the pathway between the building and the coast line might signal that the parkway extends around the corner.	This is a very challenging corner due to 3 overlapping constraints: EVAC access, an existing wetland mitigation project, and SLR strategies which raise grades.	We will take these comments into consideration in future iterations of the design. It is our intention to provide clear site lines throughout the park that are friendly, inviting, accessible, and visible. We have made some changes to simplify the design and pulled trees around the corner to visually suggest parkland beyond.
CALM letter dated 10/24/2017	6	Can one see the Ripple Walk and the water in Clinton Basin from Embarcadero, or will the landscaping prohibit this? How dense is the tree grove, and how would it be pruned for visibility? Or should it be thinner? (L7.0 and 8.0 of Phase 2 package)	Yes, the ripple walk will be visible from Embarcadero, especially at the intersection with 5th Avenue. Trees in the Arrival Grove are intended to be dense enough to block views to the adjacent freeway, but limbed up, so views are maintained for pedestrians and vehicles on Embarcadero.	We will study best tree spacing, species, and height of first limbs in 3D model to allow for visual connections to park lands and water.
CALM letter dated 10/24/2017	7	Are the Pavilions (number 5) transparent? What are these pavilions? The example photo from elsewhere shows something like a sheet metal shipping container, but something more transparent would be better.	The pavilions have not been designed yet. The intention is to maintain views to the water while also providing durable structures for the public realm.	We will continue to develop the character for the pavilions and their program. This is a potential site for a café or other retail and there may be program elements that help us determine the best architectural character. We will keep in kind the concern about maintaining transparency.
CALM letter dated 10/24/2017	8	We question the rows of trees near the Bay Trail at "South Meadow" on sheet L8.0 and at the seaward edge of "Viewing Hill" on L17.0. What are these? Why are they there? Should they be low native shrubs and marsh-compatible plants instead? This is an open waterfront area, and longtime volunteers associated with coastal clean-up and rehabilitation have been encouraging native plants and compatible species. Without knowing what plants are proposed it is difficult to comment, but it seems unwise to plant rows of trees in these two locations. Wouldn't they block views, as well as being inconsistent with exposed water-edge bay trail conditions? Or would these trees provide useful shade and withstand the wind and weather at that location?	Detailed tree locations and species are still being studied. In our preliminary public meetings there was concern that we are not using enough trees and more were desired to provide shade.	We will take into consideration the site conditions, both historic and current, to propose trees that will thrive on the site and provide necessary amenities for both people and wildlife.

CALM letter dated 10/24/2017	9	What is the detailed access to the parking area from 6th Avenue for South Park, and how is it shown on wayfinding signage or other indicators along Embarcadero? **How will it relate to the private outparcel adjoining it?**	The parking area along 5th avenue will be accessible from Embarcadero.	Wayfinding and signage will be provided along Embarcadero for this parking area. Park elements will be located adjacent private parcels. We have added a trail map to show access points and overall connectivity.
CALM letter dated 10/24/2017	10	The walkway from the parking area at 6th Ave. to South Park seems unnecessarily direct and a little harsh. (South Park Plan L9.0) Could it be curved or meander? The palm trees could be redeployed to allow this.	This Oyster walk provides EVAC access and must be straight. The small walk at the west end of the parking lot is temporary.	We will continue to study strategies for planting and materials to soften the edges and integrate the EVAC into the natural feeling of South Park. We will study and consider alternate layouts for the west end.
CALM letter dated 10/24/2017	11	In "Channel Park" could the paving for the flexible arrival court/event space/flex space (sheets 17.0, 20.0, 27.0, 29.0) be permeable rather than asphalt? Since food trucks are contemplated, install power hookups to avoid the presence of multiple small, polluting, and noisy diesel generators. Perhaps outlets and hookups for event arrangements should be provided, too? Portable generators should be avoided.	Paving for the flexible arrival court is still being studied. We will consider permeable options. Power hookups are planned.	We will research options for permeable pavers and study overall performance requirements for pavement.
CALM letter dated 10/24/2017	12	We question the use of cobblestones shown along the concrete "boardwalk" on L30.0; this could present serious mobility and access problems for people using canes, walkers, strollers, or wheelchairs to approach the railing at the water edge.	All cobble pavements will be ADA accessible.	Detail for ADA compliant cobbles we have used before will be provided in the permit set.
CALM letter dated 10/24/2017	13	We do not understand how pedestrian/bike traffic patterns would work around the swing sets, shown in two locations if we understand the indications correctly, and straddling the Bay Trail. Provide a detail that shows how this works.	Swing elements have been located off the main path, so bike and pedestrian circulation will not be impeded. At Channel Park, the swings have been moved to the water's edge, but sufficient space is provided for bike/pedestrian circulation to move behind them.	Future development of park design will continue to ensure unimpeded pedestrian and bike circulation.
CALM letter dated 10/24/2017	14	Provide much more information on proposed tree species. We see what looks like a tall eucalyptus on L31.0, which would be inappropriate to a windy site near a marsh, but with no details yet, it is difficult to comment. We urge the use of appropriate coastal species, and minimizing rows of trees where they may be incongruous. Historically this was all open water and marshland, and it is reasonable to evoke its natural condition.	We are at an early stage in planting design. The goals for the planting will be to find an elegant balance between natural plantings and structured planting.	We will take into consideration the site conditions, both historic and current, to propose trees that will thrive on the site and provide necessary amenities for both people and wildlife.
CALM letter dated 10/24/2017	15	We urge that all furniture, fixtures and improvements provided in the initial installation be durable enough to withstand the exposed conditions, and that a plan for replacement of any elements that may deteriorate or become damaged (such as those porch swings?) be included and covered within the maintenance agreements.	We will be proposing durable furnishings that can withstand the site conditions along the waterfront.	Repairs and maintenance will be funded and carried out by a community facilities district.
CALM letter dated 10/24/2017	16	On sheet L-11.0, at the Marina entry bustop, there should be a turnout for the bus to be out of the heavy traffic of single South-bound lane.	Exact location of bus stop is yet to be determined.	We will study turnout opportunities when that location is finalized.
CALM letter dated 10/24/2017	17	We appreciated the alert notice regarding the DRC hearing, but note that on the referenced Brooklyn Basin page of the city's website, the PDFs posted for download omit the date of the DRC committee hearing. It just says TBD and "future". Someone looking at the project would not find out about the hearing on Wednesday.	Comment for City of Oakland.	
Bay Trail, Lee Huo email dated 10/25/2017	1	As with any trail system, <u>connectivity, continuity, and the capacity</u> to accommodate the level of users expected are of upmost importance for the success of the Bay Trail.	We agree and have worked hard within our property boundaries to maximize these characteristics.	We will continue to advocate for trail connections on and adjacent to our project.
		a) Related to these concepts, it is unclear how the Bay Trail will connect across Embarcadero when it is forced to go around the private property that bisects the Brooklyn Basin Project site. In order to maintain connectivity and continuity, it is critical that this connection around the private parcel be made as part of the Brooklyn Basin Project and that the trail around the private parcel is designed as an off-street facility that has a width to match the capacity of the other sections of Bay Trail that will be built as a part of the Brooklyn Basin Project. This consistency in design and capacity is most important along Embarcadero within the City's right-of-way, so that a bottle-neck point is not created and that it doesn't discourage trail users from continuing on the trail across the private parcel.	This design issue is important, but is outside the scope of the park areas be considered in this FDP. There is an existing sidewalk and we would encourage the city to make any necessary changes to the sidewalk to promote continuity.	Issue will be forwarded to appropriate parties.
		b) Although the project plans appear to consider these important connections, it is important to emphasize that the Brooklyn Basin portion of the Bay Trail must be designed to create clear and logical connections with the Bay Trail that will be on the new Embarcadero Bridge and the Lake Merritt Connector trail that is currently being designed.	We agree and are working with the adjacent design teams.	We will continue to maintain these important goals.

Bay Trail, Lee Huo email dated 10/25/2017	2	We appreciate that the proposed Bay Trail designs accommodate both pedestrians and bicyclists consistent with the goals of the Bay Trail. According to the plans provided online, it appears that some portions of the Bay Trail at Brooklyn Basin are proposed to be separated into narrower pedestrian shoreline paths with a wider adjacent path inland that also accommodates bicyclists. One of the primary goals of the Bay Trail is to provide a "Bay Experience" for both bicyclists and pedestrians. Although we are open to parallel alignments that accommodate different users groups, it is critical that the design and alignment of these trails provide equivalent "Bay Experiences" for both pedestrians and bicyclists that include consistent views of the Bay and a feeling of proximity to the Bay.	We agree and understand. There is a vertical separation which we believe makes the two trails equally good.	We will continue to study and develop specific drawings to speak to this issue in future submittals.
Bay Trail, Lee Huo email dated 10/25/2017	3	From the plans provided, it appears that some materials being considered for use in constructing the trail include wood and cobblestone. For safety purposes related to bicyclists, it is necessary that the materials utilized for trails have a consistent even surface without significant gaps or grooves that will catch tires. In addition, materials that will eventually splinter will also create a hazard for bicyclists.	Understood. We will re-evaluate and adjust design as needed.	All materials for Bay Trail will be durable and non-hazardous to bicycles in future plans.
Bay Trail, Lee Huo email dated 10/25/2017	4	With more and more people on their bicycles and riding long distances, amenities such as bicycle repair stations are becoming more prevalent. With the potential for high bicycle use along the Brooklyn Basin portion of the Bay Trail, consider installing bicycle repair stations along a portion of the trail or at main bicycle parking areas.	Good suggestion.	We have added locations for bike repair and additional bike parking to our plans.

B. Oak to Ninth Avenue Redevelopment Project EIR (provided under separate cover to the Planning Commission; available to the public at 250 Frank Ogawa Plaza, Suite 3315, Oakland CA, 94612 during regular business hours, and at http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/DOWD008409).

C. Background Documents:

a. D-OTN Zoning District Regulations (formerly Planned Waterfront Zoning District (PWD-4) Oak-to-Ninth Mixed Use Development Project)

b. Brooklyn Basin – Oak to 9th Preliminary Development Plan, October 2006, and Oak to 9th Brooklyn Basin Design Guidelines, November 2006

c. Conditions of Approval, 2006

d. Master Creek Permit Conditions of Approval (2016)

Chapter 17.__

PLANNED WATERFRONT ZONING DISTRICT (PWD-4)
OAK-TO-NINTH MIXED USE DEVELOPMENT PROJECT

Sections:

17. .010 Title, Purpose, and Applicability
17. .020 Development Plans and Design Review
17. .030 Preliminary Development Plan
17. .040 Review of Preliminary Development Plan
17. .050 Final Development Plan
17. .060 Review of Final Development Plan
17. .070 Architectural Design Review for Individual Development Projects
17. .080 Modifications and Extensions to a Preliminary or Final Development Plan
17. .090 Alterations after Issuance of Certificate of Occupancy
17. .100 Land Use Regulations
17. .110 Maximum Residential Density
17. .120 Maximum Retail and Commercial Square Footage
17. .130 Building Height
17. .140 Yards and Setbacks
17. .150 Lot Area, Width, Frontage
17. .160 Private Open Space for Residential Uses
17. .170 Landscaping, Paving and Buffering
17. .180 Parking Requirements
17. .190 Signs

17. .010 Title, purpose, and applicability

This chapter establishes land use regulations and development standards for the Oak to Ninth Mixed Use Development. The approximately 63.82 acre site is bounded by Embarcadero Road, the Oakland Estuary, Fallon Street, and 10th Avenue, and includes the Clinton Basin Marina and the Fifth Avenue Marina, but does not include Fifth Avenue Point (see **Exhibit A**, Zoning Map).

The 63.82 acre Oak to Ninth Mixed Use Development is governed by the following: the Planned Waterfront Zoning District-4 (PWD-4) regulations; the Open Space – Regional Serving Park (OS-RSP) zoning regulations; the Civic Center/Design Review Combining Zone (S-2/S-4) regulations; the Preliminary Development Plan dated February 2006 and approved on June 20, 2006; Oak to Ninth Design Guidelines; Vesting Tentative Tract Map No. 7621 dated March 8, 2006 and approved on June 20, 2006; Conditions of Approval approved on June 20, 2006; the Mitigation Monitoring Reporting Program approved on June 20, 2006, and the Development Agreement approved on June 20, 2006.

The specific purposes of the Planned Waterfront Zoning District-4 are to:

A. Encourage the **creation of a mixed-use district** that integrates a combination of residential, commercial, public open space and civic uses.

B. Establish **development standards** that allow residential, commercial, public open space and civic activities to compatibly co-exist.

C. Provide a **balance of private development and public open space** with convenient access to public open space and the waterfront.

D. Improve **access to the waterfront** and recreational opportunities along the waterfront including boat launches and marinas.

E. Encourage **quality and variety in building and landscape design** as well as compatibility in use and form.

F. Encourage development that is **respectful of the environmental qualities** that the site has to offer.

The 63.82 acre Oak to Ninth Mixed Use Development Project is divided into two major areas: private residential and commercial development (approximately 34 acres), and public parks, open space, and civic uses (approximately 30 acres), and is assigned three separate zoning districts. Refer to **Exhibit A**, Zoning Map.

Residential and Commercial Uses

Planned Waterfront Zoning District-4. The **PWD-4** zone is intended to provide mid-rise and high-rise housing opportunities together with ground floor retail and commercial uses. Future development will be set back from the waterfront and will stress compatibility between residential and nonresidential uses and reflect a variety of housing and business types.

Public Parks, Open Space, and Civic Uses

Open Space - Region Serving Park. The **OS (RSP)** zone is the area that is designated for public parks, open space, and civic uses. New parks include Shoreline Park, including the remaining portion of the 9th Avenue Terminal, South Park, Channel Park, and Estuary Park. Clinton Basin and the Fifth Avenue Marina are also included in this zoning district. Uses proposed in this zone are regulated by the City of Oakland as Trustee in consultation with the State Lands Commission which retains jurisdiction over Public Trust lands.

Notwithstanding the provisions of Chapter 17.11, Open Space Zoning Regulations, open space activities and facilities in the Oak to Ninth Mixed Use Development that would otherwise require a conditional use permit pursuant to sections 17.11.060 and 17.11.090 instead shall be approved as part of the Preliminary Development Plan or Final Development Plan.

Notwithstanding the provisions of Municipal Code 6.04.080, dogs shall be allowed leashed in all public parks and open space areas in the PWD-4 zoning district. Dogs shall be allowed unleashed in the dog park designated in the Final Development Plan.

Civic Center Zone/Design Review. The **S-2/S-4** zone is intended to create, preserve, and enhance areas devoted primarily to major public and quasi-public facilities and auxiliary uses, and is typically appropriate for public facilities. This zone is assigned to the Jack London Aquatic Center and the East Bay Municipal Utility District dechlorination facility.

17. .020 Development Plans and Design Review

All development projects within the Planned Waterfront Zoning District-4 will be processed using a planned unit development approach. The approved Preliminary Development Plan dated June 20, 2006 provides the comprehensive development framework for the entire 63.82 acre site. The entire development will be constructed in five phases. Each phase requires submittal and approval of a Final Development Plan. Design Review for each Final Development Plan shall follow the schedule outlined in Chapter 17.136, Design Review Procedure. Each building or structure not submitted with the application for a Final Development Plan will require separate design review approval. Both the Preliminary and Final Development Plans shall be prepared by a professional design team consisting of a registered civil engineer, licensed architect, planner or licensed building designer, and any other qualified professionals that the City may require. Other applications required for development and use of property within Planned Waterfront Zoning District-4 (e.g., subdivision map) may be submitted concurrently with the Preliminary Development Plan or the Final Development Plan.

17. .030 Preliminary Development Plan

The Preliminary Development Plan shall include the following:

1. Streets, driveways, sidewalks, pedestrian and bikeways, and off-street parking and loading areas, including integration with surrounding uses;

2. Shoreline improvements;

3. Location and dimensions of structures;

4. Utilization of property for residential and non-residential use;

5. Population estimates;

6. Public uses, including civic buildings, parks, playgrounds, and other open space uses;

7. Major landscaping features, including a tree survey indicating trees protected by Chapter 12.36, as it may be amended;

8. Creeks protected by Chapter 13.16, as it may be amended;

9. Historic resources pursuant to the City's Historic Preservation Element Policy 3.8 or as defined in Section 15064.5 of Title 22 of the California Code of Regulations;

10. Plan and elevation drawings establishing the scale, bulk, massing, character, and relationships of buildings, streets, and public and private open space in a schematic or conceptual format;

11. A tabulation of the land use area and gross floor area to be devoted to various uses and a calculation of the average residential density per gross acre and per net acre;

12. A preliminary phasing plan generally depicting projected development time frames including quantitative data, such as population, housing units, land use acreage, and other data sufficient to illustrate the relationship between the phasing of development and the provision of public facilities and services;

13. A preliminary public services and facilities plan including proposed location, extent and intensity of essential public facilities and services such as public and private streets and transit facilities, pedestrian access, bikeways, sanitary sewer service, water service, storm drainage structures, solid waste disposal and other utilities; and a table comparing the plan description to the existing location, extent, and intensity of such essential public facilities and services; and

14. A public facilities financing plan.

17. .040 Review of Preliminary Development Plan

The Planning Director shall forward the Preliminary Development Plan to the City Engineer for review no later than 10 days after a determination that the submittal is complete. The Planning Commission shall hold a public hearing on the Preliminary Development Plan no later than seventy-five days after it is sent to the City Engineer or within thirty days of the Planning Commission receiving a report from the City Engineer, whichever is earlier. Notice of the hearing shall be given by the City Clerk or Planning Director, as set forth in Section 17.140.030.

The Planning Commission shall approve the Preliminary Development Plan if it makes written findings that the Preliminary Development Plan is in substantial conformance with the Planned Waterfront Zoning District-4 (PWD-4) Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the Civic Center/Design Review Combining Zone (S-2/S-4) regulations, the Oak to Ninth Design Guidelines, Vesting Tentative Tract Map No. 7621, Conditions of Approval, and the Mitigation Monitoring Reporting Program.

The Planning Commission shall disapprove the Preliminary Development Plan if it makes written findings that the Preliminary Development Plan is not in substantial conformance with the Planned Waterfront Zoning District-4 (PWD-4) Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the Civic Center/Design Review (S-2/S-4) zoning regulations, the Oak to Ninth Design Guidelines, Vesting Tentative Tract Map No. 7621, Conditions of Approval, and the Mitigation Monitoring Reporting Program, and that it is not

possible to require changes or impose conditions of approval as are reasonably necessary to ensure conformity to these documents.

The decision of the Planning Commission on the Preliminary Development Plan shall become final ten calendar days after the adoption of the findings, unless the Planning Commission decision is appealed to the City Council in accordance with Section 17.140.070. In the event the last date to file an appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

If the Preliminary Development Plan satisfies the requirements for a Final Development Plan (as described in 17.__.050), the Preliminary Development Plan may also serve as a Final Development Plan and shall be entitled the "Preliminary and Final Development Plan," and include all the submittal requirements for each application as set forth in 17.__.030 and 17.__.050. No separate Final Development Plan shall be required to be filed when the Preliminary Development Plan is combined with a Final Development Plan.

17. .050 Final Development Plan

Final Development Plans shall be submitted for each phase of development. Final Development Plans shall include all information contained in the Preliminary Development Plan plus the following requirements in sufficient detail to indicate the operation and appearance of all development shown on the Final Development Plan.

1. The location of all public infrastructure that provides water, sewage, and drainage facilities and other utility services.

2. The location of all private infrastructure that provides gas, electric, and other utility services.

3. The location of all shoreline improvements and remediation plans.

4. Detailed building plans, elevations, sections, and a description of all exterior building materials if a development project is included with the Final Development Plan. The application for the first building proposed in a phase must show the conceptual building massing, heights, and rooflines of future buildings on all adjacent parcels to be constructed within the phase in order to evaluate shadows, relationships between buildings, access and circulation.

5. Landscape plans, and buffering plans, if required, prepared by a landscape architect, if a development project is included with the Final Development Plan.

6. The character and location of signs.

7. Detailed improvement plans for all public and private streets, driveways, sidewalks, pedestrian and bikeways, and off-street parking and loading areas.

8. Detailed improvement plans for all parks and open space areas, including programmed activities and the Bay Trail;

9. Detailed demolition plans for the appropriate phase;

10. Grading and soil remediation plans approved by the appropriate agency, other earth-moving plans, if appropriate, including estimated quantities and the grading schedule for the appropriate phase;

11. The public facilities financing plan for the appropriate phase approved as part of the Preliminary Development Plan modified as necessary to reflect changed conditions or new information.

12. Plan references to all improvements for the appropriate phase required for the Vesting Tentative Tract Map 7621 approved on June 20, 2006 and as may be amended.

13. Plan references to all improvements for the appropriate phase required of the Conditions of Approval for the project approved on June 20, 2006 and as may be amended.

14. Plan references to all improvements for the appropriate phase required of the Mitigation Monitoring Reporting Program for the project approved on June 20, 2006 and as applicable.

An applicant shall submit evidence of all documents required for dedication or reservation of land and for all bonds or other forms of financial assurances acceptable to the City required for timely completion of on-site and off-site public improvements necessitated by the project including, without limitation, for guaranteeing completion and faithful performance of the work with the Final Development Plan, including but not limited to, approved subdivision improvement agreements.

17. .060 Review of Final Development Plan

The Planning Director shall forward the Final Development Plan to the City Engineer for review no later than 10 days after a determination that the submittal is complete. The Planning Commission shall hold a public hearing on the Final Development Plan, including Design Review, no later than seventy-five days after the Plan is sent to the City Engineer or within thirty days of the Planning Commission receiving a report from the City Engineer, whichever is earlier. Notice of the hearing shall be given by the City Clerk or Planning Director as set forth in Section 17.140.030.

The Planning Commission shall approve the Final Development Plan if it makes written findings that the Final Development Plan is in substantial conformance with the Preliminary Development Plan; Oak to Ninth Design Guidelines, Planned Waterfront Zoning District-4 (PWD-4) Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the Civic Center/Design Review Combining Zone (S-2/S-4) regulations, Vesting Tentative Tract Map No. 7621, Conditions of Approval, Mitigation Monitoring Reporting Program, and the Development Agreement.

The Planning Commission shall disapprove the Final Development Plan if it makes written findings that the Final Development Plan is not in substantial conformance with the Preliminary Development Plan; Oak to Ninth Design Guidelines, Planned Waterfront Zoning District-4 (PWD-4) Regulations, the Open Space-Region Serving Park (OS-RSP) zoning regulations, the Civic Center/Design Review Combining Zone (S-2/S-4) regulations, Vesting Tentative Tract Map No. 7621, Conditions of Approval, Mitigation Monitoring Reporting Program, and the Development Agreement, and that it is not possible to require changes or impose conditions of approval as are reasonably necessary to ensure such conformity.

The decision of the Planning Commission on the Final Development Plan shall be final ten calendar days after the adoption of the findings unless the Planning Commission decision is appealed to the City Council in accordance with Section 17.140.070. In the event the last date to file an appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

17. .070 Architectural Design Review for Individual Development Projects

Design review for any residential, commercial, or civic development projects that are not submitted with a Final Development Plan application will be reviewed and approved separately. The procedure for Design Review shall follow the schedule outlined in Chapter 17.136, Design Review Procedure. Design Review shall be limited to a determination of whether or not the proposed design conforms to the Oak to Ninth Design Guidelines and is in substantial compliance with the Final Development Plan, Vesting Tentative Tract Map No. 7621, Conditions of Approval, Mitigation Monitoring Reporting Program, and the Development Agreement. The Director of City Planning shall refer the application to the Planning Commission. The Planning Commission's decision may be appealed to the City Council.

17. .080 Modifications to a Preliminary or Final Development Plan

Minor changes to an approved Preliminary or Final Development Plan may be approved by the Planning Director prior to issuance of a certificate of occupancy if such changes are consistent with the purposes and character of the approved Preliminary or Final Development Plan. Minor changes, modifications or adjustments may include, but are not limited to, minor adjustments to the phasing plan boundaries, adjustments to public improvements and access if the proposed changes do not interfere with view corridors or access to the waterfront, minor modifications to the grading plan, minor changes to lot lines, minor modifications to the street sections, minor adjustments to roadway alignments, the amount and distribution of commercial uses within an existing phase, modifications to shoreline treatment, minor adjustments to setbacks and exterior materials, and modifications of the landscaping plan. The decision of the Planning Director can be appealed to the Planning Commission and final action on any appeal rests with the Planning Commission.

Amendments to the Preliminary Development Plan or Final Development Plan would be required if changes to the road alignments affected views and access to the waterfront, changes were proposed to the height, massing, and location of buildings (other than those in the tower zones), if the overall density were changed, and for any other change that the Planning Director

found was not in substantial compliance with the Preliminary Development Plan or the Final Development Plan. The revised Preliminary Development Plan or Final Development Plan would be reviewed by the Planning Commission at a noticed public hearing. The decision of the Planning Commission may be appealed to the City Council.

17. .090 Alterations after Issuance of Certificate of Occupancy

After issuance of a certificate of occupancy, no building, sign, or other structure shall be constructed or established, or altered in such a manner as to affect exterior appearance, unless plans for such proposal have been approved with a finding that the proposals shall be in substantial compliance with the Oak to Ninth Design Guidelines specified for the Oak to Ninth Development Project. Approval is not required for temporary realty or development signs, holiday decorations, and displays behind a display window; or for mere changes of copy, including cutouts, on signs the customary use of which involves periodic changes of copy.

17. .100 Land Use Regulations

The following table lists the permitted, conditionally permitted, and prohibited activities in the PWD-4 and the OS (RSP) zoning districts. Refer to Chapter 17.76 for the land use regulations for the S-2/S-4 combining zone. The description of these land uses are contained in Chapters 17.10 and 17.11.

"P" designates permitted activities in the corresponding zone

"C" designates activities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone

"--" designates uses that are prohibited in the corresponding zone

LAND USE CLASSIFICATIONS	ZONING DISTRICTS		ADDITIONAL REGULATIONS
	PWD-4 Residential & Commercial Development	OS (RSP) Open Space Regional Serving Park [1/]	
RESIDENTIAL ACTIVITIES			
PERMANENT	P	C	See 17.11.060
SEMI-TRANSIENT	C	--	See 17.102.212
RESIDENTIAL CARE	C	--	See 17.102.212
SERVICE-ENRICHED PERMANENT HOUSING	C	--	See 17.102.212
TRANSITIONAL HOUSING	--	--	
EMERGENCY SHELTER	--	--	
CIVIC ACTIVITIES			
ESSENTIAL SERVICE	C	C	See 17.11.060
LIMITED CHILD-CARE	P	C	See 17.11.060
COMMUNITY ASSEMBLY	P	C	See 17.11.060
COMMUNITY EDUCATION	P	C	See 17.11.060
NONASSEMBLY CULTURAL	P	C	See 17.11.060

LAND USE CLASSIFICATIONS	ZONING DISTRICTS		ADDITIONAL REGULATIONS
	PWD-4 Residential & Commercial Development	OS (RSP) Open Space Regional Serving Park [1/]	
ADMINISTRATIVE	P	C	See 17.11.060
HEALTH CARE	C	--	
SPECIAL HEALTH CARE	C	--	See 17.102.410
UTILITY AND VEHICULAR	C	--	
EXTENSIVE IMPACT	C	C	See 17.11.060
A. Marinas [2/]	--	C	See 17.11.060
TELECOMMUNICATIONS	C	--	See 17.128
COMMERCIAL ACTIVITIES			
GENERAL FOOD SALES			
A. Restaurant	P	C	See 17.102.335
B. Limited Service Restaurant	P	C	
C. Fast Food Restaurant	C	--	See 17.102.210
D. Vehicular Food Vending	--	--	
E. Grocery	P	--	
F. Convenience Market	P	--	See 17.102.210
ALCOHOLIC BEVERAGE SALES	C	C	See 17.102.210 See 17.11.060
MECHANICAL OR ELECTRONIC GAMES	C	--	See 17.102.210
MEDICAL SERVICE	C	--	
THERAPEUTIC MASSAGE	P	--	
GENERAL RETAIL SALES	P	--	
LARGE SCALE COMBINED RETAIL AND GROCERY SALES	--	--	
GENERAL PERSONAL SERVICE	P	--	
CONSULTATIVE AND FINANCIAL SERVICE	P	--	
CHECK CASHIER AND CHECK CASHING	--	--	
CONSUMER LAUNDRY AND REPAIR SERVICE	P	--	
GROUP ASSEMBLY	C	--	
ADMINISTRATIVE	P	--	
BUSINESS AND COMMUNICATIONS SERVICE	P	--	
RETAIL BUSINESS SUPPLY	P	--	
RESEARCH SERVICE	P	--	
GENERAL WHOLESALE SALES	--	--	
TRANSIENT HABITATION	C	--	See 17.102.370
CONSTRUCTION SALES & SERVICE	--	--	
AUTOMOTIVE SALES, RENTAL, AND DELIVERY	--	--	
AUTOMOTIVE SERVICING	--	--	
AUTOMOTIVE REPAIR AND CLEANING	--	--	
AUTOMOTIVE FEE PARKING	C	--	
TRANSPORT AND WAREHOUSING	--	--	
ANIMAL CARE	--	C	See 17.11.060
UNDERTAKING SERVICE	--	--	
SCRAP OPERATION	--	--	
JOINT LIVING & WORKING QUARTERS	P	--	See 17.102.190
MANUFACTURING ACTIVITIES	--	--	

LAND USE CLASSIFICATIONS	ZONING DISTRICTS		ADDITIONAL REGULATIONS
	PWD-4 Residential & Commercial Development	OS (RSP) Open Space Regional Serving Park 1/	
AGRICULTURAL AND EXTRACTIVE ACTIVITIES	--	--	
ACCESSORY USES/FACILITIES	P or C	C	See 17.10.040 See 17.10.070 See 17.11.060
SIGNS	P	P	See 17.104 See 17.11
NONCONFORMING USES			See 17.114

1/ Uses permitted or conditionally permitted in the OS(RSP) zone must be compliant with the Public Trust Doctrine. Acceptable trust uses include, but are not limited to, uses that promote water-oriented or water dependent recreation and commerce, navigation, fisheries, public access and the preservation of the land in its natural condition.

2/ "Marinas" are defined as "Water basins with docks, mooring facilities, supplies and equipment for boats."

17. .110 Maximum Residential Density

A. The residential density for the overall 63.82 acre project site averages approximately 50 dwelling units per gross acre, and approximately 140 dwelling units per net acre. The density is distributed over thirteen development parcels or areas as shown below.

Maximum Residential Density

Density	Gross Acres	Net Developable Acres
Site Area	63.82	22.18
Number of Residential Units	3,100	3,100
Average Residential Density	50 du/gross acre	140 du/net acre

* net developable acres exclude 9.18 acres of roads

Development Parcels or Areas

	A	B	C	D	E	F*	G*	H	J	K	L	M	N	Total
Net Acres	2.38	1.53	1.48	1.46	1.20	1.75	2.72	2.08	1.84	1.69	1.45	2.60	0	**22.18**
No. D.U.	407	175	175	175	131	165	300	375	339	322	146	390	0	**3,100**
D.U./Net Acre	171	114	118	120	108	94	110	180	184	190	101	292	0	**140**

* These two parcels are designated for 465 units of affordable housing. Refer to the Conditions of Approval for the project and the Development Agreement, Exhibit L, for the details of the affordable housing obligations.

B. Density Transfer. Unused allowable densities, or number of units approved for a development parcel may be used on, or transferred to, another development parcel. The number of dwelling units per development parcel may increase or decrease provided that: (1) the number of dwelling units being transferred does not exceed more than 33% of the allocation of the development parcel receiving the transferred units (more than 33% up to 50% of the dwelling

units may be transferred subject to design review approval); (2) the total number of dwelling units does not exceed 3,100 for the entire Oak to Ninth Mixed Use Development Project; (3) the average density for the entire project does not exceed 140 dwelling units per net acre; and (4) the height of the buildings where the density is being transferred does not exceed the building heights approved in the PDP, unless specified in the PDP.

17. 120 Maximum Retail and Commercial Square Footage

Approximately 200,000 square feet of retail, commercial, and civic uses is distributed throughout the project area primarily on the ground floor level of the structures with residential units above. The remaining portion of the Ninth Avenue Terminal is also included in this total.

17. .130 Building Height

Height limits throughout the project area range from 86 feet to 240 feet. The height of mid-rise structures on designated parcels can increase up to 120 feet; however, the heights of the 240-foot towers cannot be increased. Any increases in density and height will need to be approved by the Planning Commission when considering the Final Development Plan or architectural design review for a development project that is not part of the Final Development Plan submittal.

Development Parcels or Areas
Height Limits

	DEVELOPMENT PARCELS												
HEIGHTS/FLOORPLATES	**A**	**B**	**C**	**D**	**E**	**F**	**G**	**H**	**J**	**K**	**L**	**M**	**N**
Building Height Limit (ft)	86	86	86	86	86	86	86-100	86	86	86	86	86	
Allowable Height Increase (ft)		120	120	120				120					
Towers (ft)	240							240	240	240		240	
Max. floor plate of Towers (1,000 sf)	15							15	12	15		15	

17. .140 Yards and Setbacks

All front, side, rear, and corner side yard setbacks will be determined through the design review approval process and must conform to the Preliminary Development Plan, Final Development Plan, Oak to Ninth Mixed Use Development Design Guidelines, and Vesting Tentative Tract Map No. 7621, if specified. Appropriate buffer treatments may be required of buildings adjacent to other zoning district boundaries or between uses that the Planning Director has determined to be potentially incompatible. Buffer treatments could include, but are not limited to, a combination of setbacks, visual buffers, barriers, or dense landscaping.

17. .150 Lot Area, Width, and Frontage

All lot area, width, and frontage requirements will be determined through the design review approval process and must conform to the Preliminary Development Plan, Final Development

Plan, Vesting Tentative Tract Map No. 7621, and Oak to Ninth Mixed Use Development Design Guidelines, if specified.

17. .160 Usable Open Space Standards

Residential Uses - A minimum of 150 square feet per residential unit must be provided as usable open space. Each square foot of private usable open space conforming to the provisions of Section 17.126.040 shall be considered equivalent to two square feet of required group usable open space and may be so substituted. Group open space may be located anywhere on the same development parcel including the roof of any building on the site.

Joint Living/Working Quarters - A minimum of 75 square feet per unit must be provided as usable open space. Each square foot of private usable open space conforming to the provisions of Section 17.126.040 shall be considered equivalent to two square feet of required group usable open space and may be so substituted. Group open space may be located anywhere on the same development parcel including the roof of any building on the site.

17. .170 Landscaping, Paving, and Buffering

A detailed landscaping, paving, and buffering plan shall be submitted for every development project, consistent with the Preliminary Development Plan or Final Development Plan, the Oak to Ninth Design Guidelines, and Chapter 17.124 except as noted below, and shall contain the following:

1. An automatic system of irrigation for all landscaping shown in the plan;

2. A minimum of one fifteen-gallon tree, or substantially equivalent landscaping as approved by the Planning Director, shall be provided for every 20 to 25 feet of street frontage or portion thereof. 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 feet, the trees to be provided shall include street trees to the satisfaction of the Public Works Agency.

3. For surface parking lots greater than 3,000 square feet in size, at least one tree shall be provided for every six parking spaces.

4. For surface parking lots adjacent to private property or public open space, buffering shall be provided to minimize potential impacts between uses.

5. For buildings adjacent to other zoning district boundaries, or between uses that the Planning Director has determined to be potentially incompatible, buffer treatments should be applied and could include, but are not limited to, a combination of setbacks, visual buffers, barriers, or dense landscaping. This does not apply to development which is separated from public open space by a street right-of-way.

17. .180 Parking Requirements

Parking and Loading Standards shall be consistent with Chapter 17.116, unless as specified below.

Parking Standard	Zoning Districts		
	PWD-4	OS (RSP)	S-2/S-4
Parking spaces per residential unit	1 space/du	N/A	N/A
Parking spaces per 1,000 sq. ft. of commercial area	2 spaces/ 1000 s.f.	N/A	N/A
Parking spaces per five boat slips	1 space/ five boat slips	1 space/ five boat slips	N/A
Parking spaces required per acre of public open space	N/A	5 spaces per acre	N/A
Jack London Aquatic Center	N/A	N/A	1 space/1,400 s.f. of floor area

Note: A 75% reduction in parking is permitted for housing for persons who are physically disabled, or who are 60 years or older, and the occupancy of the units is guaranteed for at least 50 years (See Chapter 17.116.110).

17. .190 Signs

Signs in the Oak to Ninth Mixed Use Development project shall be consistent with the adopted Master Sign Plan requirements listed below.

A. Individual Signs. Individual signs not part of an approved Master Sign Plan are subject to design review in accordance with Chapter 17.104.

B. Master Sign Plan. A master sign plan shall be submitted with each Final Development Plan to be approved by the Planning Commission. The decision of the Planning Commission may be appealed to the City Council. Applications for approval of a master sign plan shall include the following:

1. A master sign program, drawn to scale, delineating the site proposed to be included within the signing program and the general location of all signs;

2. Drawings and/or sketches indicating the exterior surface details of all buildings on the site on which wall signs, directory signs, ground signs, or projecting signs are proposed;

3. A statement of the reasons for any requested modifications to the regulations or standards of Chapter 17.104;

4. A written program specifying sign standards, including color, size, construction details, placement, and necessity for City review for distribution to future tenants.

C. Master Sign Plan Approval. In approving a master sign program, the Director shall find:

1. That the plan's contribution to the design quality of the site and surrounding area will be superior to the quality that would result under the regulations and standards of Section 17.104.

2. That the proposed signs are compatible with the style or character of existing improvements on the site and are well-related to each other.

3. That future tenants will not be denied adequate opportunities for identification if transfers of sign area from one building frontage to another are proposed by the master sign plan.

4. Roof and penthouse signs are permitted provided that the signs are integrated with the design and materials of the building, subject to design review by the Planning Director. No more than one sign is approved per phase unless approved by the Planning Director.

5. One Master Identification Sign visible to the I-880 freeway is permitted for the project subject to design review by the Planning Director.

The Planning Director may require any reasonable conditions necessary to carry out the intent of the master sign plan requirements while still permitting each sign user opportunities for effective identification and communication.

D. Prohibited Location, Sign Type, and Message. The following types of signs and locations of signs are prohibited.

1. A sign in a required yard adjoining a street property line which interferes with driveway visibility. Visibility of a driveway crossing a street property line shall not be blocked between a height of 2.5 feet and 7 feet for a depth of 5 feet from the street property line as viewed from the edge of the right-of-way on either side of the driveway at a distance of 50 feet or at the nearest property line intersecting the street property line, whichever is less.

2. Moving flashing or animated signs, balloons or similar inflated signs, portable signs, searchlights, flags, pennants, streamers, spinners or similar devices, except as specifically authorized by the Planning Director.

3. Signs with lighting, colors, design or text that could be confused with a public traffic directional sign or control device.

4. Signs containing statements, words, pictures, or other representations which are in reference to obscene matter which violates the California Penal Code Section 311 et. seq.

5. Exterior signs made of materials that are impermanent and will not stand exposure to weather.

6. Signs affixed to any vehicle or trailer on a public street or public or private property unless the vehicle or trailer is intended to be used in its normal business capacity and not for the sole purpose of attracting business.

Exhibit A – Zoning Map

PRELIMINARY DEVELOPMENT PLAN SUBMITTAL

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

Preliminary Development Plan Submittal

COMMUNITY AND ECONOMIC DEVELOPMENT AGENCY
City of Oakland, California
Permit No._____

Developer

OAKLAND HARBOR PARTNERS
4670 Willow Road
Pleasanton, CA 94588
Phone: (925)463-1122
Fax: (925)463-0832

Consultants

Master Plan Architect:

ROMA Design Group
1527 Stockton Street
San Francisco, CA 94133
Phone: (415)616-9900
Fax: (415)788-8728

Civil Engineer:

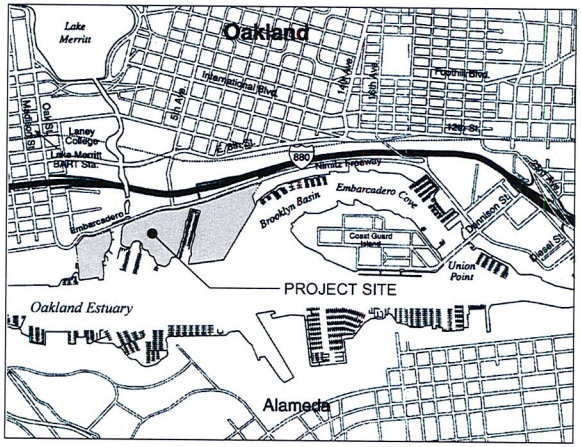
BKF Engineers
255 Shoreline Drive, Suite 200
Redwood City, CA 94065
Phone: (650)482-6300
Fax: (650)482-6399

Associated Architects:

McLarand Vasquez & Partners
1900 Main Street
Irvine, CA 92614
Phone: (949)809-3300
Fax: (949)809-3350

Coastal Engineer:

Moffatt & Nichol Engineers
2001 North Main Street, Suite 360
Walnut Creek, CA 94596
Phone: (925)944-5411
Fax: (925)944-4732



Vicinity Map

N.T.S.

