

Location:	1100 Broadway (APN: 002 -0051-006-02)
Proposal:	Extension of the planning entitlements to construct a 20-story commercial office building and rehabilitate the Key System Building. The total Project would include 310,285 sq. ft. of office and 9,810 sq. ft. of retail.
Applicant:	Daniel Kingsley
Phone Number:	(415)421-8200
Owner:	SKS Broadway, LLC
Case File Number:	CMD07-390/ER07-0015
Planning Permits Required:	Extension of the Major Conditional Use Permit for a Large-Scale Development (100,000 square feet of new floor area, or a new building more than one hundred twenty 120' in height); Minor Conditional Use Permit for loading at the ground floor; and Design Review.
General Plan:	Central Business District
Zoning:	Previously: C-55 Central Core Commercial Zone; S-8 Urban Street Combining Zone; S-17 Downtown Residential Open Space Combining Zone Currently: CBD-P Central Business District Pedestrian Retail Commercial Zone
Environmental Determination:	A Final Environmental Impact Report was certified on May 6, 1998 (Case File ER97-0032). An Addendum to the previous EIR was certified on February 13, 2008 (Case File ER07-0015).
Historic Status:	The existing building, located on the southern portion of the site, is known as the Key System Building, and formerly the Security Bank and Trust Building. This building is a City Landmark and is rated A1+, of the "highest importance" by the Oakland Cultural Heritage Survey. Furthermore, the building is also listed on the National Register of Historic Places. The building is also an anchor and primary contributor to the Downtown Oakland Historic District, an Area of Primary Importance (API).
Service Delivery District:	Downtown Metro
City Council district	2
Status:	Planning Commission approval on February 13, 2008. Entitlements extended through December 31, 2016.
Staff Recommendation	Decision based on staff report
Finality of Decision:	Appealable to City Council within 10 days
For further information:	Contact case planner Heather Klein at 510 238-3659 or by e-mail at hklein@oaklandnet.com .

SUMMARY

The applicant for the commercial project at 1100 Broadway has requested an extension of the entitlements originally approved by the Planning Commission in 2008 (*Attachment A*). The Project applicant has taken advantage of the administrative options for extensions, and the entitlements will expire on December 31, 2016. However, adopted Condition of Approval #2 allows for the Project applicant to request further extensions of the entitlements from the Planning Commission if an application is submitted prior to the expiration date. The Project applicant filed for an extension on October 13, 2016.

According to the Project applicant, they have been working diligently to find a potential tenant for the space which included the University of California, the Metropolitan Transportation Commission, Salesforce, Uber and others. Unfortunately, these businesses have chosen to relocate in other areas and the office market is not robust yet to construct the project without an anchor tenant. In addition, the project applicant needs to secure extensions to the Owner Participation Agreement to acquire the City-owned garage at 409 12th Street. The extension would provide the applicant with additional time in order to facilitate development of the project and staff is supportive of the time extension.

The Project will provide Class A commercial space on a vacant lot, facilitate and promote downtown's position as the primary office center for the region, and rehabilitate a historic Oakland Landmark in conformance with the City's zoning and General Plan goals and policies.

BACKGROUND

On February 13, 2008, the Planning Commission approved a Major Conditional Use Permit for a Large-Scale Development (100,000 square feet of new floor area, or a new building more than one hundred twenty 120' in height); a Minor Conditional Use Permit for loading at the ground floor; and Design Review for the construction of a 20-story commercial office building and rehabilitation of the historic Key System Building at 1100 Broadway between 11th and 12 Streets. (*Attachment B*).

From 2009 through 2015, the Oakland City Council passed Resolutions (81723, 83424, 83989, 84746 and 85305 C.M.S.) to allow automatic extensions of active land use entitlements due to the economic recession. The Project applicant took advantage of the Resolutions to extend their planning entitlements. In addition, on December 23, 2015, per Condition of Approval #2, the City administratively extended the Project entitlements until December 31, 2016.

PROJECT DESCRIPTION

Extension Request

In conformance with adopted Condition of Approval #2, the Project applicant submitted an application on October 13, 2016 requesting an extension of the entitlements from the Planning Commission. As noted above in the *Background* section, the approved permit for this application is still active. Unless the Planning Commission approves a time extension request, the approved permit will expire, and the Project applicant will need to apply for a new development permit in accordance with the new Planning Code.

Approved Project Use and Design

The Project plans show a new 20-story contemporary building which will connect to and rise 12-stories above the existing Key System Building. The total Project would include 310,285 sq. ft. of office and 9,810 sq. ft. of retail.

The design is typical of a new Class A office building and is similar in style to the adjacent APL building, the Ask (T-9) building, and the Clorox building. The design will highlight and not detract from the historic building, suggesting rather than overtly mimicking, a tripartite vertical composition (base, shaft, and capital). The proposed materials include three different types of glass, with stone accents at the base of the aluminum columns. The top of the proposed office tower would be capped with sloped forms created by the rooftop mechanical structure to provide a distinctive termination and profile to the building. The proposed building will connect to the Key System Building which will be rehabilitated per the Secretary of the Interior's Standards.

ZONING AND GENERAL PLAN ANALYSIS

The previous zoning of the Project site was C-55 Central Core Commercial Zone; S-8 Urban Street Combining Zone; S-17 Downtown Residential Open Space Combining Zone. Since the Project was approved, the zoning of the site has been changed to the CBD-P Central Business District Pedestrian Retail Commercial Zone. The C-55 and CBD-P zoning permit a maximum floor area ratio (FAR) of 20. The Project has an FAR of 15.58, well under the maximum allowed. However, the current zoning includes several requirements such as ground floor height, base height and tower height that were not required in the previous zoning. Based on a cursory review the project is in conformance with the Planning Code.

Per the previous 2008 Findings for approval, the Project's location, size, design and operating characteristics are compatible with abutting properties; will enhance surrounding neighborhood; not adversely affect the exterior features of the designated landmark; and is an attractive design that conforms to the City's design review criteria. Furthermore, the Project is clearly in conformance with the City's General Plan policies and intent for the site including the Land Use and Transportation Element of the General Plan as well as the Historic Preservation Element.

DISCUSSION

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

CONCLUSION AND RECOMMENDATIONS

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

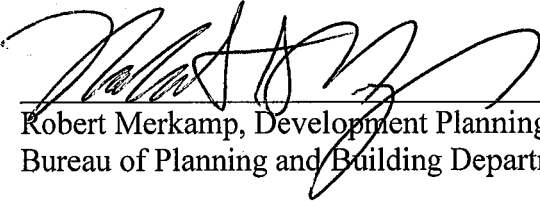
Therefore, staff recommends that the Planning Commission:

1. Approve a one-year extension of Project approvals until December 31, 2017, subject to the previously approved Findings and Conditions of Approval and the additional Condition of Approval regarding the imposition of impact fees.

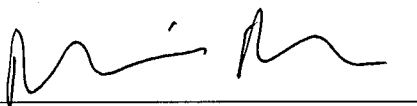
Prepared by:


Heather Klein, Planner IV

Reviewed by:


Robert Merkamp, Development Planning Manager
Bureau of Planning and Building Department

Approved for forwarding to the Planning Commission:


Darin Ranelletti, Interim Director
Bureau of Planning

ATTACHMENTS:

- A. Applicant's extension letter of request, dated October 13, 2016
- B. Staff Report (Excerpt), dated June 18, 2008

FINDINGS FOR APPROVAL

See Attachment B: CMD07-390 Staff Report

ADDITIONAL CONDITION OF APPROVAL

The following condition of approval shall be added to the adopted conditions of approval for case file CMD07-390 upon extension of applicable entitlements beyond December 31, 2015:

The Project approved under Case File CMD07-390 is subject to, and Applicant shall agree to pay, the development impact fees that were adopted by the City Council per Ordinances 13365 and 1366.



601 California Street, Suite 1310
San Francisco CA 94108
415 421 8200 Telephone
415 421 8201 Telefax

October 13, 2016

Heather Klein
Planner III
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Heather,

Pursuant to Condition of Approval #2 we are requesting an extension of the Planning Commission approvals for 1100 Broadway (Case File No. CMD07-390/ER07-0015) through December 31, 2017.

Throughout the approval extension period, SKS will continue to maintain the site and keep it clear of debris, trash, and anything that could pose a public health risk.

Enclosed is a check for \$1,678.31 to process this request. Please do not hesitate to call if you require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel R. Kingsley".

Daniel R. Kingsley
Managing Partner

CC: Noa Clark, Pillsbury
Steven Wolmark

ATTACHMENT A



October 17, 2016

Heather Klein
Planner III
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

601 California Street, Suite 1310
San Francisco CA 94108
415 421 8200 Telephone
415 421 8201 Telefax

Dear Heather,

In follow up to my letter of 10/13/16 in which I requested an extension of the Planning Commission approvals for the 1100 Broadway project (the "Project"), I would like to provide some background on the current status of the project and our rationale for this request.

SKS acquired the 1100 Broadway property in February 2007 and received unanimous Planning Commission approval in February 2008 for the Project as currently entitled. The Project is also subject to an Owner Participation Agreement ("OPA") with the Oakland Redevelopment Successor Agency and SKS has the right (documented in the "Garage PSA") to acquire a City-owned garage located at 409 12th Street at such time that the Project commences construction.

Since February 2008, SKS has worked diligently to champion Oakland and market downtown and the Project to prospective tenants that have included the University of California, the Metropolitan Transportation Commission, Salesforce, Levi's, Clorox, Uber and AECOM. SKS also played a leading role in the formation of the Downtown Oakland and Lake Merritt/Upton Business Improvement Districts and still plays an active leadership role in these organizations.

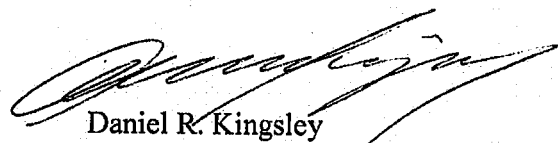
Despite the current strength of Oakland's office market, the leasing environment is not yet robust enough to make the financing and construction of the Project feasible within the timeframe of the existing entitlements. SKS cannot secure construction financing for the Project without an anchor tenant to take at least 50% of the building (~150K SF).

The requested extension to the Project's entitlements will give SKS adequate time to continue to promote Oakland and the Project until a lease can be secured that will allow for the financing and construction of 1100 Broadway. SKS worked closely with City staff to secure approvals for extensions to the OPA and Garage PSA for the same reasons.

The construction of the Project will result in the redevelopment of a prominent block in downtown Oakland, the generation of ~\$1.7MM in annual property tax revenue, the creation of one million craft labor hours of construction employment and the location for 1,500 permanent jobs.

We look forward to continuing to work with you and your colleagues in the City to advance this project. Please do not hesitate to call if you require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel R. Kingsley', written in a cursive style.

Daniel R. Kingsley
Managing Partner

CC: Noa Clark, Pillsbury
Steven Wolmark

SKS

Location:	1100 Broadway (see map on the reverse)
Assessors Parcel Number:	(APN: 002 -0051-006-02)
Proposal:	Construction of a 20-story commercial office building that would connect to the historic Key System Building. The proposal would also include the rehabilitation of the Key System Building. The total project would include 310,285 sq. ft. of office and 9,810 sq. ft. of retail.
Applicant:	SKS Broadway, LLC
Contact Person /	Daniel Kingsley c/o
Phone Number:	(415)421-8200
Owners:	SKS Broadway, LLC
Planning Permits Required:	Major Conditional Use Permit for a Large-Scale Development (100,000 square feet of new floor area, or a new building more than one hundred twenty 120' in height); Minor Conditional Use Permit for loading at the ground floor in the S-8 Zone; and Design Review.
General Plan:	Central Business District
Zoning:	C-55 Central Core Commercial Zone S-8 Urban Street Combining Zone S-17 Downtown Residential Open Space Combining Zone
Environmental Determination:	An Addendum has been prepared to previously certified EIR
Historic Status:	The existing building, located on the southern portion of the site, is known as the Key Systems Building, and formerly the Security Bank and Trust Building. This building is a City Landmark and is rated A1+, of the "highest importance" by the Oakland Cultural Heritage Survey. Furthermore, the building is also registered on the National List of Historic Places. The building is also an anchor and primary contributor to the Downtown Oakland Historic District, an Area of Primary Importance (API).
Service Delivery District:	Downtown Metro
City Council district	2
Date Filed:	September 4, 2007
Staff Recommendation	Decision based on staff report
Finality of Decision:	Appealable to City Council within 10 days
For further information:	Contact case planner Heather Klein at 510 238-3659 or by e-mail at hklein@oaklandnet.com .

SUMMARY

On May 6, 1998 the Planning Commission approved a Major Conditional Use Permit, Minor Variance, and Design Review application, as well as certifying the Final Environmental Impact Report for the construction of a 150 room hotel with ground floor retail and restaurant use (the EIR also analyzed an office building alternative). The site was on a through-lot bounded by 11th Street, Broadway, and 12th Street. The approved project would involve the rehabilitation of the historic Key System Building, demolition of the 2-story Key System Annex, and construction of a five and seven story addition to the north of the Key System Building. The project was never constructed and the Annex was later demolished for public safety reasons.

(Contains map showing the project site and general vicinity)

On February 24, 2006 the previous project sponsor submitted a new application to rehabilitate the Key System Building and construct an 188,749 sq. ft. office building with ground floor retail and restaurant use. The office project was approved but never built.

The site was sold and the current project applicant has submitted a proposal to construct a 20-story commercial office building that would connect to the historic Key System Building. The proposal would also include the rehabilitation of the Key System Building. The total project would include 310,285 sq. ft. of office and 9,810 sq. ft. of retail.

The purpose of this report is to provide information and seek approval for a building larger and decidedly different in design than the previously approved 1998 hotel project and the 2006 office project located on the same site.

Below is a table that outlines the changes from the approved project and office alternative analyzed in 1998 EIR, as well as the 2006 office project.