List of Drawings

Sheet # Description:

1. Overview - Master Development Plan
   - 1.1 Axonometric View
   - 1.2 Illustrations
   - 1.3 Illustrative Development Plan
   - 1.4 Development Program - Parcelization Plan
   - 1.5 Phasing Plan

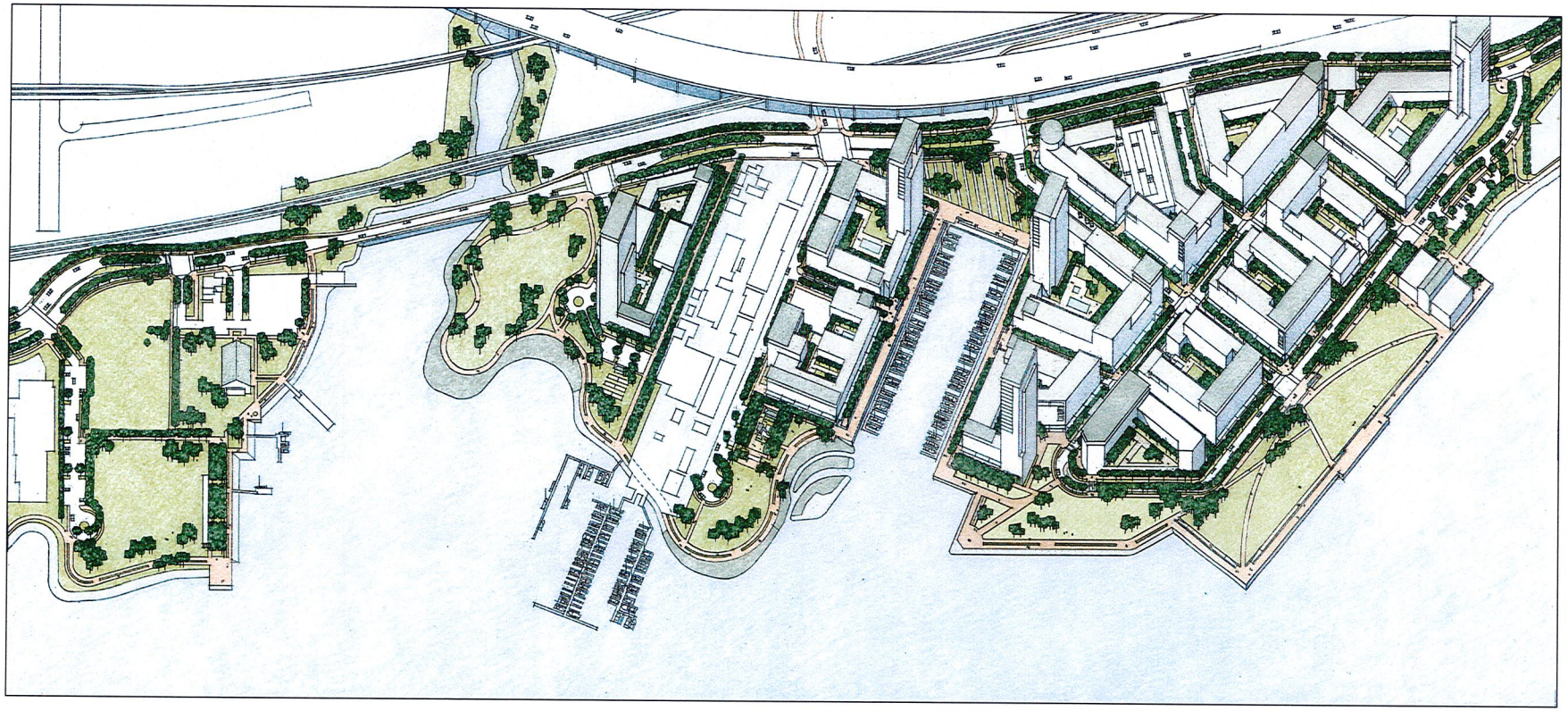
2. Shoreline
   - 2.1 Shoreline Reconfiguration and Stabilization Plan
   - 2.2 Shoreline Sections
   - 2.2a Shoreline Sections
   - 2.2b Shoreline Sections

3. Parks and Open Space
   - 3.1 Parks and Open Space Plan
   - 3.2 Pedestrian and Bike Circulation Diagram
   - 3.3 Enlarged Illustrative Plan - West
   - 3.4 Enlarged Illustrative Plan - East
   - 3.5 Enlarged Plan - Park Grading Concept - West
   - 3.6 Enlarged Plan - Park Grading Concept - East
   - 3.7a Enlarged Plan - Clinton Basin Quays
   - 3.7b Enlarged Plan - Gateway Plaza
   - 3.8 Site Furnishings Diagram - West
   - 3.9 Site Furnishings Diagram - East
   - 3.10 Site Furnishings & Site Lighting Design Palette

4. Streets
   - 4.1 Streets and Pedestrian Ways
   - 4.2 Landscape Concept Plan
   - 4.3a Street Sections
   - 4.3b Street Sections
   - 4.4 Street Intersections
   - 4.5 Streetscape Standards - 50' and 60' R.O.W.
   - 4.6 Streetscape Standards - 90' R.O.W. Retail
   - 4.7 Streetscape Standards - 90' R.O.W. Residential
   - 4.8 Street Lighting Standards

5. Buildings
   - 5.1 Illustrative Ground Level Building Plan
   - 5.2 Illustrative Upper Level Building Plan
   - 5.3 Illustrative Building Sections
   - 5.4 Illustrative Building Sections
   - 5.5 Illustrative Building Sections
   - 5.6 Illustrative Building Sections

6. Civil Engineering
   - C-1 Existing Topography
   - C-2 Existing Utilities
   - C-3 Preliminary Grading Concept Plan
   - C-4 Preliminary Utility Concept Plan



AXONOMETRIC VIEW

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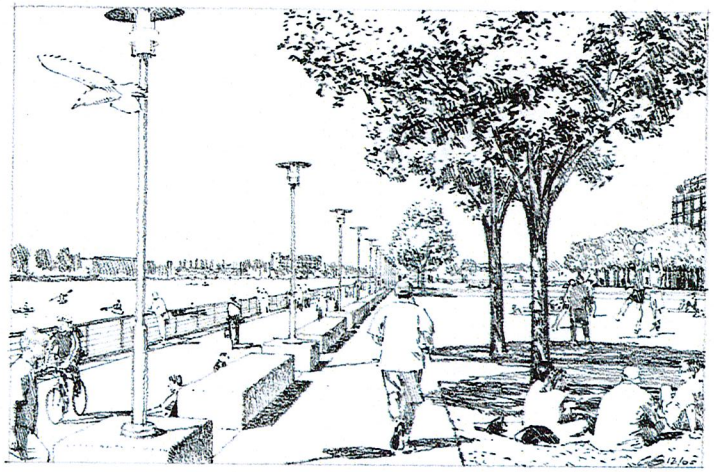
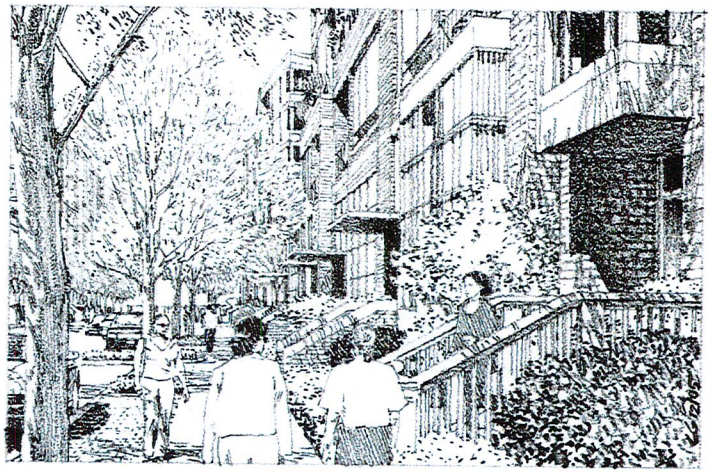
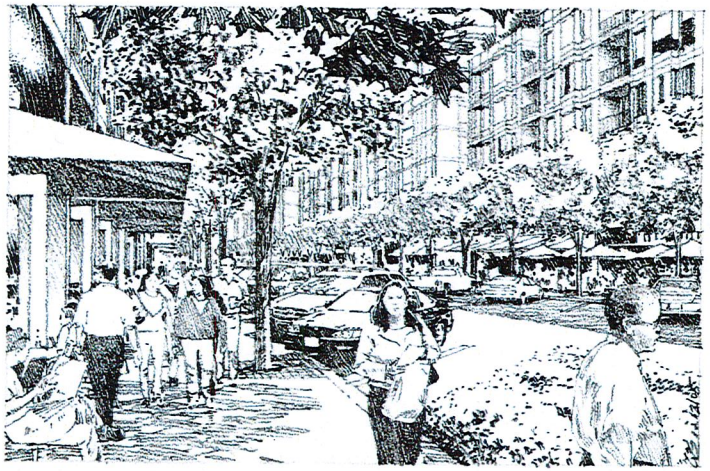


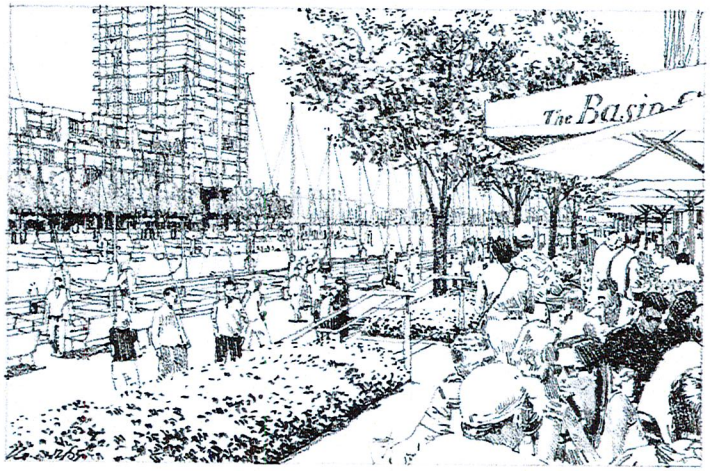
Shoreline Park Promenade



Residential Streetscape Character



Retail Streetscape Character



Clinton Basin Quay

ILLUSTRATIONS

Brooklyn Basin - Oak to 9th Development Plan

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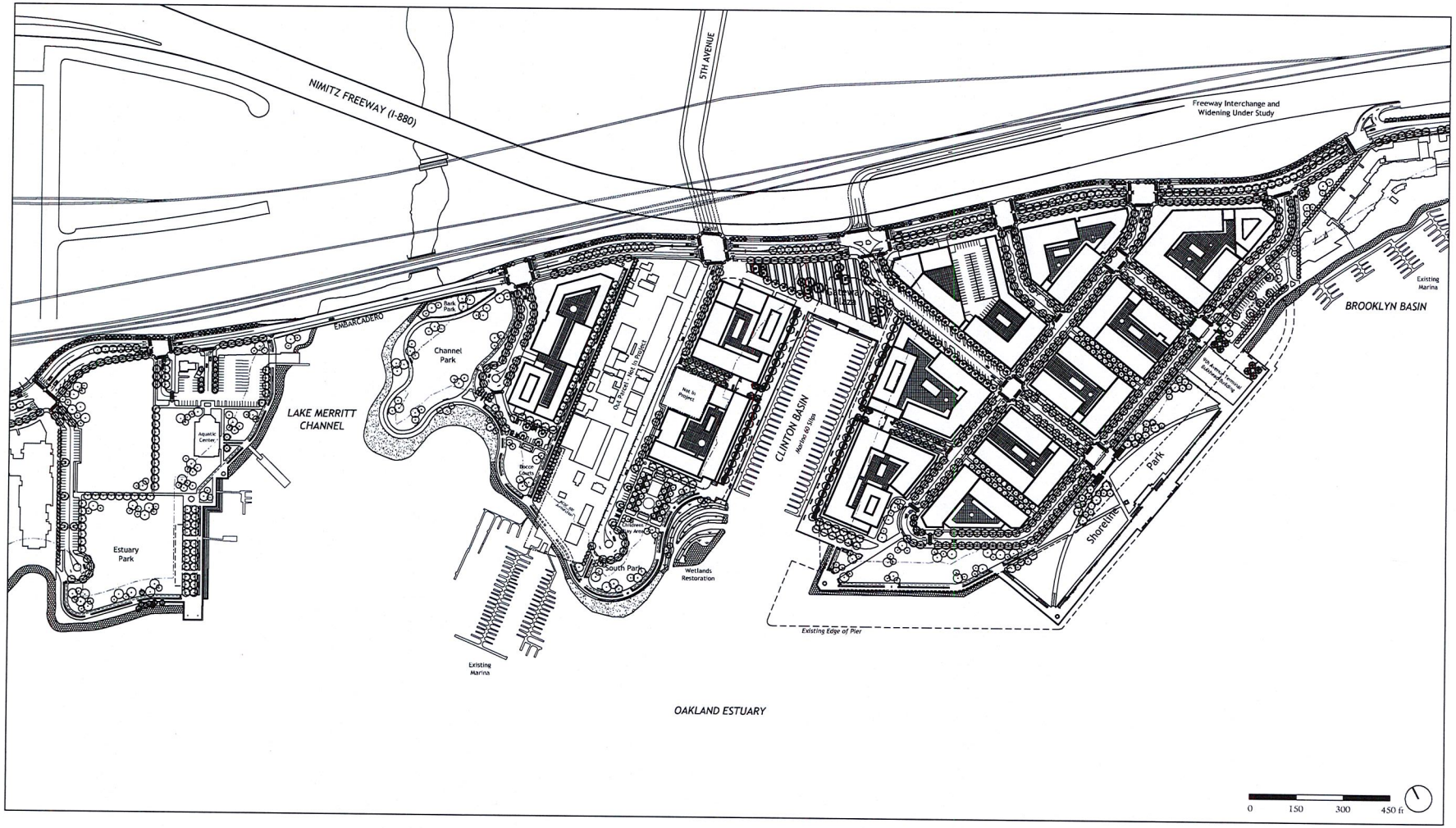

ILLUSTRATIVE DEVELOPMENT PLAN

Brooklyn Basin - Oak to 9th Development Plan

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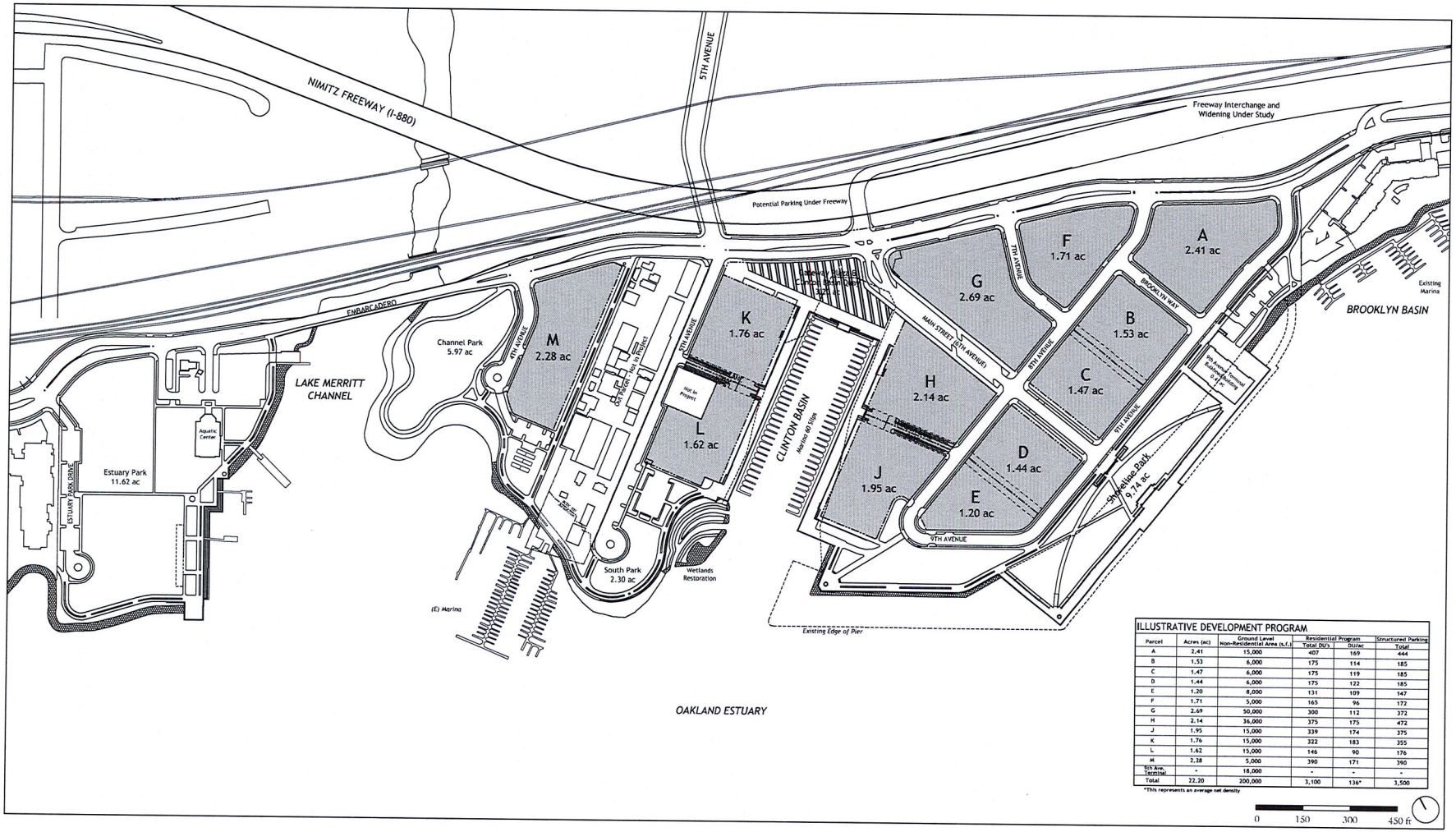

ILLUSTRATIVE DEVELOPMENT PROGRAM

Parcel	Acres (ac)	Ground Level Non-Residential Area (s.f.)	Residential Program		Structured Parking
			Total DU's	DU/ac	Total
A	2.41	15,000	407	169	444
B	1.53	6,000	175	114	185
C	1.47	6,000	175	119	185
D	1.44	6,000	175	122	185
E	1.20	8,000	131	109	147
F	1.71	5,000	165	96	172
G	2.69	50,000	300	112	372
H	2.14	36,000	375	175	472
J	1.95	15,000	339	174	375
K	1.76	15,000	322	183	355
L	1.62	15,000	146	90	176
M	2.28	5,000	390	171	390
9th Ave. Terminal	-	18,000	-	-	-
Total	22.20	200,000	3,100	136*	3,500

*This represents an average net density

DEVELOPMENT PROGRAM AND PARCELIZATION PLAN

Brooklyn Basin - Oak to 9th Development Plan

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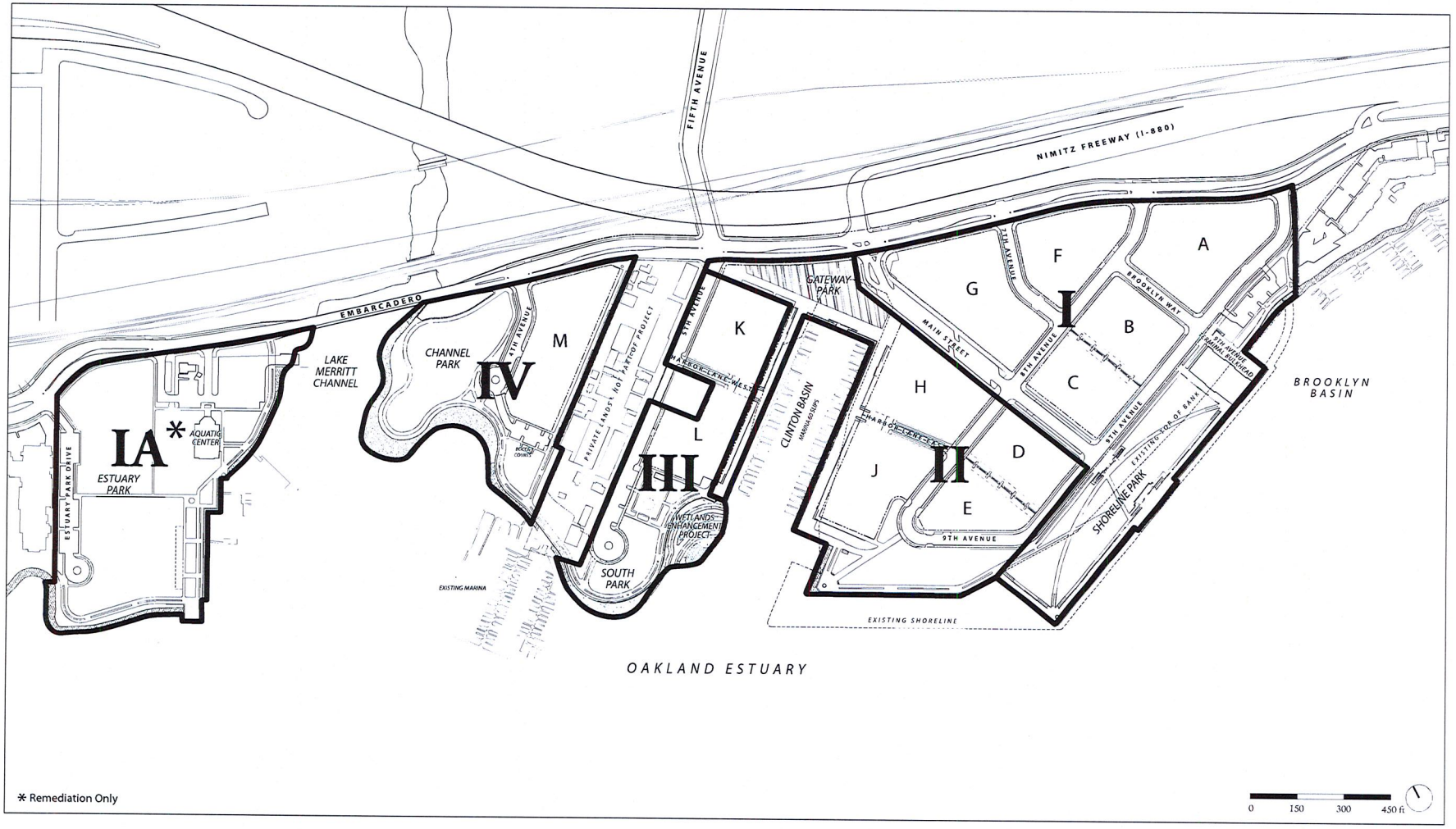

PHASING PLAN

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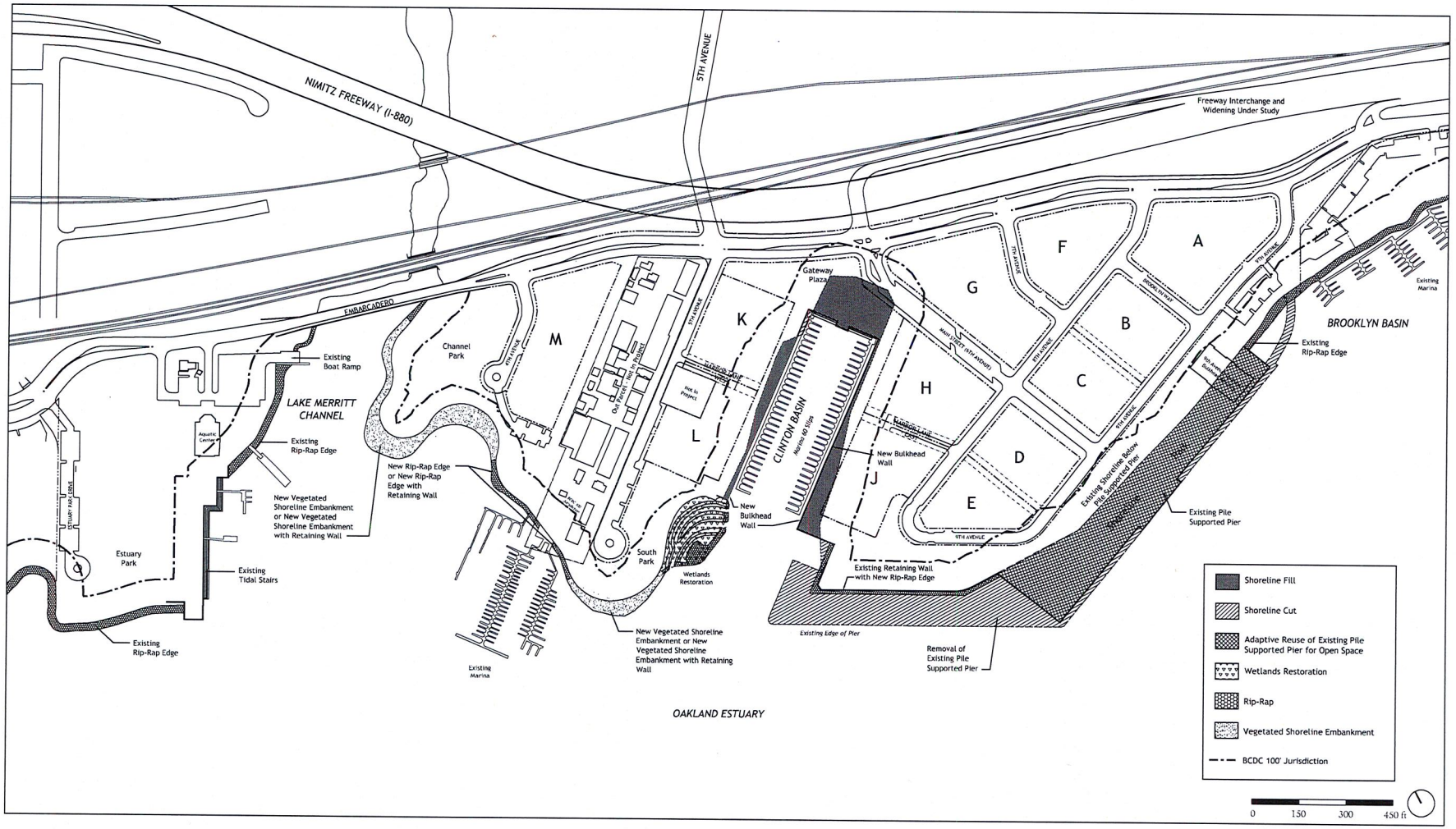

SHORELINE RECONFIGURATION AND STABILIZATION PLAN

Brooklyn Basin - Oak to 9th Development Plan

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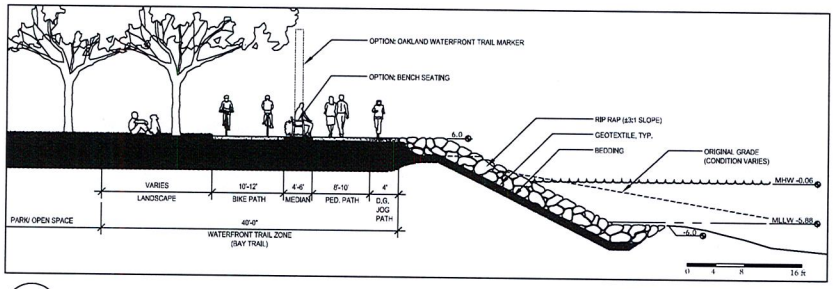
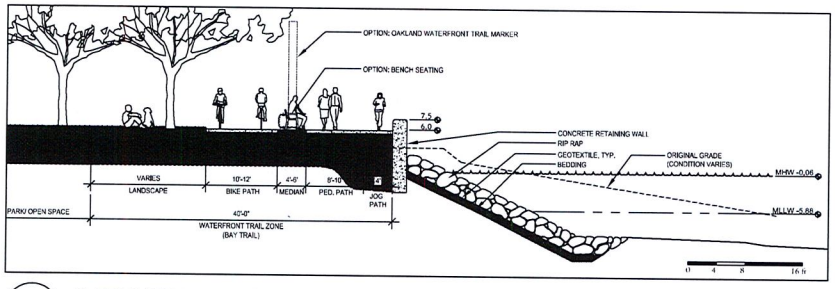
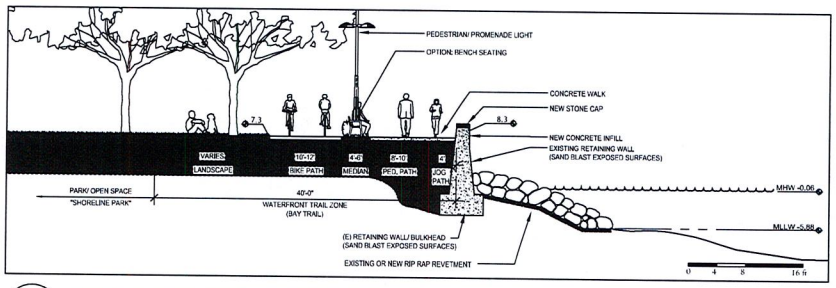


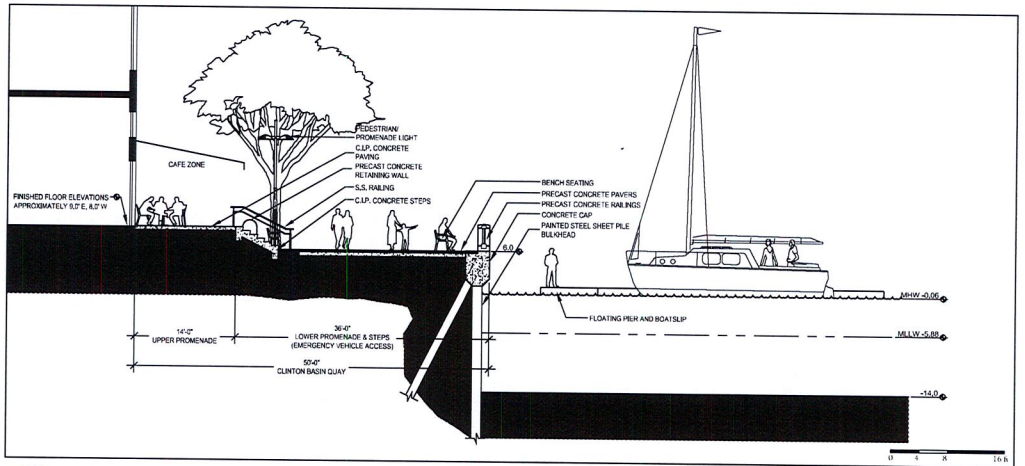
1 RIP-RAP SHORELINE EMBANKMENT WITH WATERFRONT / BAY TRAIL



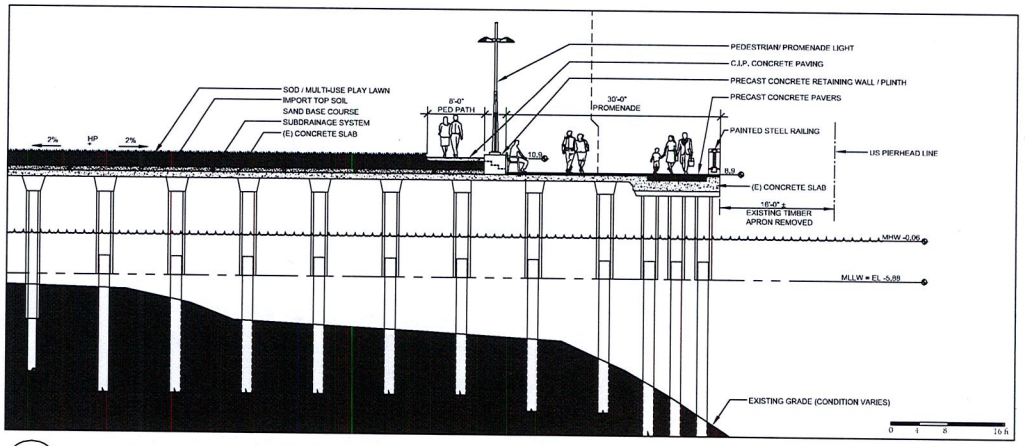
2 ALTERNATE RIP-RAP EDGE WITH RETAINING WALL



3 WATERFRONT TRAIL AT EXISTING RETAINING WALL



4 CLINTON BASIN QUAY (East Side)



5 9TH AVENUE PIER RETROFIT - TYPICAL SECTION

SHORELINE SECTIONS

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

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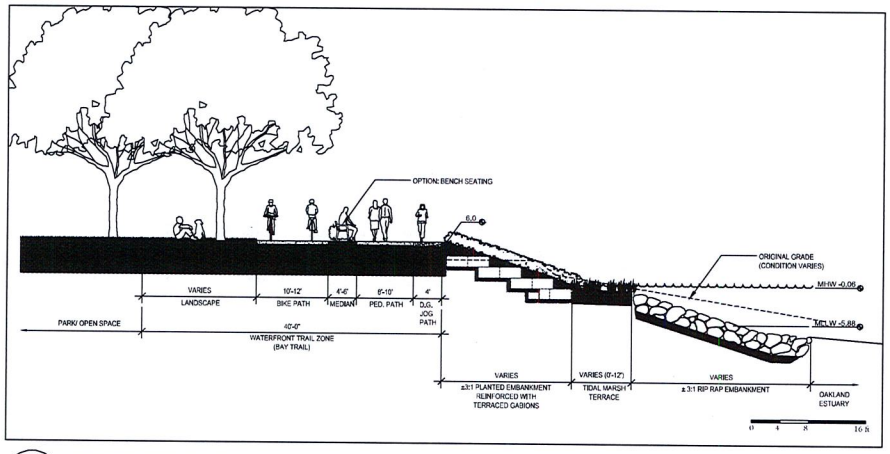
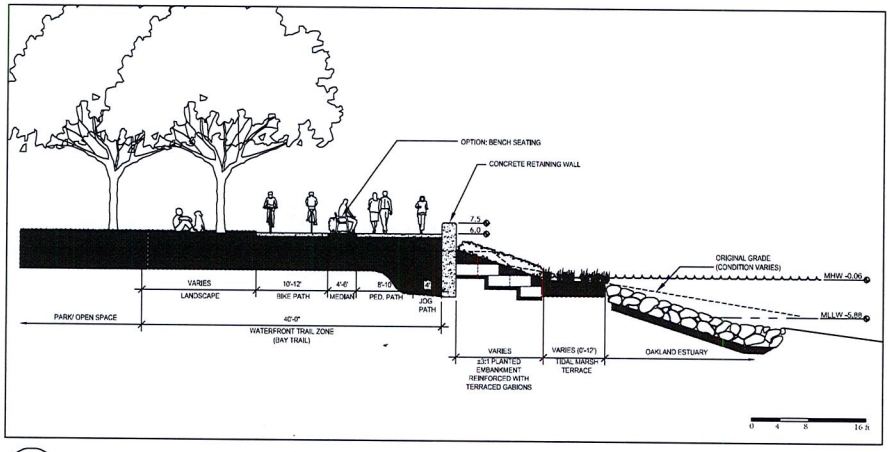
SHEET NO. 2.2



6 VEGETATED SHORELINE EMBANKMENT WITH WATERFRONT / BAY TRAIL



7 ALTERNATE VEGETATED SHORELINE WITH RETAINING WALL

SHORELINE SECTIONS

Brooklyn Basin - Oak to 9th Development Plan

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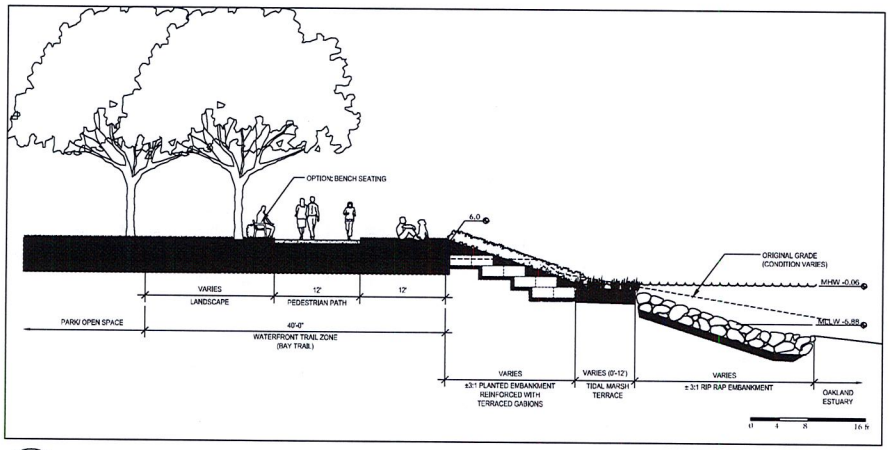

8 VEGETATED SHORELINE EMBANKMENT WITH HIKE / BIKE TRAIL (AT CHANNEL PARK)

SHORELINE SECTIONS

Brooklyn Basin - Oak to 9th Development Plan

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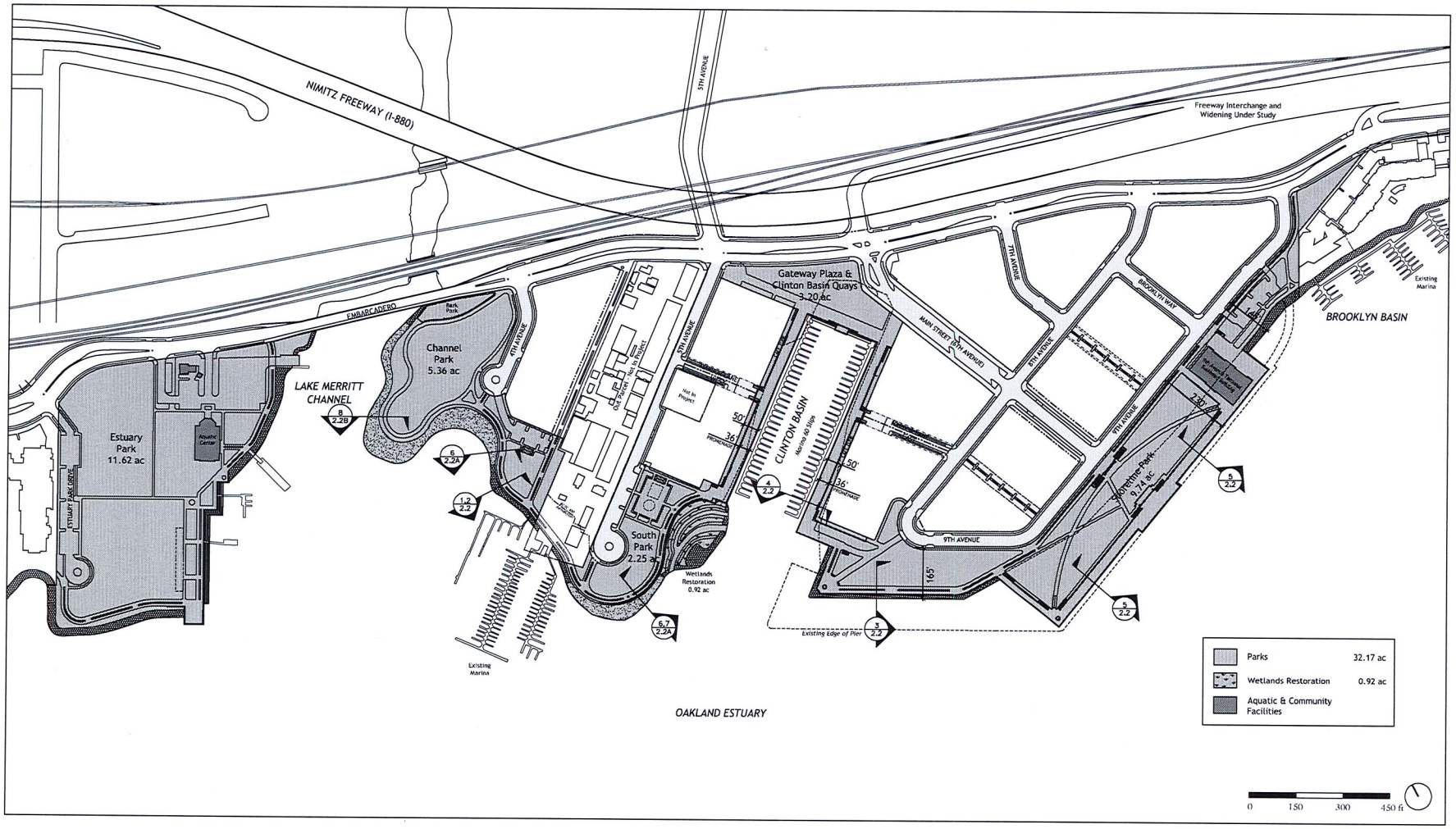

PARKS AND OPEN SPACE PLAN

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

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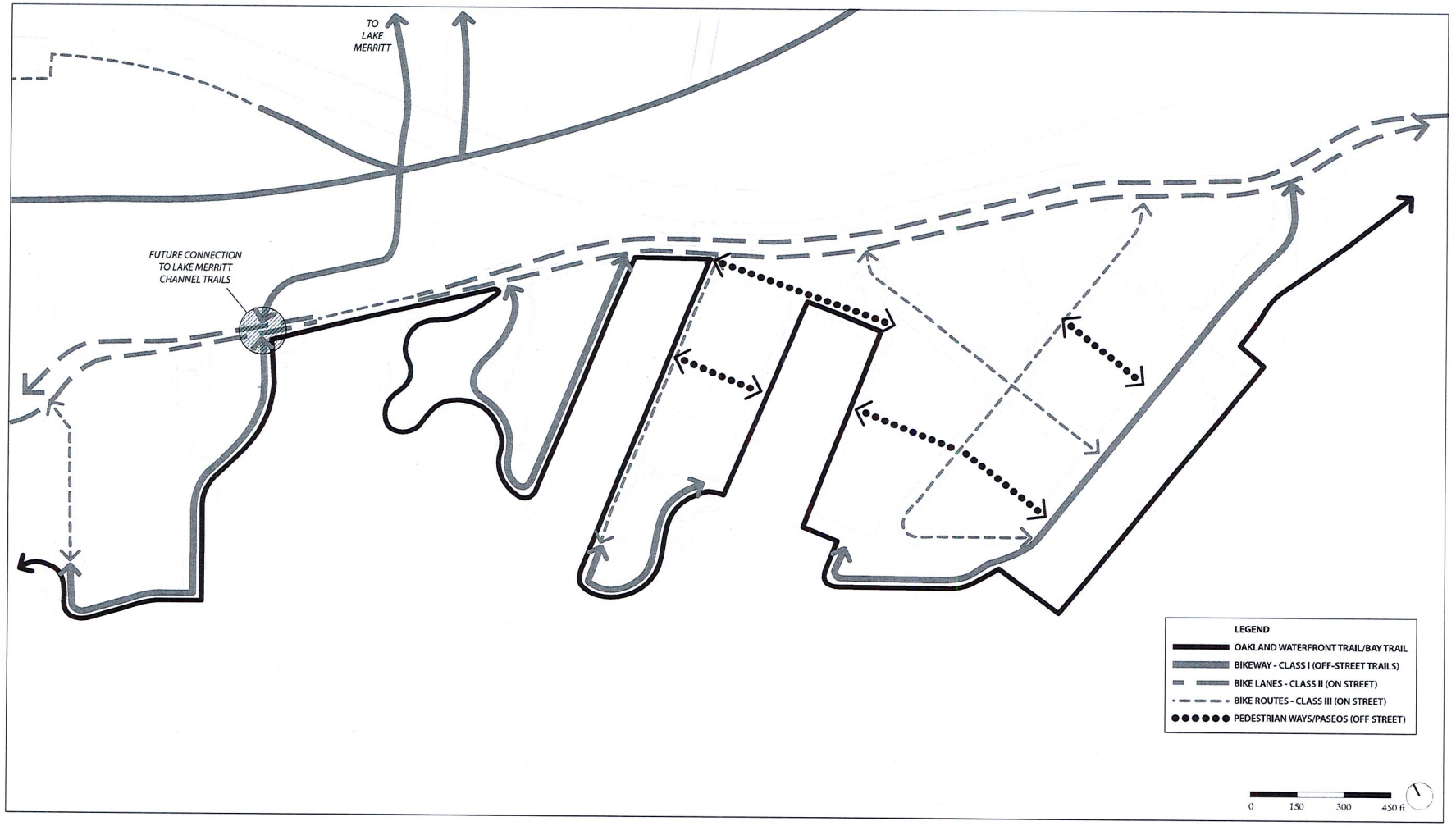
3.1



PEDESTRIAN & BICYCLE CIRCULATION DIAGRAM

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

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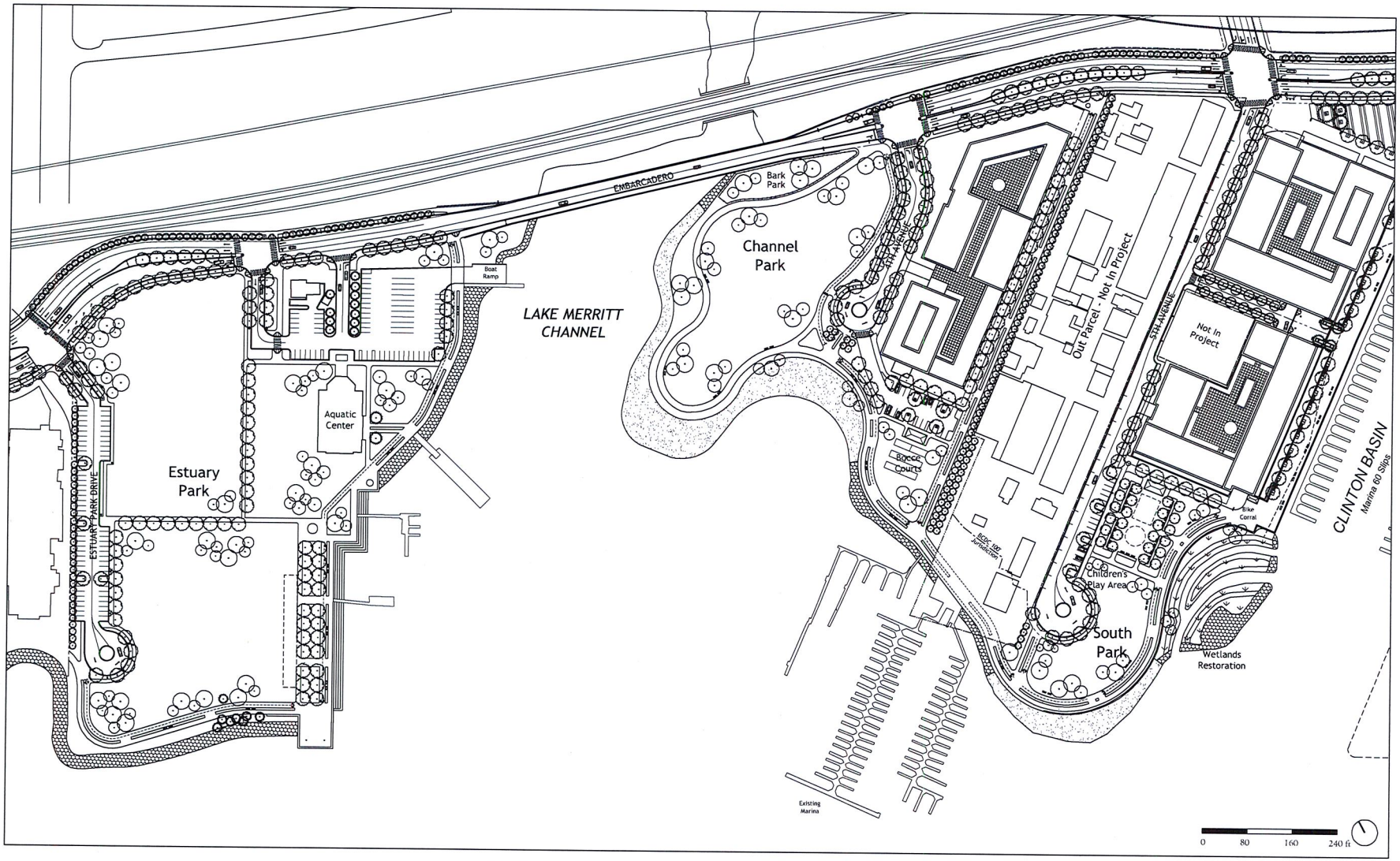


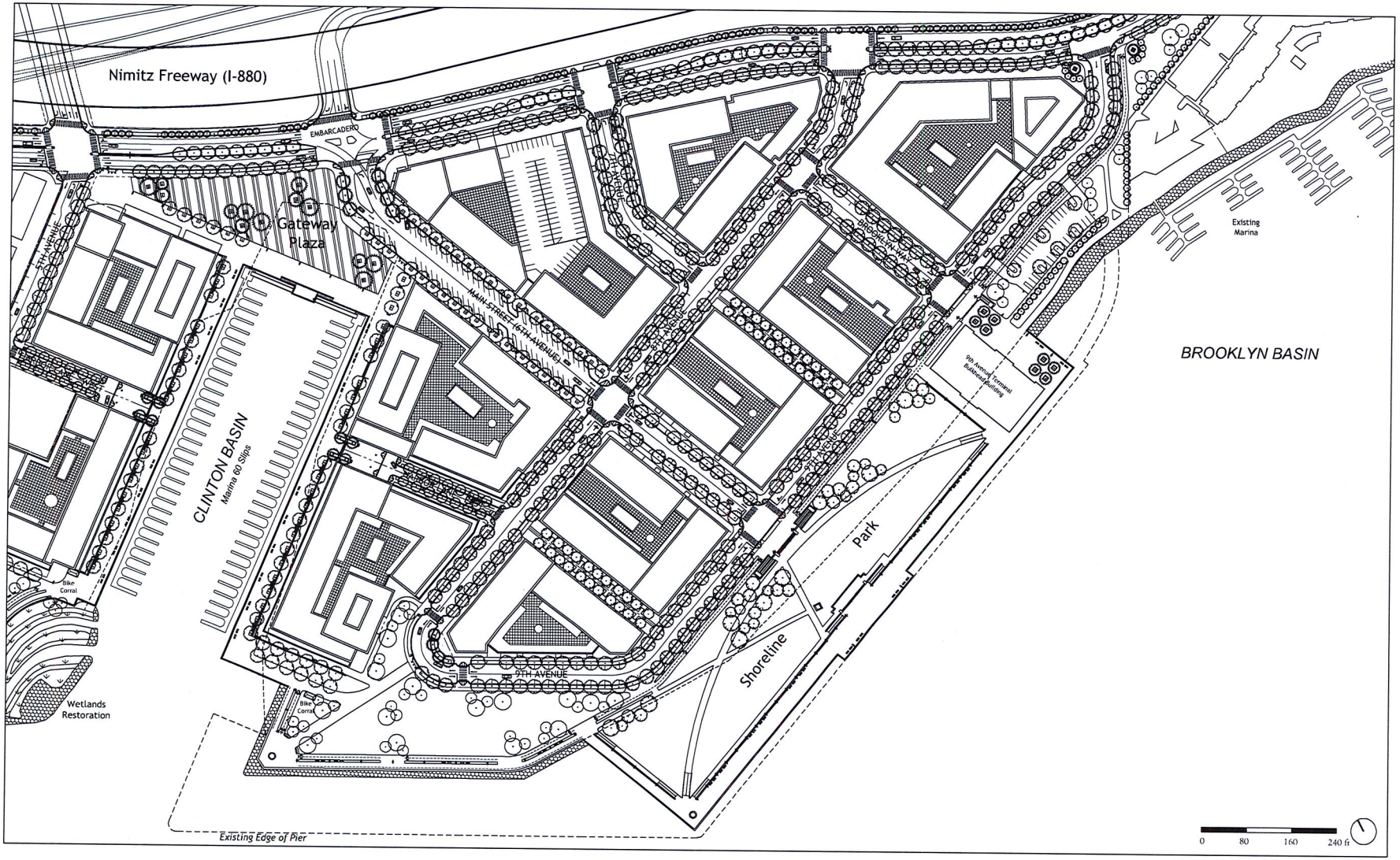
ENLARGED ILLUSTRATIVE PLAN - WEST

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

SHEET NO.
3.3



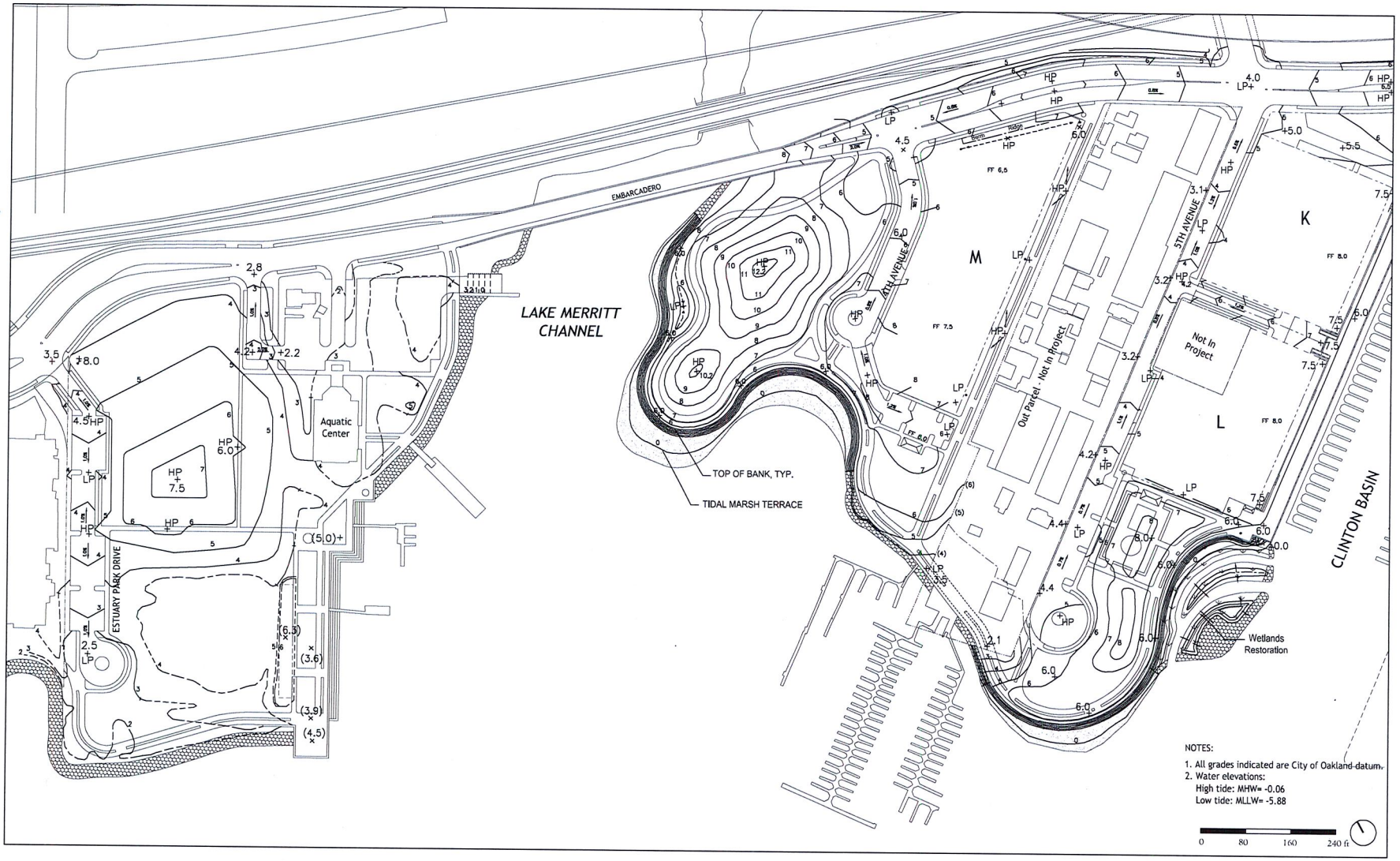
ENLARGED ILLUSTRATIVE PLAN - EAST

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

SHEET NO.
3.4



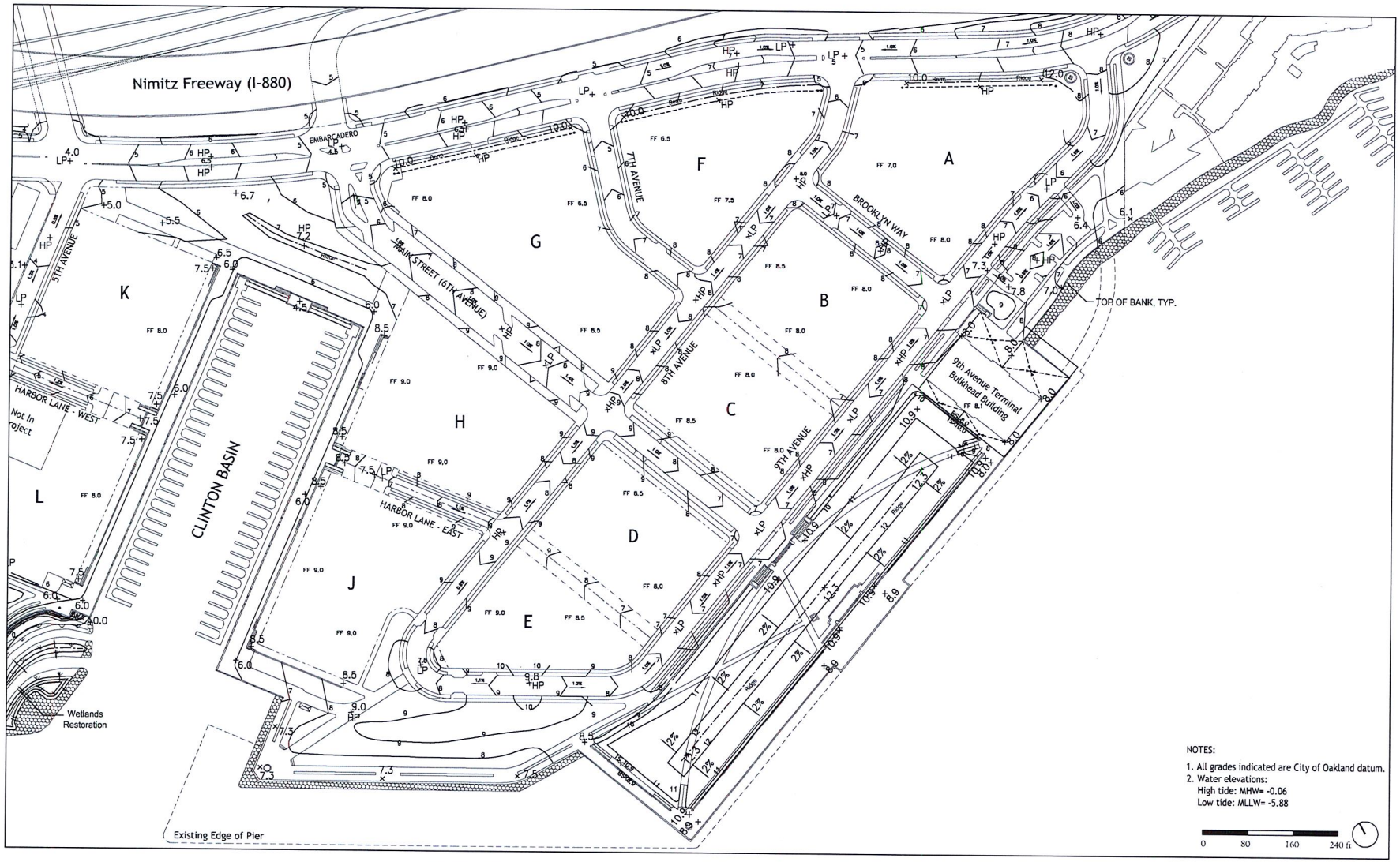
ENLARGED PLAN - PARK GRADING CONCEPT - WEST

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

SHEET NO.
3.5



ENLARGED PLAN - PARK GRADING CONCEPT - EAST

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

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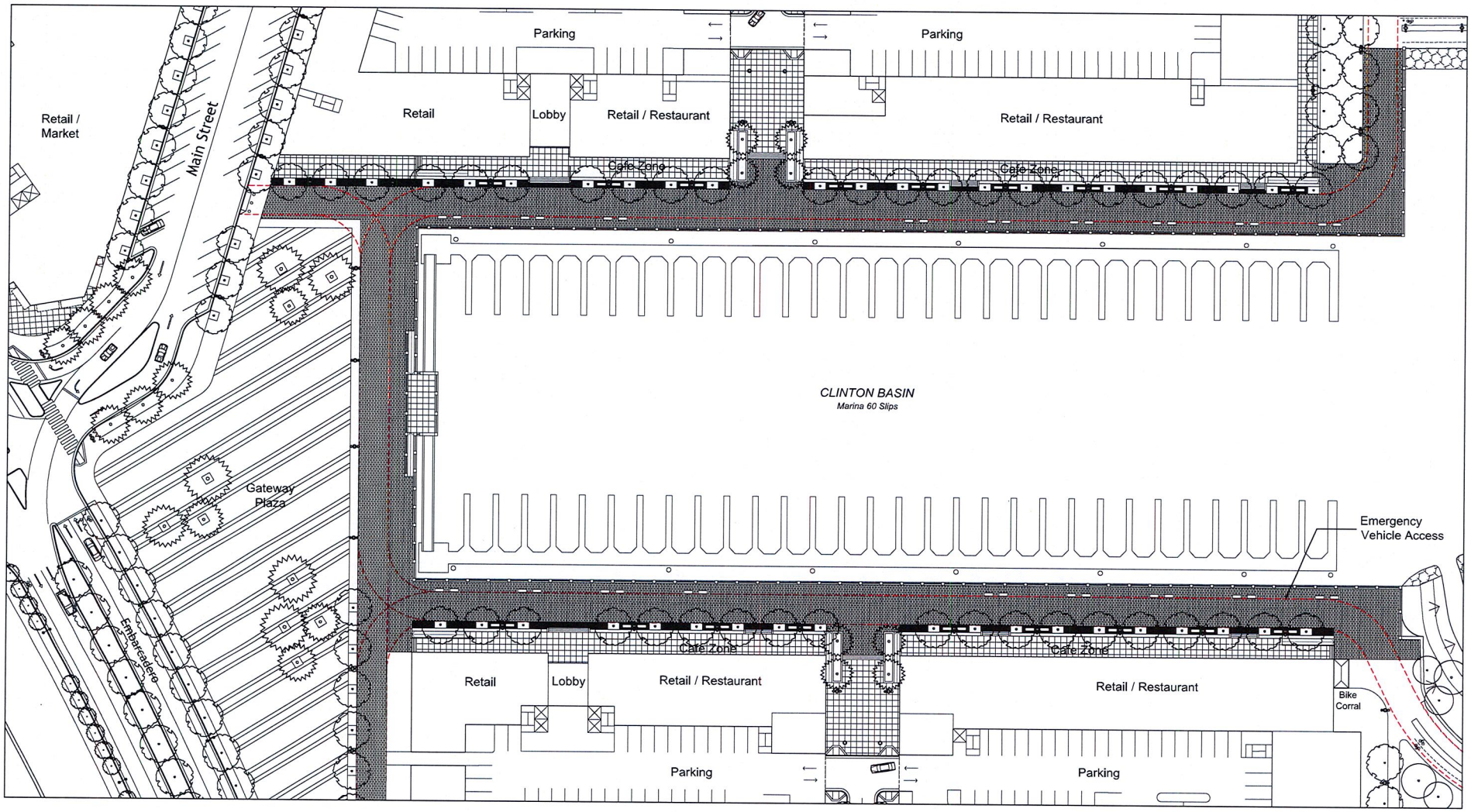
3.6



ENLARGED PLAN - CLINTON BASIN QUAYS

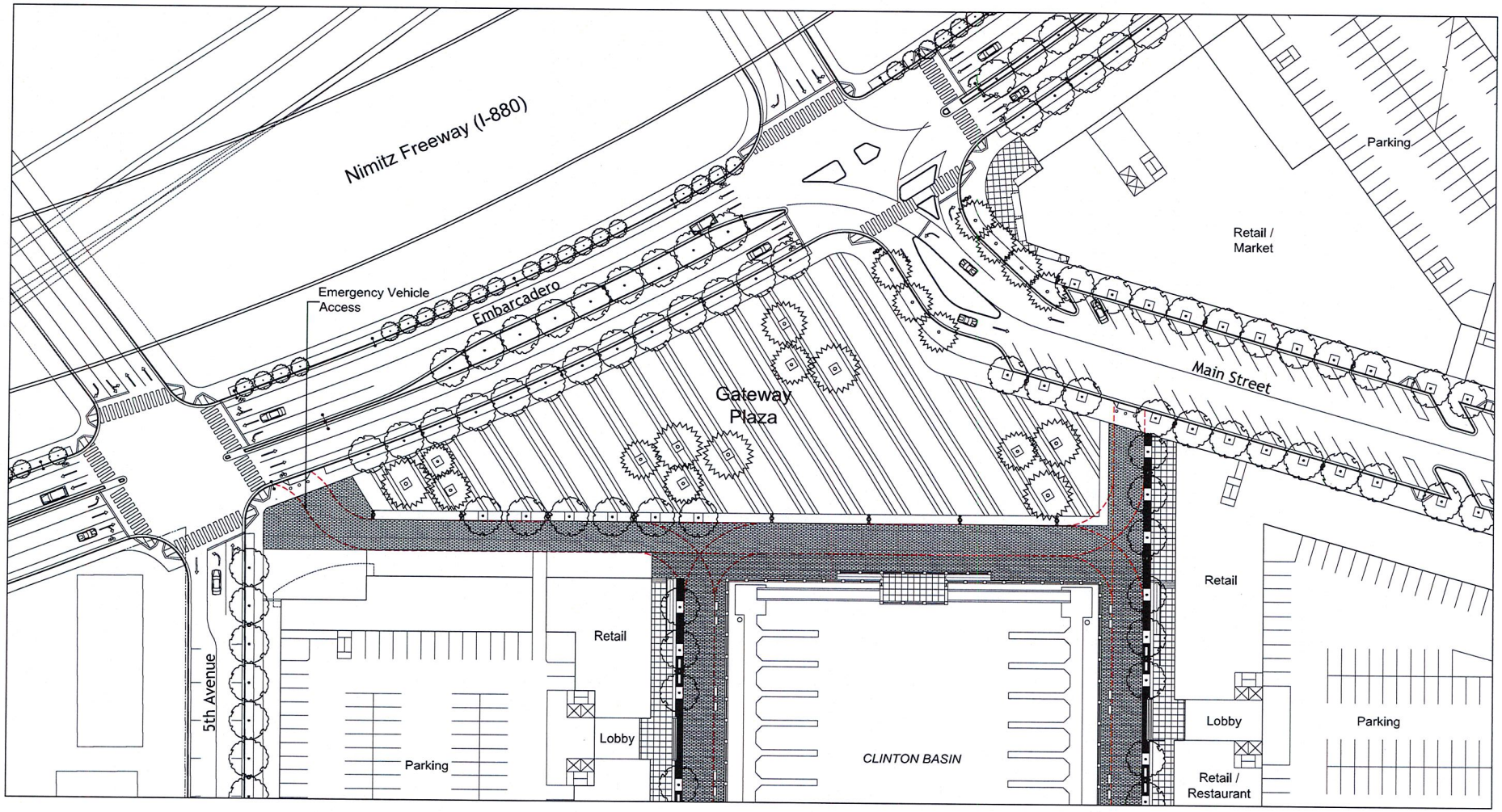
0 30 60 90 ft

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

SHEET NO.
3.7a



ENLARGED PLAN - GATEWAY PLAZA

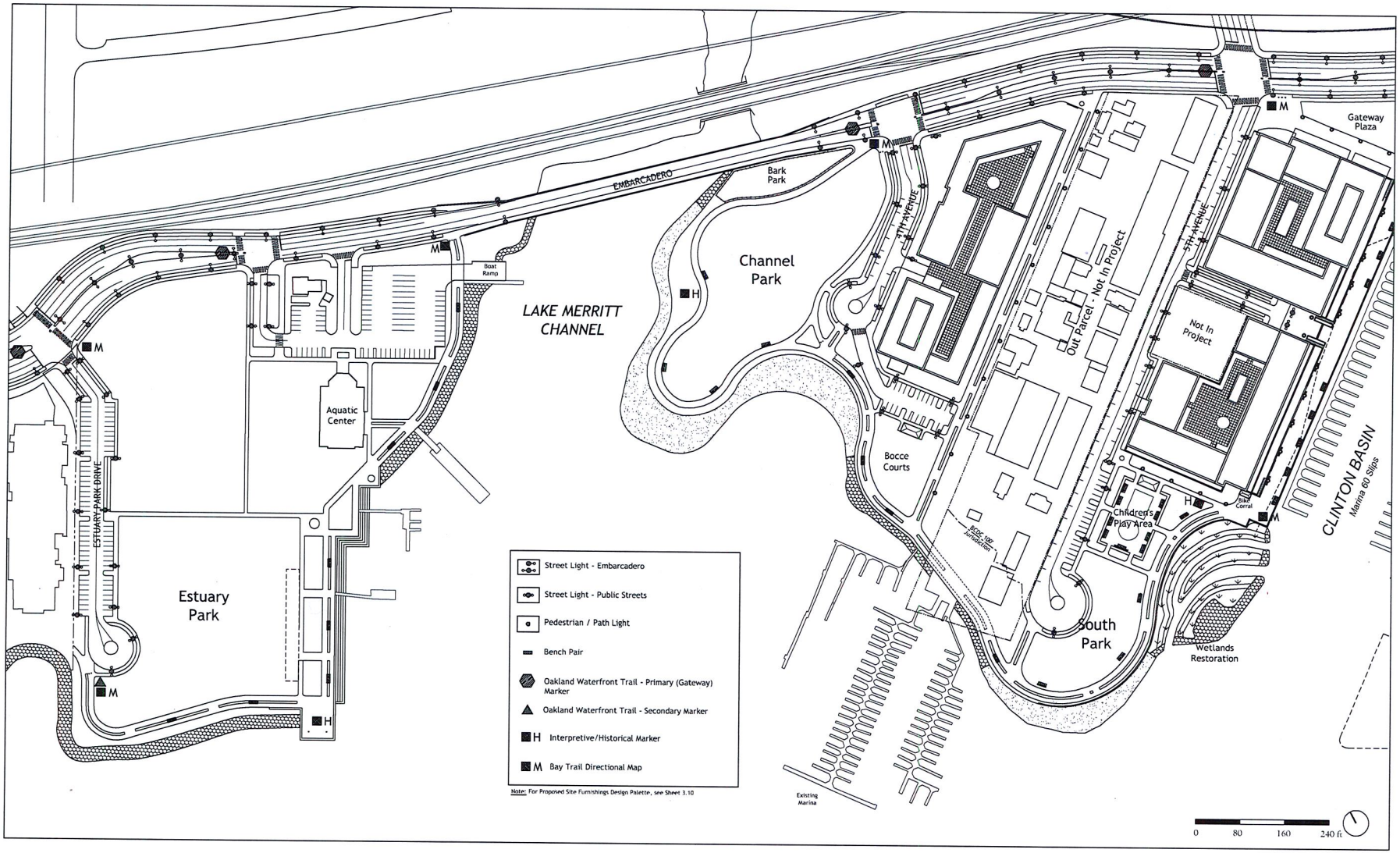
0 30 60 90 ft

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

SHEET NO.
3.7b



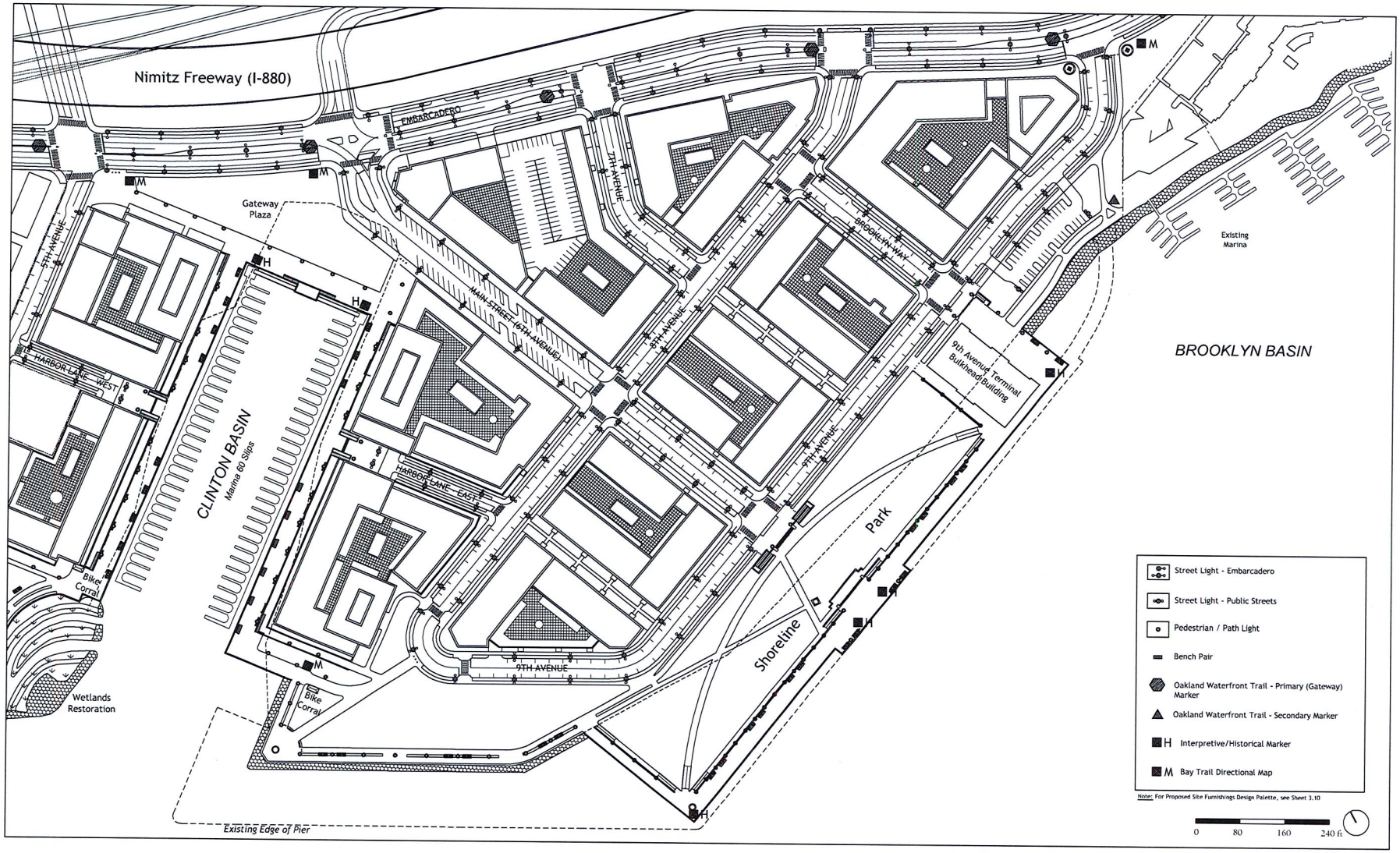
SITE FURNISHINGS DIAGRAM - WEST

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

SHEET NO. 3.8



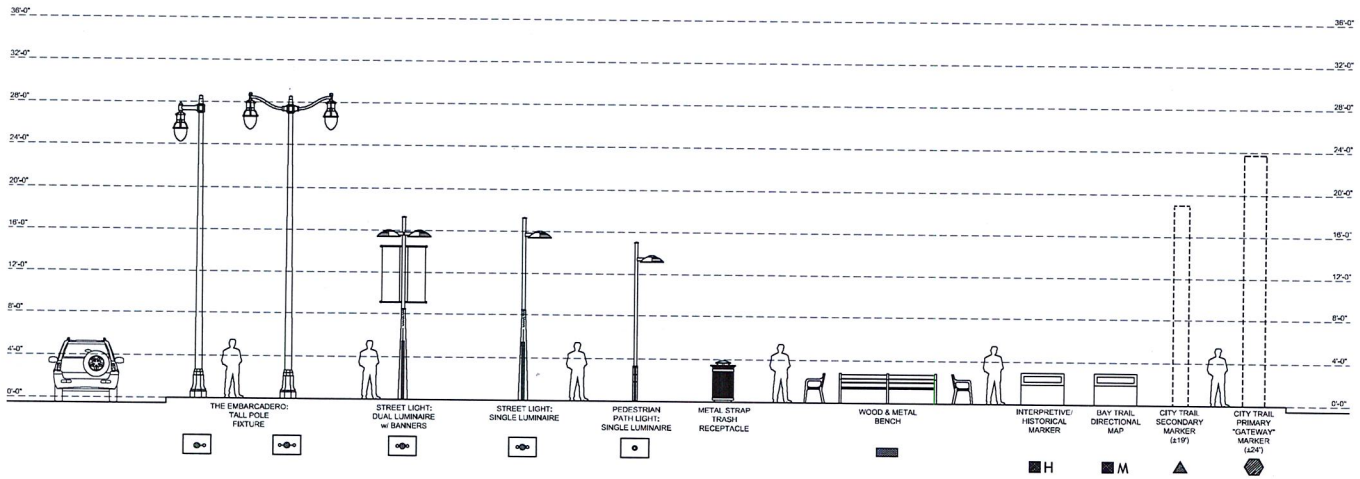
SITE FURNISHINGS DIAGRAM - EAST

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

SHEET NO. 3.9



SITE FURNISHINGS & SITE LIGHTING DESIGN PALETTE
Scale: 3/16" = 1'-0"

- Street Light - Embarcadero
- Street Light - Public Streets
- Pedestrian / Path Light
- Bench Pair
- Oakland Waterfront Trail - Primary (Gateway) Marker
- Oakland Waterfront Trail - Secondary Marker
- H Interpretive/Historical Marker
- M Bay Trail Directional Map

SITE FURNISHINGS & SITE LIGHTING DESIGN PALETTE

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

SHEET NO.
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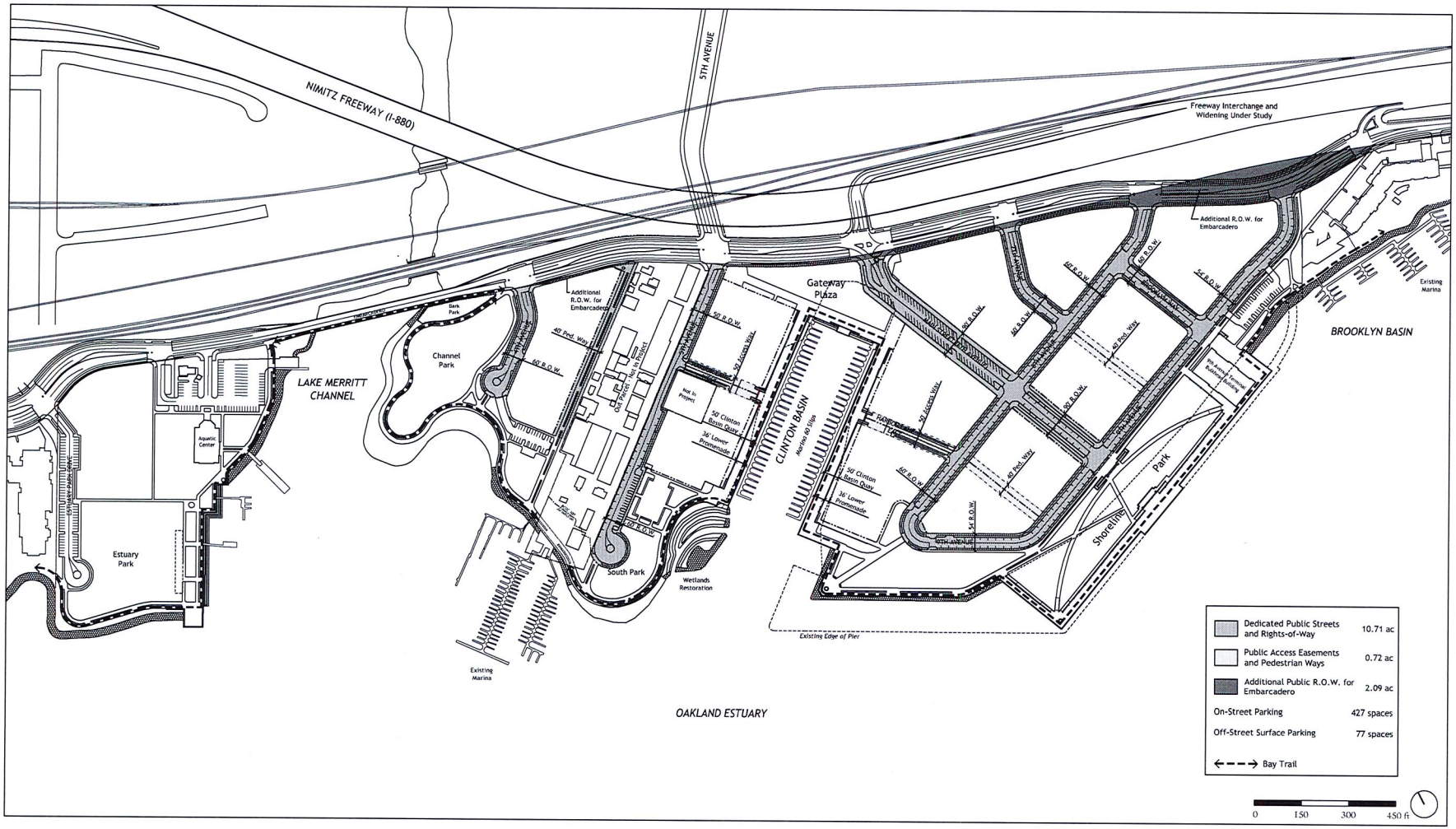

STREETS AND PEDESTRIAN WAYS

Brooklyn Basin - Oak to 9th Development Plan

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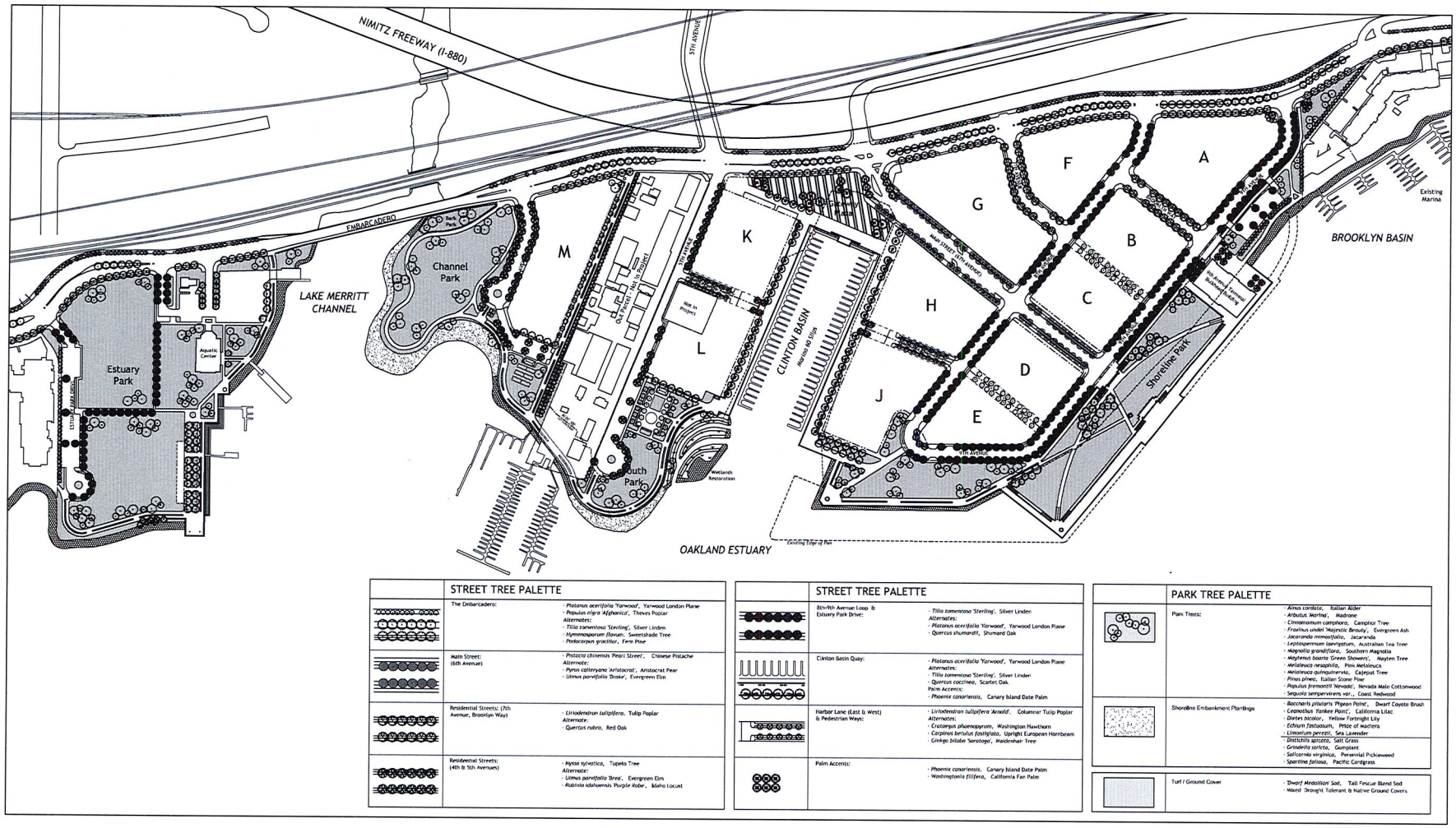
OCTOBER 2006

SHEET NO.
4.1



STREET TREE PALETTE		
The Embarcadero:	· *Platanus acerifolia 'Yarwood'*, Yarwood London Plane · *Populus nigra 'Afghanica'*, Thieves Poplar *Alternates:* · *Tilia tomentosa 'Sterling'*, Silver Linden · *Hymenosporum flavum*, Sweetshade Tree · *Pinus canariensis*, Canary Island Pine	· *Pinus torreyana*, Torrey Pine · *Phoenix canariensis*, Canary Island Date Palm *Palm Accents:* · *Phoenix canariensis*, Canary Island Date Palm · *Washingtonia filifera*, California Fan Palm
Main Street: (6th Avenue)	· *Pistacia chinensis 'Pearl Street'*, Chinese Pistache *Alternate:* · *Pyrus calleryana 'Aristocrat'*, Aristocrat Pear · *Ulmus parvifolia 'Drake'*, Evergreen Elm	
Residential Streets: (7th Avenue, Brooklyn Way)	· *Liriodendron tulipifera*, Tulip Poplar *Alternate:* · *Quercus rubra*, Red Oak	
Residential Streets: (4th & 5th Avenues)	· *Nyssa sylvatica*, Tupelo Tree *Alternate:* · *Ulmus parvifolia 'Bred'*, Evergreen Elm · *Robinia idahoensis 'Purple Robe'*, Idaho Locust	

STREET TREE PALETTE		
8th-9th Avenue Loop & Estuary Park Drive:	· *Tilia tomentosa 'Sterling'*, Silver Linden *Alternates:* · *Platanus acerifolia 'Yarwood'*, Yarwood London Plane · *Quercus shumardii*, Shumard Oak	
Clinton Basin Quay:	· *Platanus acerifolia 'Yarwood'*, Yarwood London Plane *Alternates:* · *Tilia tomentosa 'Sterling'*, Silver Linden · *Quercus coccinea*, Scarlet Oak *Palm Accents:* · *Phoenix canariensis*, Canary Island Date Palm	
Harbor Lane (East & West) & Pedestrian Ways:	· *Liriodendron tulipifera 'Arnold'*, Columnar Tulip Poplar *Alternates:* · *Crataegus phaenopyrum*, Washington Hawthorn · *Carpinus betulus fastigiata*, Upright European Hornbeam · *Ginkgo biloba 'Saratoga'*, Maidenhair Tree	
Palm Accents:	· *Phoenix canariensis*, Canary Island Date Palm · *Washingtonia filifera*, California Fan Palm	

PARK TREE PALETTE		
Park Trees:	· *Alnus cordata*, Italian Alder · *Arbutus 'Marina'*, Madrone · *Cinnamomum camphora*, Camphor Tree · *Fraxinus uhdei 'Majestic Beauty'*, Evergreen Ash · *Jacaranda mimosifolia*, Jacaranda · *Leptospermum laevigatum*, Australian Tea Tree · *Magnolia grandiflora*, Southern Magnolia · *Maytenus boaria 'Green Showers'*, Mayten Tree · *Metaleuca nesophila*, Pink Melaleuca · *Metaleuca quinquinervia*, Cajeput Tree · *Pinus pinea*, Italian Stone Pine · *Populus fremontii 'Nevada'*, Nevada Male Cottonwood · *Sequoia sempervirens var.*, Coast Redwood	
Shoreline Embankment Plantings	· *Baccharis pilularis 'Pigeon Point'*, Dwarf Coyote Brush · *Ceanothus 'Yankee Point'*, California Lilac · *Dietes bicolor*, Yellow Fortnight Lily · *Echium fastuosum*, Pride of madiera · *Limonium perezii*, Sea Lavender · *Distichlis spicata*, Salt Grass · *Grindelia stricta*, Gumplant · *Salicornia virginica*, Perennial Pickleweed · *Spartina foliosa*, Pacific Cordgrass	
Turf / Ground Cover	· *'Dwarf Medallion' Sod*, Tall Fescue Blend Sod · Mixed Drought Tolerant & Native Ground Covers	

0 150 300 450 ft

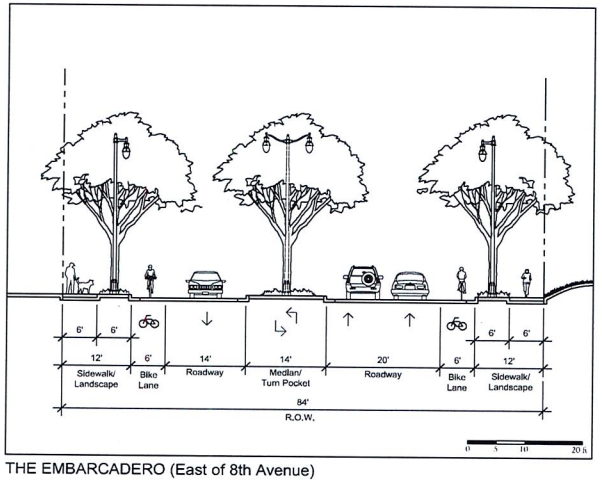
LANDSCAPE CONCEPT PLAN

Brooklyn Basin - Oak to 9th Development Plan

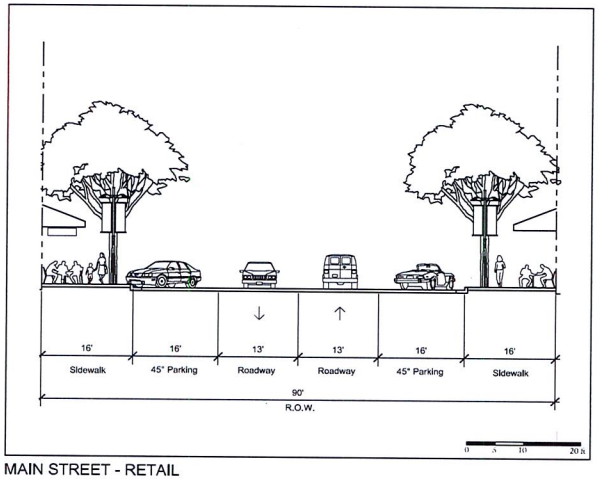
Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

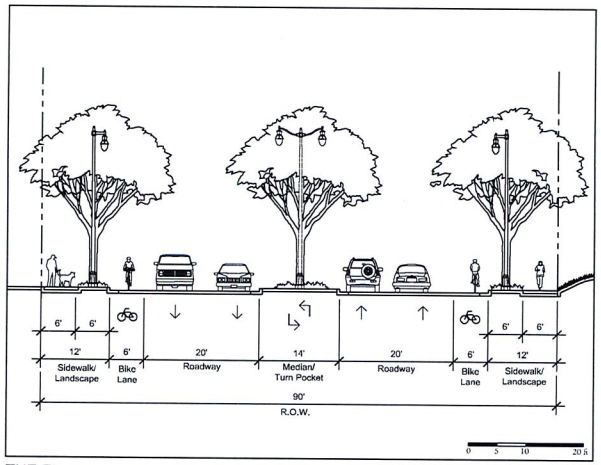
SHEET NO. 4.2



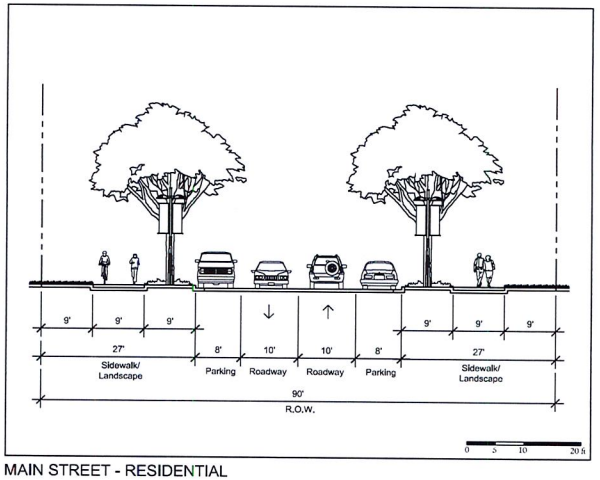
THE EMBARCADERO (East of 8th Avenue)