Project Component	Approved 1998 Hotel Project	EIR Office Alternative Project (1998)	Approved 2006 Office Project	Proposed Office Project
Use	150 room hotel	Office	Office	Office
Height of Addition	5-7 stories (105')	20 stories	11 stories (176')	20 stories
Design and Materials	Granite base/ Brick veneer	No materials described	Stone/ Precast Concrete/ Metal Spandrels	Glass with stone accents at the base of the columns
Total Building Square Footage	119,500 sq. ft.	300,000 sq. ft.	188,749 sq. ft.	310,285 sq. ft.
Retail Square Footage	2,400 sq. ft.	No retail described	11,440 sq. ft.	9,810 sq. ft.
Parking Spaces	75 leased spaces	75 leased spaces	145 spaces	145 spaces

Since the 1998 hotel project's entitlements have expired and the new applicant has expanded the scope of the 2006 office project, the current proposal requires a new Major Conditional Use Permit for a Large-Scale Development (100,000 square feet of new floor area, or a new building more than one hundred twenty 120' in height); a Minor Conditional Use Permit for loading and General Food Sales activities at the ground floor in the S-8 Zone; and Design Review. Additional discussion of these issues is provided later in the *Zoning Analysis* Section.

The EIR for the 1998 hotel project identified significant and unavoidable impacts related to Visual Quality and Architectural Resources. Specifically, these impacts included demolition of the Annex and rehabilitation of the Key System Building such that it was inconsistent with the City's Design Review Criteria. Neither of these impacts were considered significant and unavoidable (refer to the *Environmental Review* section for further discussion) in the 2006 Addendum to the EIR and are still not considered significant and unavoidable today since the Annex has already been demolished for safety reasons and the design of the proposed project was found to meet the Design Review Criteria for landmark buildings by the Landmarks Preservation Advisory Board (LPAB). Other previously identified impacts that can be mitigated to less than significant levels include impacts on air quality, noise, and visual quality and architectural resources.

SITE DESCRIPTION

The project site is located at 1100 Broadway, on a through lot bounded by 11th Street, 12th Street and Broadway, within the Downtown Historic District. To the north, across 12th Street, is the Oakland Bank of Savings Building. This building is a DHP with a rating of A1+. Diagonally to the northwest is the Clorox Building containing commercial offices. To the west, across Broadway is the ±27-story Shorenstein Building. Diagonally to the southwest are the Marriot Hotel and the Oakland Convention Center. Across 11th Street to the south is the Trans Pacific Building. Directly adjacent to the east of the project site is an office building owned by the University of California or UCOP Building.

PROJECT BACKGROUND

An Environmental Impact Report (EIR) for a 150 room hotel with 2,400 sq. ft. of retail space and restaurant seating for approximately 115 persons on the ground floor was certified by the Planning Commission on May 6, 1998. This approval also included the Major Conditional Use Permit, Minor Variance, and Design Review entitlements. The approved project would have involved the rehabilitation of the historic Key System Building, demolition of the 2-story Key System Annex, and construction of a five and seven story addition to the north of the Key System Building. The project was never constructed. Since the previous approval, much of the interior has deteriorated or was demolished by the previous owner. The Annex was deemed a safety hazard and was demolished in late 1998.

On February 24, 2006, Swinerton Builders and Eastmont Properties submitted a new application to rehabilitate the Key System Building and construct an 188,749 sq. ft. office building with ground floor retail and restaurant use. This project was entitled on August 16, 2006, but never built. The project site was subsequently sold to SKS Development.

PROJECT DESCRIPTION**Building Program and Floor Plans**

The project sponsor proposes to rehabilitate the existing Key Systems Building and construct a 20-story commercial office building connection. The project would include 310,285 sq. ft. of office and 9,810 sq. ft. of retail. The ground floor plan shows two retail spaces, the main office entrance, loading docks, conference space, back of building services, and a connection to the existing building to the rear of the project site. The ground floor also includes an indoor open space area with a fountain, seating, plants, and a cistern. The 3rd through 8th floors contain offices in the new and open floor plan. On the roof of the Key System Building, at the 9th floor, is a garden terrace. Floors 10-20 contain office space. See Attachment A for project plans and elevations

Key System Building

The applicant is proposing to rehabilitate the Key System Building. Per Mitigation Measure E.1b in the 1998 Environmental Impact Report, a historic architect was retained by the applicant. His role was to ensure that the rehabilitation of the Key System Building conforms to the Secretary of the Interior's Standards and the City's design review criteria. See Attachment B for a more detailed explanation. His recommendations have been included as Conditions of Project Approval #51.

Contemporary Office Building Addition

The project plans show a new contemporary building which will connect to and rise 12-stories above the existing Key System Building. Staff believes this will highlight and not detract from the historic building. The design is typical of a new Class A office building and is similar in style to the adjacent APL building,

the Ask (T-9) Building, and the Clorox building. The relationship between the Key System Building and the proposed construction will be visually similar to the Wells Fargo Building and the Financial Center building at the corner of 14th Street and Jackson.

The design of the new office tower would suggest, rather than overtly mimic, a tripartite vertical composition (base, shaft, and capital). Like the Key System Building, the proposed office tower would have a double-height, transparent ground-floor level (floors 1 and 2). It would be set back (13-17') from the Broadway and 12th Street property lines, revealing the horizontal soffit (underside) of the third floor. An awning along Broadway would announce the entrance to the office tower. The brick façade of the Key System Building will be seen from inside the new office building. On the shaft, the curtain wall mullion grid of the proposed building would be vertical in expression. The mullion grid would stand out from the plane of glass and would organize large planes of glass into smaller human-scaled pieces. The materials include three different types of glass, with stone accents at the base of the aluminum columns. Wind turbines are depicted on the north elevation and south elevation along with metal sunshades.

The top of the proposed office tower would be capped with sloped forms created by the rooftop mechanical structure with a sloped shed roof and by the extension of the west and east facade planes above the roof level. These sloped forms provide a distinctive termination and profile to the building.

Green Building

The proposed office tower would incorporate a number of green building features and would seek the US Green Building Council's LEED™ Silver rating or higher. The proposed green building features would include onsite power generation through photovoltaic solar panels and/or wind turbines, a high-performance glazing system, a highly efficient HVAC system with raised-floor air distribution, rainwater collection and reuse, recycled content materials, and the utilization of a vacant infill parcel directly adjacent to a major transit center. Most importantly, the project applicant will rehabilitate, as opposed to requesting demolition of the Key System Building. Since new construction and building operations result in 30% of raw materials use and 30% of waste output/136 million tons annually within the United States, the preservation of the building is the ultimate in material reuse.

The project analyzed in the 1998 EIR simulated the design and proportions of the Key System Building. Many comments received during the EIR process, noted that that design diminished the Key System Building by trying to create a sense of false historicism. The contemporary glass design was proposed in response to comments in the certified EIR. The proposed project is designed to appear as if the proposed office tower and the Key System building are two separate buildings (despite the removal of much of the Key System Building's north lot line wall and structural and functional integration of the two on the interior). This approach allows the proposed 20-story office tower to behave visually as a distinct new infill building within the Downtown Oakland Historic District, while allowing the existing Key System Building to continue to function as an adjacent individually significant and contributing building within the historic district. Staff believes that the proposed design would not alter the building's ability to be listed on the Local Register, the California Register or the National Register of Historic Places. The LPAB agreed with the initial design approach at the November 5, 2007 and gave a final recommendation of approval to be forwarded to the full Planning Commission on December 10, 2007. In addition, the Design Review Committee also reviewed the proposal on October 24, 2007 and was favorable toward the design and the overall approach.

GENERAL PLAN ANALYSIS

Land Use and Transportation Element of the General Plan

The General Plan designation for the project site is Central Business District (CBD). The .5 acre project site has a maximum Floor Area Ratio (FAR) of 20.0 while the project is only proposing a commercial FAR of 15.58. The project is under the maximum FAR permitted by the CBD designation.

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

The following General Plan Land Use and Transportation Policies and Objectives apply to the proposed project:

Objective D4: Increase the economic vitality of downtown. **The project will provide new commercial space, thereby increasing job opportunities in Oakland. This increase in commercial /office activity will support the growing residential population in Downtown. The combination of job opportunities, residences, and cultural destinations will attract people and encourage a vibrant to downtown Oakland.**

Objective D6: Eliminate blight caused by underutilized properties. **A major goal of the Land Use and Transportation Element is to rehabilitate important and underutilized downtown buildings and encourage development on vacant parcels. In addition, the General Plan also encourages office in the downtown. This project accomplishes all three goals by rehabilitating the historic Key System Building and constructing a new office building on a parcel that has been vacant for almost a decade.**

Objective 7: Facilitate and promote downtown Oakland’s position as the primary office center for the region. **The project would provide approximately 310,000 sq. ft. of new office space in the heart of downtown Oakland, adjacent to City Center, many government buildings, and other commercial office high-rises. In addition, the project helps to “fill in” an important gap in the streetscape of Broadway spine with an appropriate use and intensity.**

Objective D8: Build near current office nodes near the 12th and 19th Street BART stations to establish these locations as the principal centers for office development in the city. **As stated above, the project would provide new office space. This project would be directly adjacent to the 12th Street BART station which would allow easy transportation for employees of the new project. This building, along with the other commercial/office buildings in the area, contributes to the General Plan’s goal of providing a principal center for office development in the city.**

The proposed project meets the referenced objectives, the general intent of the CBD land use designation, and is a good fit for this area.

Historic Preservation Element of the General Plan

The Historic Preservation Element of the General Plan is based on two broad "goals": to "use historic preservation to foster economic vitality and quality of life" and to "prevent unnecessary destruction of

properties of special historical, cultural, and aesthetic value." The Element spells out these goals through policies and actions that govern how the City will treat historic properties.

The Key System Building is an anchor and primary contributor to the "Downtown Historic District", an Area of Primary Importance (API). The building is also a Designated Historic Property (DHP) and City Landmark with a rating of A1+. In addition, the building is on the National Register of Historic Places. Therefore, several Historic Preservation policies apply to the proposed project. Tables 4-2 and 4-3 of the Historic Preservation Element describe the findings for new construction and rehabilitation to Landmarks or Preservation Districts. According to Table 4-2, new construction is permitted only if:

1. *The proposed project meets the Secretary of the Interior's Standards for the Treatment of Historic Properties; or*
2. *Secretary of the Interior's Standards do not legally apply to the proposal and the proposal will not affect the character of the property as determined by the Design Guidelines for Landmarks and Preservation Districts; or*
3. *The applicant has demonstrated that special circumstance exists that override strict application of the Secretary of the Interior's Standards as determined by the Guidelines; or*
4. *The applicant demonstrates that the property has no reasonable use and cannot generate a reasonable economic return in the absence of the proposal and that no alternatives are available to obtain such use or return.*

Staff believes that the project can meet finding 3. A special circumstance exists in that the Secretary of the Interior has standards for preservation, rehabilitation, restoration, and reconstruction but not for infill construction projects adjacent to historic structures. The current approach is to treat the project as if the proposed office tower and the Key System Building are two separate buildings (despite the fact that the Key System Building is structurally integrated into the proposed project). This approach allows the proposed 20-story office tower to behave visually as a distinct new infill building within the Downtown Oakland Historic District, while allowing the existing Key System Building to continue to function as an adjacent individually significant and contributing building within the historic district. By treating the new office tower as a separate structure in design, height, massing, and materials, the architect avoids the look of an over scaled addition to the historic structure. The LPAB and the DRC both agreed with this approach at separate public hearings. This approach will not materially alter the Key System Building's eligibility to remain or be included on the National, California, or Local Registers.

Table 4-3 outlines the findings for rehabilitation that meets the Secretary of the Interior's Standards. The project is meeting these and Mitigation Measure E.1b with the retention of a historic preservation architect who will develop a rehabilitation plan and monitor its implementation.

ZONING ANALYSIS

The project is located in the C-55 Central Core Commercial Zone. The C-55 zone is intended to "preserve and enhance a very high-intensity regional center of employment, shopping, culture, and recreation, and is appropriate to the core of the central district." Administrative (office) uses, General Retail, and General Food Sales and are permitted activities in the C-55 zone. Staff has calculated an FAR of 15.27 for the proposed project, however there is no maximum FAR stated in the C-55 zone.

Overlay Zones

The S-8 Urban Street Combining Zone and the S-17 Downtown Residential Open Space Combining Zone are additional zoning designations overlaid on the site. The S-8 zone is intended to create, preserve, and enhance compact, attractive, and clearly defined street and plaza spaces and to assure ground-level continuity of retail and consumer service uses along key shopping frontages, and is typically appropriate to major pedestrian shopping streets in the central district. In the S-8 zone, a General Food Sales use and loading at the ground level requires a Minor Conditional Use Permit. The S-17 zone allows for a reduced open space requirement of 75 sq. ft. per unit which is not applicable to the project since no residential units are proposed.

The following table depicts the project's comparison to the C-55 development standards:

Zoning Regulation Comparison Table

Criteria	Requirement C-55	Proposed	Comment
Yard – Front	0’*	0’	Meets the C-55 requirements.
Yard- Corner Lot Line	0’	0’	Meets the C-55 requirements.
Yard – Interior Lot Line	0’	0’	Meets the C-55 requirements.
Height	No maximum	273’ to the mechanical equipment	Meets the C-55 requirements.
Parking	0	0 (145)	Meets the C-55 requirements.
Loading	Commercial floor area between 150,000 and 299,999 sq. ft. = 2 berths	2 berths	Meets the C-55 requirements.
FAR	No maximum	15.27	Meets the C-55 requirements.

Table Notes:

* According to the definition of a front yard, the project site is a thorough lot which has two front yards and therefore no rear yard.