MAIN STREET - RETAIL



THE EMBARCADERO (East of Lake Merritt Channel to 8th Avenue)



MAIN STREET - RESIDENTIAL

STREET SECTIONS

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

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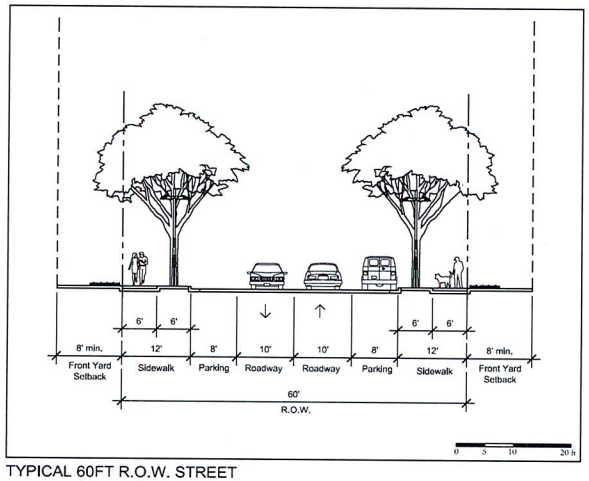
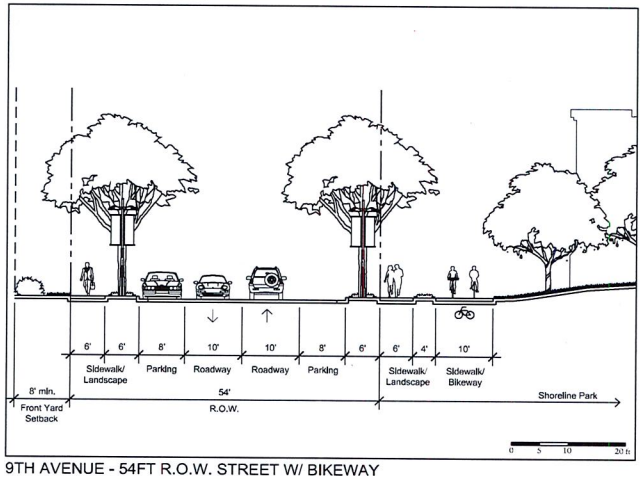
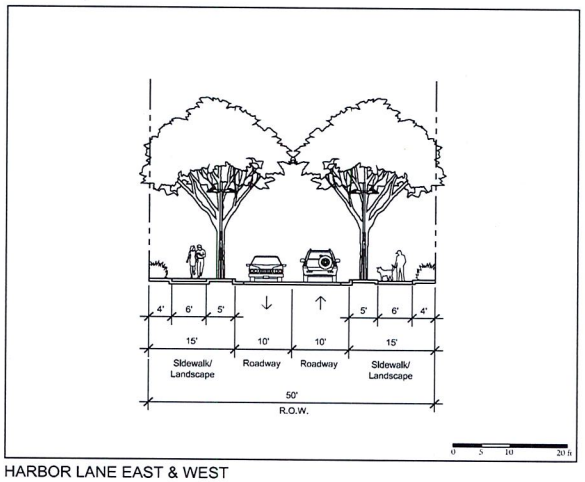
4.3a



TYPICAL 60FT R.O.W. STREET



9TH AVENUE - 54FT R.O.W. STREET W/ BIKEWAY



HARBOR LANE EAST & WEST

STREET SECTIONS

Brooklyn Basin - Oak to 9th Development Plan

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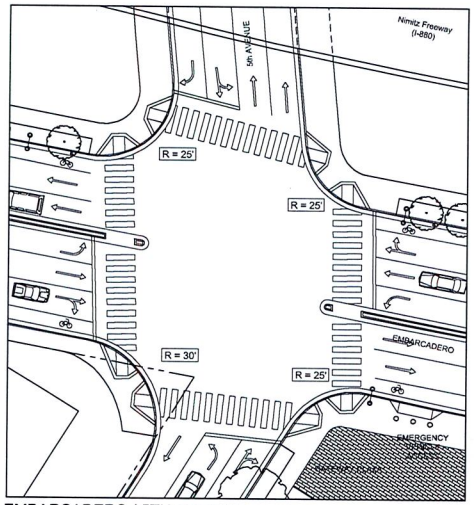
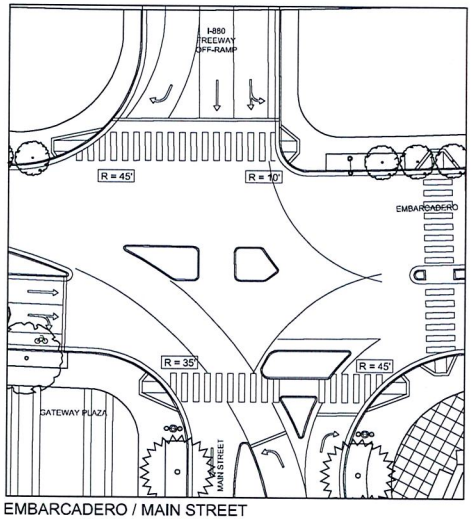
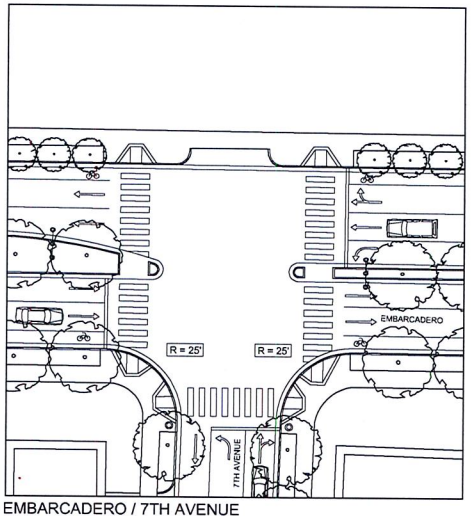
SHEET NO.
4.3b



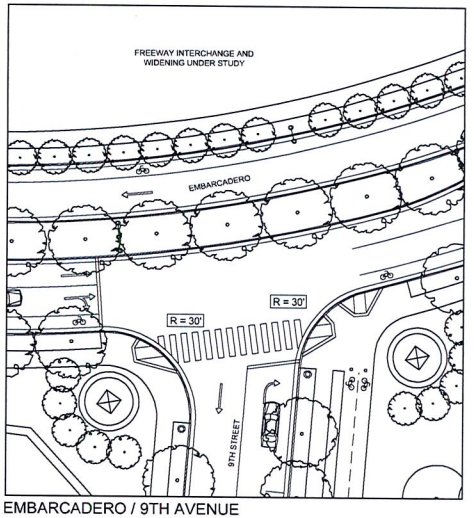
EMBARCADERO / 5TH AVENUE



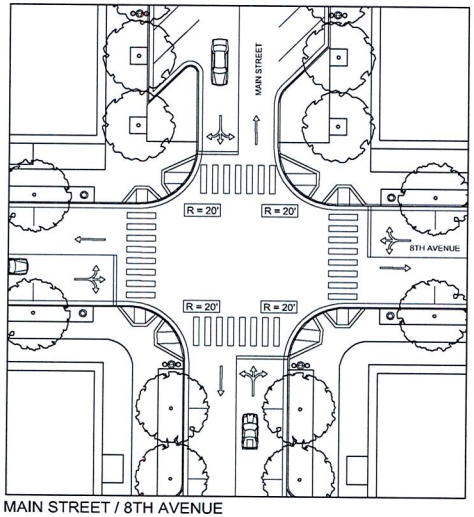
EMBARCADERO / MAIN STREET



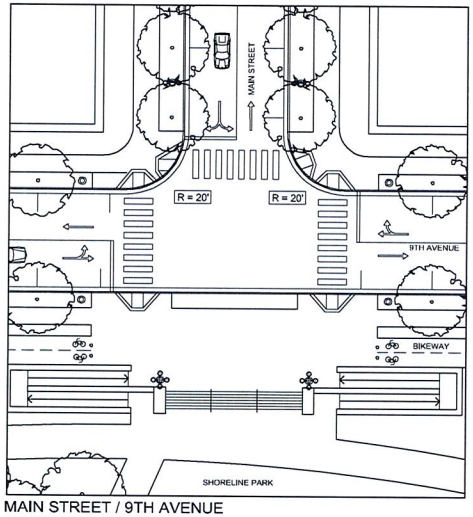
EMBARCADERO / 7TH AVENUE



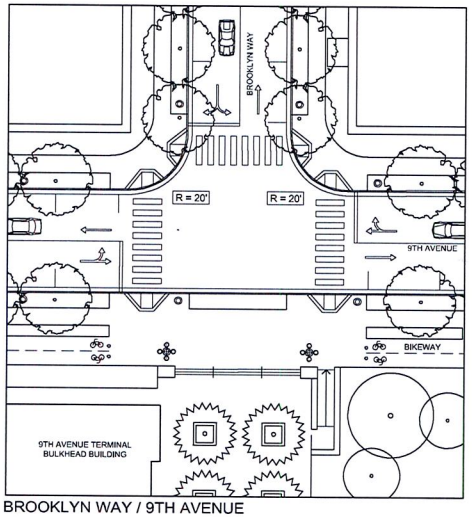
EMBARCADERO / 9TH AVENUE



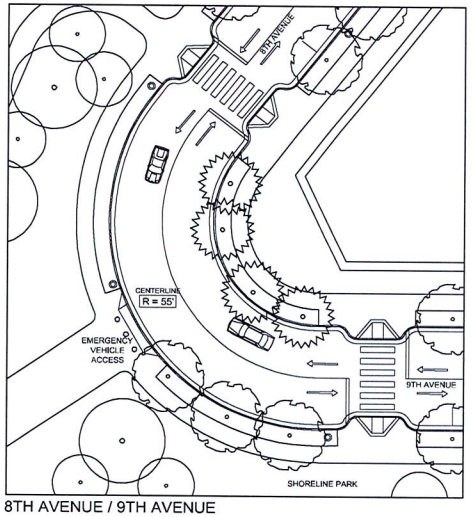
MAIN STREET / 8TH AVENUE



MAIN STREET / 9TH AVENUE



BROOKLYN WAY / 9TH AVENUE



8TH AVENUE / 9TH AVENUE

0 20 40 60 ft

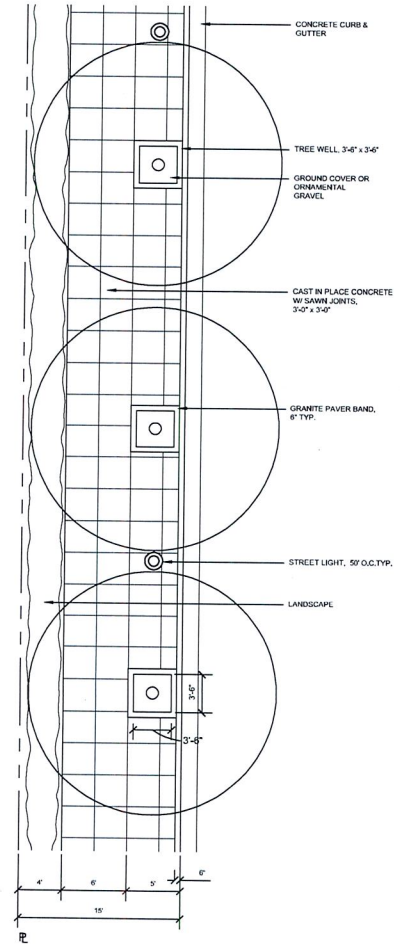
STREET INTERSECTIONS

Brooklyn Basin - Oak to 9th Development Plan

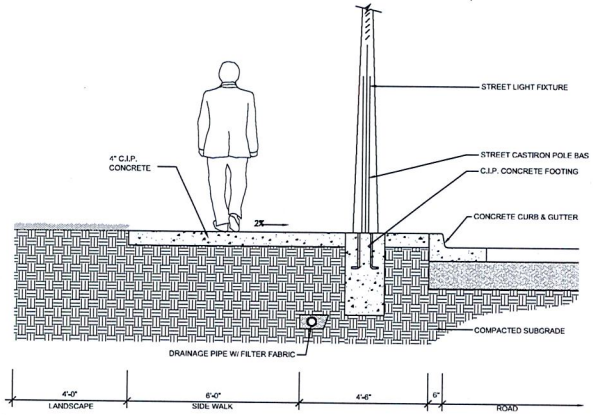
Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

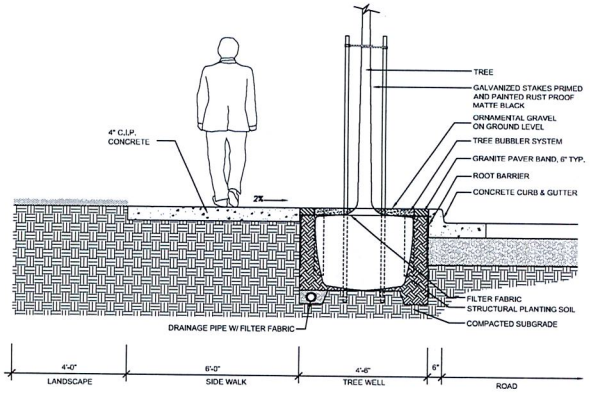
SHEET NO.
4.4



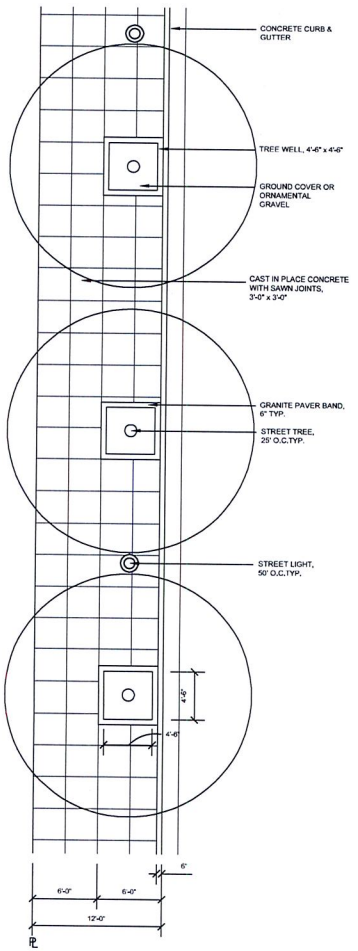
1 Typical Sidewalk Plan - 50' R.O.W.
SCALE: 3/16" = 1'-0"



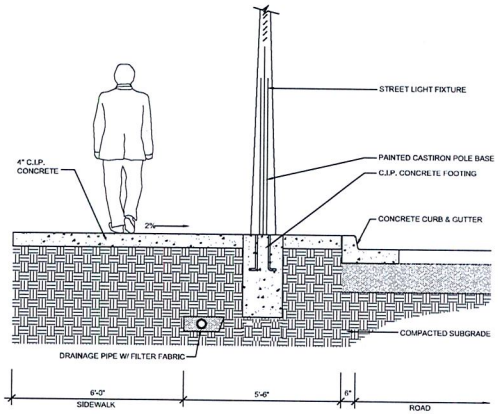
2 Typical Sidewalk Section at Light Fixture - 50' R.O.W.
SCALE: 1/2" = 1'-0"



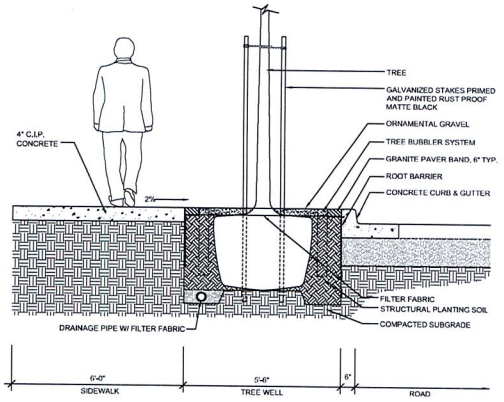
3 Typical Sidewalk Section at Street Tree - 50' R.O.W.
SCALE: 1/2" = 1'-0"



4 Typical Sidewalk Plan - 60' R.O.W.
SCALE: 3/16" = 1'-0"



5 Typical Sidewalk Section at Light Fixture - 54'/ 60' R.O.W.
SCALE: 1/2" = 1'-0"



6 Typical Sidewalk Section at Street Tree - 60' R.O.W.
SCALE: 1/2" = 1'-0"

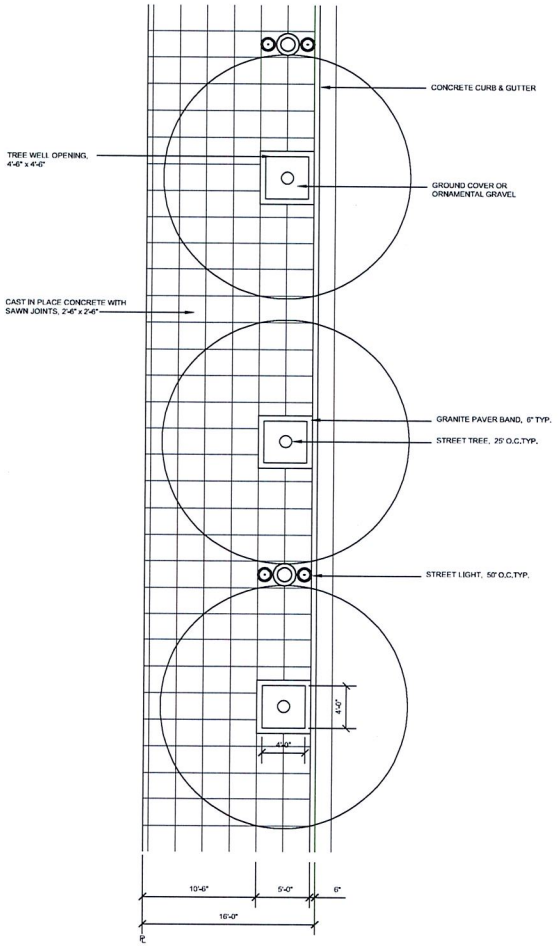
STREETSCAPE STANDARDS 50' AND 60' R.O.W.

Brooklyn Basin - Oak to 9th Development Plan

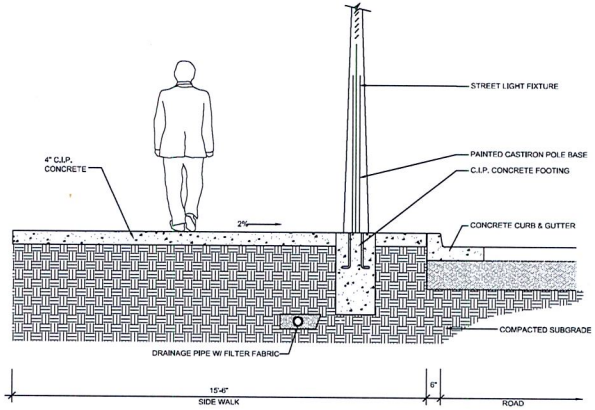
Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

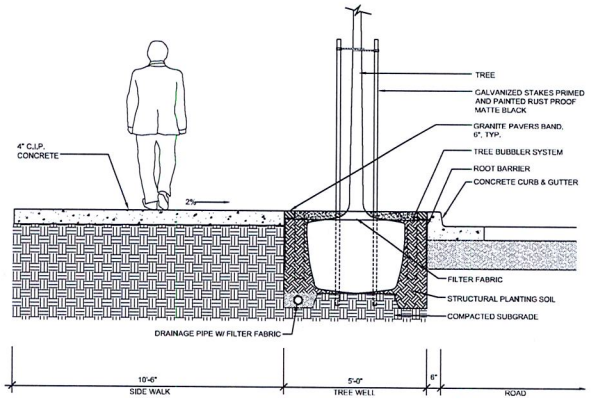
SHEET NO.
4.5



1 Typical Sidewalk Plan- Retail Frontage
SCALE: 3/16" = 1'-0"



2 Typical Sidewalk Section at Light Pole - Retail Frontage
SCALE: 1/2" = 1'-0"



3 Typical Sidewalk Section at Street Tree - Retail Frontage
SCALE: 1/2" = 1'-0"

STREETSCAPE STANDARDS 90' RIGHT OF WAY- RETAIL FRONTAGE

Brooklyn Basin - Oak to 9th Development Plan

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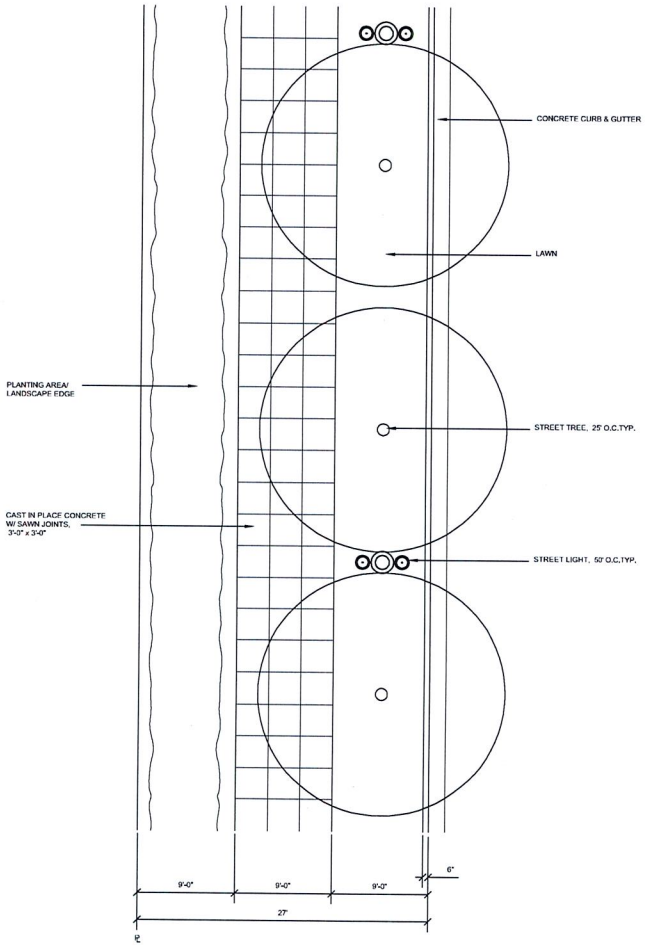
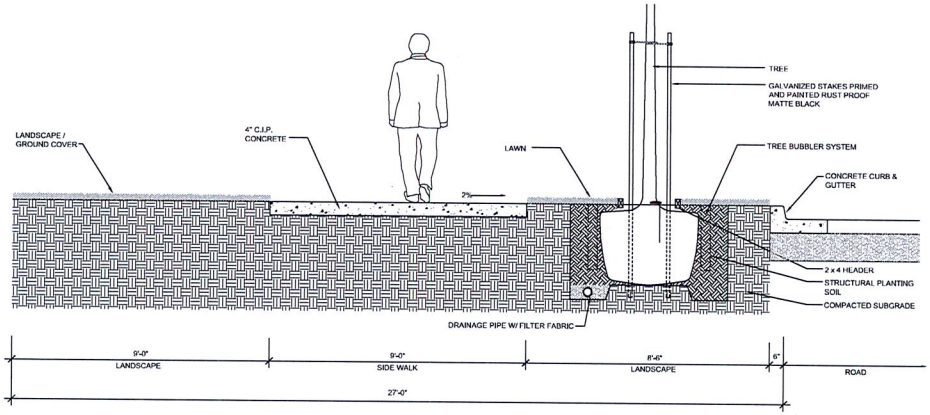
SHEET NO.
4.6



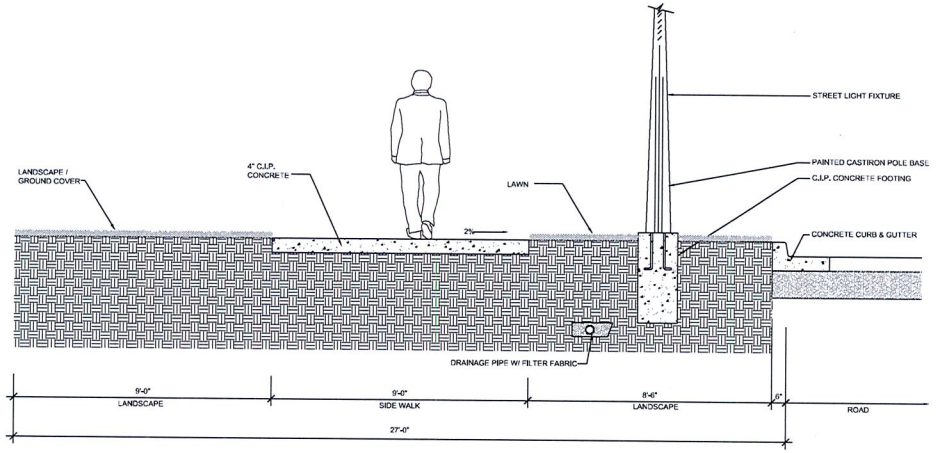
1 Typical Sidewalk Plan- Residential Frontage

SCALE: 3/16" = 1'-0"



2 Typical Sidewalk Section at Street Tree - Residential Frontage

SCALE: 1/2" = 1'-0"



3 Typical Sidewalk Section at Light Pole - Residential Frontage

SCALE: 1/2" = 1'-0"

STREETSCAPE STANDARDS 90' RIGHT OF WAY- RESIDENTIAL FRONTAGE

Brooklyn Basin - Oak to 9th Development Plan

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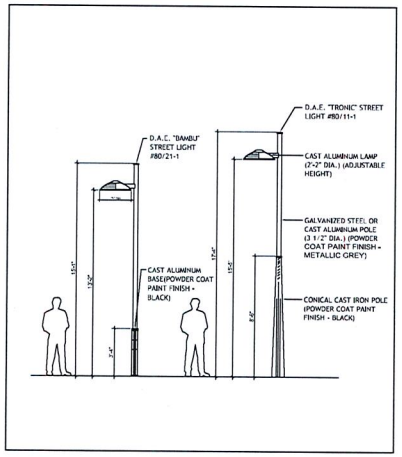
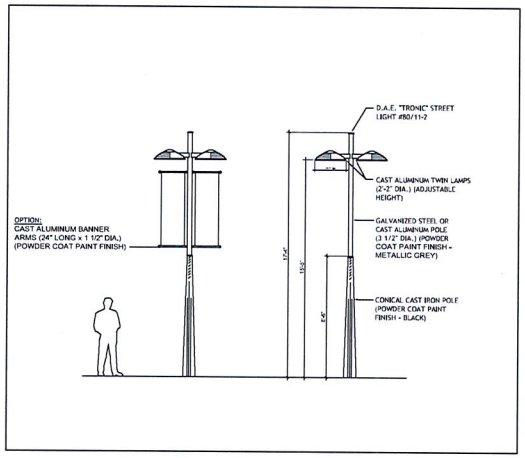
SHEET NO.
4.7



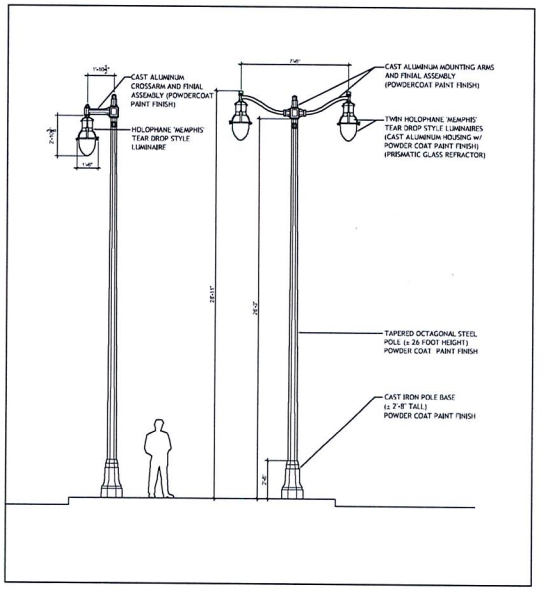
1B Pedestrian Light Pole & Street Light Pole - Single Luminaire

SCALE: 1/4"=1'-0"



2B Street Light Pole - Dual Luminaire

SCALE: 1/4"=1'-0"



3B The Embarcadero- Tall Pole Fixture

SCALE: 1/4"=1'-0"

STREET LIGHTING STANDARDS

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SHEET NO.
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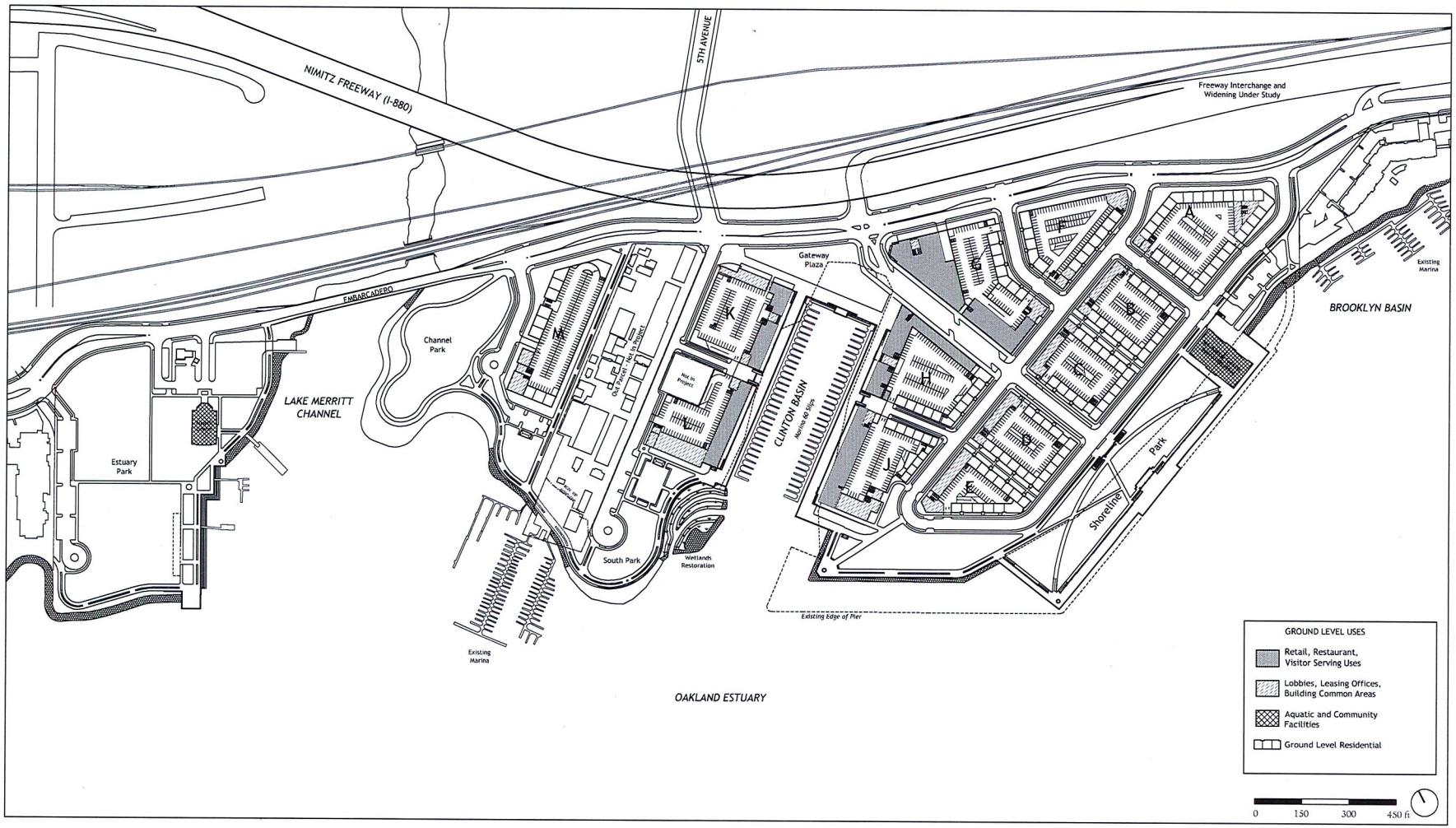

ILLUSTRATIVE GROUND LEVEL BUILDING PLAN

Brooklyn Basin - Oak to 9th Development Plan

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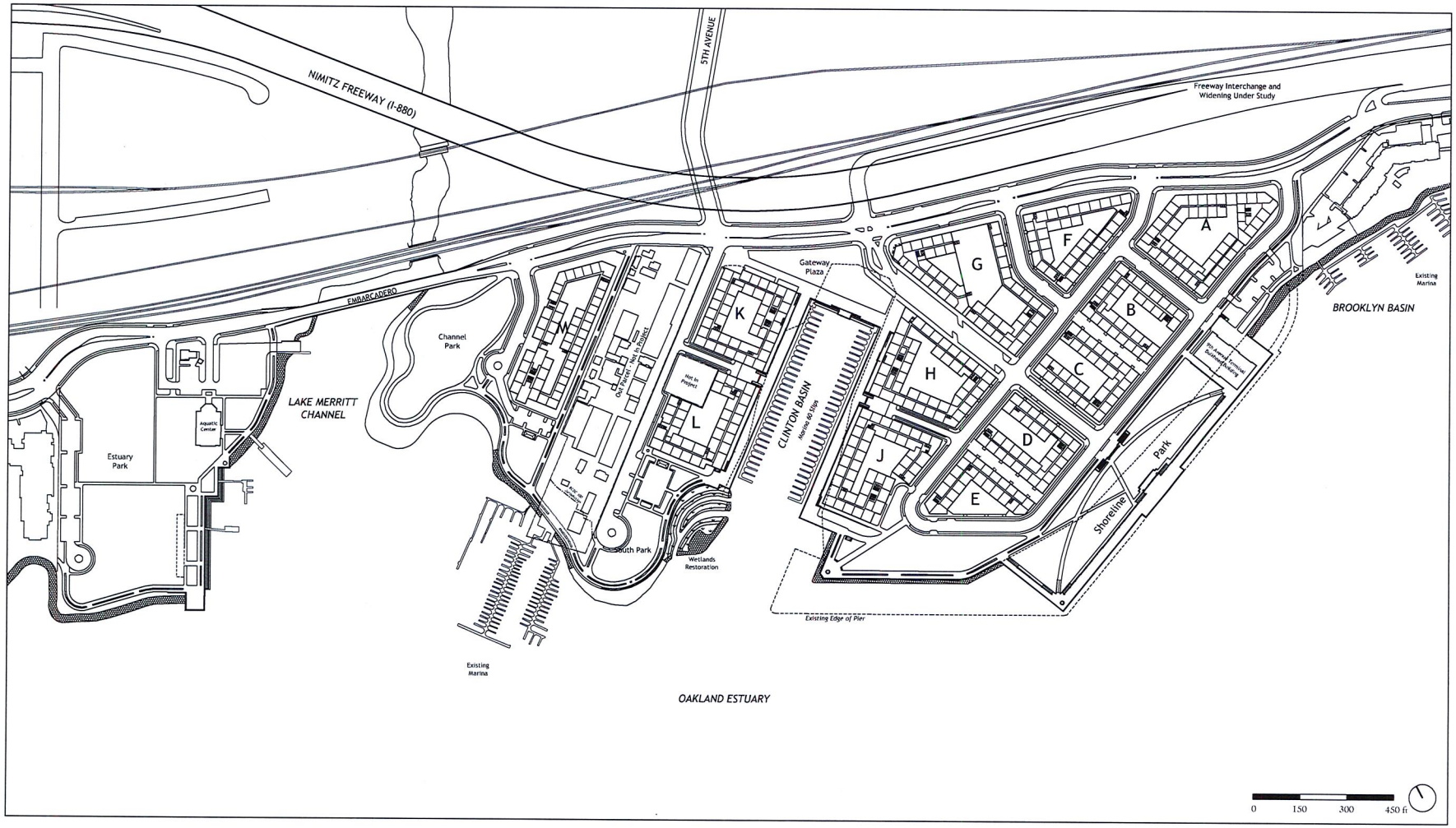
OCTOBER 2006

SHEET NO.
5.1



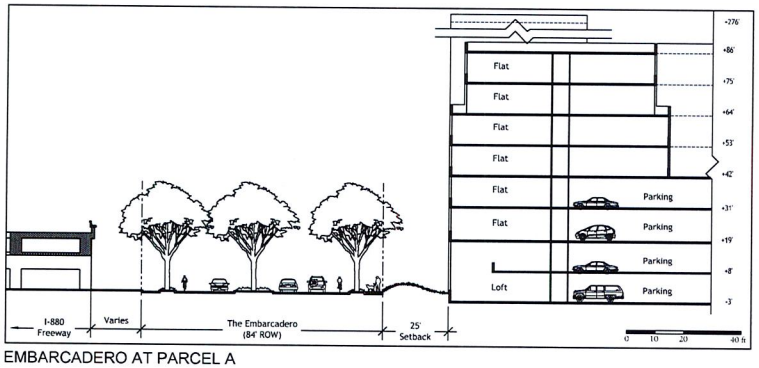
ILLUSTRATIVE UPPER LEVEL BUILDING PLAN

Brooklyn Basin - Oak to 9th Development Plan

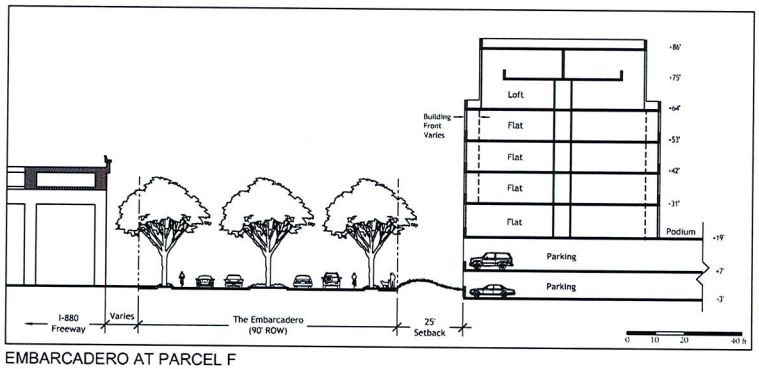
Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

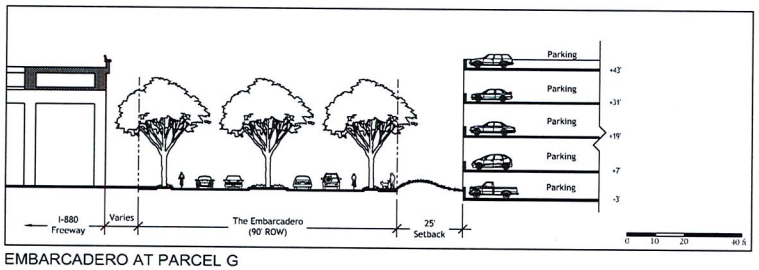
SHEET NO.
5.2



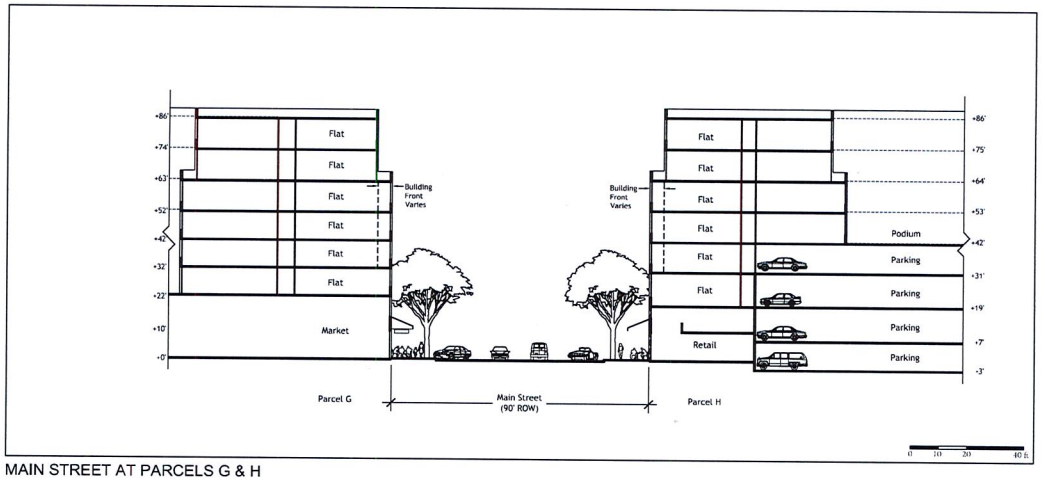
EMBARCADERO AT PARCEL A



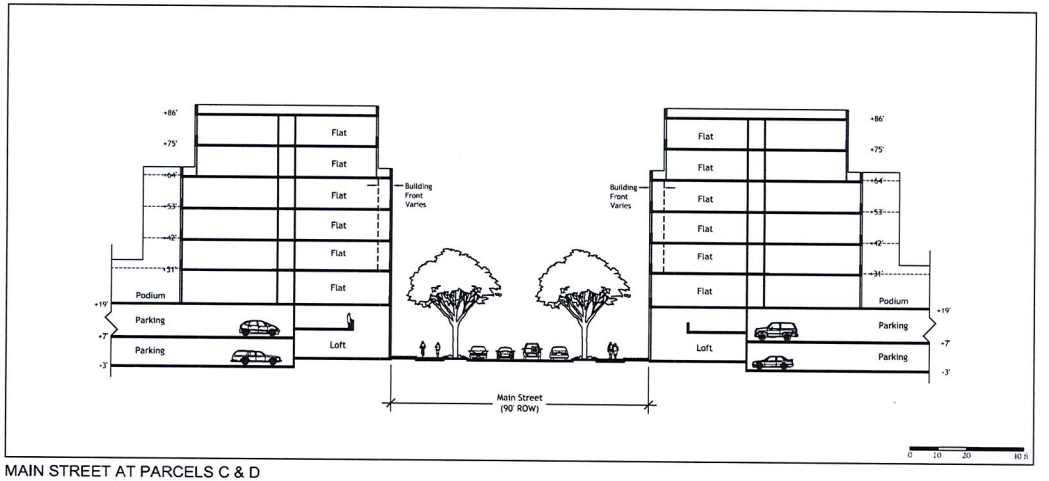
EMBARCADERO AT PARCEL F



EMBARCADERO AT PARCEL G



MAIN STREET AT PARCELS G & H



MAIN STREET AT PARCELS C & D

ILLUSTRATIVE BUILDING SECTIONS

Brooklyn Basin - Oak to 9th Development Plan

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OCTOBER 2006

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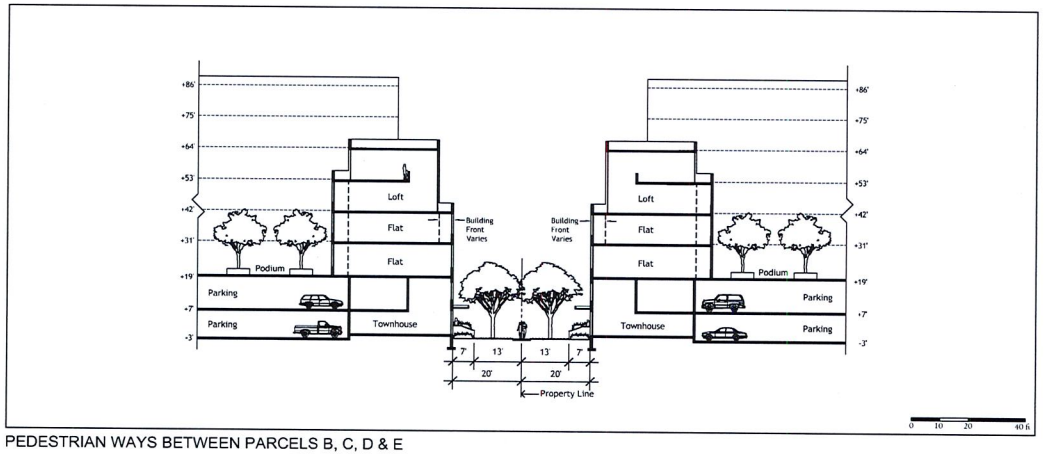
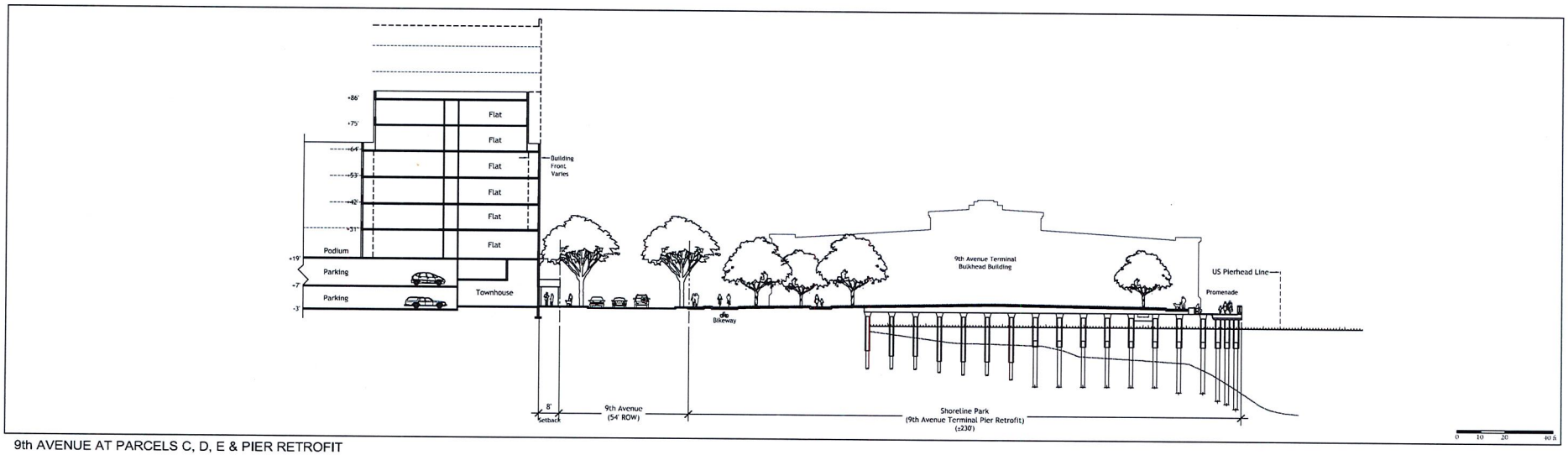