The criteria for review and approval of this facility at this location includes the following: The General Use Permit Criteria in Section 17.134.050 and 17.86.100, the Design Review Criteria in Section 17.136.070B, 17.86.110, and 17.102.030C, and findings per the Historic Preservation Element for Landmarks or Preservation Districts. All applicable criteria are analyzed and appropriate findings are made in the *Findings* Section of this report.

KEY ISSUES

Design Review

Staff presented the project before the LPAB on November 5, 2007 and December 10, 2007. They agreed that inclusion of the previous mitigation measures into the current project is an improvement over the previous design. The Board's comments were minimal regarding the rehabilitation of the exterior of the Key System Building and the proposed office tower, provided that staff includes the preservation architect's recommendations. These are included as Condition #51. Overall, the Board believed that all of the previous conditions were appropriate to be included in this current proposal.

Staff has no additional major design issues regarding the project. Staff still believes that the ground floor and the roof can be refined. However, staff believes that these refinements can be handled administratively as the project proceeds through design development and staff has included a condition of approval to this effect (Condition 50.g).

ENVIRONMENTAL DETERMINATION AND ENVIRONMENTAL FINDINGS

An Environmental Impact Report (EIR) was certified by the Planning Commission on May 6, 1998. The approved project included a 150 room hotel with ground floor retail and restaurant use. The previously certified EIR is available to the public at the Planning and Zoning Division's office. After an EIR has been prepared and certified for a project, later project approvals or changes must be evaluated to determine whether the circumstances requiring preparation of a subsequent or supplemental EIR are present, as specified in Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163. Absent one or more of the circumstances requiring a subsequent or supplemental EIR, no further CEQA actions are required. In 2006, an addendum (2006 Addendum) was adopted by the Planning Commission for a project that proposed the rehabilitation of the existing Key Systems Building and construction a 12-story commercial office building addition at 1100 Broadway. Here, as explained below and in the current Addendum (2007 Addendum), none of the factors requiring further environmental review have been met and the analysis in the previously certified 1998 EIR can be relied upon to approve the current project.

The EIR for the 1998 hotel project identified a significant and unavoidable impact related to Visual Quality and Architectural Resources. Specifically, this impact included demolition of the Annex and rehabilitation of the Key System Building such that it was inconsistent with the City's Design Review Criteria. This impact is not significant and unavoidable now since the Annex has already been demolished for safety reasons and the design of the proposed project was found to meet the Design Review Criteria for landmark buildings by the Landmarks Preservation Advisory Board (LPAB). Other previously identified impacts that can be mitigated to less than significant levels with mitigation measures include impacts on air quality, noise, and visual quality and architectural resources. These mitigation measures are included within the attached Conditions of Approval/Mitigation Monitoring Plan. Refer to Conditions #58 and #65. Several of the mitigation measures are no longer applicable and these have been included in the report in strike-out type. Moreover, a number of previously identified mitigation measures relating to construction air quality and noise are more properly now considered by the City to be uniformly applied development standards applied as conditions of approval, but remain mitigation measures here for convenience and simplicity. Below is a summary of the impacts of the previous projects and alternatives in relation to the current project (Attachment E includes a table summary).

Significant, Unavoidable Impacts Identified in the Previously Certified EIR:

The EIR identified one significant unavoidable impact from the previously approved project that could not be mitigated to a less than significant level despite the implementation of all feasible mitigation measures. As required by CEQA, the Planning Commission previously adopted a "Statement of Overriding Considerations" explaining why the benefits of the proposed project outweigh those unavoidable significant adverse impacts resulting from the project (Impact E-1 from the EIR). This impact is now not considered significant and unavoidable and no further significant unavoidable impacts have been identified. The impact previously identified as significant and unavoidable in the EIR is summarized as follows.

Visual Quality and Architectural Resources

Impact E-1 (pages IV.E-10 through E-11 of the DEIR) – The proposed project would rehabilitate the Key System Building, a City Landmark, but would demolish the Key System Annex, a Potential Designated Historic Property that is listed, along with the main Key System Building, on the National Register of Historic Places. (Mitigation: Prior to demolition of the Annex, the project sponsor shall ensure that historic documentation is prepared for the Key System Building Annex and the project sponsor shall retain a historic preservation architect to ensure that the rehabilitation of the Key System Building conforms to all appropriate City design review criteria.

This impact is no longer considered significant and unavoidable since the Annex was demolished in late 1998 for safety reasons. This was a result of the damage the building sustained during the Loma Prieta earthquake. Furthermore, the project sponsor did retain a historic preservation architect to develop recommendations for the rehabilitation of the Key System Building. With these recommendations, the project conforms to all appropriate City design review criteria and is consistent with the Secretary of the Interior's Standards for rehabilitation of historic resources. The proposed project's design was presented before the LPAB and that board made a recommendation to the Planning Commission that the design would meet the applicable findings. The historic architect's recommendations and the findings are included in this report for Commission approval.

Significant Impacts Which May be Mitigated to a Less Than Significant Level

The EIR identified several impacts and mitigation measures, which can be incorporated to lessen or eliminate impacts from the project. These are summarized as follows and have been included as conditions of approval or have been incorporated as part of the application that is before the Commission:

Impact C-1: (pages IV.C-7 through C-9 of the DEIR) – Construction activities associated with demolition, renovation, and new construction would generate short-term emissions of criteria pollutants. (Mitigation: Implement a dust control/ abatement program).

Impact D.1: (pages IV.D-6 through D-10 of the DEIR) – Development of the project would result in short-term noise impacts due to construction. (Mitigation: Implement noise reducing techniques).

Impact E.2: (page IV.E-11 of the DEIR) – Construction of the proposed addition to the Key System Building would simulate the design of the existing Key System Building. (Mitigation: Alter the design so that the addition draws from but does not imitate the design of the Key System Building).

Impact E.3: (page IV.E-12 of the DEIR) – Construction of the proposed project may damage the Key System Building. (Mitigation: Prevent debris from hitting the Key System Building; seismically strengthen the Key System Building to reduce vibration and demolition damage; shore the Key System Building's foundations prior to adjacent excavation; and prior to the start of excavation or construction

the historic preservation architect shall identify and photograph and prepare a written description of the features, fixtures, and finishes associated with the Key System Building).

CONCLUSIONS

In summary, the Planning Commission approved that the previous hotel project because: 1) it advanced the goals of the General Plan Land Use and Transportation Element; 2) it provided rehabilitation of the Key System Building; and 3) it redeveloped and revitalized a portion of the Broadway area that had been vacant and underutilized.

In addition, the Planning Commission approved the 2006 office proposal because: 1) it was still in conformance with the General Plan's policies; 2) the project met the required findings, and 3) the project was not anticipated to create any adverse impacts.

Staff believes that the same reasons for the previous approval still apply to the proposed project. Based on the analysis contained in this report, the Addendum and elsewhere within the administrative record, staff believes that the revised project would provide an appropriate use, attractively designed urban infill project, and rehabilitation of an important downtown historic building. Thus, staff recommends that the Commission:

RECOMMENDATIONS:

1. Adopt Environmental Determination Findings pursuant to CEQA Section 21166 and CEQA Guidelines Section 15162 and 15163 that none of the circumstances requiring preparation of a subsequent or supplemental EIR are present and that no further environmental review is required;
2. Approve the proposed office project including the Conditional Use Permits, and Design Review request subject to the Conditions of Approval and the previously approved Mitigation Monitoring Program, based on the attached findings.

Prepared by:

Heather Klein
Planner III, Major Projects

Approved for forwarding to the
City Planning Commission:

Dan Lindheim
Director
Community and Economic Development Agency

Gary Patton
Major Projects Manager
Deputy Director of Development

ATTACHMENTS:

- A. Plans and Elevations
- B. Exterior Historical Analysis: Alan R. Dreyfuss, AIA, dated February 13, 2006
- C. Addendum to the previously certified EIR
- D. Table of Impacts
- E. Public Comments

The previously certified 1998 EIR (both draft and final) and the 2006 Addendum have been separately provided to the Planning Commission and are available at City of Oakland, Community and Economic Development Agency, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612.

FINDINGS FOR APPROVAL:

The proposed project meets the required findings under Planning Code Section 17.134.050 and 17.86.100 (Conditional Use Permit criteria), the Design Review Criteria in Section 17.136.070B, 17.86.110, and 17.102.030C, Historic Preservation Element Findings for Landmarks or Preservation Districts, and findings pursuant to CEQA Guidelines Sections 15162 and 15163. Required findings are shown in bold type; explanations as to why these findings can be made are in normal type. Required findings are shown in bold type below and are also contained within other sections of this report and the administrative record; explanations as to why these findings can be made are in normal type.

Section 17.134.050 Conditional Use Permit for (100,000 square feet of new floor area, or a new building more than one hundred twenty 120' in height, General Food Sales activities, and loading area at the ground level)

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

A Major Conditional Use Permit is requested for a project that proposes more than 100,000 sq. ft. of new floor area and is more than 120' in height. The zoning for the project site does not specify a maximum floor area ratio. However, the project is well under the maximum floor area for the CBD land use designation. In addition, the project is also smaller in height, scale, and mass than many of the surrounding office buildings. The General Plan actually encourages additional height and intensity along Broadway as stated in the land use classification definition section, in order to fulfill LUTE Objective D7 and D8.

The proposed office tower is intended to be respectful of the overall character of the Downtown Oakland Historic District with respect to height, massing and scale, and architectural features, to ensure that the infill new construction would not have a significant impact on the historic district. The proposed office tower would conform to the historic district pattern of rhythmically-spaced, slender, free-standing towers punctuating lower buildings. The proposed office tower would be viewed as part of the high and low building forms that continue northward along the east side of Broadway within the historic district. The historic district is characterized by free-standing, slender, vertical towers rising above lower buildings. The proposed office tower is designed to relate to this pattern. Therefore, the overall scale and intensity of development would be compatible with Broadway and the Downtown Oakland Historic District.

The project, along with the General Food Sales Activity, will provide the area with active street front uses, an attractive streetscape, a building with high quality materials and appropriate site planning.

By providing loading at the ground level, the building will be successful in its operation and will not affect traffic or parking on the surrounding streets by requiring a striped on-street loading berth.

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

The project will provide convenient working, eating and shopping opportunities in the heart of downtown, accessible by public transportation. The new office use will contribute to a vibrant downtown district where people can work, live, and shop. These activities will enhance the downtown as destination with round the clock activity. The building's design and materials are of high-quality and typical of office high-rise construction. The project proposes streetscape improvements including street trees that will enhance the Broadway streetscape.

If the applicant pursues the General Foods Sales activity at the ground floor, this location will provide a convenient dining location for both the burgeoning residential population downtown and the many office workers in the area.

The loading on the ground level is important to the success of the office building. The loading is located on 11th Street in the east corner and adjacent to the UCOP stairwell. The proposed loading location will not detract overall from the pedestrian experience since there is no continuous storefront along that edge.

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

The General Plan encourages several policies that promote office development in downtown. The proposed development will enhance the surrounding area in its basic community functions by providing a new office development along the Broadway spine and near transit. Furthermore, the project will "fill in" the gap in the Broadway streetscape by developing a vacant parcel and reusing a vacant historic building. The construction of new office will provide job opportunities in downtown for the burgeoning residential population.

If the applicant pursues a ground floor restaurant, this will enhance the successful operation of the downtown by providing a mix of uses that is essential for a vibrant neighborhood.

Although providing loading on the ground floor may interrupt the pedestrian streetscape experience, the new building will be more functional in its operation by providing adequate loading at the ground level. The new occupants will see the provision of adequate loading an important feature of the building and as beneficial to the success of their businesses.

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

The proposed project conforms to all applicable design review criteria including the non-residential and landmark design review findings as outlined later in this section.

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

The project will support the objectives and policies of the Land Use and Transportation Element (LUTE) for this area including: increasing the economic vitality of downtown (Objective D4); eliminating blight caused by underutilized properties (Objective D6); facilitating and promoting downtown Oakland's position as the primary office center for the region (Objective 7); and building current office nodes near the 12th and 19th Street BART stations to establish these locations as the principal centers for office development in the city (Objective D8).

The food sales activity in downtown would meet General Plan policy D9.2 which states that "downtown residents should have access to goods and services to meet their daily and long term needs within the downtown area." This would include dining venues.

In addition, the project meets the objectives and policies of the Historic Preservation Element (Landmark and Preservation District Regulations (Policy 2.4), Table 4-2, and Table 4-3) which encourage the rehabilitation of important historic structures according the Landmark design review findings and the Secretary of the Interior's standards. Staff has made the appropriate findings later in this report.

The proposed project conforms in all significant respects with the "Central Business District" General Plan land use designation. The project helps to encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in northern California. The project meets the General Plan's *desired character* of large-scale offices.

Section 17.86.100 (Additional) Use Permit Criteria for General Food Sales and ground level loading in the S-8 Zone

A. That the proposal will not detract from the compact, urban character of the area.

As stated above, the project accomplishes several goals of the General Plan by rehabilitating the historic Key System Building and constructing a new office building near transit on a parcel that has been vacant for almost a decade. The addition of food sales will provide a place for the employees of the building and the surrounding area to dine. This combination of new office, retail, and food sales will contribute to a vibrant downtown that will support the growing residential population and future retail space. The loading berth will increase the new office building's position in the market and the successful operation of the proposed businesses there. Although the loading may interrupt the pedestrian experience, it will not detract from it overall, given that that portion of the street is in retail intensive. It is staff's opinion that it would be inappropriate to hinder the success of the building by not providing loading. This activity is necessary and would be located in the street if not within the building on the ground level. Therefore, staff believes that the project will not detract from the urban character of the area.

B. That the proposal will not impair a generally continuous wall of building facades.

The CUP for general food sales will not impair the generally continuous facades along Broadway. Currently, a portion of the lot is vacant and the other portion is in disrepair and has been so for close to 20 years. In fact, the food sales activity is an appropriate use within the overall context of downtown uses and will encourage an active street front. The loading berth is necessary to the building's operations and the location is appropriate. The proposed retail will turn from Broadway

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onto 11th Street. The loading zone is in the far corner and adjacent to the UCOP stair tower and parking entrances. Therefore, these activities will not impair the continuous building facades.

C. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not break up an important shopping frontage.

There has not been any retail on this portion of Broadway for close to 20 years since the Loma Preita earthquake and damage to the Key system Building and Annex. Therefore, any activity that would be successful and enliven the streetscape would be positive to staff. That said, the applicant has not decided on a tenant for the two ground level spaces. It is likely that a restaurant or food sale use would be appropriate for this location given the remaining interior features and staff condition that these be retained. A proposed food sales activity will not weaken the concentration of retail along Broadway, which is already a mix of commercial, retail, and restaurants. The loading location is appropriate given the adjacency of the UCOP stairwell and parking entrances. The proposed project does provide retail space that "turns the corner" onto 11th Street.

D. That the proposal will not interfere with the movement of people along an important pedestrian street.

A food sales activity will not prohibit movement of people along the street frontages. This use will actually encourage movement of persons along the Broadway spine. The loading zone will not interfere with pedestrian movement either. The berths are longer than required per the Planning Code and will allow the trucks to pull entirely into the loading space. Loading at this location will actually encourage movement of people since the loading will not have to take place along the street.

E. That the proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council.

As stated above, the proposed project is consistent with the LUTE and the HPE elements of the General Plan including objectives D4, D6, D7, and D8.

Section 17.136.070B (Non-Residential Facilities Design Review Findings)

- 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 the 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 the design which will have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.102.030.**

In the previously approved hotel project, a mitigation measure was required since the proposed design seemed to mimic the historic building. This conflicted with the Historic Element and the Secretary of the Interior's Standards.

The proposed glass design was proposed in response to comments in the certified EIR. The proposed project is designed to appear as if the proposed office tower and the Key System building are two separate buildings (despite the removal of much of the Keys System Building's north lot line wall

and structural and functional integration of the two on the interior). This approach allows the proposed 20-story office tower to behave visually as a distinct new infill building within the Downtown Oakland Historic District, while allowing the existing Key System Building to continue to function as an adjacent individually significant and contributing building within the historic district.

Taken together, staff believes that the contemporary office tower portion of the project will compliment and not detract from the existing historic structure. The juxtapositions between the lightness of the glass and the solidness of the brick; the metal mullion grids and the terracotta reliefs, the sloped metal roof fins and the sheet metal cornice create an interesting pedestrian experience and highlight the Downtown Oakland Historic District.

- 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.**

Construction of the proposed project will result in many improvements to the area, including 1) redeveloping vacant lots and "filling in" the undesirable gap in the Broadway street, 2) rehabilitating the Key System Building, a City Landmark, and 3) providing new office development downtown. The design of the new tower will be of a quality that is typical of Class A office buildings in an urban area. The amount of glazing and interior structural system is generally considered to be of a superior quality and construction type.

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

The proposed project is consistent with the LUTE and the HPE elements of the General Plan including objectives D3, D4, D6, D7, and D8. Design Review findings are below.

17.86.110 Design review criteria (S-8 Zone)

- A. That the proposal will be compatible with an atmosphere of quality and refined architectural taste appropriate to a highly urban commercial center.**

The project is proposing the rehabilitation of the Key System Building and construction of a 20-story office tower. The rehabilitation will be per the Secretary of the Interior's Standards and, therefore, will be of high quality.

The design and materials of the tower are typical of Class A office structures and will compliment, not detract from the existing historic building. The architecture can be seen as elegant and simple, relying on the proportions and details in the materials to accentuate it. The proposed new construction will be a glass curtain wall with a mullion grid. The mullion grid would stand out from the plane of glass and would organize large planes of glass into smaller human-scaled pieces. In addition, the proposed office tower would incorporate a number of green building features and would seek the US Green Building Council's LEED™ Silver rating or higher.

- B. That the design of ground-level facilities will be interesting to pedestrians and will preserve, and where possible enhance, the basic continuity of key shopping frontages;**

The 200 linear feet along the ground floor of the new building will be entirely glass storefront. This material can be seen as conducive to active street frontage that will be interesting to pedestrians. In presentations before the Design Review Committee and the Landmarks Preservation Advisory Board, staff recommended that the storefront system be brought forward to the property line in order to create the highest impact for retail and a pedestrian experience. Staff has included a Condition of Project Approval that the applicant will continue to develop the ground floor design and submit that for staff's review and approval. Implementation of mitigation measure E.1b will ensure the rehabilitation of the existing exterior façade details. Staff has also included a Conditions of Approval from the LPAB that would retain the remaining character defining elements of the interior into the future tenant improvement space. This would further provide interest to pedestrians. In summary, the project will be successful in preserving the maximum ground floor space for shopping and dining activities.

C. That the building facade and other walls will be considered and treated as a whole, and in relationship to adjoining buildings;

The proposed project, which includes the rehabilitation of the Key system Building and adjacent new infill construction, takes into account the whole Broadway frontage on this block. The design approach for the project intended the new construction portion to appear as a separate infill building in relation to the Key System Building. However, this approach doesn't ignore the Key System Building. Instead, the new construction portion highlights the historic structure by setting the lobby back from the property line. This shows off the brick on the northern façade and the top cornice return. To encourage a continuous and active street front, staff has also included a condition of approval to bring the storefront back out to the property line.

The buildings are structurally and functionally integrated and the office floors will be continuous. Great care has been taken to ensure that the building systems are hidden within the interior and do not detract visually from the façade proportions.

D. That all Signs will be harmonious with the architectural design of the building and adjacent buildings, and will not cover or detract from desirable architectural features.

The applicant will submit a master sign plan as a condition of approval to ensure that the signs will be compatible with the architecture and design of the building.

Section 17.102.030C (Design Review Criteria for Landmarks)

1. That the proposal will not adversely affect the exterior features of the designated landmark nor, when subject to control as specified in the designating ordinance for a publicly owned landmark, its major interior architectural features.

The proposal will not adversely affect the exterior features of the designated landmark. The project will rehabilitate the existing Key System building facades per Mitigation Measure E1b. The applicant has hired a historic preservation architect who has developed a rehabilitation plan. The details of the plan conform to the Secretary of the Interior's Standards for Rehabilitation and have been required as a standard condition of approval.

The new office tower will not physically affect the Key System Building's exterior character defining features which will be rehabilitated. In addition, the new tower does not mimic the Key System Building by trying to create a sense of false historicism which was considered a significant and unavoidable

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impact in the 1998 EIR. Instead, the proposed project is designed to appear as if the proposed office tower and the Key System building are two separate buildings. This approach allows the proposed 20-story office tower to behave visually as a distinct new infill building within the Downtown Oakland Historic District, while allowing the existing Key System Building to continue to function as an adjacent individually significant and contributing building within the historic district.

Although the new tower would be visually distinct, the two buildings would be structurally connected. The new tower is setback from the historic building which highlights the brick on the northern façade and the top cornice return.

2. That the proposal will not adversely affect the special character, interest, or value of the landmark and its site, as viewed both in themselves and in their setting.

The proposed project will not adversely affect the character, interest, or value of the landmark and its site. The proposed project rehabilitates the existing building which would fall into further disrepair without an ongoing tenant and use. The design of the proposed office tower does not materially impair or change the events or history that occurred there, the significance of the persons associated; the design or construction of the building; or the informational potential of the resource or the setting.

3. That the proposal conforms with the Design Guidelines for Landmarks and Preservation Districts as adopted by the City Planning Commission and, as applicable for certain federally related projects, with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

There are currently no design guidelines for Landmarks or Preservation Districts and the Secretary of the Interior's Standards do not apply for new construction infill projects, which is the approach of the project. The project conforms to the non-residential design review criteria, these landmark findings and is appropriate in design to the downtown area. Based on the Historical Resource section of the Addendum, the project will not affect the Key System Building from being eligible for the National, California, or Local Register.

4. If the proposal does not conform to the criteria set forth in subdivisions 1, 2 and 3.

a. That the designated landmark or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it, or

b. That, considering the economic feasibility of alternatives to the proposal, and balancing the interest of the public in protecting the designated landmark or portion thereof, and the interest of the owner of the landmark site in the utilization thereof, approval is required by considerations of equity.

The proposal conforms to subdivisions 1, 2, and 3. The Key System Building is being rehabilitated according to the Secretary of the Interior's Standards.

Historic Preservation Element Findings for Landmarks or Preservation Districts

Major and minor alterations and new construction are permitted only if:

- 1. The proposed project meets the Secretary of the Interior's Standards for the Treatment of Historic Properties; or**

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2. **Secretary of the Interior's Standards do not legally apply to the proposal and the proposal will not affect the character of the property as determined by the Design Guidelines for Landmarks and Preservation Districts; or**
3. **The applicant has demonstrated that special circumstance exists that override strict application of the Secretary of the Interior's Standards as determined by the Guidelines; or**
4. **The applicant demonstrates that the property has no reasonable use and cannot generate a reasonable economic return in the absence of the proposal and that no alternatives are available to obtain such use or return.**

The proposed office tower construction adjacent to the Key System Building meets finding 3. A special circumstance exists in that the Secretary of the Interior has standards for preservation, rehabilitation, restoration, and reconstruction but not for infill construction projects adjacent to historic structures. The current approach is to treat the proposed office tower and the Key System building as two separate buildings. This approach allows the proposed 20-story office tower to behave as a visually distinct infill building within the Downtown Oakland Historic District, while allowing the existing Key System Building to continue to function as an adjacent individually significant and contributing building within the historic district. By treating the new office tower as a separate structure in design, height, massing, and materials, the architect avoids the look of an over scaled addition to the historic structure. This juxtaposition of new and old existing side by side is consistent with a historic pattern of phased downtown development that has taken place over time.

Despite the fact that the Key System Building is structurally integrated into the proposed project, the Key system Building will present a finished façade to Broadway and 11th Street. A setback from the Broadway property line at the southern end of the office tower would spatially reinforce the differentiation between new and old. The setback would reveal a portion of the north wall of the Key System Building at its northeast corner (reconstructed or retained brick). Furthermore, per condition of approval #52, there will be a clear visual distinction between the new office building and the Key System Building on each floor. This will include a physical wall/partition. In sum, by meeting finding 3, the project would conform to the Historic Preservation Element's policies.

The project does include the rehabilitation of the exterior of the Key System Building and the Secretary of the Interior does have Standards for this type of rehabilitation. The project is meeting these and Mitigation Measure E.1b and (Condition of Approval #51) with the retention of a historic preservation architect who will develop a rehabilitation plan and monitor its implementation.

Staff believes that the project can meet finding 1 and conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties. A detailed discussion is located in the Addendum, historic analysis section of this report. The project applicant has not submitted any documentation that the rehabilitation and adjacent new construction need to balance other concerns. Nor has the applicant provided information that the Secretary of the Interior's Standards do not legally apply, that a special circumstance exists that would override the guidelines, or that the property has no reasonable foreseeable use. By meeting finding 1, the project would conform to the Historic Preservation Element's policies.

Findings pursuant to CEQA Section 21166 and CEQA Guidelines Sections 15162 and 15163

An Environmental Impact Report was certified by the Planning Commission on May 6, 1998. The project included a 150 room hotel with ground floor retail and restaurant use. The EIR also incorporated several alternatives including a 300,000 sq. ft. office project. The previously certified EIR is available to the public at the Planning and Zoning division office.

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The current proposal has been reviewed in light of certified EIR and the analysis contained within the EIR. The Planning Commission hereby finds that none of the circumstances requiring preparation of a subsequent or supplemental EIR (as specified in CEQA Section 21166 and CEQA Guidelines 15162 and 15163) are present. Specifically, the Planning Commission finds:

1 and 2) The 1998 Keystone Hotel EIR studied a project that included the rehabilitation and seismic strengthening of the historic Key System Building, demolition of the adjacent two-story Key System Annex, and construction of a new seven-story addition to the north of the Key System Building in place of the Annex. The Keystone Hotel Project included 150 hotel rooms and 2,400 sq. ft. of retail space and a restaurant/bar at the ground floor.

The EIR also analyzed a 20-story high-rise with 300,000 sq. ft. office space that would include the demolition of the Key System Building and the Key System Annex as an alternative. The current project which proposes a 20-story high-rise building with 310,285 sq. ft. of office and 9,810 sq. ft. of retail. The office building alternative in the 1998 EIR did not provide building plans or elevations. However, the proposed project plans show the same height with only a little more square footage (10,285 sq. ft.) than the alternative previously studied.

The proposed project does not involve substantial changes that would require major revisions to the previously certified EIR. None of the proposed project changes would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No new significant impacts will result from the proposed project and no impacts previously identified as significant will be made more severe. The proposed project does not call for the demolition of the Key System Building but rather the retention and the rehabilitation of the building facades. The proposed project does not have an impact on the Key System Annex since that was demolished in 1998 for safety reasons. The proposed project exhibits a contemporary design which the historic analysis, the Landmarks Board, the Design Review Committee, and the 2007 Addendum concluded would not cause a significant impact to the Key System Building or the Downtown Historic District. A traffic study was completed for the proposed project which concluded that the project would not result in a traffic impact in either the existing or future cumulative conditions even though this was identified as possibly significant. Furthermore, several impacts were identified in the 1998 EIR that were less than significant with mitigation. These impacts included: construction emissions, damage to the Key System Building, noise, and those on archeological and paleontological resources. The proposed project would have these same impacts and would implement the mitigation measures to reduce the impact to less than significant. No other new impacts have been identified.

The conclusion is that the proposed project is the same as the office alternative analyzed in the EIR and will not substantially increase the severity of the previously identified impacts. Furthermore, the proposed project actually reduces previous significant and unavoidable impacts by retaining the Key System Building and not simulating its historic design.