PEDESTRIAN WAYS BETWEEN PARCELS B, C, D & E



9th AVENUE AT PARCELS C, D, E & PIER RETROFIT

ILLUSTRATIVE BUILDING SECTIONS

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

SHEET NO.
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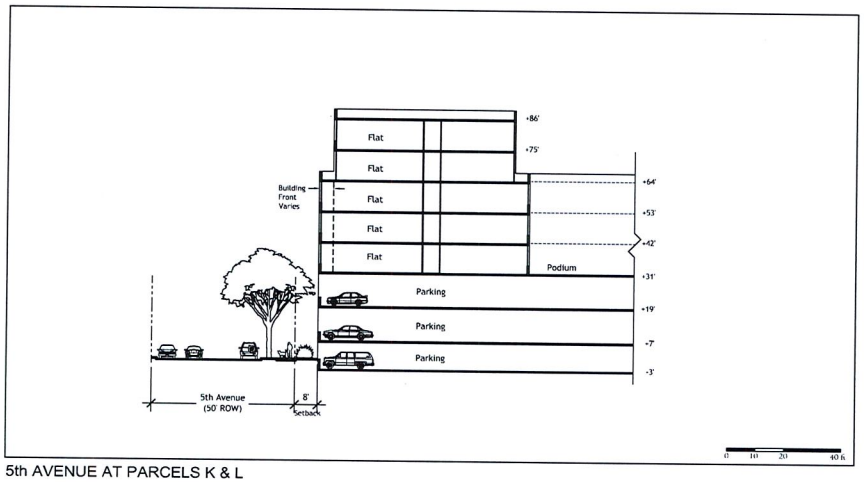
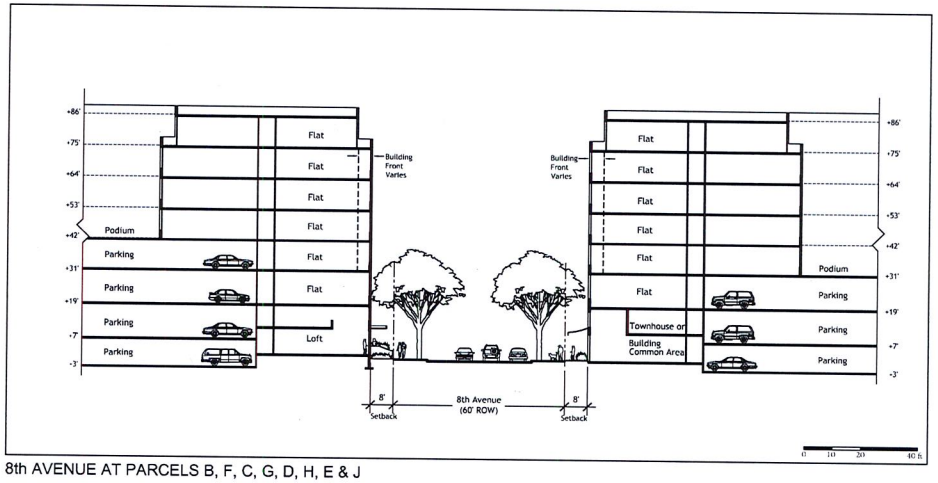
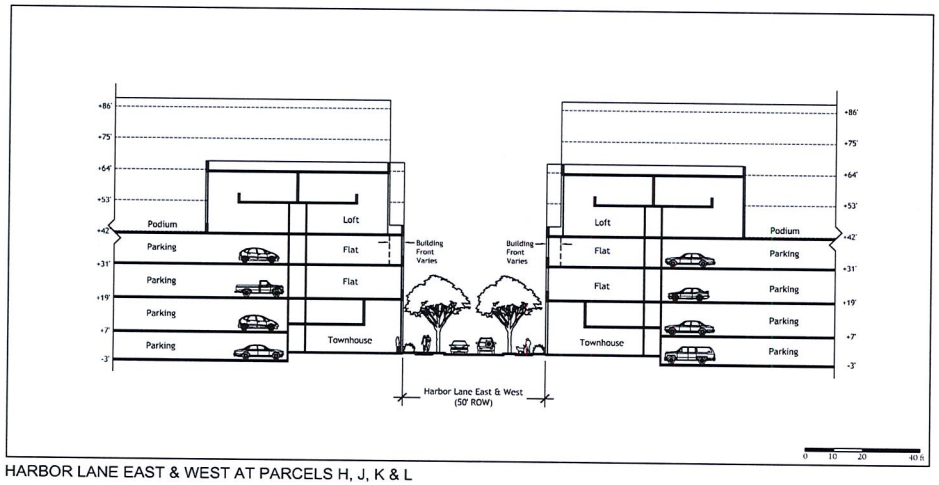


5th AVENUE AT PARCELS K & L



8th AVENUE AT PARCELS B, F, C, G, D, H, E & J



HARBOR LANE EAST & WEST AT PARCELS H, J, K & L

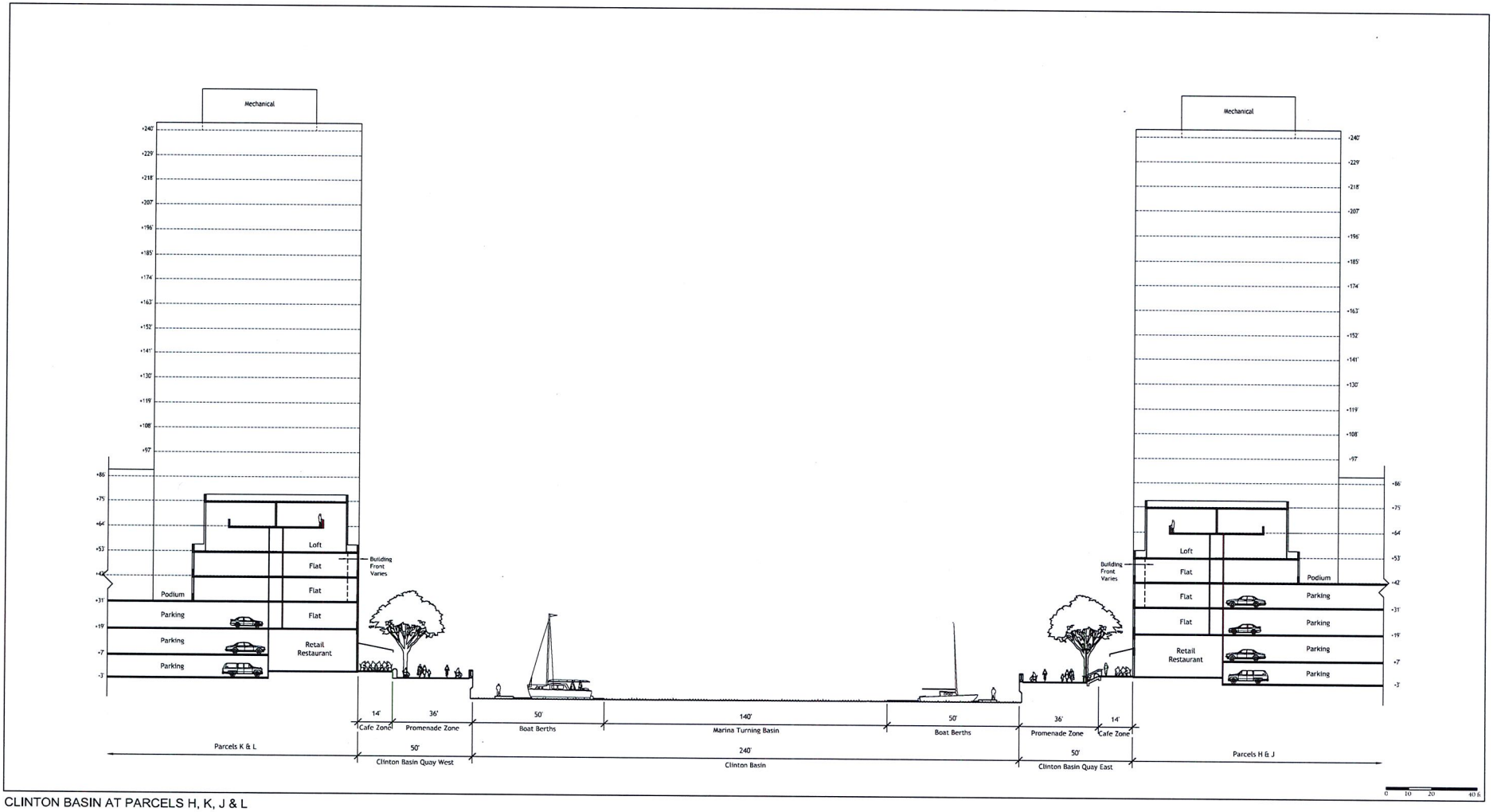
ILLUSTRATIVE BUILDING SECTIONS

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

SHEET NO.
5.5



CLINTON BASIN AT PARCELS H, K, J & L

ILLUSTRATIVE BUILDING SECTIONS

Brooklyn Basin - Oak to 9th Development Plan

Prepared for Oakland Harbor Partners by ROMA Design Group in association with MVE Architects, Moffatt & Nichol and BKF Engineers

OCTOBER 2006

SHEET NO.
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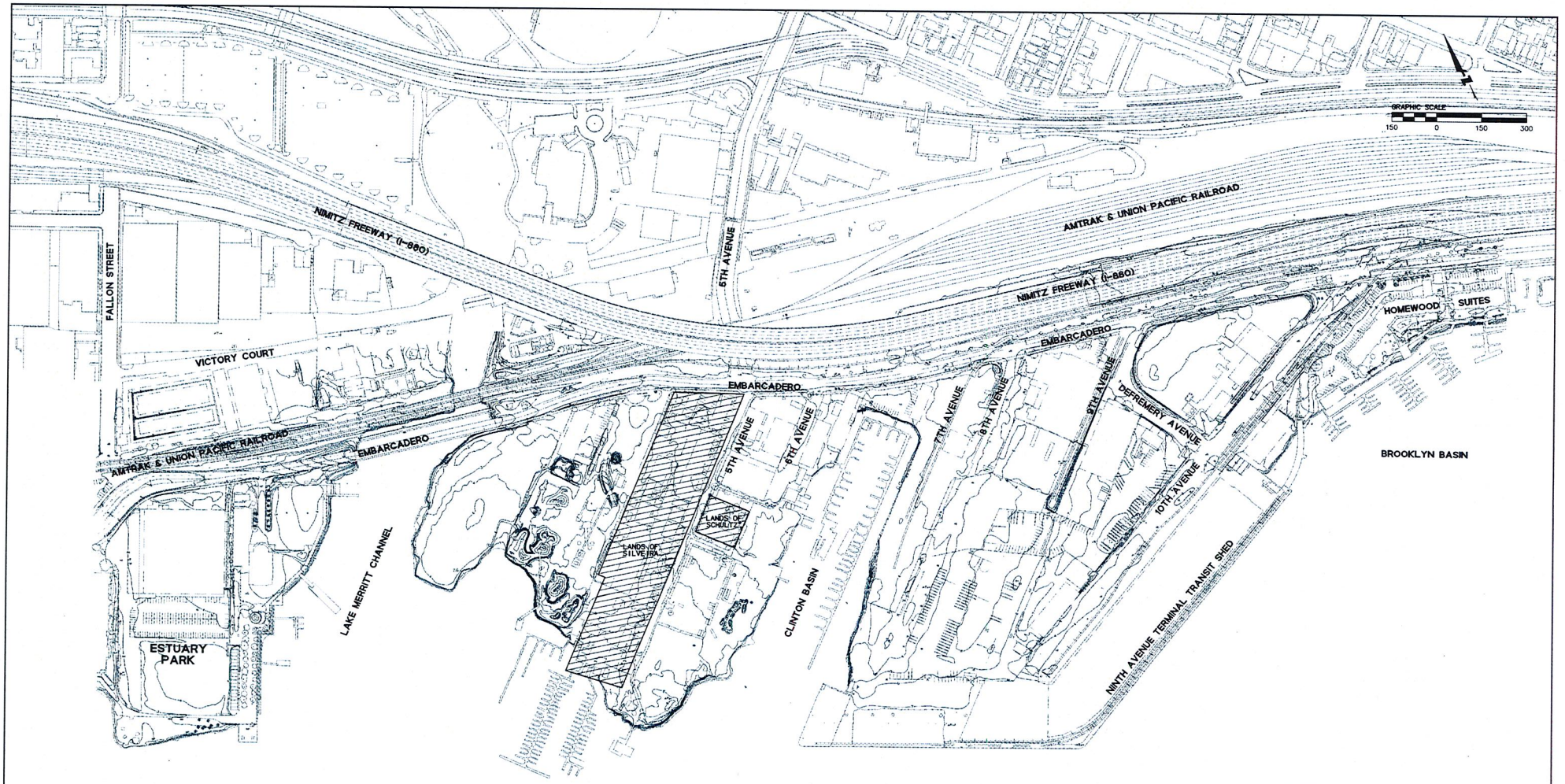

NOTES:

1) DATE OF AERIAL TOPOGRAPHIC SURVEY: 09-19-02 BY AERO GEODETIC CORP.

BENCHMARK:

2) ELEVATIONS SHOWN HEREIN ARE ON THE CITY OF OAKLAND VERTICAL DATUM AND BASED ON CITY OF OAKLAND BENCHMARK "CS 84".
A FOUND U.S.C. & G.S. DISK AT THE CROSSING OF 5TH AVENUE AND THE SOUTHERN PACIFIC RAILROAD, BENEATH THE SOUTHBOUND LANDS OF THE 880 FREEWAY, SET IN THE NORTHERLY FACE OF A COLUMN, APPROXIMATELY 25' WEST OF THE CENTERLINE OF 5TH AVENUE, 4.4 FEET ABOVE GROUND.

ELEVATION = 9.164 FT, CITY OF OAKLAND DATUM

BROOKLYN BASIN
Oak to 9th Development Plan

CITY OF OAKLAND, CALIFORNIA

OAKLAND HARBOR PARTNERS

ROMA
URBAN DESIGN, MASTER PLANNING AND LANDSCAPE ARCHITECTURE
ROMA Design Group
1627 Hamilton Street
San Francisco, California 94115
Telephone (415) 776-2000

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ENGINEERS / SURVEYORS / PLANNERS
255 Shoreline Drive, Suite 200
Redwood City, CA 94065
650.482.6300(TEL) 650.482.6399 (FAX)

REVISION	DATE
P.U.D. SUBMITTAL	02-06-04
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	07-01-05
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	12-06-05
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	07-20-06
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	10-16-06

SCALE: 1"=150'

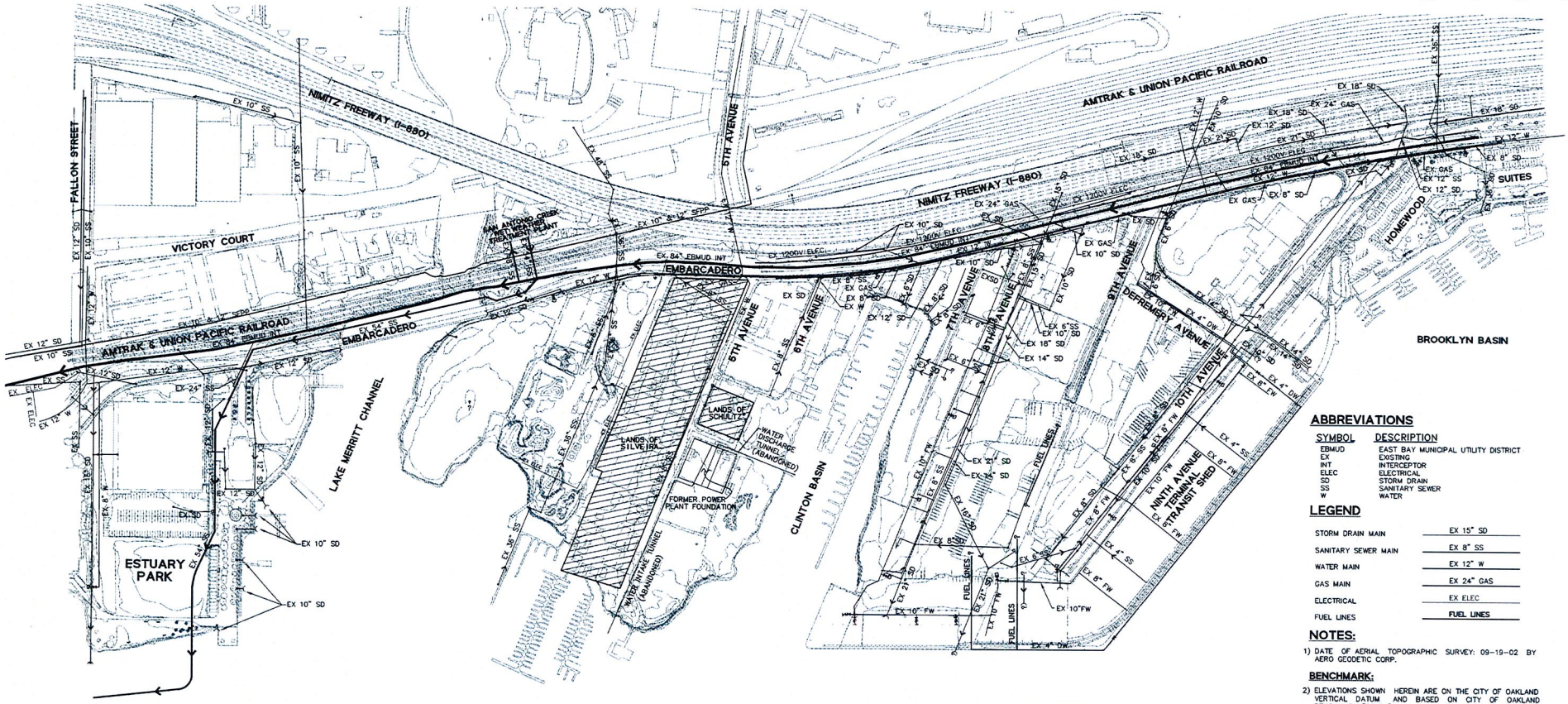
DATE: October 16, 2006

NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 24" x 36".

SHEET TITLE: **EXISTING TOPOGRAPHY**

SHEET NO: **C-1**

CASE | DRAWER | SET



ABBREVIATIONS

SYMBOL	DESCRIPTION
EBMUD	EAST BAY MUNICIPAL UTILITY DISTRICT
EX	EXISTING
INT	INTERCEPTOR
ELEC	ELECTRICAL
SD	STORM DRAIN
SS	SANITARY SEWER
W	WATER

LEGEND

STORM DRAIN MAIN	EX 15" SD
SANITARY SEWER MAIN	EX 8" SS
WATER MAIN	EX 12" W
GAS MAIN	EX 24" GAS
ELECTRICAL	EX ELEC
FUEL LINES	FUEL LINES

NOTES:

1) DATE OF AERIAL TOPOGRAPHIC SURVEY: 09-19-02 BY AERO GEODETIC CORP.

BENCHMARK:

2) ELEVATIONS SHOWN HEREIN ARE ON THE CITY OF OAKLAND VERTICAL DATUM AND BASED ON CITY OF OAKLAND BENCHMARK "CS 84".
A FOUND U.S.C. & G.S. DISK AT THE CROSSING OF 5TH AVENUE AND THE SOUTHERN PACIFIC RAILROAD, BENEATH THE SOUTHBOUND LANDS OF THE 880 FREEWAY, SET IN THE NORTHERLY FACE OF A COLUMN, APPROXIMATELY 25' WEST OF THE CENTERLINE OF 5TH AVENUE, 4.4 FEET ABOVE GROUND.

ELEVATION = 9.164 FT. CITY OF OAKLAND DATUM

UTILITIES

3) THE UTILITIES SHOWN ON THIS PLAN ARE DERIVED FROM RECORD DATA/OR SURFACE OBSERVATION AND ARE APPROXIMATE ONLY. ACTUAL LOCATION AND SIZE, TOGETHER WITH PRESENCE OF ANY ADDITIONAL UTILITY LINES NOT SHOWN ON THIS PLAN, SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR DURING CONSTRUCTION.

BROOKLYN BASIN
Oak to 9th Development Plan

CITY OF OAKLAND, CALIFORNIA

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Redwood City, CA 94065
650.482.6300(TEL) 650.482.6399 (FAX)

REVISION	DATE
P.U.D. SUBMITTAL	02-05-04
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	07-01-05
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	12-06-05
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	07-20-06
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	10-16-06

SCALE: 1"=150'

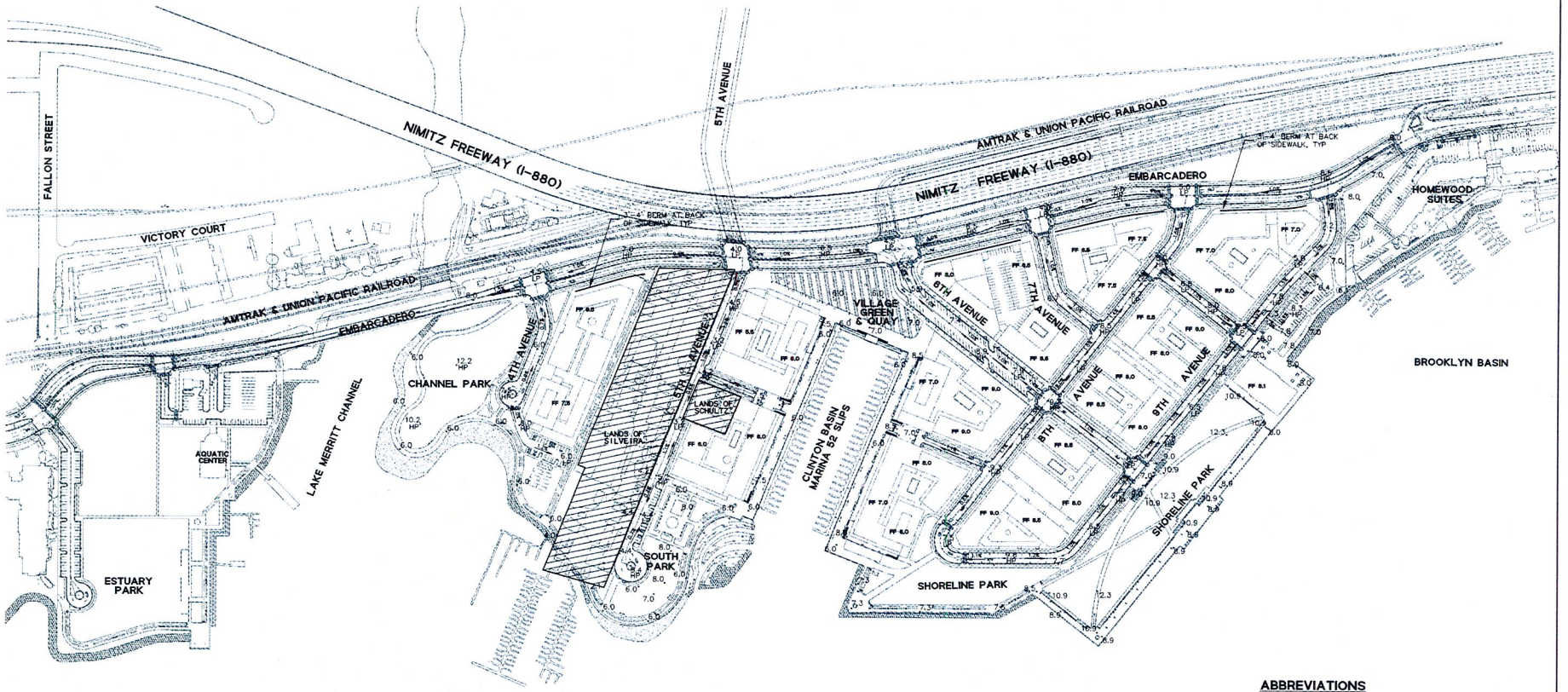
DATE: October 16, 2006

NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 24" x 36".

SHEET TITLE:
EXISTING UTILITIES

SHEET NO:
C-2

CASE	DRAWER	SET



ABBREVIATIONS

SYMBOL	DESCRIPTION
FF	FINISHED FLOOR
HP	HIGH POINT
LP	LOW POINT
TYP	TYPICAL

NOTES:

1) REFER TO DETAILED GRADING CONCEPT PLAN, STREET SECTIONS AND SHORELINE SECTIONS FOR ADDITIONAL INFORMATION.

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REVISION	DATE
P.U.D. SUBMITTAL	02-06-04
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PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	12-08-05
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	07-20-06
PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	10-16-06

SCALE: 1"=150'

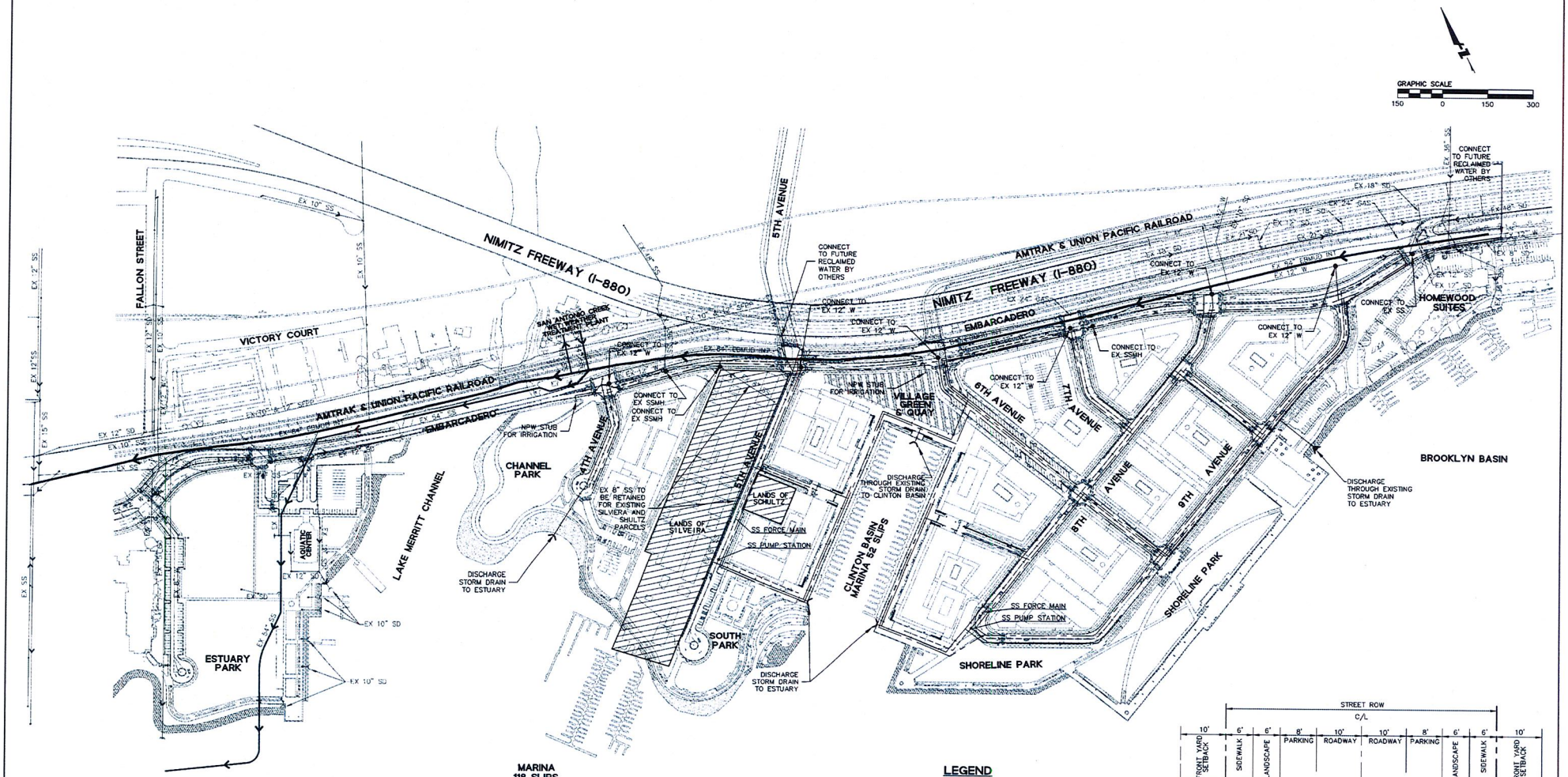
DATE: October 16, 2006

NOTE: THIS DRAWING IS REDUCED AND NOT TO SCALE IF SHEET SIZE IS SMALLER THAN 24" x 36".

SHEET TITLE:
PRELIMINARY GRADING CONCEPT PLAN

SHEET NO:
C-3

CASE	DRAWER	SET



EXISTING UTILITIES

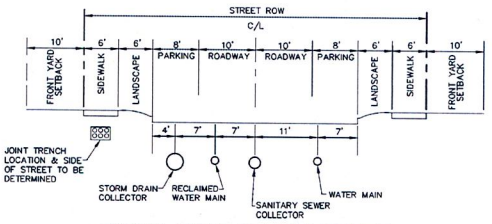
1) THE UTILITIES SHOWN ON THIS PLAN ARE DERIVED FROM RECORD DATA/OR SURFACE OBSERVATION AND ARE APPROXIMATE ONLY. ACTUAL LOCATION AND SIZE, TOGETHER WITH PRESENCE OF ANY ADDITIONAL UTILITY LINES NOT SHOWN ON THIS PLAN, SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR DURING CONSTRUCTION.

ABBREVIATIONS

SYMBOL	DESCRIPTION
EBMUD	EAST BAY MUNICIPAL UTILITY DISTRICT
EX	EXISTING
INT	INTERCEPTOR
RW	RECLAIMED WATER
SD	STORM DRAIN
SS	SANITARY SEWER
W	WATER

LEGEND

	PROPOSED	EXISTING
STORM DRAIN MAIN		EX 15" SD
SANITARY SEWER MAIN		EX 8" SS
WATER MAIN		EX 12" W
RECLAIMED WATER MAIN		
POINT OF CONNECTION TO EXISTING UTILITY	•	
STORM DRAIN DISCHARGE		



TYPICAL PUBLIC UTILITY LOCATIONS

SCALE: 1"=10'

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PRELIMINARY DEVELOPMENT PLAN SUBMITTAL	10-16-06

SCALE: 1"=150'

DATE: October 16, 2006

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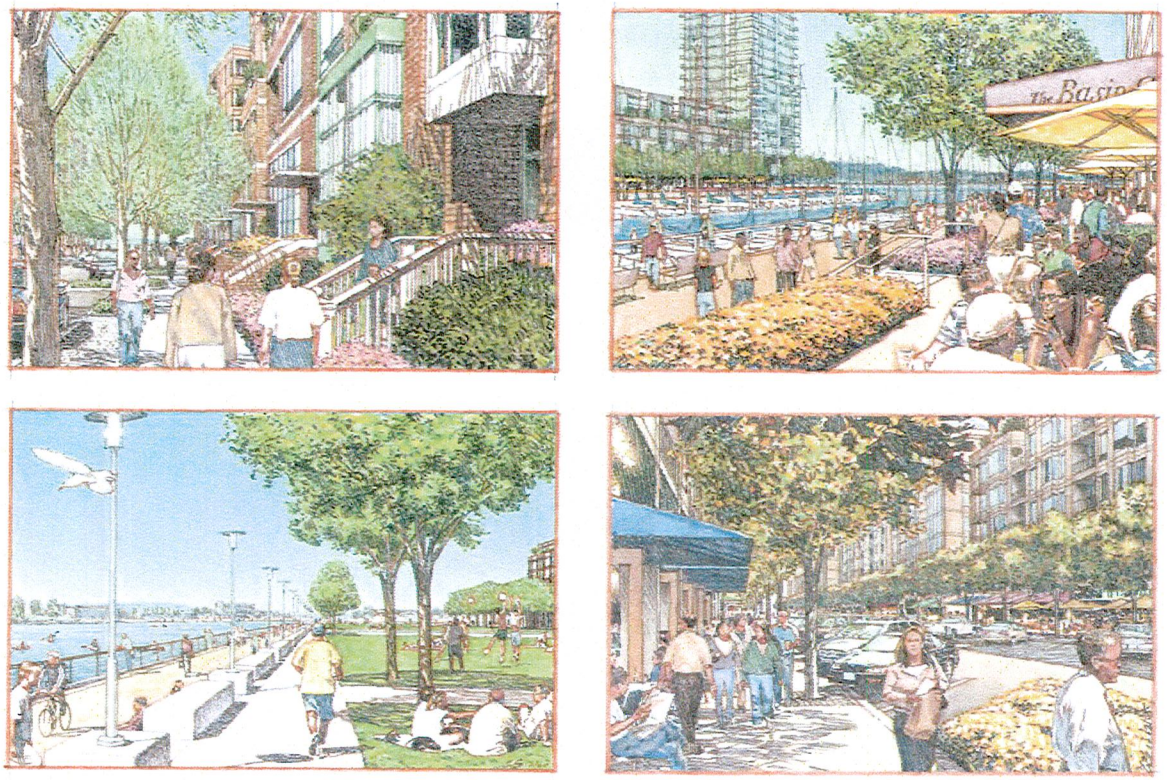
SHEET TITLE:
PRELIMINARY UTILITY CONCEPT PLAN

SHEET NO:
C-4

CASE	DRAWER	SET



OAK TO 9TH BROOKLYN BASIN

DESIGN GUIDELINES

NOVEMBER 2006

OAK TO 9TH BROOKLYN BASIN

DESIGN GUIDELINES

TABLE OF CONTENTS

The Vision for Brooklyn Basin 1

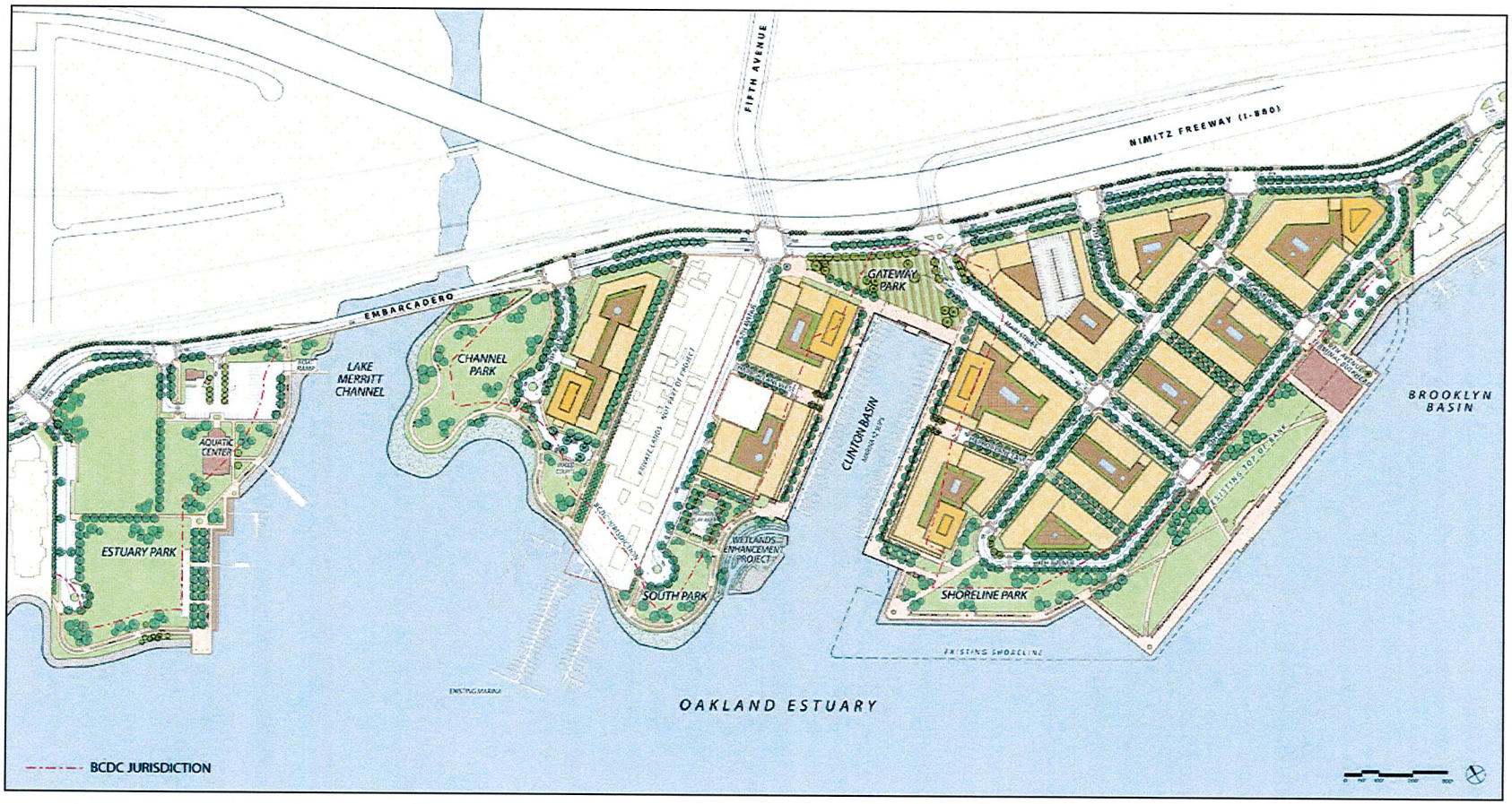
Urban Design Principles 3

Urban Design Concept 5

Design Guidelines 15

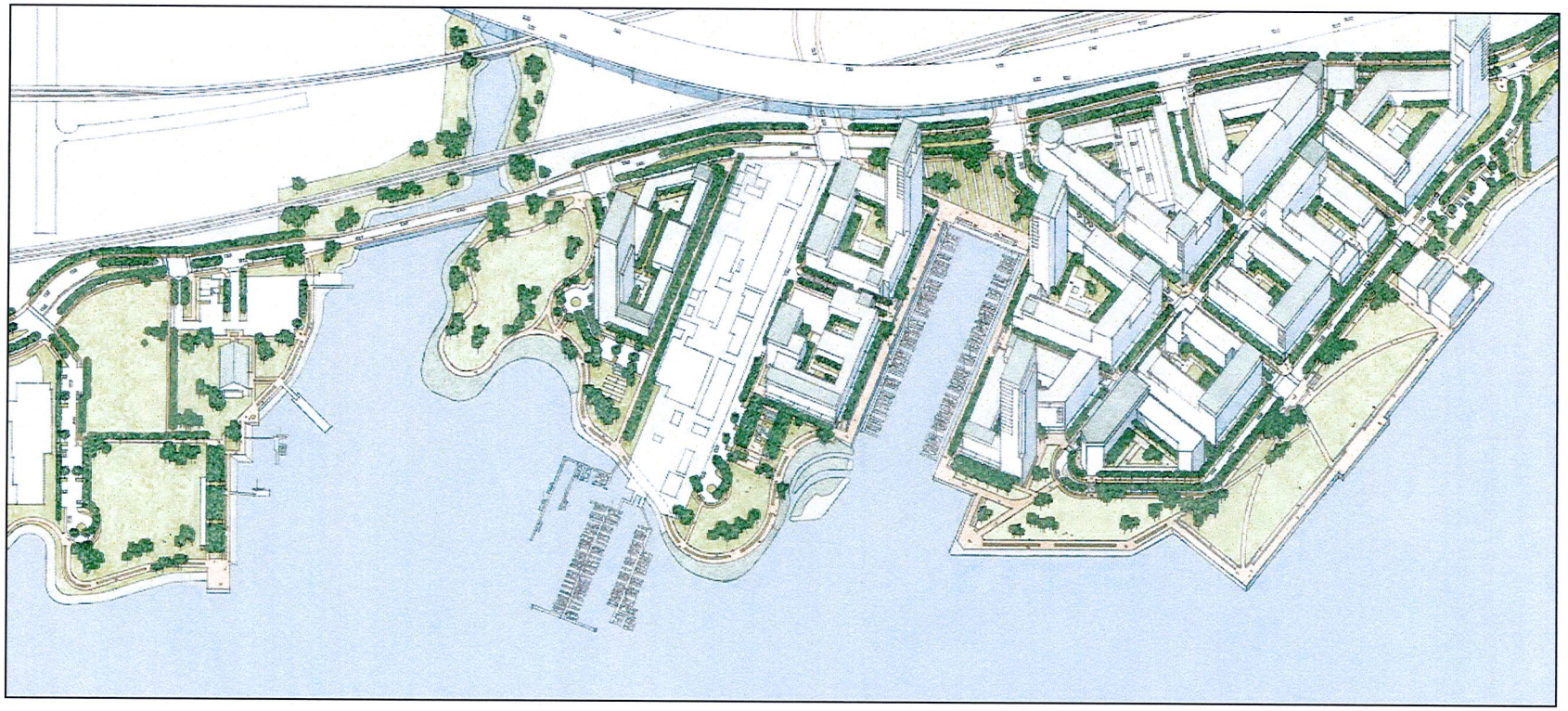
PREPARED BY ROMA DESIGN GROUP

NOVEMBER 2006

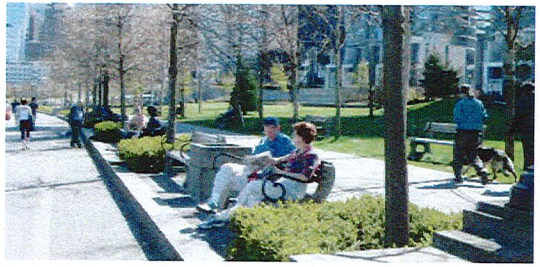


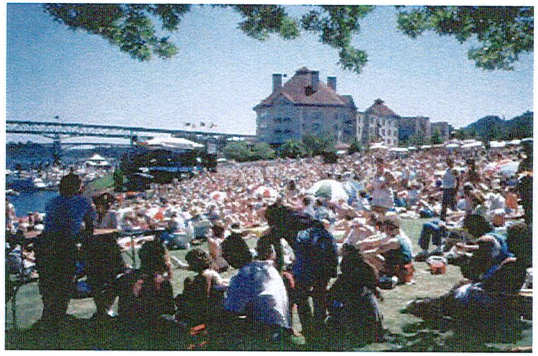
ILLUSTRATIVE PLAN

THE VISION FOR BROOKLYN BASIN



Brooklyn Basin will establish a vibrant new mixed-use neighborhood on the Oakland Estuary, reinforcing the public role and destination appeal of the waterfront as a civic destination of regional importance. With its extensive "necklace" of parks, promenades, quays and plazas, the new community will significantly extend and enliven Oakland's waterfront eastward from Jack London Square, reconnecting the City with a significant portion of its shoreline. In addition to its open space network, a rich offering of cultural, commercial and recreational activities will give Brooklyn Basin importance to Oakland and the Bay Area community. A diverse mix of residents will further enliven this part of the City and establish it as a viable neighborhood with sufficient critical mass to overcome the significant transportation infrastructure that now separates the waterfront from the downtown and the remainder of the community.