3) Substantial changes have not occurred with respect to the circumstances under which the project is undertaken. The proposed projects height, use, and location are the same as the alternative analyzed in the EIR. The major differences between the previous alternative and the new project are the following: increased square footage, retention of the Key System Building, and a contemporary design. The proposed project increases the overall building floor area by 10,000 sq. ft. This nominal increase does not substantially change the project, the previously identified impacts or result in new impacts. The project retains and rehabilitates the Key System Building which would have been

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demolished under the office alternative. The proposed design does not simulate the historic Key System Building nor result in an impact to the Downtown historic district. Therefore, it can be determined that the EIR analyzed a more intensive project than what is proposed.

4) No new information of substantial importance (as specified in the CEQA Guidelines section 15162 (a) (3)) that was not known or could not reasonably have been known at the time the EIR was certified shows any evidence that the project will have one or more significant effects not discussed in the EIR;

- (a) significant effects previously examined will be substantially more severe than shown in the EIR;
- (b) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project but are declined by the project proponent; or
- (c) mitigation measures or alternatives that are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects of the project but are declined by the project proponent. No new information has been presented that would require a subsequent EIR to be prepared.

Although the proposed project is less intensive than the EIR office alternative, the proposed project is larger than the 1998 EIR hotel project. Staff has included in the Addendum a discussion of aesthetics, wind, and shadow. In regards to Aesthetics, the Addendum finds that the project will enhance rather than degrade the visual quality of the site by developing a vacant parcel with a design that is compatible (per the design review findings) with the Key System building and the surroundings. The project will retain and rehabilitate an important historic structure that is currently vacant, underutilized and in danger of further deterioration from non-use. The project will not create a significant source of light or glare since all of the lighting would be downcast and the windows will be glazed.

The addendum and additional analysis concluded that the project will not have significant effect on or the pedestrian's perception of wind. The shadow study indicated that proposed project will not cast considerable amount of shade on public plazas, solar collectors, or other historic structures since many of the larger high-rises shade these areas already.

In addition, new National Pollutant Discharge Elimination System (NPDES) requirements have taken effect that will be implemented in the proposed project as standard conditions of approval. Therefore, although hydrology impacts were "scoped" out in the 1998 EIR, the proposed project would not create new significant impacts with the current regulations.

Custodian of Records.

Pursuant to Section (e) the agency shall specify the location and custodian of the documents. Pursuant to Public Resources Code §15091, the Oakland Community and Economic Development Agency, Planning Division, is the custodian of the documents and other material which constitute the record of proceedings upon which this decision is based, and such documents and other material are located at 250 Frank Ogawa Plaza, Suite 3315; Oakland, CA.

Changes from the original Mitigation Monitoring and Reporting Program are indicated in underlined type for additions or ~~strikethrough~~ type for deletions.

**CONDITIONS OF APPROVAL and
MITIGATION MONITORING & REPORTING PROGRAM**

1. Approved Use

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, and staff report, and the plans dated January 16, 2008 and submitted on February 1, 2008, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee.

- b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes:
 - I. Major Conditional Use Permit for a Large-Scale Development (100,000 square feet of new floor area, or a new building more than one hundred twenty 120' in height), under Oakland Municipal Code Section 17.62.200.
 - II. Minor Conditional Use Permit for loading at the ground floor in the S-8 Zone, under Oakland Municipal Code Section 17.86.050.
 - III. Design Review, under Oakland Municipal Code Sections Section 17.136.070B, 17.86.110, and 17.102.030C and Historic Preservation Element Findings for Landmarks or Preservation Districts.
 - IV. Adoption of the Addendum to the previously certified Environmental Impact Report.

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

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

3. Scope of This Approval; Major and Minor Changes

Ongoing

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

4. Conformance with other Requirements

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

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

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

Ongoing

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

6. Signed Copy of the Conditions and Mitigation Measures

With submittal of a demolition, grading, and building permit

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

7. Indemnification

- a) *Ongoing* The project applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and their respective agents, officers, and employees (hereafter collectively called the City) from any claim, action, or proceeding (including legal costs and attorney's fees) against the City to attack, set aside, void or annul this Approval, or any related approval by the City. The City shall promptly notify the project applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. The project applicant shall reimburse the City for its reasonable legal costs and attorney's fees.

- b) Within ten (10) calendar days of the filing of a claim, action or proceeding to attack, set aside, void, or annul this Approval, or any related approval by the City, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations and this condition of approval. This condition/obligation shall survive termination, extinguishment, or invalidation of this, or any related approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in 7(a) above, or other conditions of approval.

8. Compliance with Conditions of Approval

Ongoing

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

9. Severability

Ongoing

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

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

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

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

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

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

12. Landscape Maintenance.

Ongoing

All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences, walls and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

13. Bicycle Parking

Prior to the issuance of first certificate of occupancy.

The applicant shall submit for review and approval of the Planning and Zoning Division, plans that show bicycle storage and parking facilities to accommodate 18 short-term bicycle parking spaces (bicycle racks) onsite or on public sidewalk, and 32 long-term bicycle parking spaces (a locker, locked enclosure or supervised area providing protection for each bicycle from theft, vandalism and weather). The plans shall show the design and location of bicycle racks within the secure bicycle storage areas. The applicant shall pay for the cost and installation of any bicycle racks in the public right of way.

Minimum Specifications for Required Bicycle Parking are as follows:

- A. All required short-term bicycle parking spaces shall permit the locking of the bicycle frame and one wheel with a u-type lock, support the bicycle in a stable position without damage to wheels, frame, or components, and provide two points of contact with the bicycle's frame.
- B. All required long-term bicycle parking spaces, with the exception of bicycle lockers, shall permit the locking of the bicycle frame and one wheel with a u-type lock and support the bicycle in a stable position without damage to wheels, frame, or components.
- C. Bicycle parking facilities shall be securely anchored so they cannot be easily removed and shall be of sufficient strength to resist vandalism and theft.

Location and Design of Required Bicycle Parking should be as follows:

Required bicycle parking shall be placed on site(s) as set forth below:

- A. Long-term bicycle parking shall be located on site or within seven hundred fifty (750) feet of the site and shall be covered.
- B. Short-term bicycle parking shall be placed within fifty (50) feet of any entrance to the building and should be visible from the entrance and sheltered if possible. When the main entrance fronts the sidewalk, the installer may obtain an encroachment permit from the City to install the bicycle parking in the Public Right of Way.
- C. Bicycle facilities shall not impede pedestrian or vehicular circulation.
 - a. Rack installations on sidewalks should maintain a minimum of five and one half (5.5) feet of unobstructed pedestrian right-of-way outside the bike footprint. For sidewalks with heavy pedestrian traffic, at least seven (7) feet of unobstructed right-of-way is required.
- D. At minimum, bicycle parking facilities shall be at least two and a half (2.5) feet in width by six (6) feet in length to allow sufficient space between parked bicycles.
- E. Bicycle parking facilities, particularly bicycle parking racks, are subject to the following criteria:
 - a. Racks should be located with at least thirty (30) inches of clearance in all directions from all vertical obstructions, including other racks, walls, and landscaping.

14. Underground Utilities

Prior to issuance of a building permit

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

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

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

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

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

Approved prior to the issuance of a grading or building permit

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

- a) Compliance with the Broadway Streetscape Master Plan for construction/installation of curb, gutters, paving, street trees, and street furniture.
- b) Sidewalks must meet PWA standards.
- c) A Major Encroachment Permit could be required if building floor area is over the property line. This is a City Council decision.
- d) Provide confirmation to the City regarding construction.

17. Payment for Public Improvements

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

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

18. Compliance Plan

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

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

19. Car Share Program Requirement***Prior to issuance of a demolition or building permit***

In order to meet the project's parking demand, the applicant shall execute an agreement with CarShare or other similar organization to provide space a maximum of two spaces in the 111 Franklin Street parking garage which is approved for sale by the Oakland Redevelopment Agency or at a location by the Planning Director. Applicant shall provide the Planning Director or designee with evidence that it has executed a participation or membership agreement for CarShare in accordance with the policies, rules, and regulations of the CarShare in effect at that time. The applicant or the successor shall remain a member of CarShare so long as CarShare or its successor or assignee is in fact operating CarShare. This condition shall be considered null and void if the applicant or the successor provides for the project's entire parking demand on-site.

20. Construction Emissions

To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:

- a) Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.
- b) Perform low- NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) shall be performed for such equipment used continuously during the construction period.

21. Days/Hours of Construction Operation***Ongoing throughout demolition, grading, and/or construction***

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

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.
- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
 - i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses

and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.

- ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction activity shall take place on Sundays or Federal holidays.
- f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.
- g) Applicant shall use temporary power poles instead of generators where feasible.

22. Noise Complaint Procedures

Ongoing throughout demolition, grading, and/or construction

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

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

23. Interior Noise

Prior to issuance of a building permit

If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase.

24. Construction Traffic and Parking***Prior to the issuance of a demolition, grading or building permit***

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

- a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.)
- d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.
- e) Provision for accommodation of pedestrian flow.
- f) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.

25. Hazards Best Management Practices***Prior to commencement of demolition, grading, or construction***

The project applicant and construction contractor shall ensure that construction best management practices are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

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

agency(ies) and implementation of the actions described in Standard Conditions of Approval 50 and 52, 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.

26. Waste Reduction and Recycling

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

Prior to issuance of demolition, grading, or building permit

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

Ongoing

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

27. Lighting Plan

Prior to the issuance of an electrical or building permit

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

28. Asbestos Removal in Structures

Prior to issuance of a demolition permit

If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.

29. Tree Removal During Breeding Season***Prior to issuance of a tree removal permit***

To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

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

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

31. Tree Replacement Plantings***Prior to issuance of a final inspection of the building permit***

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

- a) No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
- b) Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica* (California Buckeye) or *Umbellularia californica* (California Bay Laurel) or other tree species acceptable to the Tree Services Division.
- c) Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
- d) Minimum planting areas must be available on site as follows:
 - i. For *Sequoia sempervirens*, three hundred fifteen square feet per tree;
 - ii. For all other species listed in #2 above, seven hundred (700) square feet per tree.
- e) In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required

replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.

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

32. Archaeological Resources

Ongoing throughout demolition, grading, and/or construction

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

33. Human Remains

Ongoing throughout demolition, grading, and/or construction

In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are

Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

34. Paleontological Resources

Ongoing throughout demolition, grading, and/or construction

In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in Section 15064.5 of the CEQA Guidelines. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

35. Erosion and Sedimentation Control Plan

Prior to any grading activities

- a) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

Ongoing throughout grading and construction activities

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

36. Vibrations Adjacent Historic Structures

Prior to issuance of a demolition, grading or building permit

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

37. Site Review by the Fire Services Division

Prior to the issuance of demolition, grading or building permit

The project applicant shall submit plans for site review and approval to the Fire Prevention Bureau Hazardous Materials Unit. Property owner may be required to obtain or perform a Phase II hazard assessment.

38. Phase I and/or Phase II Reports

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

Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment report, and a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.

39. Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment

Prior to issuance of any demolition, grading or building permit

The project applicant shall submit a comprehensive assessment report to the Fire Prevention Bureau, Hazardous Materials Unit, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.

40. Environmental Site Assessment Reports Remediation

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

If the environmental site assessment reports recommend remedial action, the project applicant shall:

- a) Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.
- b) Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency.
- c) Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.

41. Lead-based Paint Remediation

Prior to issuance of any demolition, grading or building permit

If lead-based paint is present, the project applicant shall submit specifications to the Fire Prevention Bureau, Hazardous Materials Unit signed by a certified Lead Supervisor, Project Monitor, or Project Designer for the stabilization and/or removal of the identified lead paint in accordance with all applicable laws and regulations, including but not necessarily limited to: Cal/OSHA's Construction Lead Standard, 8 CCR1532.1 and DHS regulation 17 CCR Sections 35001 through 36100, as may be amended.

42. Other Materials Classified as Hazardous Waste

Prior to issuance of any demolition, grading or building permit

If other materials classified as hazardous waste by State or federal law are present, the project applicant shall submit written confirmation to Fire Prevention Bureau, Hazardous Materials Unit that all State and federal laws and regulations shall be followed when profiling, handling, treating, transporting and/or disposing of such materials.

43. Health and Safety Plan per Assessment

Prior to issuance of any demolition, grading or building permit

If the required lead-based paint/coatings, asbestos, or PCB assessment finds presence of such materials, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal.

44. Post-Construction Stormwater Pollution Management Plan

<http://www.cleanwaterprogram.com>

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

The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Stormwater Supplemental Form for the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater pollution management plan, for review and approval by the City, to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

- a) The post-construction stormwater pollution management plan shall include and identify the following:
 - i. All proposed impervious surface on the site;
 - ii. Anticipated directional flows of on-site stormwater runoff; and
 - iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and
 - iv. Source control measures to limit the potential for stormwater pollution; and
 - v. Stormwater treatment measures to remove pollutants from stormwater runoff.

- b) The following additional information shall be submitted with the post-construction stormwater pollution management plan:
 - i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
 - ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e., non-landscape-based) stormwater treatment measure, when not used in combination with a

landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures.

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

Prior to final permit inspection

The applicant shall implement the approved stormwater pollution management plan.

45. Maintenance Agreement for Stormwater Treatment Measures

Prior to final zoning inspection

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

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

46. Stormwater and Sewer

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

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

47. Litter Control

a. Prior to issuance of building permit

A litter control plan that ensures that the premises and surrounding area are kept free of litter shall be submitted to and approved by the Zoning Administrator prior to application for a building permit. The plan shall include, but not be limited to:

- a. Distribution of proposed locations of litter receptacles on site and in the public right of way. The design and location of litter receptacles shall be consistent and coordinated with the City's street furniture program.
- b. A management schedule for keeping the premises and surrounding area free from litter originating from the operation of the commercial activities; and
- c. Daily sweeping and trash collection of the premises, the public sidewalk and the gutter area of the public street immediately adjacent to the project.