URBAN DESIGN PRINCIPLES

The goal for Brooklyn Basin is to create a vibrant mixed-use neighborhood that furthers Oakland's efforts to promote urban living and to reconnect the city with its waterfront. The following urban design principles are intended to support this goal:

1. Establish a continuous and diverse network of public open spaces, including parks, promenades and plazas along the Estuary shoreline.

2. Configure and design the open space system to serve as a city-wide and regional resource.

3. Create walkable and lively public streets, open spaces and pedestrian ways that provide strong visual and pedestrian linkages between the waterfront and inland areas.

4. Provide a range of cultural, recreational and commercial activities that reinforce the public destination appeal and civic role of the waterfront.

5. Introduce a mix of housing that supports a diverse population of residents and that promotes a day and nighttime environment along the waterfront.

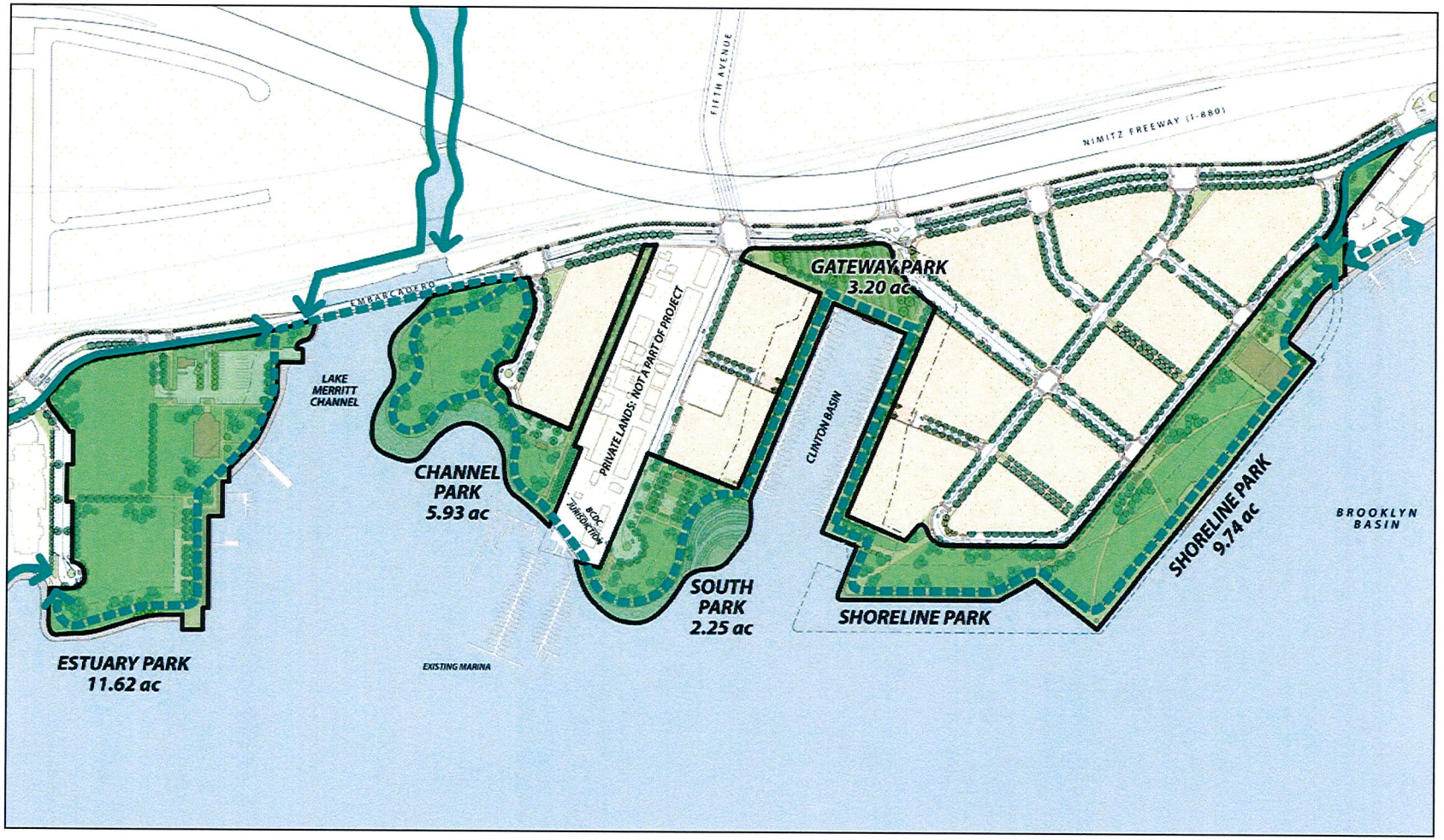
6. Maintain and enhance public views to the waterfront.

7. Configure and design buildings to spatially define and reinforce the public character of streets and open spaces.

8. Introduce ground level activities that enliven streets and public spaces.

9. Develop a dynamic composition of taller and shorter buildings that reinforce the spatial characteristics of the waterfront and open space system, and that dramatize this unique shoreline setting.

10. Allow for a diversity of architectural expressions within the strong public framework of streets and open spaces.



CONTINUOUS WATERFRONT OPEN SPACE

URBAN DESIGN CONCEPT

A Continuous Necklace of Waterfront Open Space

Brooklyn Basin will provide approximately 32 acres of public open space along the Estuary, linked by a continuous pedestrian and bicycle trail system that connects Jack London Square with Oakland's eastern waterfront. The open space system will include a restored wetland, four new parks, an expanded Estuary Park, and a wide public promenade along the perimeter of Clinton Basin. More specifically:

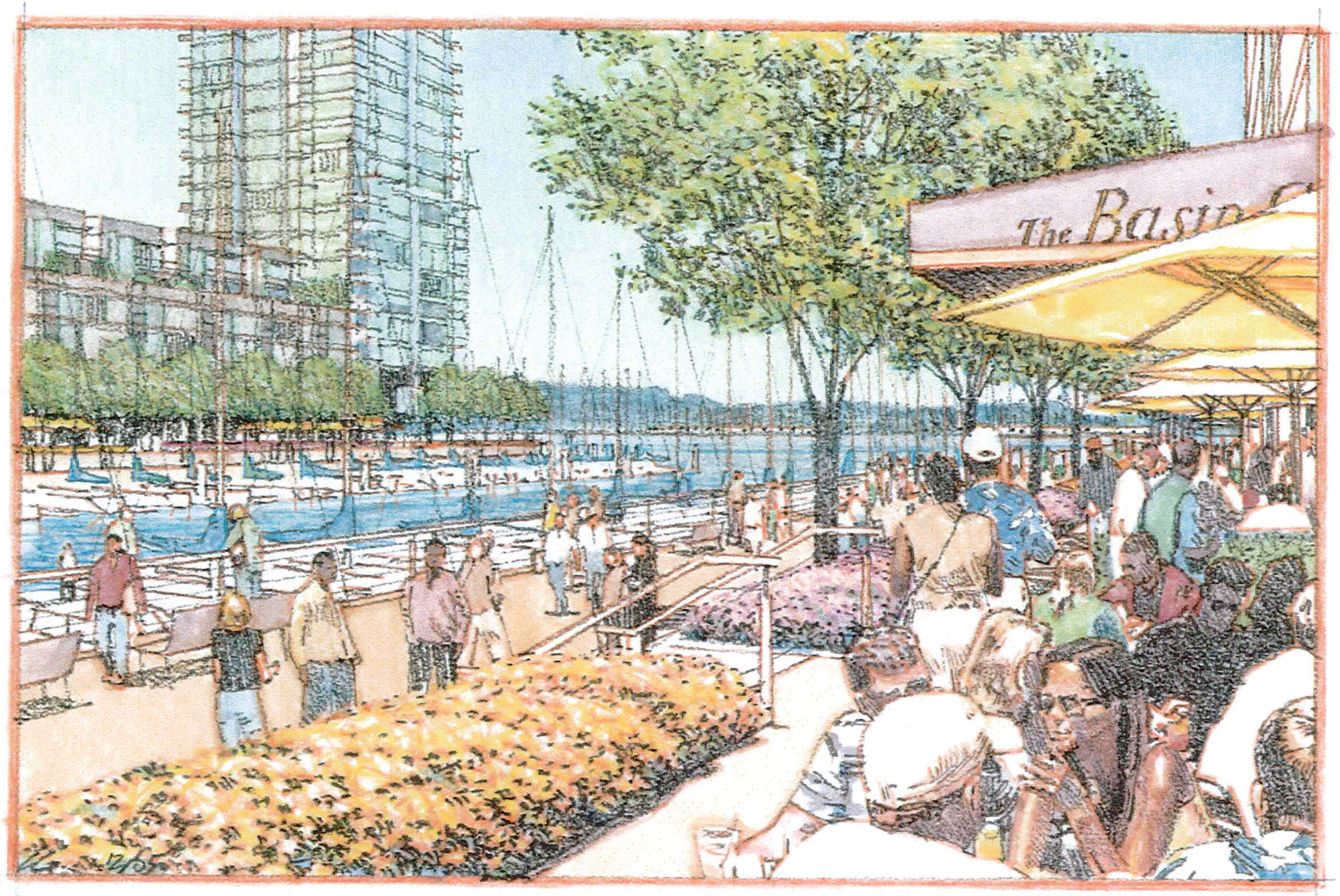
- ***Estuary Park*** will be expanded by approximately 2 acres to the north and east, and more strongly integrated with the Aquatic Center at the mouth of Lake Merritt Channel; public parking will be provided along the western edge of the open space and the large field space will be enhanced. The park will open up panoramic views to the Estuary from The Embarcadero.

- ***Channel Park*** across Lake Merritt Channel from Estuary Park will be designed as a large waterfront meadow with a new vegetated edge, suitable for passive recreation, picnicking and sunbathing. Bocce ball courts are incorporated in the southeastern portion of the open space, adjacent to a small public parking lot. A dog park is planned immediately south of the Lake Merritt Channel bridge along the Embarcadero. The park will be designed to accommodate future connections to Lake Merritt along the Channel.

- ***South Park*** at the southern terminus of Fifth Avenue will provide panoramic views up and down the Estuary. The park also overlooks a reclaimed wetland at the mouth of Clinton Basin, and features a children's playground.

- ***Clinton Basin*** forms the heart of the new community. The 3.6-acre water space will be a unique urban destination animated by recreational vessels and surrounded by a public esplanade lined with overlooking cafes and restaurants. The 50-foot wide public quay is organized in two stepped tiers, a 15-foot wide promenade with outdoor cafes providing overlook onto a 35-foot wide promenade at the water's edge with public seating and landscaping.

- ***Gateway Park*** offers dramatic views of Clinton Basin and the Estuary from the Embarcadero and I-880, and a direct visual and pedestrian connection between Fifth Avenue and the shoreline. The park will provide a stage for civic events as well as commercial (e.g., farmers market, arts/crafts fairs, etc.) and recreational activities oriented to both Clinton Basin and Main Street.



Clinton Basin forms the heart of the new community. It is defined by a public esplanade lines with overlooking cafés and restaurants.

- ***Shoreline Park*** along the southern and western edges of the community provides a grand civic space oriented to the open water of Brooklyn Basin. The park is designed to accommodate large celebrations, concerts, water festivals, as well as day-to-day activities, such as informal play and passive recreation. Much of the park is built on the existing pile-supported pier structure of the 9th Avenue Terminal, the maritime history of which will be celebrated through interpretive elements and displays.

A Rich Pattern of Public Streets and Pedestrian Ways

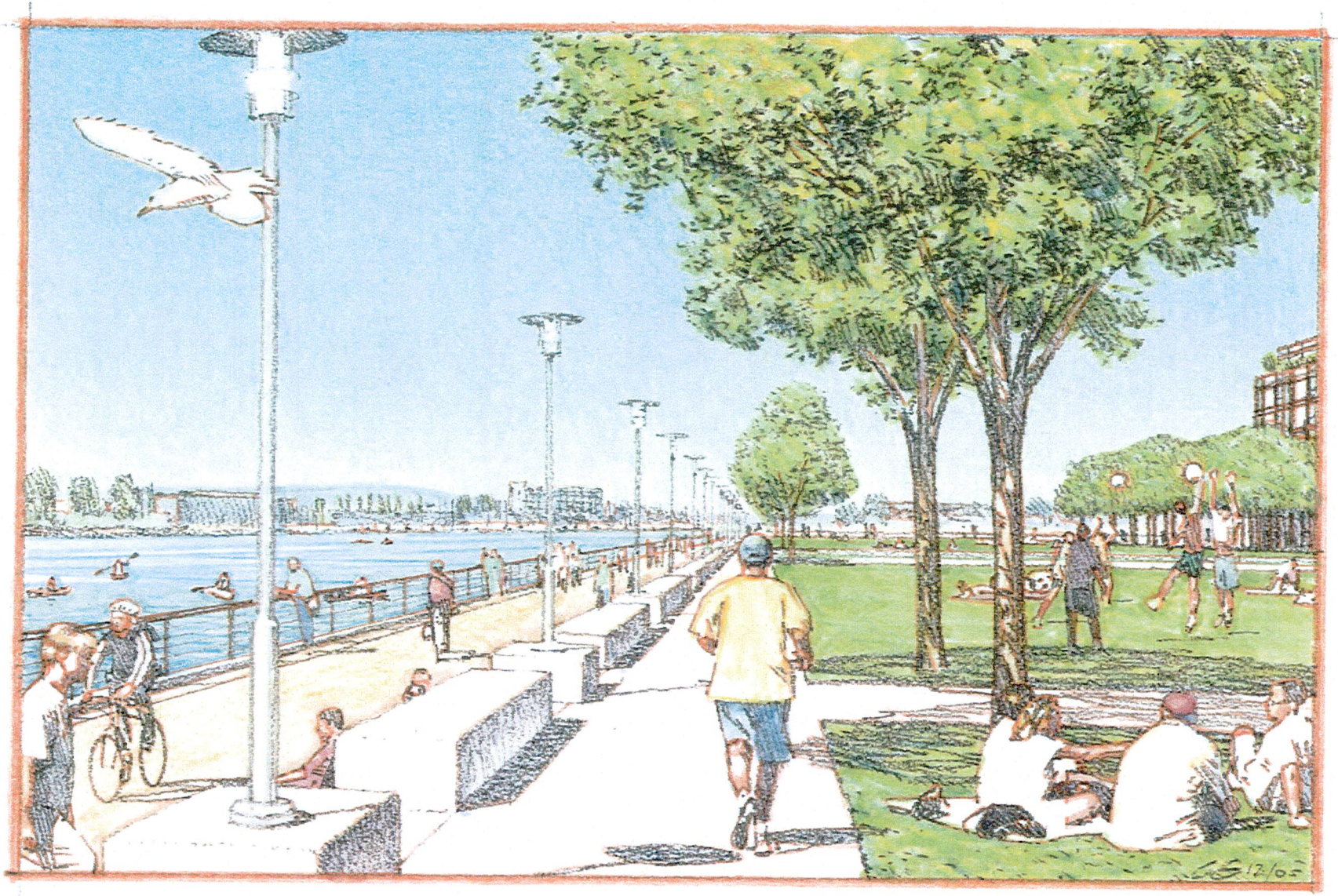
Streets in the Brooklyn Basin community are configured and designed as an integral extension of the open space system, providing direct pedestrian and visual linkages between the city and the waterfront. The streets are aligned to offer direct views to the Estuary from the Embarcadero and oriented to ensure maximum exposure to the sun throughout the day and year. Each street is designed to create a unique urban and pedestrian experience with generous sidewalks and adjoining buildings that provide activities, eyes on the street and strong spatial definition. The pattern of blocks, at intervals of 300 to 400-feet, extends the grid pattern of the city and offers multiple and diverse routes between the Embarcadero and the shoreline. More specifically:

- ***Main Street*** joins the Embarcadero at the foot of Clinton Basin, and terminates at Shoreline Park. The wide street serves as a commercial mixed-use spine and gathering place for the community. Between the Embarcadero and 8th Avenue, it is lined with neighborhood-serving shops that will benefit from the intensity of activity, the high levels of visibility, and convenient on-street diagonal parking. Between 8th and 9th Avenues, workshops, galleries and work-live lofts will extend the commercial character and activity of the street to Shoreline Park.

- ***Ninth Avenue*** forms a strong public edge to Shoreline Park, and a direct and welcoming entrance to the community from the Embarcadero. A wide bicycle and pedestrian promenade along the park edge of the street accommodates the significant volumes of waterfront visitors that are expected, and the street offers generous on-street curbside parking as well as access to a public parking lot just north of the 9th Avenue Terminal.

- ***Eighth Avenue*** is an urban residential street connecting the Embarcadero with the waterfront at the southeastern tip of the Brooklyn Basin community. The street will have an urban village character, with tree-lined sidewalks defined by ground level lobbies, townhouse and loft units.

- ***Fifth Avenue:*** As a major north-south corridor through Oakland, Fifth Avenue will be maintained and enhanced as a critical linking and gateway street in the Brooklyn Basin community. The street provides the principal address and



Shoreline Park provides a grand civic space oriented to the open water of Brooklyn Basin.

access for the existing artists' community, which will remain. Provision will be made for continuous pedestrian access along the western edge of the street, and the relatively light volumes of vehicular traffic will make the street a comfortable route for recreational cyclists destined for the waterfront.

- ***Fourth Avenue*** will provide public pedestrian, vehicular and bicycle access along the western edge of Channel Park from the Embarcadero. The street will include on-street public parking and provide access to a small public parking lot for park visitors.

- ***Pedestrian Mews:*** Complementing and extending the public street network, a series of more intimately scaled pedestrian streets will offer additional access through the community and to the waterfront. These include a pedestrian and bicycle way along the eastern edge of the Fifth Avenue artists' community, which will be lined with workshops and lofts, and two residential mews between Eighth and Ninth Avenues that connect Clinton Basin with Shoreline Park.

A Diverse Mix of Public-Oriented Activities

A program of cultural, recreational and commercial activities has been programmed to reinforce the public spiritedness of the Brooklyn Basin community and its appeal as a citywide resource and waterfront open space destination. More specifically:

- ***Ninth Avenue Terminal:*** A refurbished section of the Ninth Avenue Terminal will provide an opportunity for historical and interpretive exhibits that celebrate the maritime heritage of the site, a cultural center, community-gathering place, restaurant and retail opportunities.

- ***Recreational Boating*** will be further expanded in the area through the renovation of the Clinton Basin and Fifth Avenue Marina. The Aquatic Center at Estuary Park will be maintained and enhanced as an integral part of the new community.

- ***Commercial Recreation:*** Visitor-oriented shops and restaurants will further reinforce the public appeal of Clinton Basin, creating a vibrant urban place at the water's edge, and a waterfront destination unique in the region and indeed the country.

Main Street is envisioned as a commercial mixed-use spine connecting the Embarcadero with Shoreline Park.

- ***Neighborhood Serving Commercial Use:*** In addition, Main Street is planned with 75,000 square feet of ground level shops and a grocery store that will be attractive to both residents and visitors. The friendly pedestrian environment and the proximity to both Clinton Basin and Shoreline Park will make this a popular new activity center in Oakland.

A Wide Range of Housing Opportunities

Brooklyn Basin is planned and designed as a new Oakland neighborhood, focused on livability and diversity in the spirit of the broader community. As such, the neighborhood includes a wide range of housing types that can meet the needs of families, seniors, young couples and singles. More specifically:

- ***Live-Work Loft Units*** capable of accommodating artist workshops or galleries and other small businesses are envisioned in a variety of locations in the Brooklyn Basin community, including along Main Street between 8th and 9th Avenues and along other internal streets of the community where they will contribute to a lively and interesting pedestrian environment.

- ***Townhouse Style Units*** will also activate sidewalks along the pedestrian mews near Shoreline Park and along the other internal streets of the community. With their direct proximity to the open space and trail system, these units will be particularly suitable for young families.

- ***Podium Units*** in the mid-rise buildings of Brooklyn Basin will come in a full range of sizes and as such will serve a broad segment of the population including seniors, singles, and young couples. Many of these units will enjoy direct views to the waterfront and/or internal courtyard open spaces with resident serving amenities.

- ***High Rise Tower Units:*** As an urban neighborhood, Brooklyn Basin also offers high rise living with units that will have broad panoramic views of the Estuary, Bay and Oakland hills.

A Dynamic Composition of Building Forms and Expressions

Rather than a homogeneous or monolithic grouping of buildings, the Brooklyn Basin community is conceived as a diverse and varied skyline carefully composed to give form to the waterfront and to the public spaces and streets of the neighborhood. From a distance the community will appear as an extension of the city, with five distinctive towers spaced in a manner that maintains views to the water from the Oakland hills and upland areas. Along the Embarcadero and the I-880 freeway, the building wall will be varied in height and broken at regular intervals by streets and open spaces that provide views to the Estuary and shoreline parks. Within the community, the height and massing of buildings serve to dramatize the visual setting of the waterfront and open space, spatially define

Eighth Avenue will have an urban village character with tree-lined sidewalks defined by ground level lobbies, townhouses and loft units.

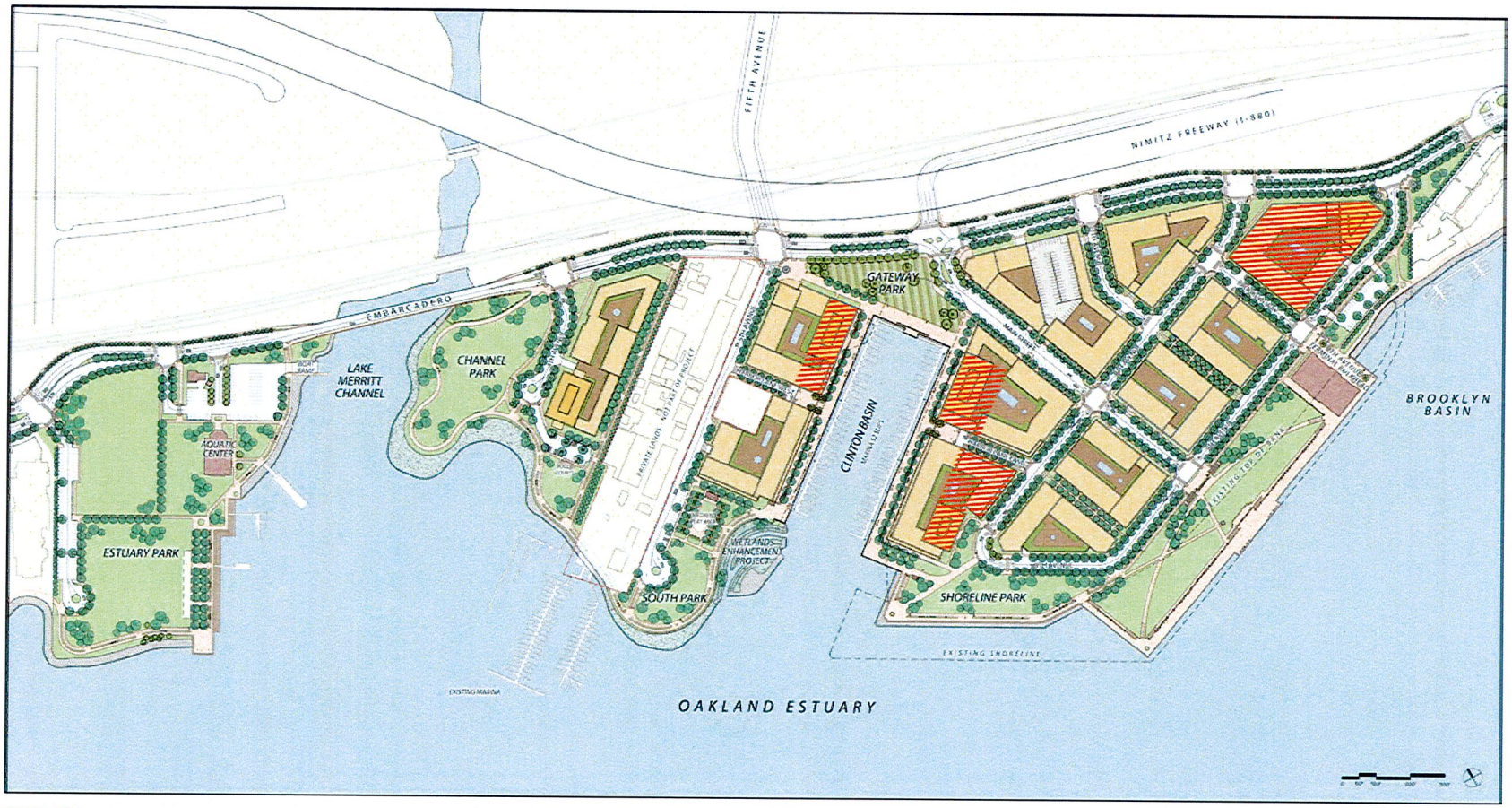
key public spaces, and lend diversity and interest to the public environment. The composition of buildings is predicated on the following principles:

- ***Four-Sided Architecture:*** Although Brooklyn Basin is a waterfront community with dramatic views up and down the Estuary, the waterfront edge is not given priority over any other edge. In order to ensure strong integration with the remainder of the city, a high quality of architectural treatment is planned on all sides, those facing the Embarcadero and I-880 freeway, internal streets and pedestrian ways, as well as the public open spaces and waterfront.

- ***Multiplicity of Architectural Expressions:*** Buildings within Brooklyn Basin are not restricted to any specific architectural style. Rather, a variety of architectural expressions are encouraged as a means of enhancing the diverse mixed-use, urban character of the community. Each development project will, by use of massing, articulation, materials and detail, contribute to a coherent form and structure within the new community.

- ***Buildings that Provide Strong Spatial Definition:*** Individual buildings are not conceived as isolated or stand-alone projects, but instrumental in shaping and defining the public spaces and streets of the community. Buildings will be generally built to the property lines of streets and parks to provide such definition and overlook, but will be massed and articulated to avoid the creation of an undifferentiated and monolithic environment. Building walls will become lively and delightful edges to streets and open spaces through the variation of building materials and planes, and the introduction of architectural elements like balconies, loggias, moldings, stepbacks, etc.

- ***Towers that Punctuate the Urban Landscape:*** The placement of tower buildings up to 240 feet in height has been carefully considered relative to the surrounding waterfront context and the overall skyline. Five towers are located where they will have minimal impact on the shading of public spaces, and where they will have a positive effect in creating gateways, defining major public places and in creating an exciting and dynamic urban environment. Three towers flanking Clinton Basin will accentuate the primary importance of this urban water space and create a dramatic gateway from both the water and the land. Two additional towers, one facing Channel Park and the other Shoreline Park provide a visual counterpoint to the horizontal plane of water and open space, and strong gateways along Embarcadero and I-880 Freeway. The spacing of the towers ensures that views from upland areas as well as from within the community are maintained.


FIFTH AVENUE
NIMITZ FREEWAY (I-880)
EMBARCADERO
LAKE MERRITT CHANNEL
CHANNEL PARK
GATEWAY PARK
CLINTON BASIN
BROOKLYN BASIN
AQUATIC CENTER
ESTUARY PARK
WETLANDS ENHANCEMENT PROJECT
SOUTH PARK
SHORELINE PARK
EXISTING SHORELINE
OAKLAND ESTUARY

TOWER ZONE

DESIGN GUIDELINES

Building Height, Massing and Treatment

Design Intent

The massing of buildings should contribute to the overall form and structure of the community, to the spatial definition of public spaces and streets, and to the visual diversity and interest of the public realm. Taller buildings up to 240 feet in height should be designed and sited to accentuate the form and importance of Clinton Basin, and to mark the key gateways into the community. Mid-rise buildings up to 86 feet in height should be utilized to define internal streets, and building edges should step down to 55 feet along the remainder of the Clinton Basin and along more intimately-scaled residential mews. Portions of buildings should also be permitted to a height of 120 feet where such massing can be visually supported by the adjacent public open space. Within these overall massing envelopes, additional variation and articulation should be provided in both the horizontal plane and the vertical profile of buildings to break down their perceived mass and bulk, and to promote a finer increment of development. Building massing should provide additional variation and architectural interest that promotes a cohesive community scale and an attractive pedestrian environment.

a. Building volumes should be articulated separately to break down the perceived scale and mass of the structure and to provide visual interest.

b. Corner locations, visual termini, major entries and other visible building frontages should receive special emphasis and treatment.

c. A varied building silhouette is encouraged through significant changes in massing at rooflines.

Tower Location and Massing

Buildings above 120 feet and up to 240 feet in height are limited to particular tower zones (see diagram) located in areas that will have less shadow impact, and that will reinforce the overall form and structure of the community. Tower zones are established: at the edges of Clinton Basin and Gateway Park, along the Embarcadero at Channel and Shoreline Parks, and near the foot of Eighth Avenue. Within each of these zones, one tower will be permitted, subject to the following guidelines:

1. The tower should be sited and shaped in a manner that reinforces the spatial characteristics of the public space and/or street on which it is located.

Special treatments (e.g. shaping, fenestration, materials, etc.) like these examples in Vancouver should be employed to accentuate the vertical proportion of towers.

2. The maximum floorplate of all towers should not exceed 15,000 square feet with the exception of the tower at the foot of 8th Avenue, which shall not exceed 12,000 square feet. Towers should have compact floorplates with no dimension exceeding 165 feet.

3. The tower should be spaced such that one tower is at least 200 feet away from another tower.

4. Architectural treatments should be employed to accentuate the vertical proportion of the towers through shaping, fenestration, materials, etc.

5. Special treatments should be introduced to vary and create interest across and enhance the skyline appeal and visual appearance of the structure (e.g., reduction of floorplate size and/or increase in floor-to-floor dimension on top floors, change in fenestration, spires, introduction of special materials or visual features, etc.).

6. The tower should be designed to provide an interesting silhouette, profile and volumetric form on the skyline through variation of building material, building shape, plane and stepbacks.

7. The topmost floors of the building should be architecturally differentiated through the use of stepbacks or changes in material and fenestration as appropriate to the overall architectural expression of the building.

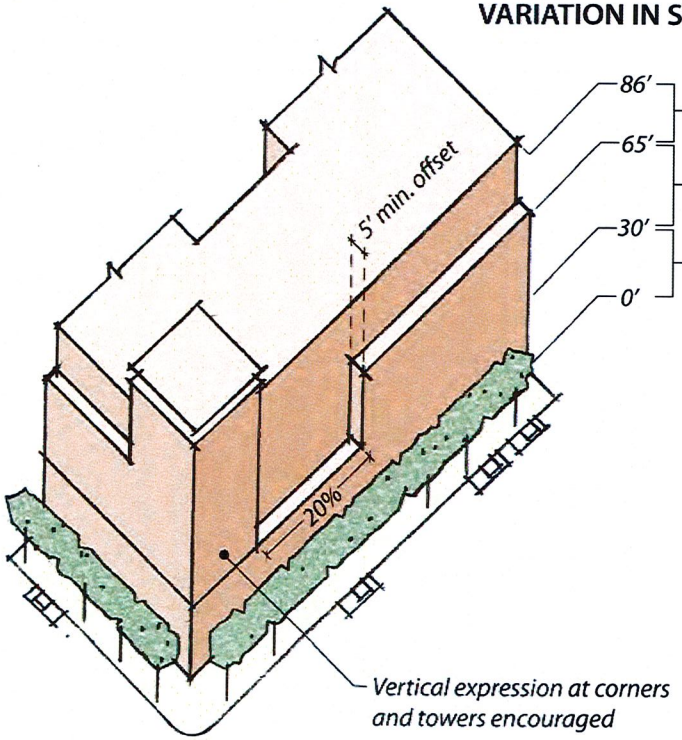
8. The tower should be architecturally integrated with the perimeter block architecture at its base, differentiated by a change in plane, material and/or fenestration. While stepbacks may be appropriate to create a building base, vertical expression of the tower is also encouraged; "wedding-cake" buildings are discouraged.

9. The use of mirrored or highly reflective glass is discouraged in favor of tower buildings that combine transparent curtain wall glazing with punctured wall treatments.

10. Placement and design of balconies should avoid repetitive egg-crate patterns, but rather be located and designed to reinforce the overall building form.

The topmost floors of towers should be architecturally differentiated through the use of stepbacks, changes in material, building shape, etc.

VARIATION IN STREET WALL BUILDING VOLUME AND PLANE



86' — *Differentiated architectural expression and/or 5' stepback above 65', except as noted*

65' — *Minimum offset of 5' at specified intervals* along 20% of building fronts*

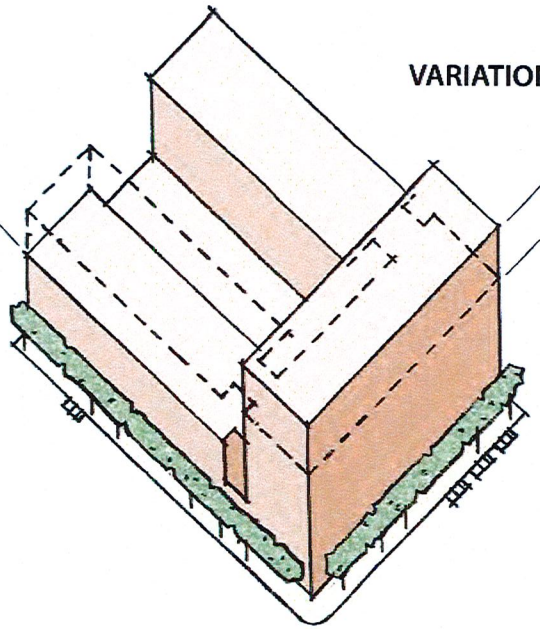
30' — *Building base built to property or setback line*

0'

*
- *150' along Main Street, Clinton Basin, Shoreline Park, Embarcadero, Channel Park*
- *100' along all other streets*
- *60' along pedestrian mews*

Vertical expression at corners and towers encouraged

VARIATION IN OVERALL BUILDING HEIGHT



Additional height up to 120' not to exceed 50% of topmost floor below 86'

86' height limit

Equivalent height reduction encouraged to increase solar access to streets and mews

Variation in Overall Building Height

Apart from the tower zones, the predominant building height within the Brooklyn Basin community is 86 feet. To promote additional variation in building height and to avoid a "pancake" or benching effect on the skyline, buildings will be permitted additional height of up to 120 feet, subject to the following guidelines:

1. The additional height is located along edges that will not result in excessive shading of public and pedestrian-oriented spaces. Acceptable locations include the 9th Avenue/Shoreline Park edge, on Parcels B, C, D, and H of the Preliminary Development Package.

2. The additional height is employed in areas that articulate key intersections, gateways, and/or street and building geometries.

3. The additional height does not exceed 50% of the area of the topmost floor below the 86-foot height.

4. A reduction of building height is encouraged below 86 feet (equivalent to the total floor area of the additional height above 86 feet); these reduced height areas should be located in areas that will result in increased solar access to streets, mews, or other public spaces.

Variation in Street Wall Building Volume and Plane

Within a clear and coherent architectural composition, building facades should be articulated by means of recesses, changes in plane, bays, projecting elements, variations in exterior finishes or a combination thereof. Articulation strategies may include emphasis of groupings of dwelling units or occupied spaces, establishing vertical and horizontal rhythms, creating a varied building silhouette, adding visual accents and similar architectural strategies. Long unarticulated street walls should be avoided. The following guidelines apply to buildings of 86 feet in height or less:

1. Buildings should introduce a differentiated architectural expression and/or a step of at least 5 feet, above a height of 65 feet, to allow for the uppermost floors to be articulated, and to maintain a perceived street wall height roughly equivalent to, or less than, the building face-to-face dimension across the street. Along Clinton Basin, such expression should be provided above a height of 55 feet. (In order to encourage vertical expression, this stepback does not apply to tower buildings, corner elements, or to areas where additional height above 86 feet is permitted.)

2. Significant changes in building massing should be provided above a height of 30 feet. Such changes are defined as a building offset of not less than five (5) feet for 20% of the building frontage along a public street or open space, incorpo-

Buildings should introduce a differentiated architectural expression and/or a stepback of at least 5 feet above a height of 65 feet. Varied fenestration, balconies, bay windows, loggia etc., are encouraged to promote variation and articulation along streetfronts.

rated at particular intervals depending upon the frontage and the scale of the adjoining street or public space. These intervals are as follows:

- 150 feet along Main Street, Clinton Basin, Shoreline Park, the Embarcadero, and Channel Park;
- 100 feet along all other internal streets; and
- 60 feet along pedestrian mews.

3. To promote additional variation and articulation, changes in building materials are encouraged, consistent with a coherent volumetric approach to the overall massing and architectural expression. Varied fenestration, balconies, bay windows, loggia, etc. are also encouraged.

Parking Garage Facades

While parking garages are encouraged to be encapsulated within buildings, it is anticipated that some frontages may have portions of garages exposed to public street fronts. In such cases, special architectural treatments should be implemented to reduce their visual dominance and to integrate them into the overall form and character of the primary building, without masking the function of the structure for parking. Exposed parking garage facades should comply with the following guidelines:

1. The parking garage façade should be architecturally integrated with the façade of the occupied space served by the garage.

2. Patterns of openings at garage facades should be similar in rhythm and scale to other openings within the building.

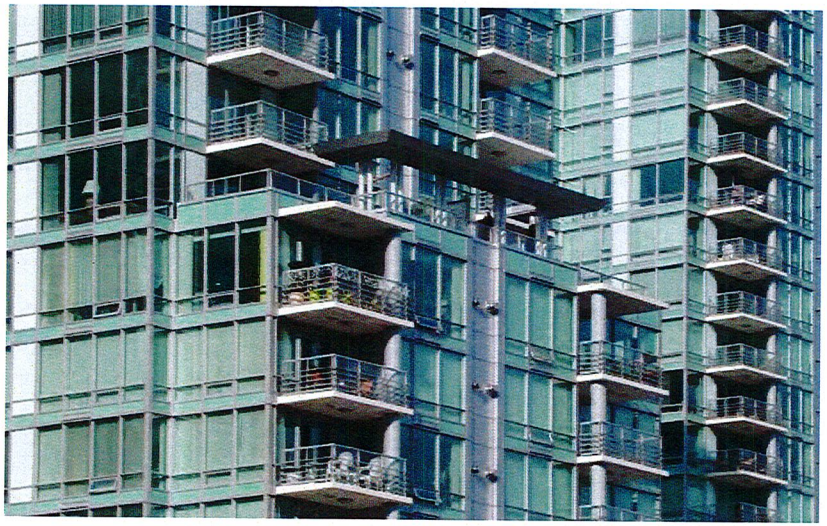
3. Building materials should be the same as those utilized in the occupied portion of the building.

4. Awnings, canopies, sunscreens, planters, ornamental railings, and other elements should be utilized to provide visual richness.

5. Transparent glazed or unglazed openings should not exceed 50% of the wall area visible from any public street front.

6. Interior lighting of garages should be designed to prevent direct view of the light source from streets or public access areas to the greatest degree practicable.

7. Exposed parking garages are not permitted along Clinton Basin, Shoreline Park or Channel Park.



Roofs should be designed to be visually interesting, using non-reflective materials and colors.

Windows

The proportion and subdivision of typical windows should reflect the overall proportion and character of the building.

1. Window materials, trim (if any), and detailing should be of a good quality and consistent with the architectural character of the building.

2. Windows set flush with cement plaster (stucco) finish without provision of trim, projecting sills, or other perimeter detailing are discouraged unless it can be demonstrated that the detail is critical to the architectural expression of the building. A recess dimension of not less than 2.5 inches should be the applicable general rule with larger recess dimensions encouraged to provide shadow lines and visual interest.

3. Glazing should be transparent to the maximum extent practicable. Reflective glazing, except at special locations that are consistent with the overall architectural design, is discouraged.

4. Punctured windows inset within an opaque wall should predominate in the lower portions of the building, where they can help to give scale to the public realm. Curtain wall glazing should be primarily utilized on the upper portions of buildings where vertical expression is more desirable.

Rooftop Treatment

Since many roofs will be visible from surrounding structures, they should be designed to be visually interesting, using non-reflective materials and colors.

1. Terraces and open spaces for the use and enjoyment of residents are encouraged.

2. Appliance vents, exhaust fans, and similar roof penetrations should be located so as to not be visible from streets or open spaces. Exposed metal penetrations and roof accessories should be finished to match or blend with the roof color.

3. Any screening devices employed should be consistent with the architectural character and composition of the building.

Exterior Wall Materials

All exterior materials should be durable and of a high quality. Acceptable materials include: cement plaster (stucco), cement boards or pre-cast panels, concrete, metal panels, stone, brick and split face block. EIFS (Exterior Insulation and Finish Systems), unfinished concrete block, hardboard or plywood siding, vinyl or aluminum siding are not allowed.

Roofing Materials for Sloped Roofs

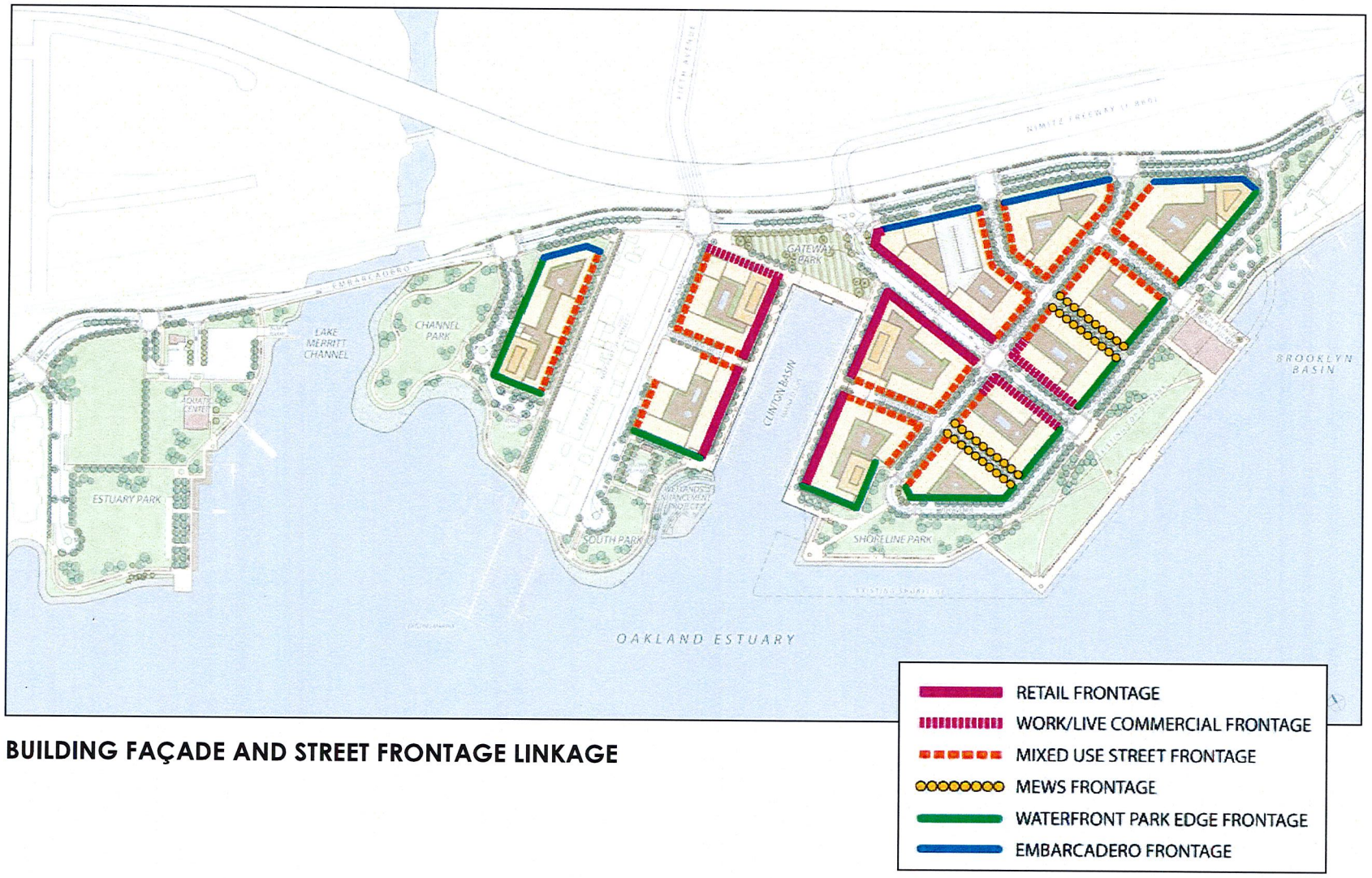
Concrete or clay tile, high quality composition shingles, slate, and standing seam metal roofing are permitted roof materials for slopes of 2:12 or greater. Sheet or roll roofing, synthetic shakes or shingles, high glaze tiles or glossy painted concrete tiles are discouraged.