48. Reduced Water Usage

a. *Prior to issuance of the building permits for the mechanical system*

As feasible and applicable, the project applicant shall implement the following water-efficient equipment and devices into building design and project plans, consistent with Landscape Conservation section of the City of Oakland Municipal Code (Chapter 7, article 10): low, ultra-low and dual flush toilets. In addition, the project sponsor shall confer with East Bay Municipal Utility District (EBMUD) to examine incorporating water saving techniques such as dual piping for recycled water into the final design of the project.

49. Tenant-Specific Zoning Approvals.

a. *Prior to occupancy of tenant space.*

The applicant shall ensure that the tenant of each space shall obtain all required zoning approvals and clearances, and may be subject to separate zoning permits as required by the Oakland Planning Code.

50. Final Design Review.

a. *Prior to issuance of building permit (core and shell for the new addition)*

As the design development of the building proceeds, the design elements listed below shall be revised and shall be submitted for review and approval by the Planning Director prior to issuance of the building permit. Only high quality materials will be approved. The Planning Director may exercise his/her standard authority to refer the design revisions to the Landmarks Board, an appointed sub-committee of the Planning Commission, or to the Planning Commission.

- a. The applicant shall submit the final materials and colors for staff's review.
- b. Provide staff with an updated materials board which includes a full-scale mock up of the glass types and mullion grids and the depth of any reveals and construction joints. All glass shall be non-reflective, non-mirroring.
- c. All material at ground level shall be made of durable material that can be maintained in an urban environment.
- d. Provide details or "cut-sheet" of the garage and service doors for staff review.
- e. The applicant will submit information that affirms that any metal treatment used on the building will be coated or sealed to prevent rusting.
- f. The applicant shall submit floor sections that show that the windows in the Key System Building will not be blocked and the same floor to floor heights between the old and new building will be kept.
- g. The applicant will work with staff to refine the ground floor and the top of the building per the comments from the LPAB and the DRC.

51. Rehabilitation of the Key System Building.

a. Prior to issuance of the building permits for the Key System Building

The project applicant shall ensure that the following measures are implemented as part of the rehabilitation of the exterior of the Key System Building per the report and addendum prepared by Alan Dreyfuss. Construction plans shall be reviewed by Alan Dreyfuss or other qualified preservation architect at the applicant's expense.

A. Repair of Sheet Metal Cornice

1. Remove corrosion and loose paint using wire brushes and similar hand tools.* Remove roll roofing at top surface.
2. Repair small holes using epoxy compound and sand edges to be smooth and level with adjacent material.
3. Repair larger holes using sheet metal patches to match the existing profile. Weld or braze patch to the surface and grind edges to be smooth and level with the adjacent material.
4. At deformed areas, straighten sheet metal to conform to original profile if possible. If necessary, cut out and replace deformed areas with new sheet metal profiles to match the original. Install as described above.
5. Treat upper horizontal surface with elastomeric coating to prevent further water penetration.

B. Repair and Cleaning of Terra Cotta Cladding and Face Brick

1. Cleaning

- a. Wash surfaces with a low pressure cold water spray.
- b. Apply approved restoration cleaning solution in lowest effective concentration as established by test area.
- c. Rinse surfaces thoroughly within time specified by manufacturer.
- d. Repeat procedure as necessary.

2. Repair of Cracks

- a. Cut back edges of crack to provide a minimum width of ¼ inch and a minimum depth of ½ inch.
- b. Repair crack with approved injection grout.
- c. Coat repair with breathable masonry coating in a color and pattern to match adjacent surface.

3. Repair of Spalls

- a. Cut away material to a solid substrate. Cut edges of repair area squarely to a minimum depth of ½ inch.
- b. Replace spalled area with approved restoration repair mortar. Shape repair to match profile of original masonry unit.
- c. Coat repair with breathable masonry coating in a color and pattern to match adjacent surface.

4. Securing Loose and Displaced Material

- a. Secure loose material with stainless steel spiral anchors, set in epoxy and countersunk to ½ inch below masonry surface.
- b. Repair hole using approved restoration repair mortar.
- c. Coat repair with breathable masonry coating in a color and pattern to match adjacent surface.

5. Repointing

- a. Remove loose mortar and caulking* using hand tools to expose sound material, to a minimum depth of two times the width of the joint. Do not use power operated saws or grinders unless approved by architect.
- b. Repoint joint with approved restoration mortar as specified by manufacturer.

C. Repair of Wood Windows

1. Remove loose paint from wood sash and adjacent wood trim using hand scrapers and sand paper, and chemical paint remover if necessary.*
2. Remove wood stops and existing glazing, Retain wood stops for reinstallation.
2. Repair deteriorated sash and trim components with an approved epoxy resin filler. Sand patches to be even with adjacent surface.
3. Replace severely deteriorated or missing sash and trim components with new wood components to match existing profiles.
4. Replace missing sash with new wood sash to match existing.
5. Reglaze sash with new laminated glass.
6. Paint sash and trim.
7. Weather strip window sash and fix sash in place using original and replacement sash locks. Remove sash cords and weights, and fill cavity between masonry and jambs with insulation from the interior.

D. Cast Iron Railings

1. Remove corrosion and loose paint using wire brushes and similar hand tools, and chemical paint removers if necessary.*
2. Repair any heavily corroded areas with Bondo type material.
2. Repaint railings.

E. Stone Water Table

1. Cut back deteriorated areas to sound stone.
2. Patch cut back and damaged areas with approved restoration mortar.
3. Coat water table with approved breathable masonry coating

F. Limestone Pilasters

No specific recommendations for the treatment of the limestone pilasters are possible without further examination and testing. The paint and stucco coatings will be removed using gentle methods. The applicant shall return to the Landmarks Board for approval of the exterior plan, including materials, of the Key System Building once the examination and testing is complete.

G. Granite Base

No specific recommendations for the treatment of the granite base are possible without further examination. Assuming that the granite is largely intact, it will be retained and cleaned using approved methods. Patching will be reserved for severely damaged areas only, and will require approved patching materials treated to match the existing granite, and missing panels will be replaced with similar material. If major portions of the granite are missing, replacement with a complimentary material may be proposed.

H. Storefronts

1. Retain historic storefront mullions where they remain.

2. Remove corrosion and loose paint from historic storefronts using hand tools and chemical paint remover to expose original finish.
3. Repaint storefront mullions if required by condition of original finish.
4. Remove contemporary storefronts and replace with historically compatible materials.

*These materials may contain hazardous materials that require abatement by methods other than described above. Any methods employed will be approved by architect before implementation

I. Treatment of the Sheet Metal Cornice at the Intersection with the New Building

The existing sheet metal cornice at the top of the parapet of the bank building is mitered at the northwest corner of the building and extends along the north wall for approximately 12 feet. The end of the cornice is mitered and returns to the north wall. The face of the proposed new building to the north will abut the north wall of the existing building at a point that will intersect the existing cornice. In addition, the north wall of the bank building may be removed during the construction of the new building.

It is recommended that the cornice be removed and salvaged from the north wall in a manner to be determined by the sheet metal contractor. The salvaged section of sheet metal cornice should be altered to miter and return to the wall at a point that is short of the façade of the proposed new building and reinstalled after the construction of the new north wall.

52. Interior Renovations.

a. Prior to issuance of a building permit

- a. The applicant will retain certain surviving interior ground floor elements consisting of the columns, column and wall ornamental plasterwork, the wrought iron stairs, and the marble stair entrance. These elements will be incorporated into the design of the commercial space, which will be submitted to LAPB for review and approval prior to tenant improvements and tenant occupation. Retention could include but is not limited to: casting molds of the plasterwork for inclusion on proposed columns or walls, use of the wrought iron stairs to the mezzanine level per the Historic Building Code, stair pieces as display cases, etc.
- b. That there will be a clear visual distinction between the new office building and the Key System Building on each floor. This may include a physical wall/partition.

53. Historic Maintenance.

a. Ongoing

The owner, future tenants, or other person in actual charge of the designated landmark shall keep in good repair all of the exterior portions thereof, all of the interior portions thereof when subject to control as specified in the designating ordinance, and all interior portions thereof the maintenance of which is necessary to prevent deterioration and decay of any exterior portion.

54. Master Signage Program.

a. Prior to sign permit

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

55. Pre-construction Meeting with the Neighborhood.

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

A preconstruction meeting shall be held with the immediate neighbors within 300' of the job site to discuss neighborhood notification, location of staging areas, major deliveries, detours and lane closures etc. Both Planning staff and the building coordinator shall attend this meeting.

56. Pre-construction Meeting with the City

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

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

57. Transportation Demand Management Plan (TDM).

Prior to issuance of a building permit for plan review and prior to issuance of the temporary certificate of occupancy for programmatic measures

In order to reduce the substantial parking shortfall in the project vicinity, the project sponsor shall submit a detailed Transportation Demand Management (TDM) Plan that increases the efficiency of parking in the project vicinity and reduces parking demand.

The project applicant shall submit a detailed TDM Plan for review and approval of the Planning Director, based on the following broad measures set forth below. The three key objectives of this plan are to reduce single occupant vehicle travel to and from the proposed project and thereby parking demand in the area; to increase the use of alternative means of commuting and to provide a means to manage the parking shortage should parking demand exceed supply. The TDM Plan shall be monitored every two years by an independent expert at the project sponsor's expense, approved by the City, and a written report submitted to the City for their review and approval. Recommended improvements, if any, shall be implemented by the project sponsor after the review period is completed. In determining the initial TDM Plan and any improvements thereto, the aggregate obligations of the project sponsor shall not exceed the obligations to comply with each of the following:

- a) The project sponsor shall encourage employers to consider instituting flexible work hours or telecommuting;
- b) The project sponsor shall participate in a potential future parking assessment district that may be created for an area including the project site;
- c) The project sponsor shall encourage building occupants to participate in a carpool/vanpool program (e.g. carpool ridesharing for employees, assistance with vanpool formation, provision of vanpool vehicles, etc.) and distribute information to employees on transit and carpooling options (maps, schedules, information from Bay Area RIDES);
- d) The project sponsor shall appoint a member of building staff with appropriate TDM training or experience, or contract with a qualified TDM consultant to act as a transportation demand management coordinator to make information available to tenants about available transit service, such as through provision of schedule books, maps and

other information to interested employees and sponsorship of on-site Commute Solutions Programs and invite transit service providers to participate;

- e) The project sponsor shall encourage existing retail tenants (convenience stores, small groceries, etc.) in the immediate vicinity of the project to provide transit pass sale services and shall make such passes available for sale through the on-site transit coordinator;
- f) The project sponsor shall provide preferential parking (e.g., near building entrance) and reduced/eliminated parking fees for interested registered carpool and vanpool vehicles;
- g) The project sponsor shall encourage employers to subsidize transit passes (such as through the Metropolitan Transportation Commission's "Commuter Check" program), provide transit ticket books with coupons for rides, set up a pre-tax payment system for employees, coupon ticket (free ride) giveaways to interested employees to try transit, or provide a Guaranteed Ride Home (GRH) program for transit riders;
- h) The project sponsor shall provide secure, weather-protected long-term bicycle parking for employees at the proposed retail and office uses, secure short-term bicycle parking for retail customers, and showers and lockers for employees bicycling or walking to work;
- i) The project applicant shall identify, promote and encourage building occupants to use outside "Concierge Services" that provide assistance with daily errands (dry cleaning and pharmacy drop-off and pick-up, post office, shopping, etc.);
- j) The project sponsor shall set parking rates and establish signage plans so as to avoid encouraging use by people not associated with the project, including by providing discounts for monthly/tenant.

MITIGATION MONITORING AND REPORTING PROGRAM

58. Mitigation Monitoring and Reporting Program.

a. *Ongoing.*

The following mitigation measures shall be incorporated into the project. For each measure, this Mitigation Monitoring and Reporting Program (MMRP) indicates the entity (generally, an agency or department within the City of Oakland) that is responsible for carrying out the measure ("Responsible Implementing Entity"); the actions necessary to ensure compliance with the applicable measure ("Monitoring Action(s)") and the entity responsible for monitoring this compliance ("Monitoring Responsibility"); and the time frame during which monitoring must occur ("Monitoring Timeframe"). The measures are taken from the environmental impact report and have been revised to provide more specificity and reflect current City policy. Several of the mitigation measures are no longer applicable and these have been included in the report in strike-out type. Moreover, a number of previously identified mitigation measures relating to construction air quality and noise are more properly now considered by the City to be uniformly applied development standards applied as conditions of approval, but remain mitigation measures here for convenience and simplicity. Changes from the original Mitigation Monitoring and Reporting Program are indicated in underlined type or ~~strikethrough~~ type for deletions.

**59. ~~Dust Control (Implement a Dust Control/ Abatement Program)~~
(Mitigation Measure C.1)**

~~The project sponsor will implement and maintain the following basic control measures to control dust emissions during construction in compliance with BAAQMD:~~

During construction, the project applicant shall require the construction contractor to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic and enhanced dust control procedures required for construction sites. These include:

- a) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- b) Cover all trucks hauling soil, sand, or other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on, all unpaved access roads, parking areas, and staging areas at construction sites.
- d) Sweep daily (preferably with water sweepers) using reclaimed water if possible all paved access roads, parking areas, and staging areas at construction sites.
- e) Sweep streets daily (preferably with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved streets roads.
- f) Use canvas drapes to enclose building floors during the application of mineral-based fiber insulation to structural steel frames.
- g) Limit the amount of the disturbed area at any one time, where feasible.
- h) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- i) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- j) Replant vegetation in disturbed areas as quickly as feasible.
- k) Enclose, cover, water twice daily to, or apply (nontoxic) soil binders to exposed stockpiles (dirt and sand).
- l) Limit traffic speeds on unpaved roads to 15 miles per hour.
- m) Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Building Services Division.