Exterior Color

Each project should create a cohesive color palette that takes into consideration the finish of all exterior elements, and that complements the architectural character and composition of the building. Projects are encouraged to employ more than one body color to articulate the form, rhythm and scale of the building. Accent colors are encouraged where they enhance the architectural character of the development project.

Mechanical Penetrations at Facades

Mechanical penetrations at building facades, including kitchen and dryer vents, bath exhausts and other penetrations should be minimized to the maximum extent practicable. Where necessary they should be aligned horizontally and vertically with other penetrations, window openings and/or other architectural features to present an organized appearance, consistent with the architectural character and composition of the building.



BUILDING FAÇADE AND STREET FRONTAGE LINKAGE

Building Orientation and the Public Realm

Design Intent

Buildings should contribute to the spatial definition and to the activation of public spaces and streets, through appropriate massing, orientation and treatment. A diversity of conditions should be established throughout the community, to create a rich pedestrian environment suitable to the particular location and to the spatial characteristics of the adjacent public space or street. Six predominant conditions are envisioned for the Brooklyn Basin community: retail edges, commercial and live/work edges, streets with a mixture of edge conditions; the mews edges; edges along the parks and waterfront; and the Embarcadero edges (see diagram). Treatment of blank walls, service areas, waste handling, etc. should also be carefully considered to minimize any negative effects on the public realm. More specifically:

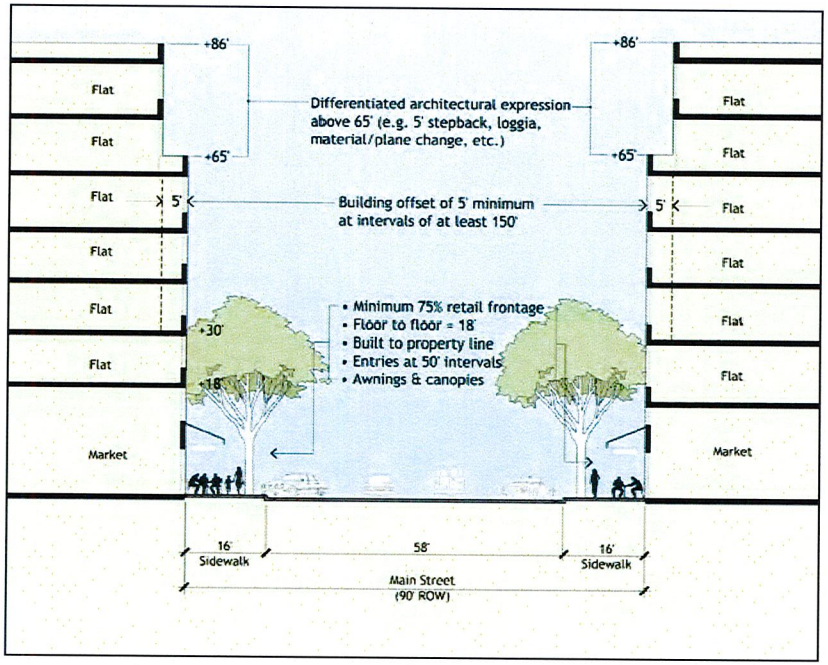
Retail Edges

Along Main Street (between 8th Avenue and the Embarcadero), and along the Clinton Basin frontage, at least 75% of the building frontage should be in retail use including shops, restaurants, and cafes. These building frontages should adhere to the following guidelines:

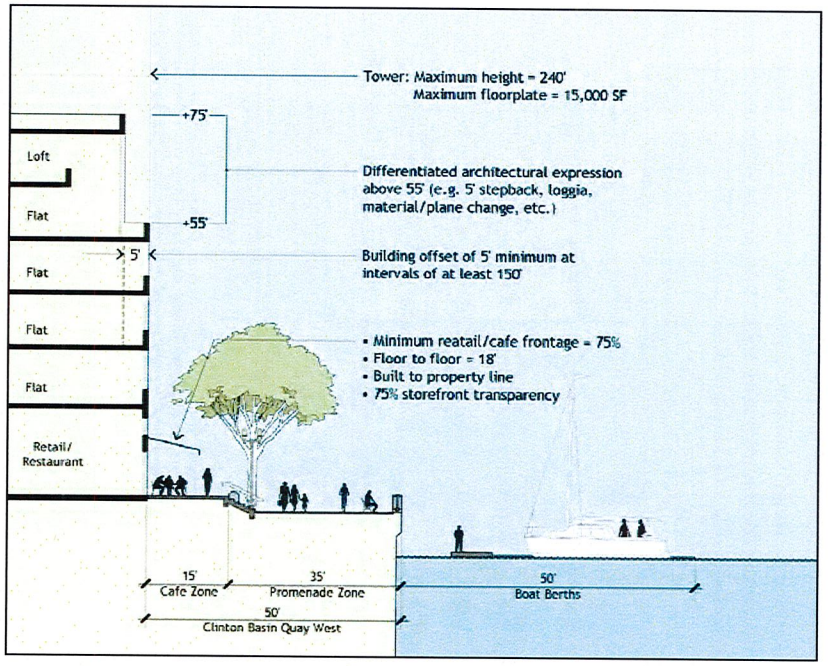
1. The ground floor-to-floor dimension should promote viable retail uses that are welcoming and transparent in nature.

2. The minimum depth of retail space from storefront to rear should be at least 40 feet to promote viable uses.

3. The retail frontage should be built to the property line at the back of the sidewalk, except where an additional setback is required by zoning, or occupied by an outdoor café.



TYPICAL BUILDING SECTION: MAIN STREET RETAIL



CLINTON BASIN PROMENADE SECTION

4. The interior finished floor elevation should be generally flush with the adjacent street or promenade frontage.

5. Building entries should be oriented to the street or promenade at intervals of approximately 50 feet, except for major anchor tenants such as grocery or drug stores, which could be a greater interval.

6. Shop fronts with a high level of transparency – at least 75% - should be established along these frontages.

7. The use of canvas awnings and metal canopies are encouraged to provide shelter and shade to the pedestrian, and color and life to the building façade (see awnings and canopies below).

Commercial and Work/Live Frontages

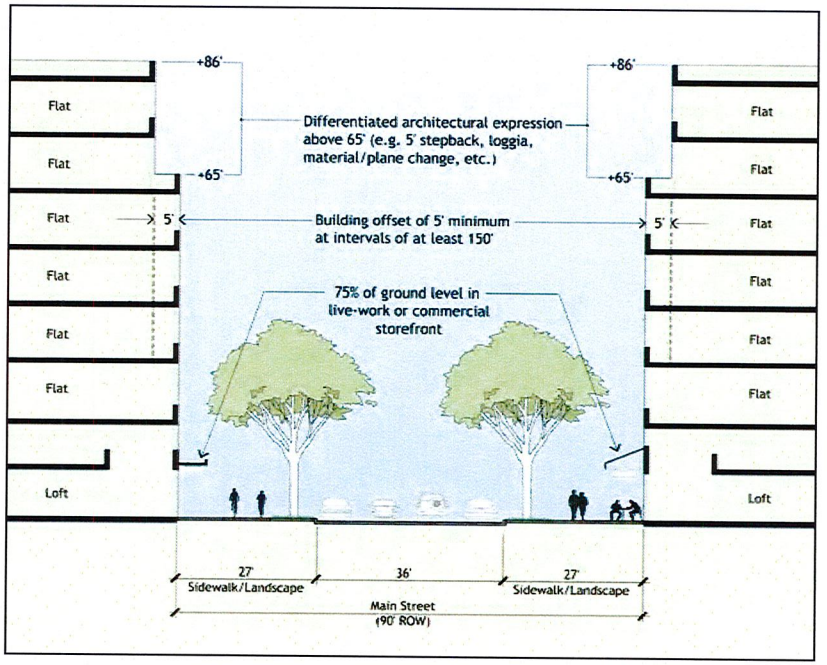
Along Main Street (between 8th and 9th Avenues, and along Gateway Park (see diagram), at least 75% of the building frontages should be developed with a retail frontage as described above, and/or with a commercial work/live frontage that includes ground floor work spaces (e.g., workshops, studios, galleries, offices, etc.) with a direct orientation to the street or public space. These building frontages should adhere to the following guidelines:

1. Ground floor uses should have their primary access from the street or public space.

2. The ground level use should be accessible to the public, and as such generally flush with the elevation of the adjacent sidewalk or promenade.

3. The commercial frontage should be built to the front yard setback or build-to line, except where an additional setback is occupied by a publicly accessible entry court that is visible from the street or promenade.

4. Building entries to ground level work-live or commercial space should be oriented to the street or promenade at intervals of approximately 50 feet or less.



TYPICAL BUILDING SECTION: MAIN STREET LIVE/WORK COMMERCIAL

5. Building fronts should include a moderate to high level of transparency – at least 50% - to promote pedestrian interest and security.

6. The use of canvas awnings and metal canopies are encouraged to provide shelter and shade to the pedestrian, and color and life to the building façade.

Patio or street front gardens are permitted along residential street frontages provided that they include landscaping, garden walls and frequent entries.

Streets with a Mixture of Conditions

Along 5th, 7th and 8th Avenues, and along Brooklyn Way and Harbor Lane East and West (see diagram), the ground level should be designed to provide an attractive building base, utilizing high quality materials (e.g., stone, precast masonry, etc.) detailing and treatments that complement the public environment. A variety of treatments are encouraged, including retail or commercial work/live frontages.

A 2 to 8 foot building setback along the mixed use streets and along the waterfront/park edges is intended to encourage a variety of urban design features at the street level consistent with ground floor uses; the urban design features may be expressed in the form of lobby entrance setback, stoops, planters and landscape buffer, with a variety of design expressions and materials. In order to create a vibrant pedestrian experience, a continuous street wall at the minimum 2 foot setback line is strongly discouraged. Aside from retail/commercial uses, proposed live/work and street level loft unit should provide appropriate setback to glass line with landscape hedges or planter buffer to provide for privacy.

1. Frontages should include one or more of the following:

    - Residential lobbies with articulated building entries that provide a welcoming gesture to the street;

- Common areas and/or sales or leasing offices generally flush with the elevation of the sidewalk;

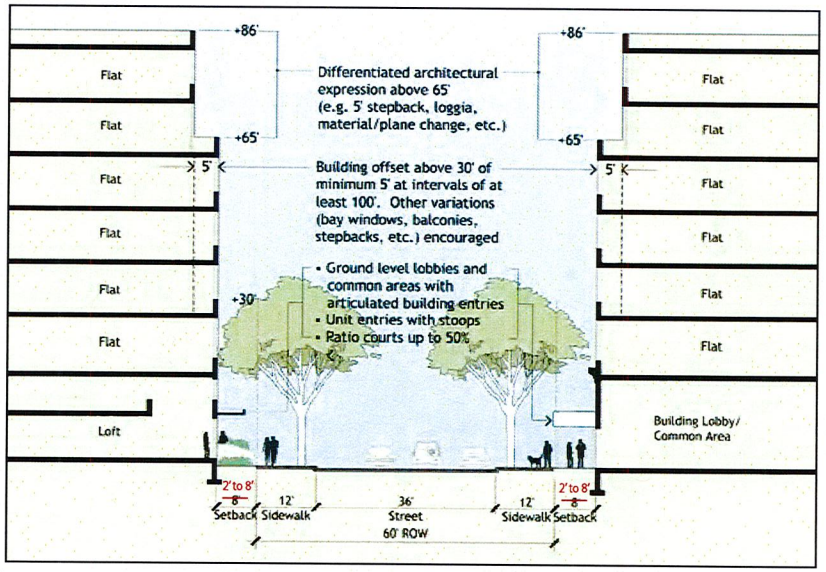
- Ground level residential units that are at grade or elevated above the adjacent sidewalk should include other devices that protect the privacy of the unit from the street.

2. If stoops are used, they should become an attractive addition to the ambience of the street and provide another layer of positive activities to the streetscape environment.

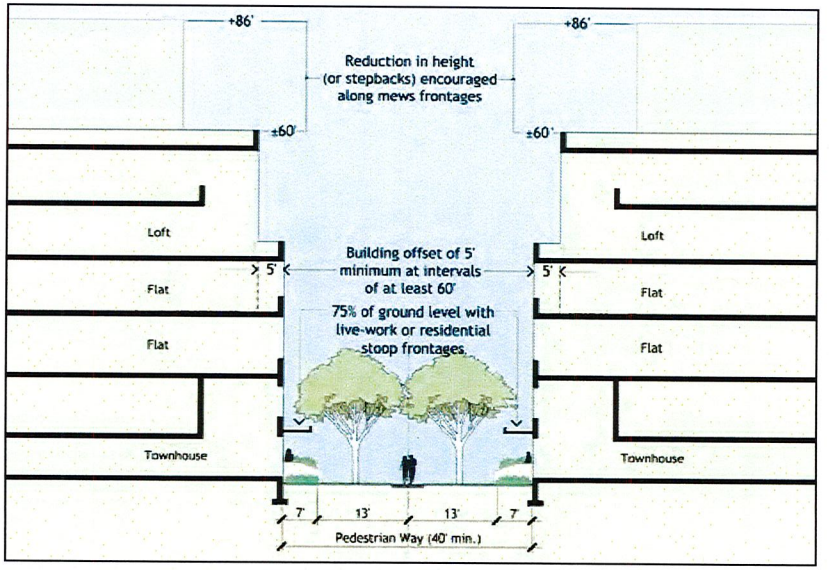
3. Residential street fronts should incorporate landscaping in the front yard setback including planting beds, hedges, planters, etc.

4. Ground level residential windows should generally be located at least 48 inches above the elevation of the sidewalk or include elements that protect privacy.

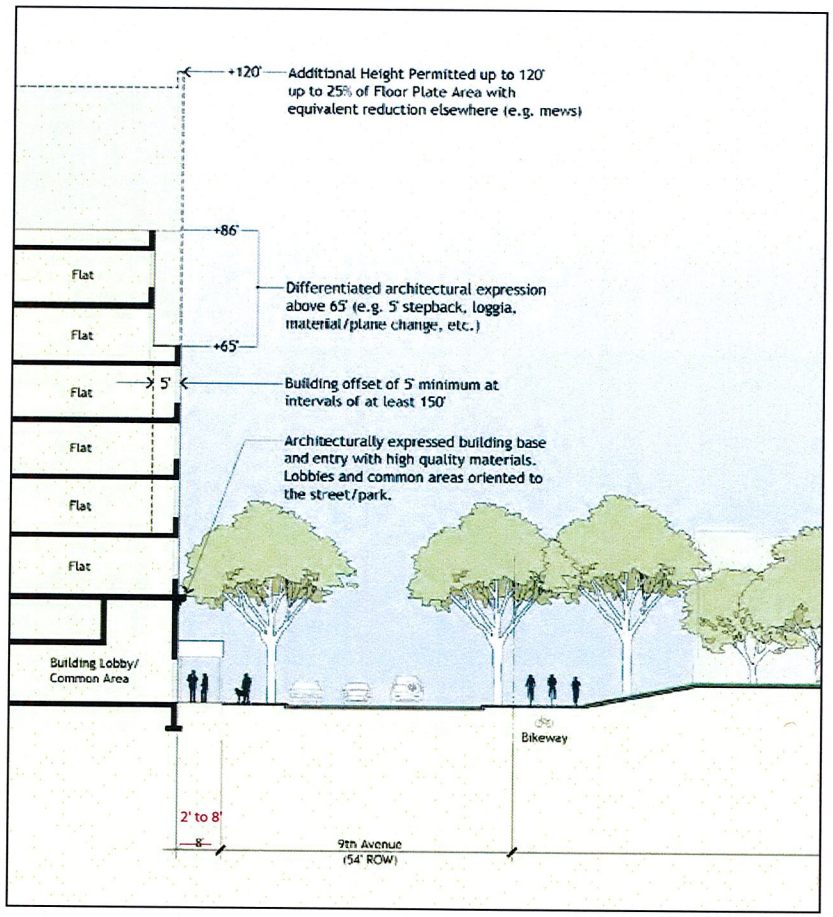
5. Patio or street front gardens are also permitted within the setback area along residential street frontages, provided that they include attractive garden walls and landscaping to soften the edge, create a positive transition to the street and are well fitted to the scale and architectural character of the building.



TYPICAL MIXED USE STREET SECTION



TYPICAL MEWS SECTION



TYPICAL BUILDING SECTION ADJACENT TO SHORELINE PARK

Mews Edges

Two pedestrian streets providing public pedestrian and visual access between 8th Avenue and Shoreline Park should be designed as intimately scaled mews lined with residential stoops that provide primary access to individual units. The following guidelines should be followed for these frontages:

1. Ground level residential or live-work units should be located along at least 75% of these frontages.

2. If the ground level use is residential, it should be elevated above the grade of the adjacent sidewalk and/or incorporate devices that protect the privacy of the unit from the street.

3. If the ground level use is live-work, it may be located generally flush with the sidewalk. However, provision should be made for appropriate privacy screening through low walls and landscaping.

4. If stoops are used, they should be an attractive addition to the ambience of the street and provide another layer of positive activities to the streetscape environment.

5. The mews should incorporate landscaping along the building fronts between entries and stoops, including planting beds, hedges, planters, etc.

Waterfront/Park Edge

Ground level treatment of buildings facing waterfront open space including those along Shoreline Park (9th Avenue), South Park, Channel Park and Estuary Park should be designed to create a strong and visually attractive edge to the parks. While ground level activities are encouraged along these edges to the maximum extent practicable, it is particularly important for the buildings to introduce high quality architectural finishes and treatments that reinforce the public and civic nature of the open spaces. The following guidelines should be followed for these frontages:

Along park edges, buildings should introduce high quality architectural finishes and treatments to reinforce the public and civic nature of the open space. Ground level common spaces and second level terraces that overlook the open space are encouraged.

1. Ground level common spaces such as courtyards or gardens that are accessible and visible from adjacent streets are encouraged.

2. Second level terraces and balconies that overlook the open space and provide a sense of security are also encouraged.

3. High quality materials (stone, masonry, terra cotta, architectural pre-cast, etc.), architectural and storefront detailing, and decorative elements, should be employed on the base of the building up to a height of at least 20 feet.

4. Articulated building entries should be provided wherever appropriate, at intervals of at least 200 feet or one per block face.

5. Entries should have a high level of architectural finish and detailing (e.g., moldings, canopies, etc.) that is in scale with the adjacent open space.

6. Landscaping (e.g., planting beds, hedges, etc.) should be incorporated in the setback area along public sidewalks and promenades.

Embarcadero Frontage

Ground level treatment of buildings along the Embarcadero should provide an attractive visual edge to this important street, while offering a buffer from the adjacent freeway. Because of noise issues and the lack of on-street parking, significant street-oriented ground level uses are not anticipated. A greater setback of 25 feet from the back of sidewalk is established along the street, with generous provision for landscaping to create a suitable buffer.

Articulated building entries with a high level of architectural finish should be provided along each block face.

1. High quality materials (stone, masonry, terra cotta, architectural pre-cast, etc.), architectural detailing, and decorative elements, should be employed on the base of the building up to a height of at least 20 feet to create a distinctive appearance that is suitable to this important boulevard.

2. Parking and service facilities should be architecturally screened with finishes that are an integral part of the building design, and that render all parking and service facilities invisible from public view.

3. Ground level uses are encouraged along the Embarcadero frontage (e.g., lobbies, common areas, retail display windows, etc.) to the maximum extent practicable.

4. For the purposes of measuring setback from the Embarcadero, the back of sidewalk shall be used.

Blank Walls

Blank walls are discouraged along public streets and open spaces, but where they are unavoidable should be treated with high quality materials that are integral with the remainder of the building.

Awnings and Canopies

Along ground level commercial street frontages, storefront awnings and/or canopies are encouraged to provide articulation and interest along the building façade, to avoid solar heat gain and glare within the buildings, and to provide sun and rain protection to pedestrians.

1. Awnings should be canvas or of a similar durable fabric designed for exterior use.

2. Retractable awnings are strongly encouraged and preferred over stretched framed awnings or awnings that are designed as signs.

3. Canopies should be of a lightweight material (e.g., metal) that is complementary with the overall design of the building.

4. Awnings and canopies should be divided into sections that relate to and emphasize the vertical elements and horizontal datum of the building façade.

Service Areas

Along street fronts and public access ways, service doors and gates should be designed as an integral element of the building design, and screened from predominant public view.

1. The aggregate width of service doors should not exceed fifteen (15) feet within 60 (sixty) feet of any frontage.

2. Doors exceeding thirty (30) square feet in area should be recessed a minimum of six (6) inches from the primary building plane.

3. Service doors or gates should not allow any views into spaces served. Louvers required for venting or ventilation purposes are acceptable provided that they do not allow visibility into service areas.

Equipment Screening

Mechanical equipment should be screened from predominant public view. All equipment within twenty (20) feet of a street front or setback line should be screened by one of the following means:

1. By enclosure entirely within the structure of the building with access provided by opaque service access doors, a portion of which may be exposed for meter reading;

2. By enclosure in a below grade vault or structure;

3. By provision of a fence or wall with a maximum average transparency of 50 percent. The top of the fence or wall should be at

least equal in height to the equipment screened but not higher than eight (8) feet;

4. By combination of an open fence and adjoining planting that will reach a height sufficient to screen the equipment within three years.

5. Residential gas meters serving individual dwelling units in groups not exceeding four meters, individual commercial gas meters, and back flow preventers for irrigation systems not exceeding 2" nominal size, are excluded from the screening requirements.

Waste Handling Areas

All waste handling areas should be either enclosed in the structure of the building or screened by a wall or fence consistent with the architectural character of the building and adequate to prevent view of trash or recycling containers from the street, public access areas, common circulation areas, or open spaces.

EXHIBIT C TO ALL APPROVAL DOCUMENTS

CONDITIONS OF APPROVAL

PROJECT: OAK TO NINTH MIXED USE DEVELOPMENT

PROJECT SPONSORS: OAKLAND HARBOR PARTNERS

General Conditions and Compliance with Approved Plans

1. The project shall comply with the following plans and exhibits entitled "Brooklyn Basin - Oak to Ninth Development Project" ("the Project Plans") dated February 2006 and the following other instruments:

I. **Preliminary Development Plan including: Overview – Master Development Plan; Shoreline; Parks and Open Space; Streets; Buildings; Civil Engineering**

II. ***Estuary Policy Plan* text and map amendments**

III. **Planned Waterfront Zoning District-4 Zoning Regulations**

IV. **Vesting Tentative Map No. 7621**

V. **Design Guidelines for the Oak to Ninth Mixed Use Development Project**

VI. **Development Agreement**

2. The Project Applicant and its agents, heirs, successors and assigns (collectively, the "Project Applicant") shall be bound by these Conditions of Approval. The Project Applicant shall be responsible for assuring that the terms and conditions of this Approval are disclosed to any such successive owner or any of the Project Applicant's agents, heirs, successors and assigns.

3. This action by the Planning Commission ("this Approval") includes the approvals set forth in this Condition of Approval No. 3. Each of these individual approvals shall become effective upon the effective date of the City Council's final approval of amendments to the *Estuary Policy Plan*, the PWD-4 Planned Waterfront Zoning District for the site, and the Development Agreement for the Project, consistent with the Project Plans (the "Effective Date") and shall be subject to these Conditions of Approval. This Approval includes:

a. Approval of a Planned Unit Development ("PUD") including a preliminary development plan under the PWD-4 Planned Waterfront Zoning District for phased construction of up to 3,100 residential units; 220,000 square feet of retail and commercial space; and 29.9 acres of adjacent parks, open space, and segments of the Bay Trail illustrated in the Project Plans, as modified by these Conditions of Approval.

b. Approval of amendments to the *Estuary Policy Plan* text and land use map

c. Approval of the Planned Waterfront Zoning District– 4 Regulations

d. Approval of Vesting Tentative Map No. 7621

e. Approval of the Design Guidelines for the Oak to Ninth Mixed Use Development Project

f. Approval of the Development Agreement between the City of Oakland, the Redevelopment Agency, and Oakland Harbor Partners, LLC

4. The plans approved as part of the PUD shall be amended to be consistent with the Conditions of Approval, the Planning Commission action on March 15, 2006 and the City Council action on June 20, 2006. These revised plans shall be submitted to the City Planning Department in the form of a "PUD Design and Specification Document for the Brooklyn Basin – Oak to Ninth Development Project" within one hundred twenty (120) days of this Approval or as soon thereafter of all other responsible and trustee agency actions concerning the project. This Design and Specification Document shall include but not be limited to:

a. All detailed plans and specifications pertaining to Condition of Approval No. 40.

b. The Revised Vesting Tentative Map No. 7621, containing all requirements set forth in Conditions of Approval 27-34.

c. The approved Design Guidelines for the Oak to Ninth Mixed Use Development Project

d. A compendium of all current, vested City regulations, ordinances and policies in effect as of the effective date of the Development Agreement for the project.

e. Other information and details deemed necessary by the Development Director or the Development Director's designee.

f. Adjustments, as required, to conform to the final approvals by the Bay Conservation and Development Commission (BCDC), State Department of Toxic Substance Control (DTSC),U.S. Army Corps of Engineers (USACE), and State Lands Commission (SLC) concerning the project.

5. Final inspection and a certificate of occupancy for any unit or other structure within a phase shall not be issued (a) until all landscaping and on and off-site improvements for that Development Parcel are completed in accordance with this Approval, or (b) until cash, an acceptably rated bond, a certificate of deposit, an irrevocable standby letter of credit or other form of security (collectively "security"), acceptable to the City Attorney, has been posted to cover all costs of any unfinished work related to landscaping and public improvements plus 25 percent within that phase, unless already secured by a deferred improvement agreement approved by the City. Unless otherwise expressly provided to the contrary, each Condition of Approval (including, without limitation, the traffic improvements set forth in Conditions of Approval 18 and 19 and the off-site sewer mitigation measure set forth in Condition of Approval

No. 36 shall be completed no later than the time period in the Development Agreement and the Mitigation Monitoring and Reporting Program (Exhibit B) and shall not be permitted to be secured or bonded for unfinished work. In the event of a conflict between the deadline for performance under these Conditions of Approval and the Development Agreement, Mitigation Monitoring and Reporting Program or other applicable requirements, the City may apply the earlier deadline. For purposes of these Conditions of Approval, a certificate of occupancy shall mean a final certificate of occupancy, not temporary or conditional, except as the City determines may be necessary to test utilities and services prior to issuance of the final certificate of occupancy.

6. Except as otherwise provided with respect to City's issuance of a certificate of occupancy, each of the Conditions of Approval shall be enforceable as equitable servitudes and shall constitute covenants running with the land pursuant to California law, including without limitation, Civil Code Section 1468. Each covenant herein to act or refrain from acting is for the benefit of or a burden upon the Development Parcels that are subject to this Approval, as appropriate, runs with the Development Parcels and is binding upon the owner of all or a portion of the Development Parcels and each successive owner. Within ninety (90) days of the Effective Date, the Project Applicant shall cause these Conditions of Approval to be recorded in the Official Records of the County of Alameda, California against all of the Development Parcels. Notice of these Conditions of Approval also shall be attached to each grading permit and each building permit for infrastructure work issued for each phase of construction on all Development Parcels. Upon City's issuance of a certificate of occupancy for any Development Parcel, these Conditions of Approval shall be released from the exceptions to title of the Development Parcel upon which the improvements are located, except the obligations specified in Conditions of Approval No. 11, 12, 13, and 14 (Indemnification Requirements), which obligations shall survive completion of the Project. Upon completion of the Project, as determined by the City, these Conditions of Approval shall be released from the all the Development Parcels, except Conditions of Approval No. 11, 12, 13, and 14 (Indemnification Requirements), which obligations shall survive completion of the Project.

7. For the duration of the project, the Development Director or his/her designee shall have the authority to determine whether the Project Applicant and the project comply with terms and conditions of this approval, including, without limitation, these Conditions of Approval, shall have the authority to suspend further Project approvals, including without limitation final subdivision maps, grading permits, building permits or certificates of occupancy for the duration of such noncompliance. The City shall take reasonable steps to promptly notify, in writing, the Project Applicant of any request (including a request by City staff or by the public) that the City Development Director make a determination of non-compliance, and shall provide the Project Applicant a copy of all documents associated with such requests and a reasonable amount of time to respond and to cure any such alleged non-compliance. The City shall further take reasonable steps to promptly notify, in writing, the Project Applicant of any noncompliance determination by the Development Director, and, as applicable, shall provide the project applicant a copy of all documents used or relied upon in making such determination. On or before June 30 of each year, the Project Applicant shall submit to the City Planning Director for review and approval a report demonstrating the Project Applicant's and the Project's compliance with the terms and conditions of the Approval, including, without limitation, these Conditions of Approval. This report may be used by the Development Director to evaluate the Project Applicant's and the Project's compliance with the terms and conditions of this Approval. Project

Applicant's obligation to submit this annual report shall terminate upon the City's written determination that the Project is complete. To the extent practicable, this review shall be conducted concurrently with the Annual Review conducted pursuant to the Development Agreement.

8. Any failure by the City to perform any action specified herein, or failure of any party timely to execute any agreement specified herein, shall not be construed to limit any right or obligation otherwise specified in these Conditions of Approval. Any failure by City to insist upon the strict or timely performance of any of the provisions of these Conditions of Approval, irrespective of the length of time for which such failure continues, shall not constitute a waiver of City's right to demand strict compliance with such provisions in the future. No waiver by City of any failure of performance of these Conditions of Approval shall be effective or binding upon City unless made in writing by City and no such waiver shall be implied from any omission by City to take any action with respect to such failure.

9. As used in these Conditions of Approval, references to "City" shall include the City of Oakland, its respective officials, officers, employees, agents, departments, subdivisions, agencies (including City's Redevelopment Agency), Boards and Commissions (and individual members of each of the foregoing) and all of respective heirs, legal representatives, successors and assigns of each of the foregoing.

Payment of Fees for Independent Technical Reviews and Project Coordination and Management

10. Within one year following the Effective Date, the Project Applicant shall enter into an agreement to specify how fees and deposits will be managed to implement the project. The City and the Project Applicant acknowledge that the Mitigation Monitoring and Reporting Program (MMRP) requires the Project Applicant to directly contract with a number of independent experts monitoring construction or operation activities, including but not limited to traffic, landscape, cultural resource experts, hazardous materials, geotechnical engineers, air quality and noise monitors, relocation experts, etc. In addition, the Project Applicant shall fund the full costs of all independent technical and other consultants the City reasonably deems necessary to comply with the Conditions of Approval and the mitigation monitoring requirements as set forth in the MMRP, as the final design and building permit plans for each Development Parcel are submitted. All work performed pursuant to this Condition of Approval shall be under the direct supervision of the City. Accordingly, the applicant shall deposit funds in amounts acceptable to the City in order to cover the full costs of independent technical and other types of review, monitoring and inspection, including, without limitation, third party plan check fees.

Indemnification Requirements

11. The Project Applicant shall be bound by the indemnity obligations ("Indemnity Obligations") of the "Developer" specified in the Development Agreement, which Indemnity Obligations are hereby incorporated by this reference as though set forth herein in full. The Indemnity Obligations are conditions of approval to each of the Project Approvals specified in Condition of Approval No. 3 and hereby are incorporated into the Planned Waterfront Zoning District-4. The Indemnity Obligations shall survive the expiration or any earlier termination of the term of the Development Agreement.

12. Notwithstanding any provision to the contrary in these Conditions of Approval, Project Applicant's obligations in Conditions No. 11, 12, 13, and 14 shall survive completion of the Project. A Project applicant may be released from the indemnity Obligations only as specified in the Development Agreement, which terms and conditions for release are incorporated by reference in these Conditions of Approval (including, without limitation, Transfers and Master Developer Obligations).

13. Within 90 days following the Effective Date, the Project Applicant shall enter into an Indemnification Agreement in a form acceptable to the City Attorney to establish in more specific detail the terms and conditions of the Indemnity Obligations. Any failure of any party to timely execute such Indemnification Agreement shall not be construed to limit any right or obligation otherwise specified in these Conditions of Approval or any other Project Approval, except that it shall not limit the authority of the Development Director as set forth in Condition of Approval No. 7 and 8.

14. The Indemnity Obligations are in addition to, and in no way shall be construed to limit or replace, any other obligations or liabilities that Developer may have to City including the obligations specified in the Development Agreement.

15. [Reserved]

Development Agreement Authority

16. Except as otherwise specified in these Conditions of Approval, to the extent any of these Conditions of Approval conflict with the Development Agreement, as adopted by the Oakland City Council in Ordinance ____, these Conditions of Approval shall be construed to be amended to conform to the Development Agreement, provided the Development Agreement remains in effect.

Mitigation Measures as part of the Conditions of Approval

17. All Mitigation Measures in the EIR as deemed to be required in the Environmental Findings shall be considered Conditions of Approval for the project, as may be further refined and/or clarified by this Approval, including the refinements and clarifications set forth in these Conditions of Approval. Implementation of the Mitigation Measures shall be adhered to in accordance with the MMRP. Implementation of the transportation measures that are not within the sole discretion of the City of Oakland may not be feasible, and therefore may not be able to be fully implemented. The MMRP identifies the time frame and responsible party for implementation and monitoring of each measure, as modified by this Approval. Overall monitoring compliance with the mitigation measures will be the responsibility of the Development Director or his or her designee. Each of the improvements identified in the MMRP shall be implemented at the Project Applicant's sole cost and expense (except where only a fair share contribution is required as set forth in the MMRP or these Conditions of Approval) or secured with an improvement agreement, or similar financial assurance, acceptable to the City.

Transportation and Circulation

18. The Project Applicant shall implement all of the mitigation measures described in "Section B. Transportation, Circulation and Parking" of the MMRP. The project Applicant shall have prepared, by a licensed traffic engineer, and shall submit to the City for its approval, a Schematic Master Traffic Improvement Plan for all traffic improvements that are to be funded by the Project Applicant pursuant to Mitigation Measures **B.1.a., B.1.c., B.1.d., B.1.e., B.2.a., B.2.b., B.2.d., B.2.f., B.2.g., B.2.i., B.2.j., B.2.l., B.2.m., B.2.n., B.2.o., B.2.p., B.2.q.**, as set forth in the MMRP. This plan shall be submitted prior to the issuance of the first building permit for a development parcel.

As set forth in the MMRP and refined below, the Schematic Master Traffic Improvement Plan shall include the following improvements:

a. The schematic design of traffic signals at the unsignalized intersections of:

- Embarcadero and Oak Street (**MM B.1.a.**)
- Embarcadero and 5th Avenue (**MM B.1.d.**)
- Embarcadero and I-880 Northbound Off-ramp – 6th Avenue **(MM B.1.e)**
- Embarcadero and Broadway **(MM B.2.b)**
- Embarcadero – I-880 Southbound On–ramp – 10th Avenue **(MM B2.l)**

b. These schematic plans shall include fixed time controls with permitted left-turn phasing, traffic signal equipment, optimization of signal phasing and timing with the relative traffic volumes on those approaches and coordination with signal phasing and timing of adjacent intersections. Traffic signal equipment shall meet City of Oakland and Caltrans standards. The schematic design and general specifications for the traffic signals shall also include installation of optimization components such as interconnection hardware (modems, microwave antennas, video, etc.) for each intersection roadway approach and coordination with signal phasing and timing of adjacent intersections. In addition, each intersection and roadway approach shall include striping improvements, determination of locations for signal arms and other signal components and any work required to install them such as curb and sidewalk modifications, utility line relocation, etc.

c. The schematic plans, equipment and specifications for optimization of the traffic signal timing at:

- The signalized intersection of 6th and Jackson Streets at the I-880 Northbound On-ramp. **(MM B.1.c)**
- The signalized intersection of 5th and Oak Streets during the PM peak period at the I-880 Southbound On-ramp. **(MM B.2.d)**
- The signalized intersection of West Grand Avenue and Harrison Street during the AM peak period. **(MM B.2.f)**

- The signalized intersection of Lakeshore Avenue and Foothill Boulevard during the AM peak period. **(MM B.2.g)**

- The signalized intersection of Lakeshore Avenue and Lake Park Avenue during the PM peak period. **(MM B.2.i)**

- The signalized intersection of 5th Avenue and 7th/8th Streets during the PM peak period. **(MM B.2.m)**

- The signalized intersection of 14th Avenue and 7th/12th Streets (Southbound - during the PM peak period). **(MM B.2.n)**

- The signalized intersection of Foothill Boulevard and 14th Avenue (Westbound - during the AM peak period.) **(MM B.2.o)**

- The signalized intersection of Foothill Boulevard and 14th Avenue (Eastbound - during the AM peak period.) **(MM B.2.p)**

- The signalized intersection of 16th Street and 23rd Avenue during the PM peak period. **(MM B.2.q)**

d. The optimization plan shall include the determination of allocation of green time for each intersection approach in tune with the relative projected traffic volumes on those approaches and coordination with signal phasing and timing of adjacent intersections. In addition, a determination of interconnection hardware (modems, microwave antennas, video, etc.) shall be incorporated along with any other physical improvements or modifications required to optimize the signal.

e. Each traffic improvement detailed in the plan shall include cost estimates and an estimated length of time for completion of each improvement.

19. An implementation and phasing plan shall be developed for the traffic improvements established in Condition of Approval No.18 and the MMRP, based on the following schedule for completion of the residential units:

Group 1 Traffic Improvements – to be completed no later than the issuance of an occupancy permit for the 1,000th unit: Installation of signals at Embarcadero and Oak; Embarcadero and 5th, Embarcadero – I-880 Northbound On-ramp and 6th Street and Embarcadero and Broadway. In addition, optimization of existing signals at 6th – Jackson-I-880 Northbound ramp and the 5th and Oak @ I-880 Southbound ramp.

Group 2 Traffic Improvements – to be completed no later than the issuance of an occupancy permit for the 2,500th unit: Installation of signals at Embarcadero – I-880 Southbound On-ramp and 10th Avenue. In addition, optimization of existing signals at 5th Avenue and 7th/8th Streets; 14th Avenue – 7th to 12th Streets; Foothill-14th Avenue (Eastbound and Westbound); 16th Street – 23rd Avenue. Fair share contributions for intersection improvements paid to City of Alameda.

Group 3 Traffic Improvements – to be completed no later than the issuance of an occupancy permit for the 3,100th unit: Optimization of the signalized intersections at West Grand and Harrison; Lakeshore and Foothill Boulevard; and Lakeshore and Park. As set forth in Condition of Approval 5, these traffic improvements must be completed by the issuance of a certificate of occupancy for the unit specified; no security, bonding or other financial assurances shall be used to defer completion.

20. At the City's discretion, an independent traffic engineer shall be hired at the Project Applicant's expense to assist the City in their review and approval process for both the Schematic Master Traffic Improvement Plan and subsequent final design plans for the improvements.

21. Prior to implementation of these improvements, the Project Applicant shall submit final design plans and other specifications to the City and any other responsible agency, for their review and approval, including a traffic management and detour plan to be implemented during construction of the improvements. The final design shall be based on the approved Schematic Master Traffic Improvement Plan.

Transportation Demand Management

22. The Project Applicant shall prepare a transportation demand management plan, following the recommendations included in the report entitled "Oak to Ninth Project, Transportation Demand Management Plan" by Nelson/Nygaard, dated January 2005, as well as the applicable mitigation measures set forth in the EIR **(MM B.4.a, B.4.b, C.7.a, C.7.b, C.7.c, C.7.d, C.7.e., C.7.f, C.7.g, C.7.h, C.7.i)**. The plan shall include a written commitment from AC Transit concerning bus service to the site and a shuttle operations plan serving the project area. An implementation schedule shall be included in the plan, including a specific commitment of financial participation for peak hour service, routing, schedule and phased implementation according to the threshold established for the issuance of occupancy permits for the transportation improvements phasing plan set forth in Condition of Approval No.18. The shuttle service shall become operative within six months of the occupancy of the 1,000th unit. Thereafter, the implementation and service increase required for the shuttle shall be in accordance with the approved schedule. At the Project Applicant's discretion and with the approval of the City, the shuttle program may be implemented through a provider such as AC Transit and may be coordinated with the service commitment required for the Jack London Square Development Project. In these events, the Project Applicant shall execute agreements with such providers or partners as part of the transportation demand management plan.

The final TDM plan shall specify that the management of on-street public parking shall be through two to four-hour time limits rather than charging for parking. The plan shall also include secure bicycle parking for residents.

The final TDM plan shall be reviewed by the Planning Commission and approved by the City Council. Each Final Development Plan submitted for individual development projects or phases shall demonstrate compliance with the approved TDM plan.

Hydrology and Drainage

23. The Project Applicant shall implement all of the mitigation measures described in "Section F. Hydrology and Water Quality" of the MMRP. Final grading and improvement plans for the Project shall include all information, analysis and requirements as set forth in the MMRP. **(MM # D.1., D.2., D.5., D.6.)** Prior to the issuance of a grading permit for any phase of the project, the Project Applicant shall submit a drainage, erosion control and Storm Water Pollution Prevention Plan (SWPPP) incorporating all City and other requirements, including the State General Permit for Construction. The applicant shall also submit the detailed design of the storm water control plan that complies with provision C.3 of the Alameda Countywide NPDES Municipal Stormwater Permit, NPDES Permit No. CAS0029831, Order R2-2003-0021, or any subsequent tentative order, revision, or new permit.

Geology, Soils and Seismicity

24. The Project Applicant shall implement all of the mitigation measures described in "Section F Geology, Soils and Seismicity" of the MMRP. All geotechnical reports and recommendations submitted in accordance with final grading and construction specifications shall incorporate the information, standards, and requirements required in that section. Prior to the issuance of a grading permit for the site, the plans, information and analysis required by this Condition of Approval shall be independently reviewed by a qualified geotechnical engineer hired by the City at the Project Applicant's expense and approved by the City Engineer. **(MM # F.1., F.2., F.3., F.4., F.5.).**

Cultural Resources

25. The Project Applicant shall implement all of the mitigation measures described in "Section E. Cultural Resources" of the MMRP **(MM # E.1.a, E.1.b, E.1.c, E.1.d., E.2, E.3.a., E.3.b, E.8).** The project shall also include the following additional measures and standards:

a. Within 90 days of final approval of the close of escrow with the Port of Oakland, the Project Applicant shall take measures to protect the Ninth Avenue Terminal Building, pending demolition of the approved portion of the facility. The building shall continue to be actively used, if feasible, with access for trucks to the site through any development or construction activities, to the greatest practical extent. Within 45 days of the final approval of the close of escrow with the Port of Oakland, the Project Applicant shall submit to the Development Director a description of the proposed measures. The Development Director shall review, and may approve, disapprove, or modify the measures intended to eliminate deterioration, minimize vandalism and assure protection of the building. These measures shall remain in place for the duration of the demolition, grading and other construction activities until building permits are issued for the restoration of the preserved portion of the building.

b. No less than 90 days from the date of scheduled demolition, the Project Applicant shall submit a restoration and reuse plan for the Ninth Avenue Terminal Building including but not limited to the following materials and information:

1) a finance and business plan that establishes a framework for restoring, preserving, and reusing the preserved portion of the building, including a commitment by the project applicant to seek additional public funding, private financing, and/or private philanthropic grants and the funding mechanisms and budget for the work;

2) a management plan demonstrating exemplary and continued stewardship of the preserved portion of the building, with recognition of its cultural and historical importance to the City of Oakland and which is accountable to the goals and policies of the *City of Oakland General Plan and the Estuary Policy Plan*;

3) a community participation plan providing for input by Oakland community members in decisions concerning the portion of the Ninth Avenue Terminal Building's preservation and reuse;

4) a development plan demonstrating that the proposed renovation and reuse of the portion of the Ninth Avenue Terminal Building is consistent with the design standards, policies, and goals of the PWD-4 Planned Waterfront Zoning District, the Design Guidelines for the Oak to Ninth Mixed Use Development Project, and with any other design criteria that the City determines is appropriate to meet said goals and policies up to and including the proposed design for Shoreline Park; and

5) a schedule for completing the work. In no case shall the time allotted for project completion exceed the time allotted in Exhibit C of the Development Agreement (issuance of a certificate of occupancy for the 1,000th unit or 5 years from the issuance of the first building permit for Phase I.)

6) an application to nominate the remaining portion of the building and the site as a City of Oakland Landmark.

The City Landmarks Preservation Advisory Board shall review this information and the plans and make recommendations to the City Council and the Planning Commission. The Planning Commission shall review and consider the information, plans and recommendations from the Landmarks Preservation Advisory Board and forward its recommendations to the City Council. The City Council shall review and approve the plans and schedule for work.

c. Notwithstanding that the City has fully established in the record that preserving more of the Ninth Avenue Terminal Building is not economically feasible based on the whole of the financial obligations for the project and on the administrative record, the City shall institute an independent process to ascertain whether there are alternative funding sources, whether there is an entity interested in taking a greater financial risk than has been deemed acceptable given standard market conditions and rates of return and whether factors other than economic feasibility can be combined to provide for another set of uses for the preserved portion of the building. This process is in full recognition of the fact that the significant and unavoidable impacts of demolishing a substantial portion of the Ninth Avenue Terminal Building cannot be mitigated to a less than significant level and that the City is not in a position to subsidize the operation, maintenance or rehabilitation of this structure given current capital project needs and current approved budgets for Redevelopment and other funding sources.

The process shall include the following major steps and timeframes:

1) By September 15, 2006 the City shall issue a Request for Proposals soliciting projects, uses and funding sources for the preservation of the Ninth Avenue

Terminal building in an amount greater than 40,000 square feet and no more than 90,000 square feet. The RFP shall indicate that uses must be Tidelands Trust consistent, that the building shall be preserved and rehabilitated consistent with the Secretary of Interior Standards, and that the City does not have the financial capacity to contribute to this effort.

2) Proposals shall be received by February 15, 2007, and reviewed and a report prepared for the City Council's consideration of the options available based on specific criteria, including trust consistent purposes, timing of implementation, funding sources, financial capacity, etc.

3) City Council shall make a final determination regarding any option for the preservation of the Ninth Avenue Terminal building by June 30, 2007.

In the event the RFP does not result in the alternative re-use of a 40,000 to 90,000 square foot portion of the Terminal Shed building, the developer shall rehabilitate a 20,000 (rather than 15,000 originally proposed) square foot portion of the Terminal Shed building and the $500,000 developer contribution to the general City-wide historic preservation efforts shall be dedicated to off-set the costs associated with the preservation of the additional 5,000 square feet.

26. Prior to the issuance of a demolition permit for the approved portion of the Ninth Avenue Terminal Building, the Project Applicant shall submit $500,000 to the City for compensation for the loss of a significant historic resource. These funds shall be used in other historic preservation efforts including but not limited to funding Mills Act projects to offset the loss of property taxes, restoration projects for other landmarks or preservation districts as recommended by the Landmarks Preservation Advisory Board and as finally determined by the City Council.

Vested Tentative Map Conditions

27. The maximum number of residential units for the approved project is 3,100. Any minor revision of the internal circulation plan or lot layout shall be subject to the review and approval of the Development Director at least 45 days prior to filing each final map.

28. Multiple final maps may be filed subject to the Phasing Schedule set forth in Exhibit C of the Development Agreement. Modifications to the Phasing Schedule are subject to the review and approval of the Development Director, and at his/her sole discretion; any modifications may be subject to review of the Planning Commission.

29. Prior to the approval of each Final Map, a site plan and other information as may be required shall be submitted for the review and approval of the Development Director or his/her designee demonstrating substantial compliance with the approved VTM and the "Project Plans" as set forth in Condition of Approval 1, as well as any subsequent permit received from a responsible or other agency with authority over the project site.

30. Prior the submittal of the first Final Map for the project, the covenants, conditions and restrictions ("CC&Rs") for the VTM shall be submitted for review by the City. The CC&Rs shall provide for the establishment of a homeowners association for the maintenance and operation of all landscaping, common open space areas, all common area improvements and common structure

improvements that are not within the purview of the Community Facilities District/Community Services District (CFD/CSD) or similar entity.

31. At least 45 days prior to recording each Final Map, plans shall be submitted for review by the City Building Services Department to obtain addresses and for street name approval. Alternate street names should be submitted in the event of duplication and to avoid similarity with existing street names. Final Maps shall not be certified as ready for approval without the approved street names.

32. The Project Applicant shall revise the Vesting Tentative Map prior to approval becoming effective, as follows:

a. Revisions required to the General Note Section of the Map:

General Note 2: Multiple Parcel Maps may be filed on the lands shown on this map subject to all the Conditions of Approval, the PWD-4 Planned Waterfront Zoning District and Mitigation Monitoring and Reporting Program as set forth in the Preliminary Development Plan and Development Agreement approved by the Oakland City Council on June 20, 2006.

General Note 6: Phasing: This project is proposed to be constructed in Phases as set forth in the Development Agreement, Conditions of Approval and the Mitigation Monitoring and Reporting Program as approved by the Oakland City Council on June 20, 2006.

General Note 7: Street Names: Final street names shall be approved as set forth in the Conditions of Approval as approved by the Oakland City Council on June 20, 2006.

General Note 8: Dedications, Easements and Right of Entry: Additional and specified dedication of property rights and rights of entry as necessary to accommodate all drainage facilities, sewer facilities, public utility easements and other easements as may be necessary to properly serve the lots created shall be dedicated as part of the filing of future final maps.

General Note 9: All utilities shall be installed underground according to the standards and requirements of the City of Oakland and the applicable utility.

b. Other revisions to the Vesting Tentative Map plan set, absent alternative technical authority from a broadly recognized standard, are as follows:

1) At the intersection of Embarcadero and 5th Avenue, some mitigation needs to be proposed as the intersection skew does not meet City standards. Main Street needs to be designed to provide the necessary radius (100 feet).

2) Main Street shall be widened to provide the required depth perpendicular to the face of curb and travel lane, or the diagonal degree needs to be changed to 30 degrees.

3) 7th Avenue needs to be redesigned to have the necessary radius of 100 feet.

4) The Embarcadero/8th Avenue intersection needs to be redesigned to get the skew angle under 15 degrees.

5) The Oakland city standard radius for the curve on the relocated Embarcadero is 500 feet.

6) Redesign 9th Avenue to achieve the 50 foot tangent for reverse curves.

7) Rolled curbs details and specifications shall be replaced with concrete curb and gutter following standard City specifications.

8) On 9th Avenue, the potential for illegal parking must be reduced by pulling the inside curb and/or providing a "knuckle" to achieve the 100 foot minimum radius.

9) A 20 foot minimum travel way is acceptable where there is parking on both sides of the street. Where there is no parking the minimum travel way shall be 24 feet.

10) The radius for the 5th Avenue cul-de-sac for fire access must be redesigned to replace the rolled curb with another detail as acceptable to the Public Works Director and the Fire Marshall. The reduction of the 52 foot radius may be acceptable with a review of apparatus specifications and with the approval of the Fire Marshall.

11) Absent an alternative technical authority, the City requires a 50 foot tangent at the intersection of Main Street and the Embarcadero, and 9th Avenue and the Embarcadero.

12) Parcel corners at the intersections must be modified to provide rounded curbs to a radius of 15 feet.

33. Prior to the issuance of a grading permit for the site preparation (not including grading and excavation for soil remediation) of the first development area as set forth in Exhibit C of the Development Agreement, the applicant shall submit a schematic master improvement plan for the entire site prepared by a licensed Civil Engineer, with all conditions and requirements as set forth in these Conditions of Approval, the approved Preliminary Development Plan for the private property and the public rights of way, including but not limited to curbs, gutters, pedestrian ways, 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 required to comply with all applicable City standards, and the street tree locations and planting specifications.

34. This Schematic Master Improvement Plan shall be reviewed and approved by the City Engineer and used as the confirmation of compliance with subsequent phased improvement plans. Except with respect to Conditions of Approval No. 18, 19 and 36, final maps may be recorded upon the City's approval of a Subdivision Improvement Agreement and receipt of adequate security in accordance with the Subdivision Map Act and the City's Subdivision Ordinance.

Fire and Life Safety Requirements

35. Prior to the issuance of an occupancy permit for each Development Parcel, a Site Security and Management Plan shall be developed in conjunction with the Oakland Police Department, including parking garage security and lighting, building security features, security personnel staffing organization and management and emergency protocol procedures.

The following standards and requirements shall apply to the project and to each Development Parcel:

a. Fire hydrants shall be incorporated, as required to attain a standard that achieves coverage so that a hydrant is accessible around a building perimeter with a hose reach of not less than 150 feet as per Oakland Fire Department or within 30 feet of any fire sprinkler or standpipe connection.

b. All new fire hydrants shall meet East Bay Municipal Utility District (EBMUD) standards, 4.5 inch steamer by 2.5 inch outlet.

c. A sprinkler system for each building including the capacity to annunciate by zone and tamper switches, as required by the Oakland Fire Department on a building-by-building basis, taking into account building square footage, occupancy limits, height and emergency access. Final building specific annunciation requirements shall be reviewed and approved by the Oakland Fire Department as part of the fire plan check.

d. All entry gates with either key or push button Knox Box access shall include a minimum 8 inch by 10 inch Knox Box to store required maps, plans and up to five (5) sets of keys for building maintenance areas.

e. Standpipes shall meet the following requirements:

1) They shall be combined with the building sprinkler system with 2.5 inch NST outlets.

2) Fire Department connections to sprinklers shall be shown as one 30 degree, 5 inch Stortz and two each 2.5 inch NST gated inlets.

3) Final locations of standpipes for each Development Parcel shall be reviewed and approved by the Oakland Fire Department prior to the issuance of a building permit.

f. Smoke detectors and related initiating and signaling devices shall be shown to be installed to annunciate fire by zone, mechanical (by location), electrical (by location) and other areas as may be required by the Oakland Fire Chief.

g. A comprehensive fire alarm system for all Development Parcels meeting the following minimum specifications:

1) Activation by water flow or other signaling device to annunciate at the alarm panels.

2) Initiation of an audible and visual alarm in the building.

3) Identification for zone locations on alarm panels for smoke or water flow alarms, as approved by the Oakland Fire Department.

4) Ability for a private alarm company to relay an activated zone to the Oakland Fire Department.

5) Button board or digital alarm panels shall show all smoke detectors by zone, individual or miscellaneous rooms and water flow zones.

6) The communications system for all building sites shall include electrical shut-off, and a general alarm switch to shut off and activate the fire alarm manually for each designated area within the building. For all buildings higher than 86 feet, this requirement shall include a shut-off and reverse HVAC switch.

h. For the residential towers (125 to 240 feet) an Emergency Response Protocol Plan shall be submitted to the Oakland Fire Department prior to the issuance of a building permit. This plan shall include but not be limited to:

1) The provision of a Command Center at a minimum size of 8 feet by 10 feet, including alarm panels and large Knox Boxes at entry points as required by the Oakland Fire Department.

2) Delineation of emergency evacuation routes, posting locations of emergency information, and the identification of safe zones in the building to accommodate non-ambulatory occupants and to provide staging areas for Fire Department operations.

3) As required by the Oakland Fire Department, the buildings shall be designed so that areas can be shut down using magnetic or other acceptable closures with indicator signals on the enunciator panels or at the Command Center that doors have closed.

Off-Site Sewer Project Requirement

36. The Project Applicant will connect the Project sewer lines to the EBMUD interceptor in the Embarcadero. Although overall wastewater treatment capacity exists to serve the Project, the Public Works Department and EBMUD have determined that the Project

Applicant must complete an off-site Infiltration and Inflow rehabilitation project to increase wet weather sewer capacity. Based on an evaluation prepared by BKF (memo dated June , 2006), the following criteria shall be used to determine the sub-basins that will be selected for the Infiltration and Inflow rehabilitation project: (a) lowest unit cost to rehabilitate 1 gpd; (b) not already completed as part of the East Bay infiltration/inflow studies by the City of Oakland; (c) located within, or upstream of, the Project basins 54, 59, or 64; (d) rehabilitation required to mitigate base flow generated from the Project shall be approximately 95-100 percent of the sub-basin infiltration and inflow. The following basins have been preliminarily selected based on these criteria: basins 58 and 64 from north Oakland and basins 82 and 83 from south Oakland. The final selection of the sub-basins for this rehabilitation project will be made after further investigation of the scope of work based on existing sewer base maps and improvement plans and evaluation of this information in the context of the criteria listed above, with a maximum cost not to exceed $1.0 million to be completed no later than the completion of Phase II as set forth in the Development Agreement, Exhibit C.

Construction Management and Phasing

37. As a requirement of each submittal of demolition, grading or building permit plans for a Development Parcel(s), the Project Applicant shall submit a Construction Phasing and Management Plan, incorporating all applicable mitigation measures in the MMRP including Air Quality **(MM C.1a)**; Cultural Resources **(MM E.1a, E.1.b. E.1.c., E.1.d., E.2, E.3);** Hazardous Materials **(MM H.1.a, H.1.b., H.1.c., H.1.d., H.1.e, H.2.a., H.2.b., H.2.c., H.2.d., H.3);**; Noise **(MM G.1a, G.1.b., G.1.c., G.1.d., G.2);** Traffic, Circulation and Parking **(MM B.10)** and Biological Resources and Wetlands **(MM I.2.a., I.2.b, I.2.c., I.2.d., I.3.a., I.4.a, I.4.b, I.5).** The plan shall also include the following additional measures and standards:

a. A site security and safety plan to assure that grading and construction activities are adequately secured during off-work hours.

b. A fire safety management plan for all phases of work, including provisions for access, water, and other protection measures during grading and construction activities.

c. All parcels not under active construction shall be graded to drain to an approved runoff storm water treatment facility. Such facility may be located on the specific parcel not under active construction. Surfaces shall be treated with hydro-seed made up of a mix of native grasses and wildflowers. Slopes that are in excess of 2(h):1(v) shall also have a jute mesh blanket, or similar material, placed on the slope. The parcel shall have perimeter control to prevent either water or wind borne silt and pollutants from leaving the parcel. Access to the parcel shall be controlled by fencing approved by the Development Director.

Establishment of Community Facilities District and a Community Services District

38. Prior to and at the time of approval of the first final map for the project, a Community Facilities District (CFD) or other similar financing mechanism acceptable to the City, shall be fully operational, and all assessments, reserve funding and/or other long-term financing and other requirements necessary to fully fund, in perpetuity, the maintenance of the parks, open space and public right of way. In addition, a Community Services District (CSD) may be formed with the

responsibility for operation and maintenance of all parks, open spaces, shoreline trails, piers and public rights of way within the project, following the Minimum Maintenance Standards set forth in Exhibit F of the Development Agreement. If at any time the CSD is dissolved or is otherwise unable to adequately perform specified functions, the Development Director may exercise his or her authority under the Development Agreement and Condition of Approval No. 7. The CFD shall specify, without limitation, those obligations as set forth in Section 4.4.3, 4.4.4. a., b., c. d., e. and f. in the Development Agreement, along with the following other provisions:

a. A reserve fund shall be established in the CSD budget to provide for restoration, maintenance, repair or other work associated with all improvements and areas within the jurisdiction of the CSD.

b. The Project Applicant shall provide start-up funds for the CFD/CSD in an amount to be determined by the City Engineer in accordance with the approved capital development and maintenance plan, which shall be provided no later than recordation of the first final map for the Project. The Project Applicant shall also assume financial responsibility for all related work for a warranty period determined by the Public Works Director.

c. The CFD/CSD shall include both on going maintenance activities as well as a plan for unexpected maintenance and events, including events or damages that could occur as the result of site improvements associated with geotechnical, drainage or related matters within the CFD/CSD jurisdiction. This work shall be based on the final grading, site soils conditions and specifications for improvements as set forth in Conditions of Approval No. 33 and 40.

d. The CFD/CSD budget shall separately identify the projected costs associated with (1) standard annual operation, administration and maintenance work; (2) long-term operation and maintenance including life cycle costs of major features such as the Shoreline Park pier; (3) storm water quality maintenance and monitoring; (4) reserve fund and (5) debt service requirements.

e. The CFD/CSD shall submit an annual report to the City Council detailing (1) compliance with the Minimum Maintenance Standards as set forth in Exhibit F of the Development Agreement and (2) budgetary and other financial information relevant to the CFD/CSD operations.

f. The CFD/CSD shall obtain general liability insurance and directors' insurance for the Board of Directors to the extent that the CFD/CSD Board determines in its sole discretion that such insurance is available at commercially reasonable rates.

g. Regardless of whether or when the CSD is formed, the assessments or taxes necessary to fund the above requirements must be determined following a thorough financial analysis and must include adequate funding for the indemnity and insurance obligations set forth in Section 4.4.4.e. of the Development Agreement. The City's attorney and Risk Manager shall also review the adequacy of the funding for the indemnity and insurance and may make recommendations regarding such funding.

h. The taxes or assessments shall be fully authorized and imposed on the project site prior to approval of the first final map.

39. The CSD, if formed, will be responsible for hiring its own staff (or contracting with non-City parties to perform such staff services), including all workers who will undertake operation, maintenance, replacement, repair and other activities of the CSD and no City employees shall perform such services for CSD facilities and improvements. Further, the City shall not fund or otherwise administer any of the operations of the CSD.

Landscaping, Open Space, Park and Trail Requirements

40. The Project Applicant shall prepare and implement a Landscape, Open Space, Park and Trail Plan substantially consistent with the Preliminary Development Plans dated February 2006. This plan shall be part of the Final Development Plan package for each phase of the Project set forth in the Phasing Schedule in Exhibit C of the Development Agreement. The plans shall be developed based on detailed surveys of existing site conditions and locations of major features including utility lines and other public improvements. This plan shall include a phasing and staging schedule showing how the landscaping for each phase of the project shall be implemented along with the detailed master improvement plan set forth in Condition of Approval No. 33 that must accompany and correlate with each Development Parcel. This plan must reference and incorporate all applicable conditions and requirements as set forth in these Conditions of Approval. This plan shall be submitted to the Development Director for review and approval prior to the issuance of the building permit for the first Development Parcel. This plan shall include:

a. Complete soils information, including soil preparation and amendment specifications, soil particle size for existing site soils and imported soils, representative soils and water table tests confirming the suitability of the site for the plant materials selected.

b. Plans for each park shall include paving materials, tree and plant materials, street furniture, lighting, major recreational and landscaping features, public art installations, play equipment, courts, plazas, sculptural features, etc.

c. An evaluation of feasible modifications to the grading and overall elevations to improve views of the Estuary from the western portion of the site, particularly from 9th Avenue and Shoreline Park.

d. Preservation of a significant portion of the Ninth Avenue Terminal building wharf/apron area on the waterfront side to the recommended 26 foot width and the ramp to the water, as a part of the Shoreline Park and building reuse plan, as practically feasible.

e. Plans for all street sections including typical paving and materials cross sections, trees and plant materials,

f. Plans and general specifications for other landscaping features and public art installations.

g. Plans and general specifications for the segments of the Bay Trail through the site pathways throughout the site, including the boardwalk areas adjacent to the Estuary.

h. Plans for the historic and interpretive elements in and around the area of the preserved portion of the Ninth Avenue Terminal Building and Shoreline Park, including the reinstallation of existing features honoring the history and use of the area as a breakbulk cargo terminal, with an overall physical theme and other unifying physical elements.

i. All play surfaces and play structures throughout the development will comply with ADA standards.

j. Prior to the issuance of the first building permit for each Development Area, a final landscape plan shall be submitted for that phase, based on the results, requirements, information and recommendations contained in the master schematic landscape plan, and including but not limited to the following:

- Detailed irrigation plans, consistent with water conservation and sustainability practices. Planting details such as location, number and sizes of the plant materials and the specifications for planting.
- Street trees shown on the site plan.
- Specifications for driveways, paving, entry and other surface treatments.
- A detailed landscape maintenance plan for each phase, including short and long term plant and tree care, irrigation system maintenance and other information to assure that the landscape plan will be successfully established and maintained consistent with the Minimum Park Maintenance Standards specified in Exhibit F of the Development Agreement.
- All applicable mitigation measures in the MMRP.

All landscape plans shall be independently reviewed and approved by a qualified landscape architect and other professional consultant, as deemed required by the Development Director, at the Project Applicant's expense.

The Project Applicant shall work with staff regarding the design of the open space such that, to the extent such uses are approved by the State Lands Commission (now or in the future), the Project Applicant shall engineer and design portions of the open space for active (sports) recreation opportunities.

40.a. Refer to Exhibit N of the Development Agreement

41. Prior to the issuance of the first occupancy permit within each Development Parcel, the Project Applicant shall enter into a two year landscape maintenance agreement with the City, subject to the review and approval of the City Attorney, running from the date the landscaping is deemed complete and in compliance with the approved landscape plan for each phase. The security posted shall be in the form of an acceptably rated bond, cash, an irrevocable letter of credit or a certificate of deposit, and the amount shall be determined based on the contract costs of plants and installation plus 25 percent. At the project applicant's option, a phased plan for securing the two year landscape maintenance agreement may be established, consistent with the

Phasing Plan set forth in Exhibit C of the Development Agreement so that the security required is concurrent with the overall phasing as planting becomes established.

42. The Project Applicant shall prepare and implement a Tree Protection Plan based on the Tree Report for the Oak to 9th Project prepared by HortScience, Inc. dated February, 2006. The City's Arborist has deemed this report consistent with the City's Tree Protection Ordinance and that a tree permit may be issued for the site, prior to soils remediation activities based on the completed review. Further review required to issue the tree removal permit shall be limited to substantial compliance with prior review and recommendations.

Design Requirements

43. *Lighting Standards and Requirements.*

a. The applicant shall submit a lighting plan for review and approval by the Planning and Zoning Division, with referral to other City departments as appropriate. The plan shall include the design and location of all lighting fixtures or standards. The plan shall indicate lighting fixtures that are adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site.

b. The applicant shall maintain all on-site lighting to meet the State Business and Professions Code Section 25612, providing enough illumination to identify loiterers standing in the immediate vicinity of accessways, parking lots, parking structures, the commercial areas and the parks and open spaces in the site. Such illumination shall remain on during all hours of darkness when the businesses, parking areas and open spaces and parks are open and shall be shielded to a point below the light bulb and reflector and not cast unnecessary glare onto adjacent residential properties.

c. The exterior lighting fixtures which serve the parking areas shall be equipped with daylight sensors that will automatically turn the lights on at dusk and off at sunrise, shall be adequately shielded to a point below the bulb and reflector, and shall prevent unnecessary glare onto adjacent properties.

44. Final Development Plans for Parcels K, L and M as identified in Vesting Tentative Map No. 7621 shall incorporate the mitigation measures set forth in "Section A – Land Use Plans and Policies" of the MMRP **(MM # A.1., A.2.a., A.2.b., A.3.a., A.3.b.)**

Administrative Review Standards for Commercial Uses

45. The following performance standards and review criteria shall be used to administratively review uses for the commercial and portions of the project, prior to the issuance of the first building permit for construction of a building including commercial and retail space on each Development Parcel, if applicable:

a. Review and written verification shall be provided to confirm that loading storage and equipment areas have been designed and designated to account for the needs of the

proposed use without interfering with parking, access or loading areas of adjacent commercial uses.

b. For food related uses such as cafes, delicatessens, restaurants, fast food establishments and similar activities, the following standards and conditions shall apply:

1) Adequate provisions have been made for trash disposal and recycling, including provision of standard City of Oakland containers within the public right of way, following the requirements and standards of the California Uniform Retail Food Facilities Law (Health and Safety Code Sections 37500 et. seq.), as reviewed and approved by the Planning Director or his/her designee.

2) Adequate ventilation, filtration and odor control systems shall be installed for any commercial hoods; along with submittal of provisions for maintenance and inspection of such a system should odor complaints be received.

c. For entertainment uses, live entertainment shall be subject to the cabaret permit review procedures under the Oakland Municipal Code.

Required Disclosure Statements Pertaining to Uses and Activities Associated with the Project

46. *Required Disclosures*

Live/Work Units: The owner of the property shall provide a Statement of Disclosure on the lease or title to all new tenants or owners of the live-work units acknowledging the commercial character of the district and acceptance of the potential for uses in the area to result in certain off-site impacts at higher levels than would be expected in residential areas. The statement of disclosure shall also state that the tenants may only engage in the activities allowed by the PWD-4 Planned Waterfront Zoning District. The statement of disclosure shall also state that at least one tenant of each unit shall apply for and maintain a City of Oakland Business Tax Certificate for a business at the project address. The statement described in this condition of approval shall also be provided to any new owners of the property or any of the new units before a unit or the property is sold.

47. *Mixed Use Character of the Project*

Adjacency of High Use Public Area and Rail Lines: The project applicant shall ensure that future residents sign a notice acknowledging that they are aware of and accept the potential noise levels related to the adjacent railroad lines, commercial activities, live/work activities and large open space and park areas adjacent to the Development Parcels.

Affordable Housing Provisions

48. Provisions for Affordable Housing

The developer's and Agency's responsibilities will be incorporated into the project Development Agreement, Exhibit L. Following is a summary of that agreement:

The Project would include a total of 465 affordable housing units to be located on Parcels F and G. These units are expected to be built in the following four phases:

Phase	Parcel	Units	Construction Type
I	F	150	Type V;
II	G (portion)	132	Type I (over retail);
III	G (portion)	77	Type I (over retail); and
IV	G (portion)	106	Type III (over retail).

a. Purchase of Lots

Developer will provide Lots F and G for sale to the Agency for the purpose of constructing affordable housing. The lots will be in remediated condition with all necessary utilities stubbed out at the lot line and access roads completed along the lot frontage to back of curb prior to construction ("Finished Lot"). The Agency shall close escrow on Lots F and G no later than the date that is 90 days after such lots are completed as Finished Lots (completion currently estimated at fourth quarter of 2009 to first quarter of 2010; therefore, closing is estimated to occur in first quarter of 2010 to second quarter of 2010).

b. Determination of Discounted Purchase Price

Value of the lots will be determined by an appraisal in consideration of the number of market rate residential units allowed to be built at the time the purchase transaction takes place (notwithstanding the affordability restriction contained in the Development Agreement/zoning), minus $1 million for each lot; subject to a minimum purchase price described below. The initial purchase price for Parcel G will be based upon that portion of the land allocated to the residential component, which shall be determined by dividing the sum of the square footage of all residential units and residential parking by the total building and parking square footage for the entire Parcel G development.

c. Minimum Purchase Price

The purchase price for Parcels F and G would be subject to a possible adjustment based on the developer's actual cost of providing the Finished Lot since the project has very slim margins of profit it cannot sustain losses which might occur if a parcel is sold significantly below the developers cost. Accordingly, a minimum purchase price is established that allows the purchase price to be adjusted upwards if the developer's cost of the finished, ready-to-build lot is more than the appraised value. The discounted purchase price may be adjusted up to the higher of the developers cost (not including profit) or the fair market value at the time of completion or remediation, utilities, and access. However, in no event would the purchase price of the lot be adjusted higher than the fair market value.

d. Early Purchase

The Agency would have the right to purchase Lots F and G prior to their completion as Finished Lots (with the Developer remaining obligated to remediate the property and install the applicable

improvements) in return for a discount on the Purchase Price equal to a percentage discount rate multiplied by the number of years each lot is purchased prior to being completed as a Finished Lot. This discount would apply regardless of any adjustments made under the minimum purchase price provisions described above. The discount would be determined by taking a discount rate per year and multiplying it by the number of years the Agency purchases the lot before it is ready to build on. The discount rate for the lots will be a blend of Developer's preferred return and Developer's cost of financing reflecting the proportions of each in Phase I. For example, if the cost of financing is 8% and the preferred return on equity is 10% and the proportions of financing and equity are 75% financing and 25% equity, then the blended rate would be 8.5%. If the lots are then purchased two years early the discount would be 17%.

e. Additional Contribution

The Developer will make an additional contribution toward affordable housing equal to $2,000,000, with $1,000,000 payable at the time of building permit issuance on Parcel F and $1,000,000 payable at the time of building permit issuance on Parcel G.

f. Commercial Shell and Parking Purchase Provision

Upon completion of the commercial shell and parking for Parcel G, the Developer will purchase the commercial shell and parking at the cost of construction to the Agency or affordable housing developer, including financing and equity costs and developer overhead.

g. Development Rights Transfer

The developer may propose to purchase the right to build market rate units from the pool of affordable units allocated to Parcel G, along with the land value then associated with the units to be sold. Such a purchase would not affect any other contribution toward affordable housing to which the developer would still be bound. The developer may transfer the development rights to any other area within the development and use the rights for development of market rate units.

h. Construction of Affordable Housing

The Agency will warrant that it will cause to be constructed affordable housing units when it is economically feasible for the Agency to do so, subject to bonding constraints, Oak to Ninth project build out schedule, anticipated State funding to cover part of the needed subsidy as such program exists in 2006, and anticipated growth in tax increment from the Central City East Redevelopment Area and other areas contributing to the city-wide housing tax increment pool. It is anticipated that the Agency will fund the construction of units based on the following schedule:

(1) Parcel F (Phase 1): No later than July 1, 2013 and when 1000 market rate units have been completed and are on the tax roll.

(2) Parcel G (Phase II): No later than July 1, 2016 and when 1800 market rate units have been completed and are on the tax roll.

(3) Parcel G (Phase III): No later than July 1, 2017 and when 2100 market rate units have been completed and are on the tax roll.

(4) Parcel G (Phase IV): No later than July 1, 2018 and when 2300 market rate units have been completed and are on the tax roll.

The Agency may elect to construct sooner provided sufficient funding is available. Further, the Agency shall covenant to limit the use of the Oak to Ninth project set aside funds to the acquisition and development of Lots F and G until the completion thereof.

i. Affordability Level

Units will be affordable to households at between 30% and 60% of Adjusted Median Income

j. Unit Types

Up to 25 percent of all units may be configured for seniors. At least 30 percent of all non-senior units will be three bedroom units and at least 20 percent of all non-senior units will be two bedroom units.

k. Environmental Remediation of Estuary Park

To the extent that the City Council may decide to provide funds for environmental remediation of Estuary Park, the developer has agreed to provide additional subsidy for affordable housing equal to the amount of any remediation the Council funds. This will cause the park to be built earlier than would otherwise be feasible. Additionally, this will cause two of the four phases of affordable housing to be funded one year earlier than would otherwise be feasible and would result in citywide affordable housing funds being available for use elsewhere in the City. The developer proposes to pay interest on any funding provided by the City for environmental remediation equal to the rate the Redevelopment Agency would otherwise get, until such time as the first phase of Oak to Ninth affordable housing is built, at which time the developer would provide funding equal to the environmental remediation contribution plus interest to the Agency for use in funding affordable housing within the Oak to Ninth Mixed Use Development Project.

Part 1: Standard Conditions of Approval – General Administrative Conditions

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1. **Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, **October 19, 2016 Planning Commission staff report,** and the approved plans , as amended by the following conditions of approval and mitigation measures, if applicable ("Conditions of Approval" or "Conditions").

2. **Effective Date, Expiration, Extensions and Extinguishment**

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire **no later than expiration or termination of the "Development Agreement between City of Oakland, Redevelopment Agency of the City of oakalnd, and Oakland Harbor Partners, LLC"** 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. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. **Compliance with Other Requirements**

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

4. **Minor and Major Changes**

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

5. Compliance with Conditions of Approval

a. The project applicant and property owner, including successors, (collectively referred to hereafter as the "project applicant" or "applicant") shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.

b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant's expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.

c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

6. Signed Copy of the Approval/Conditions

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

7. Blight/Nuisances

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

8. Indemnification

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

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

9. Severability

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

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

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

11. Public Improvements

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

12. Compliance Matrix

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

13. Construction Management Plan

Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department and the Public Works Department as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management (see applicable Conditions below). The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

Part 2: Standard Conditions of Approval – Environmental Protection Measures

GENERAL

14. Regulatory Permits and Authorizations from Other Agencies

Requirement: The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.

When Required: Prior to activity requiring permit/authorization from regulatory agency

Initial Approval: Approval by applicable regulatory agency with jurisdiction; evidence of approval submitted to Bureau of Planning

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

AESTHETICS

15. Graffiti Control

Requirement:

a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
   i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
   ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
   iii. Use of paint with anti-graffiti coating.
   iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
   v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.

b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:

i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.

ii. Covering with new paint to match the color of the surrounding surface.

iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

16. Landscape Plan

a. Landscape Plan Required

Requirement: The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. Landscape Installation

Requirement: The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of $2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

BIOLOGICAL RESOURCES

17. Tree Removal During Bird Breeding Season

Requirement: To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

When Required: Prior to removal of trees

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

18. Tree Permit

a. Tree Permit Required

Requirement: Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit.

When Required: Prior to approval of construction-related permit

Initial Approval: Permit approval by Public Works Department, Tree Division; evidence of approval submitted to Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Tree Protection During Construction

Requirement: 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:

i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project's consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.

ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.

iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.

iv. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.

v. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.

vi. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

When Required: During construction

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

c. Tree Replacement Plantings

Requirement: Replacement plantings shall be required for tree removals for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade, in accordance with the following criteria:

i. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.

ii. Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica

(California Buckeye), Umbellularia californica (California Bay Laurel), or other tree species acceptable to the Tree Division.

iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.

iv. Minimum planting areas must be available on site as follows:

- For Sequoia sempervirens, three hundred fifteen (315) square feet per tree;
- For other species listed, seven hundred (700) square feet per tree.

v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City's Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.

vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant's expense.

When Required: Prior to building permit final

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

GEOLOGY AND SOILS

19. Construction-Related Permit(s)

Requirement: The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

HAZARDS AND HAZARDOUS MATERIALS

20. Hazardous Materials Related to Construction

Requirement: The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:

a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;

b. Avoid overtopping construction equipment fuel gas tanks;

c. During routine maintenance of construction equipment, properly contain and remove grease and oils;

d. Properly dispose of discarded containers of fuels and other chemicals;

e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and

f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

HYDROLOGY AND WATER QUALITY

21. Erosion and Sedimentation Control Measures for Construction

Requirement: The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

22. Erosion and Sedimentation Control Plan for Construction

a. Erosion and Sedimentation Control Plan Required

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

b. Erosion and Sedimentation Control During Construction

Requirement: The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

23. State Construction General Permit

Requirement: The project applicant shall comply with the requirements of the Construction General Permit issued by the State Water Resources Control Board (SWRCB). The project applicant shall submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and other required Permit Registration Documents to SWRCB. The project applicant shall submit evidence of compliance with Permit requirements to the City.

When Required: Prior to approval of construction-related permit

Initial Approval: State Water Resources Control Board; evidence of compliance submitted to Bureau of Building

Monitoring/Inspection: State Water Resources Control Board

24. Site Design Measures to Reduce Stormwater Runoff

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate site design measures into the project to reduce the amount of stormwater runoff. These measures may include, but are not limited to, the following:

a. Minimize impervious surfaces, especially directly connected impervious surfaces and surface parking areas;
b. Utilize permeable paving in place of impervious paving where appropriate;
c. Cluster structures;
d. Direct roof runoff to vegetated areas;
e. Preserve quality open space; and
f. Establish vegetated buffer areas.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

25. Source Control Measures to Limit Stormwater Pollution

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant shall incorporate appropriate source control measures to limit pollution in stormwater runoff. These measures may include, but are not limited to, the following:

a. Stencil storm drain inlets "No Dumping – Drains to Bay;"
b. Minimize the use of pesticides and fertilizers;
c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas;
d. Cover trash, food waste, and compactor enclosures; and
e. Plumb the following discharges to the sanitary sewer system, subject to City approval:
f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants;
g. Dumpster drips from covered trash, food waste, and compactor enclosures;
h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories;
i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and
j. Fire sprinkler teat water, if discharge to on-site vegetated areas is not feasible.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

26. NPDES C.3 Stormwater Requirements for Regulated Projects

a. Post-Construction Stormwater Management Plan Required

Requirement: The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge

Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:

i. Location and size of new and replaced impervious surface;
ii. Directional surface flow of stormwater runoff;
iii. Location of proposed on-site storm drain lines;
iv. Site design measures to reduce the amount of impervious surface area;
v. Source control measures to limit stormwater pollution;
vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and
vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.

When Required: Prior to approval of construction-related permit
Initial Approval: Bureau of Planning; Bureau of Building
Monitoring/Inspection: Bureau of Building

b. Maintenance Agreement Required

Requirement: The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:

i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures and/or conveyance to off-site treatment facilities being incorporated into the project until the responsibility is legally transferred to another entity; and
ii. Legal access to the on-site stormwater treatment measures and/or conveyance to off-site treatment facilities 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 maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

27. NPDES C.3 Stormwater Requirements for Small Projects

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant shall incorporate one or more of the following site design measures into the project:

a. Direct roof runoff into cisterns or rain barrels for reuse;
b. Direct roof runoff onto vegetated areas;
c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas;

d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas;
e. Construct sidewalks, walkways, and/or patios with permeable surfaces; or
f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.

The project drawings submitted for construction-related permits shall include the proposed site design measure(s) and the approved measure(s) shall be installed during construction. The design and installation of the measure(s) shall comply with all applicable City requirements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

28. Vegetation Management on Creekside Properties

Requirement: The project applicant shall comply with the following requirements when managing vegetation prior to, during, and after construction of the project:

a. Identify and leave "islands" of vegetation in order to prevent erosion and landslides and protect habitat;
b. Trim tree branches from the ground up (limbing up) and leave tree canopy intact;
c. Leave stumps and roots from cut down trees to prevent erosion;
d. Plant fire-appropriate, drought-tolerant, preferably native vegetation;
e. Provide erosion and sediment control protection if cutting vegetation on a steep slope;
f. Fence off sensitive plant habitats and creek areas if implementing goat grazing for vegetation management;
g. Obtain a Tree Permit before removing a Protected Tree (any tree 9 inches dbh or greater and any oak tree 4 inches dbh or greater, except eucalyptus and Monterey pine);
h. Do not clear-cut vegetation. This can lead to erosion and severe water quality problems and destroy important habitat;
i. Do not remove vegetation within 20 feet of the top of the creek bank. If the top of bank cannot be identified, do not cut within 50 feet of the centerline of the creek or as wide a buffer as possible between the creek centerline and the development;
j. Do not trim/prune branches that are larger than 4 inches in diameter;
k. Do not remove tree canopy;
l. Do not dump cut vegetation in the creek;
m. Do not cut tall shrubbery to less than 3 feet high; and
n. Do not cut short vegetation (e.g., grasses, ground-cover) to less than 6 inches high.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

29. Creek Protection Plan

a. Creek Protection Plan Required

Requirement: The project applicant shall submit a Creek Protection Plan for review and approval by the City. The Plan shall be included with the set of project drawings submitted to

the City for site improvements and shall incorporate the contents required under section 13.16.150 of the Oakland Municipal Code including Best Management Practices ("BMPs") during construction and after construction to protect the creek. Required BMPs are identified below in sections (b), (c), and (d).

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. Construction BMPs

Requirement: The Creek Protection Plan shall incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect the creek during construction. The measures shall include, but are not limited to, the following:

i. On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the creek.

ii. The project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent biodegradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.

iii. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.

iv. All work in or near creek channels must be performed with hand tools and by a minimum number of people. Immediately upon completion of this work, soil must be repacked and native vegetation planted.

v. Install filter materials (such as sandbags, filter fabric, etc.) acceptable to the City at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.

vi. Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.

vii. Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek.

viii. Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the creek or storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.

ix. Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.

x. Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.

xi. Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the creek, street, gutter, or storm drains.

xii. All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB).

xiii. Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction (or both sides of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of the City.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

c. Post-Construction BMPs

Requirement: The project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains. The Creek Protection Plan shall include site design measures to reduce the amount of impervious surface to maximum extent practicable. New drain outfalls shall include energy dissipation to slow the velocity of the water at the point of outflow to maximize infiltration and minimize erosion.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

d. Creek Landscaping

Requirement: The project applicant shall include final landscaping details for the site on the Creek Protection Plan, or on a Landscape Plan, for review and approval by the City. Landscaping information shall include a planting schedule, detailing plant types and locations, and a system to ensure adequate irrigation of plantings for at least one growing season.

Plant and maintain only drought-tolerant plants on the site where appropriate as well as native and riparian plants in and adjacent to riparian corridors. Along the riparian corridor, native plants shall not be disturbed to the maximum extent feasible. Any areas disturbed along the riparian corridor shall be replanted with mature native riparian vegetation and be maintained to ensure survival.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

*e. **Creek Protection Plan Implementation***

Requirement: The project applicant shall implement the approved Creek Protection Plan during and after construction. During construction, all erosion, sedimentation, debris, and pollution control measures shall be monitored regularly by the project applicant. The City may require that a qualified consultant (paid for by the project applicant) inspect the control measures and submit a written report of the adequacy of the control measures to the City. If measures are deemed inadequate, the project applicant shall develop and implement additional and more effective measures immediately.

When Required: During construction; ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

30. Creek Dewatering/Diversion

Requirement: The project applicant shall submit a Dewatering and Diversion Plan for review and approval by the City, and shall implement the approved Plan. The Plan shall comply, at a minimum, with the following:

a. All dewatering and diversion activities shall comply with the requirements of all necessary regulatory permits and authorizations from other agencies (e.g., Regional Water Quality Control Board, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and Army Corps of Engineers).

b. All native aquatic life (e.g., fish, amphibians, and turtles) within the work site shall be relocated by a qualified biologist prior to dewatering, in accordance with applicable regional, state, and federal requirements. Captured native aquatic life shall be moved to the nearest appropriate site on the stream channel downstream. The biologist shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets, and by hand. Captured aquatic life shall be released immediately in the nearest appropriate downstream site. This condition does not allow the take or disturbance of any state or federally listed species, nor state-listed species of special concern, unless the applicant obtains a project specific authorization from the California Department of Fish and Wildlife and/or the U.S. Fish and Wildlife Service, as applicable.

c. If any dam or other artificial obstruction is constructed, maintained, or placed in operation within the stream channel, ensure that sufficient water is allowed to pass down channel at all times to maintain native aquatic life below the dam or other artificial obstruction.

d. Construction and operation of dewatering/diversion devices shall meet the standards contained in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board.

e. Coffer dams and/or water diversion system shall be constructed of a non-erodable material which will cause little or no siltation. Coffer dams and the water diversion system shall be maintained in place and functional throughout the construction period. If the coffer dams or

water diversion systems fail, they shall be repaired immediately based on the recommendations of a qualified environmental consultant. The devices shall be removed after construction is complete and the site is stabilized.

f. Pumped water shall be passed through a sediment settling device before returning to the stream channel. Velocity dissipation measures are required at the outfall to prevent erosion.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

31. Structures in a Flood Zone

Requirement: The project shall be designed to ensure that new structures within a 100-year flood zone do not interfere with the flow of water or increase flooding. The project applicant shall submit plans and hydrological calculations for City review and approval with the construction-related drawings that show finished site grades and floor elevations elevated above the Base Flood Elevation (BFE).

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

32. Bay Conservation and Development Commission (BCDC) Approval

Requirement: The project applicant shall obtain the necessary permit/approval, if required, from the Bay Conservation and Development Commission (BCDC) for work within BCDC's jurisdiction to address issues such as but not limited to shoreline public access and sea level rise. The project applicant shall submit evidence of the permit/approval to the City and comply with all requirements and conditions of the permit/approval.

When Required: Prior to activity requiring permit/approval from BCDC

Initial Approval: Approval by BCDC; evidence of approval submitted to Bureau of Planning

Monitoring/Inspection: BCDC

TRANSPORTATION/TRAFFIC

33. Construction Activity in the Public Right-of-Way

a. Obstruction Permit Required

Requirement: The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets and sidewalks.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Traffic Control Plan Required

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian detours, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The project applicant shall implement the approved Plan during construction.

When Required: Prior to approval of construction-related permit

Initial Approval Public Works Department, Transportation Services Division

Monitoring/Inspection: Bureau of Building

c. ***Repair of City Streets***

Requirement: The project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

PROJECT-SPECIFIC CONDITIONS OF APPROAL

34. Additional Submittals Subject to Staff-Level Determination of Compliance

Requirement: At the time of first construction permit application submittal for each parcel included in this permit, the Applicant shall submit the following documents for staff-level review and determination of compliance with this permit:

- Fee: Applicant shall submit payment to accommodate staff-level review of compliance with this condition of approval equivalent to the Category IV Creek Permit application fee at the time of a complete compliance review submittal on the subject parcel.
- Site Plan
- Creek Protection Plan
- Hydrology Report
- Demonstration of compliance with Oak to Ninth Avenue Project Environmental Impact Report (and technical studies)
- Final Development Permit Approval for affected site (including approval letter and stamped plans): If FDP is substantially different from PDP dated October 2006 and/or relies on a revision to the October 2006 PDP, then the affected construction-related permit is subject to a new and separate creek permit at the time of submittal.

If staff determines that there are substantive changes to the site plan for the affected parcel since approval of this Master Creek Permit, the construction-related permit shall be subject to the Creek Permit procedure in place at the time of application for said construction-related permit. Substantive changes include, but are not limited to: change in grading concept and change in building footprint.

When Required: Prior to approval of construction-related permit on any affected parcel

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

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Applicant Statement

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

_____

Name of Project Applicant

_____

Signature of Project Applicant

_____

Date