Monitoring Timeframe: Ongoing throughout demolition, grading and all phases of construction.

**60. ~~Noise Control (Implement noise control techniques to minimize disturbance to adjacent receptors during construction)~~
(Mitigation Measures D.1)**

To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning

Division and the Building Services Division review and approval, which includes the following measures:

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

Note: This Condition below #61 is a continuation of the previous mitigation measure in the 1998 EIR.

61. Pile Driving and Other Extreme Noise Generators

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

- a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings. Enclosures shall be provided to the extent feasible. Since ground level barriers would likely be installed along the site perimeter for safety, they should be constructed of plywood or solid materials to help reduce noise impacts at adjacent ground floor uses. However, residential and office uses located above the barrier would not experience any noise reduction from these barriers.;
- b) Engine and pneumatic exhaust controls on pile drivers shall be required as necessary to ensure that exhaust noise from pile driver engines are minimized to the extent feasible.
- c) Implement "quiet" pile driving technology. Pile holes shall be pre-drilled to reduce potential noise and vibration impacts where feasible (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- d) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- e) Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and
- f) Monitor the effectiveness of noise attenuation measures by taking noise measurements.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Planning and Zoning Division and Building Services Division.

Monitoring Timeframe: Submittal of Noise Reduction Plan is required prior to issuance of any building permit, including grading and demolition permits. Implementation of the Plan is ongoing throughout construction.

62. Document Key System Annex (Mitigation Measures E.1a)

~~Prior to demolition, the project sponsor should ensure that historic documentation is prepared for the Key System Building Annex and submitted to the Community and Economic Development Agency, Planning and Zoning Division for containment in the Department records, with an additional copy submitted to the Oakland Public Library, Main Branch, Oakland History Room for public use.~~

~~**Monitoring Responsibility:** City of Oakland, Community and Economic Development Agency (CEDA), Planning and Zoning Division~~

~~**Monitoring Timeframe:** Implementation shall occur prior to commencement of the demolition of the Annex Building~~

Note: This Condition #62 (Mitigation Measure E.1a) was deleted since Annex was demolished in late 1998 for safety reasons. Therefore, this is now considered no impact.

63. Rehabilitation of the Key System Building shall conform to Landmark design review criteria (Mitigation Measures E.1b)

The project sponsor shall ensure that the rehabilitation of the Key System Building conforms to the appropriate City design review criteria for Landmark Buildings, consistent with the language of Ordinance No. 10434 C.M.S., and subject to review of the Landmarks Preservation Advisory Board,

and the project sponsor shall retain the participation of a historic preservation architect to assist with and monitor compliance during construction.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Planning and Zoning Division

Monitoring Timeframe: Implementation shall occur prior to commencement of demolition or construction activities on the site and ongoing during construction.

Note: This Condition #63(Mitigation Measure E.1b) was implemented with the proposed project. The project does conform to appropriate City design review per the findings above. The project was presented before the Landmarks Board who agreed that the project met the findings and recommended forwarding the Planning Commission. A preservation architect was hired and his recommendations for compliance are included as condition of approval #51. Therefore, this impact is less than significant.

64. ~~Revise the design (Mitigation Measures E.2)~~

~~The project sponsor shall alter the design of the proposed seven-story addition such that it draws from, but does not imitate to the same extent as currently proposed, the design of the existing Key System Building.~~

~~**Monitoring Responsibility:** City of Oakland, Community and Economic Development Agency (CEDA), Planning and Zoning Division~~

~~**Monitoring Timeframe:** Implementation shall occur prior to commencement of demolition or construction activities on the site.~~

Note: This Condition #64 (Mitigation Measure E.2) was implemented with the proposed project. The contemporary glass design was proposed in response to comments in the certified EIR. The proposed project is designed to appear as if the proposed office tower and the Key System building are two separate buildings (despite the removal of much of the Key System Building's north lot line wall and structural and functional integration of the two on the interior). This approach allows the proposed 20-story office tower to behave visually as a distinct new infill building within the Downtown Oakland Historic District, while allowing the existing Key System Building to continue to function as an adjacent individually significant and contributing building within the historic district. Therefore, this is now considered no impact.

65. Avoid damage to the Key System Building (Mitigation Measures E.3a)

The following measures shall be implemented to avoid damage to the Key System Building: 1) Prevent debris from hitting the Key System Building; seismically strengthen the Key System Building to reduce vibration and demolition damage; and shore the Key System Building's foundations prior to adjacent excavation.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Planning and Zoning Division

Monitoring Timeframe: Implementation shall occur prior to commencement of demolition or construction activities on the site and ongoing throughout construction activities on the site.

Note: This Condition #65 (Mitigation Measure E.3a) was implemented due to demolition of the Annex. However, staff believes that the objectives described above are still relevant during construction of the proposed project. Therefore, staff has retained this condition.

66. Document the Key System Building (Mitigation Measures E.3b)

Prior to the start of excavation or construction the historic preservation architect shall retain a historic preservation architect to identify and photograph and prepare a written description of the features, fixtures, and finishes associated with the Key System Building that might be damaged during project construction.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency (CEDA), Planning and Zoning Division

Monitoring Timeframe: Implementation shall occur prior to commencement of grading, demolition or construction activities on the site.

APPROVED BY:

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

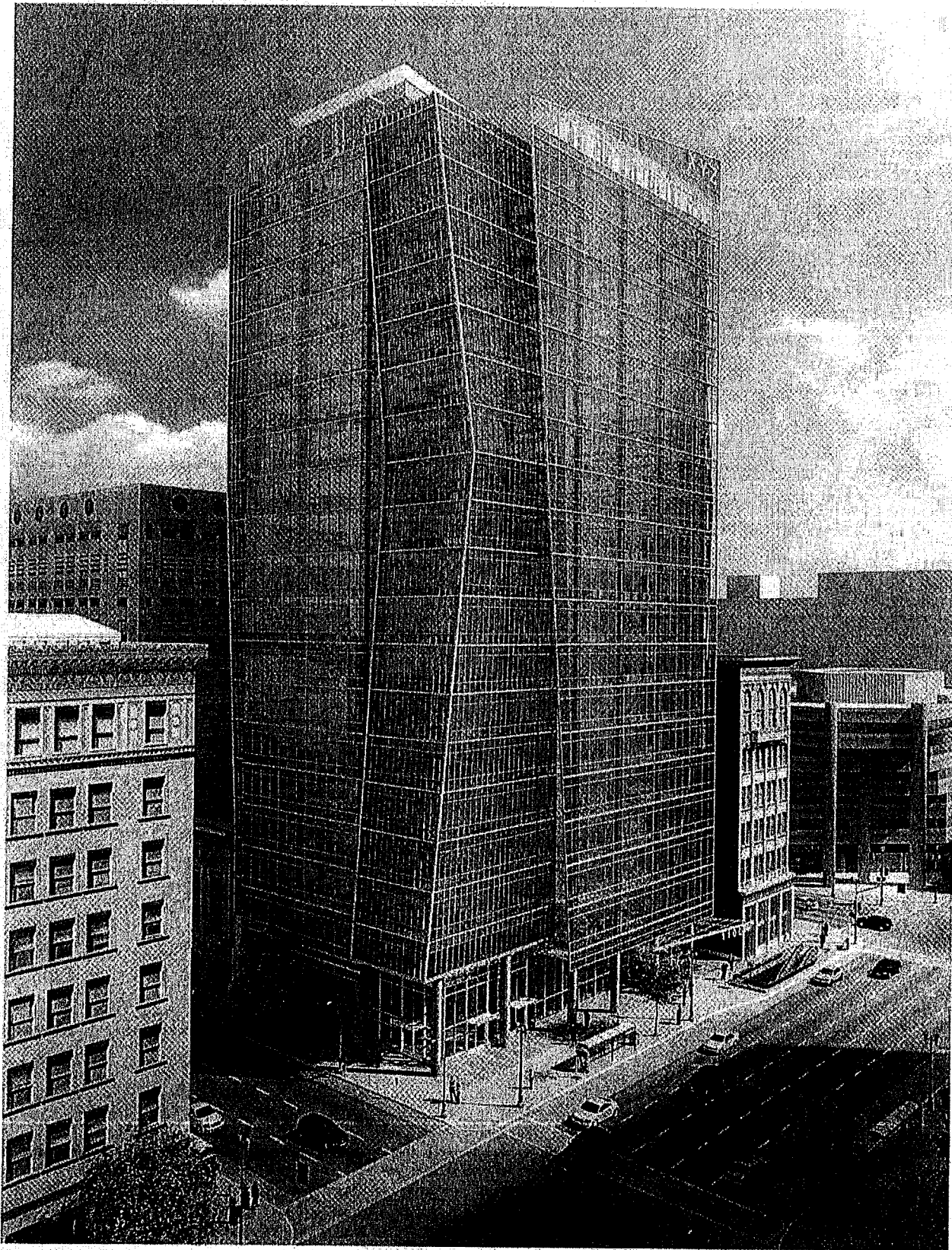
City Council: _____ (date) _____ (vote)

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on February 13, 2008. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant: _____ (date)

Signature of Contractor _____ (date)

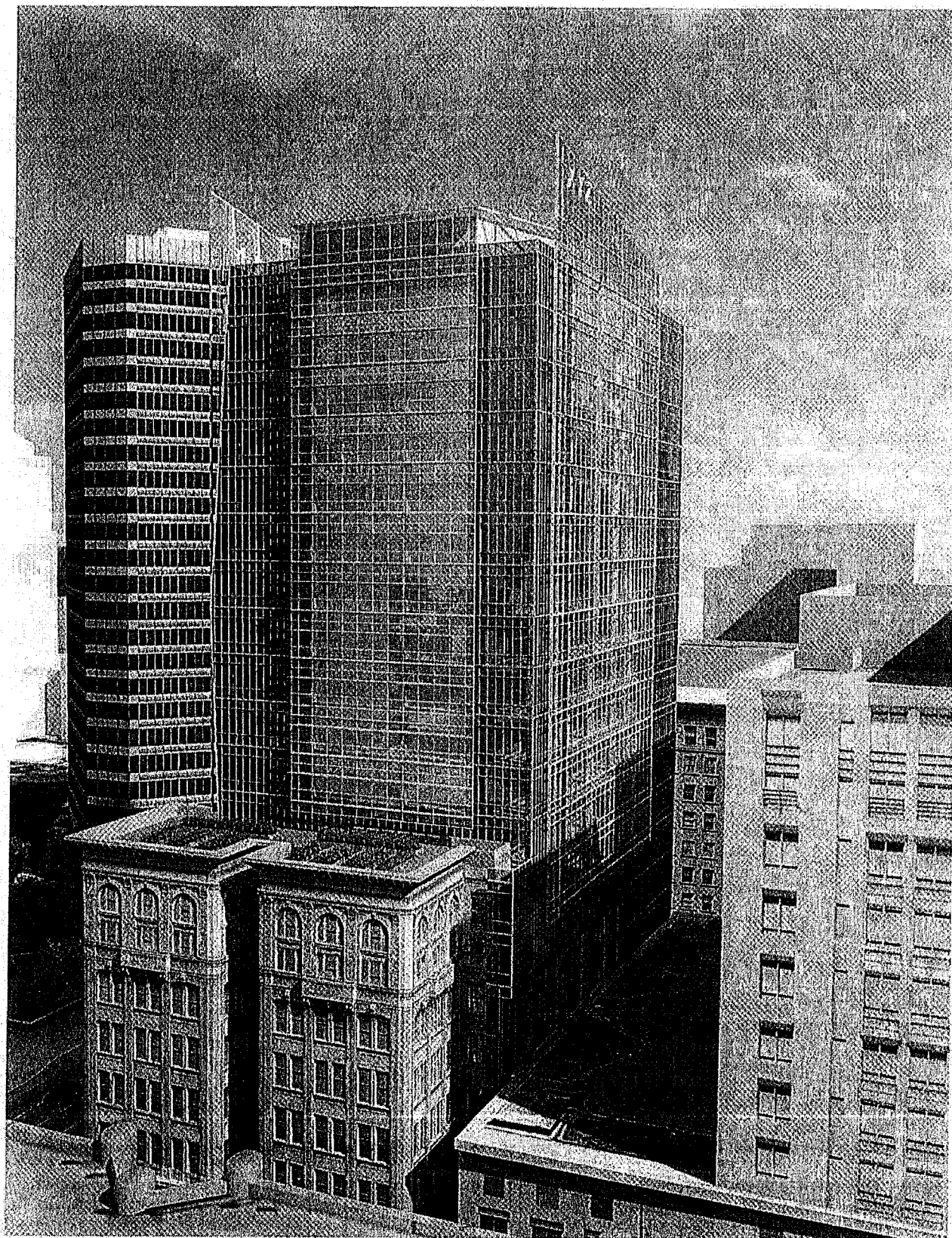


PERSPECTIVE LOOKING SOUTHEAST

SKS

Investments

ATTACHMENT A



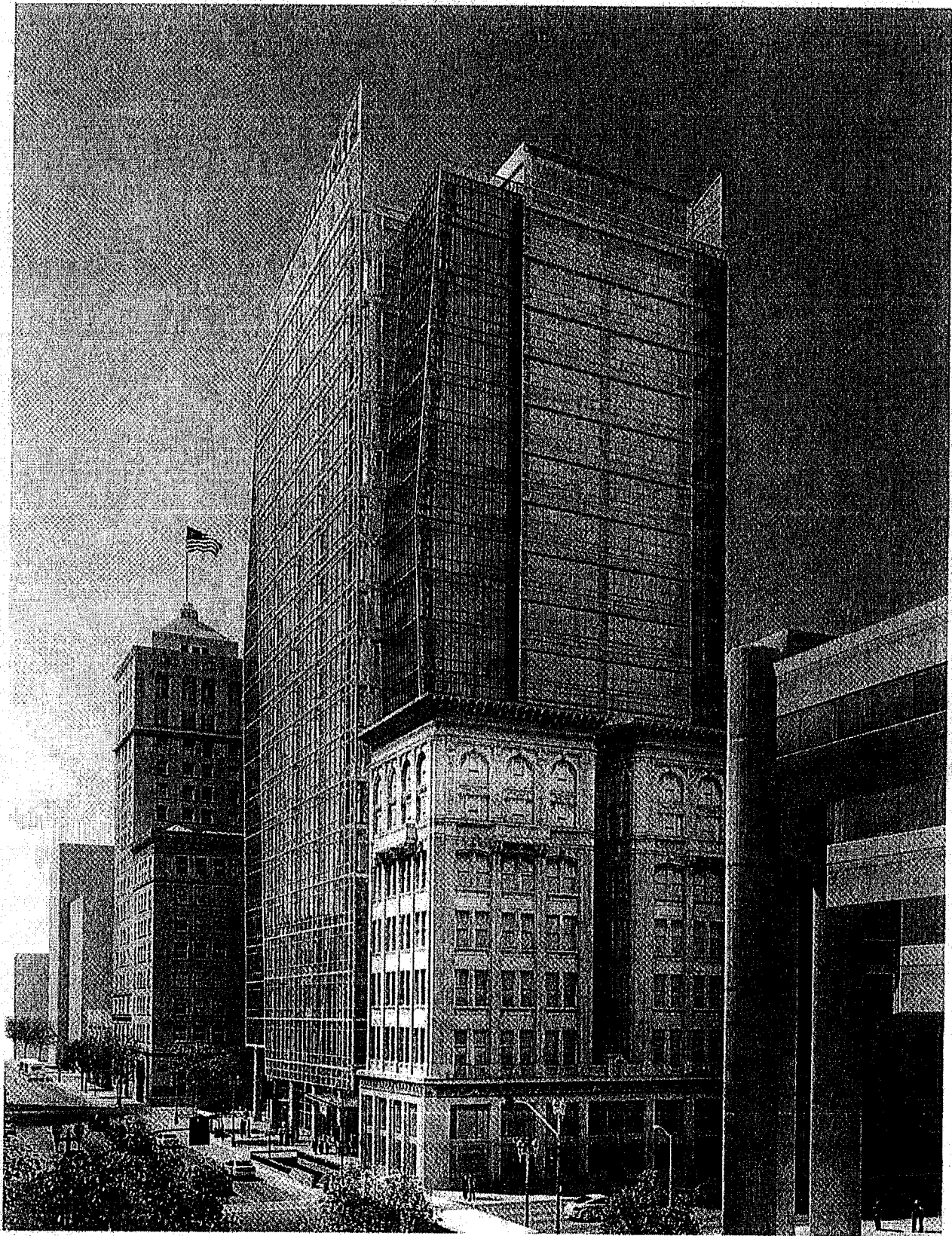
PERSPECTIVE LOOKING NORTHWEST

SKS

Investments

1100 BROADWAY
Oakland, CA

KMD

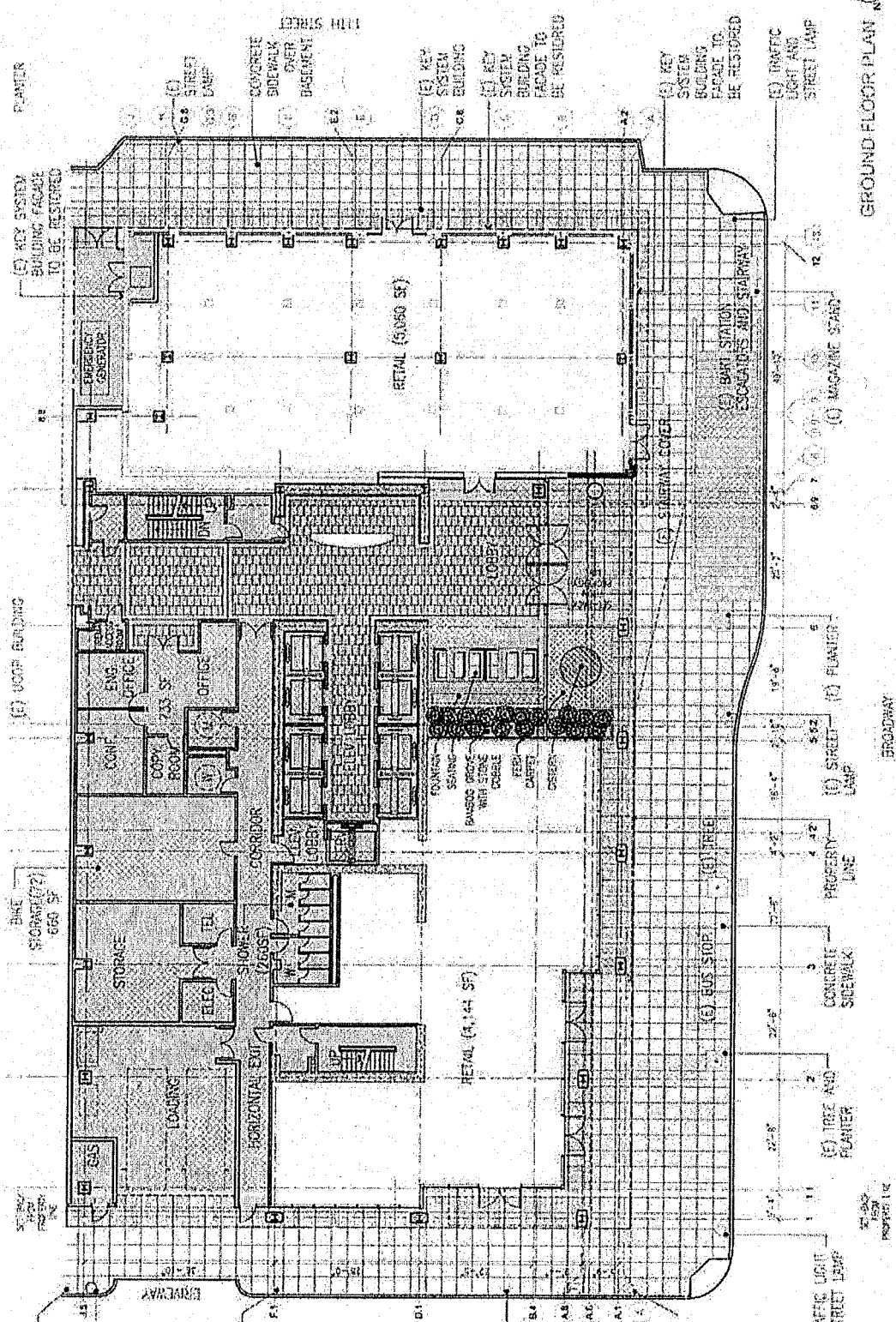


PERSPECTIVE LOOKING NORTH

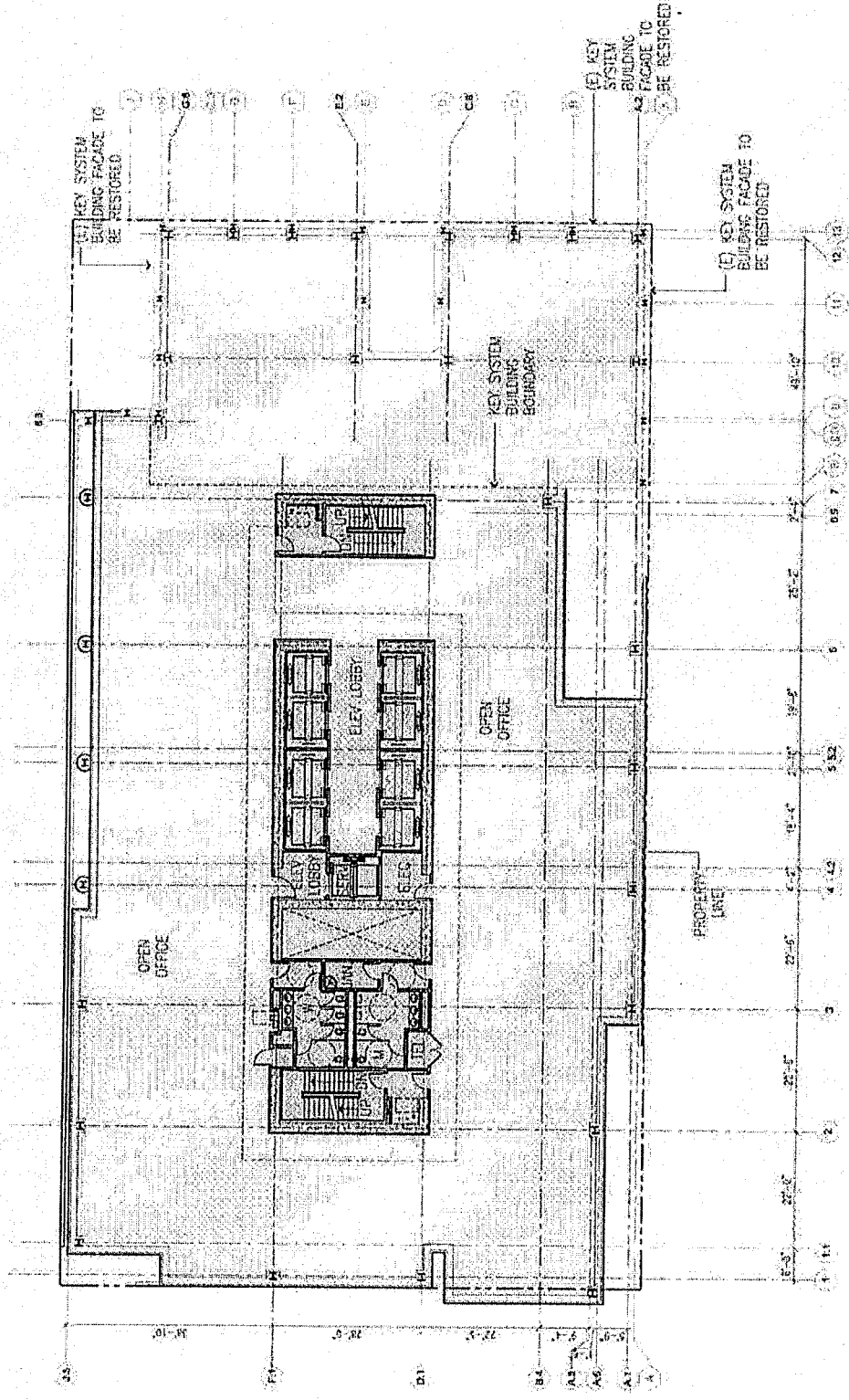
SKS
Investments

1100 BROADWAY
Oakland, CA

KMD



GROUND FLOOR PLAN



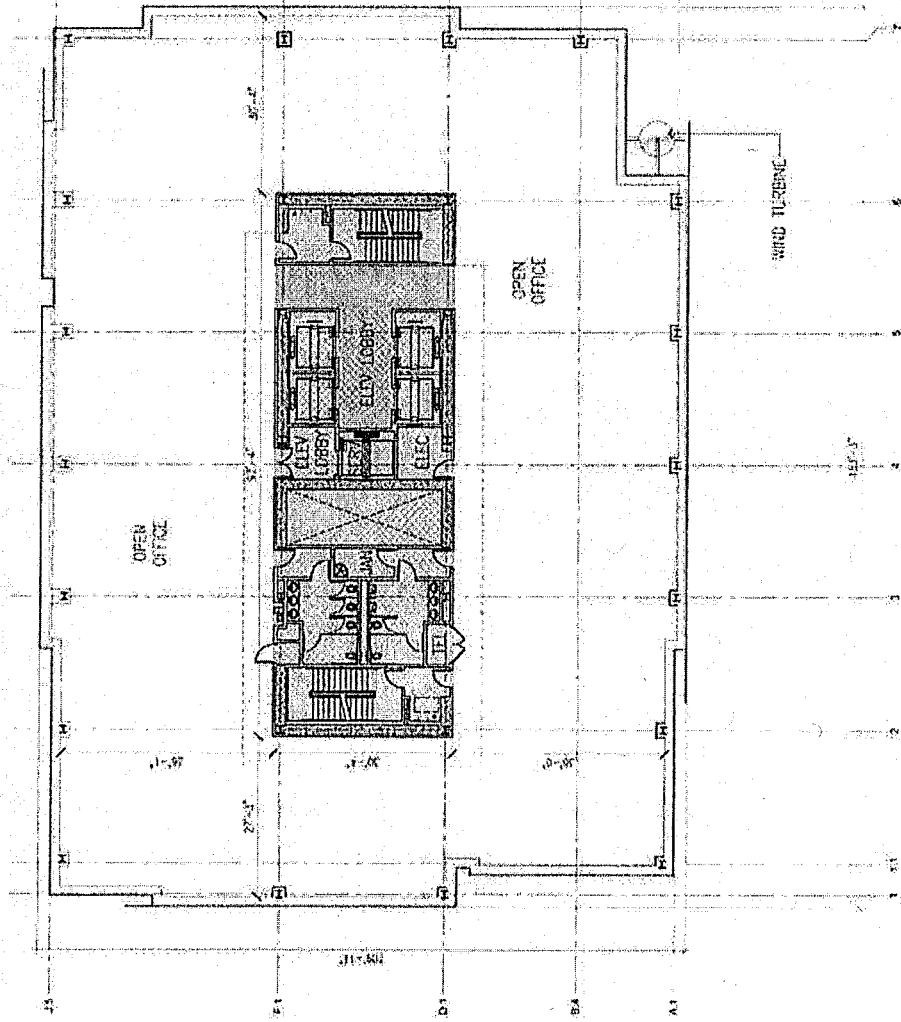
TYPICAL OFFICE FLOOR
PLAN - LOWER FLOORS

SKS

Investments

1100 BROADWAY
Oakland, Ca

KMD



TYPICAL OFFICE FLOOR
 PLAN - UPPER FLOORS

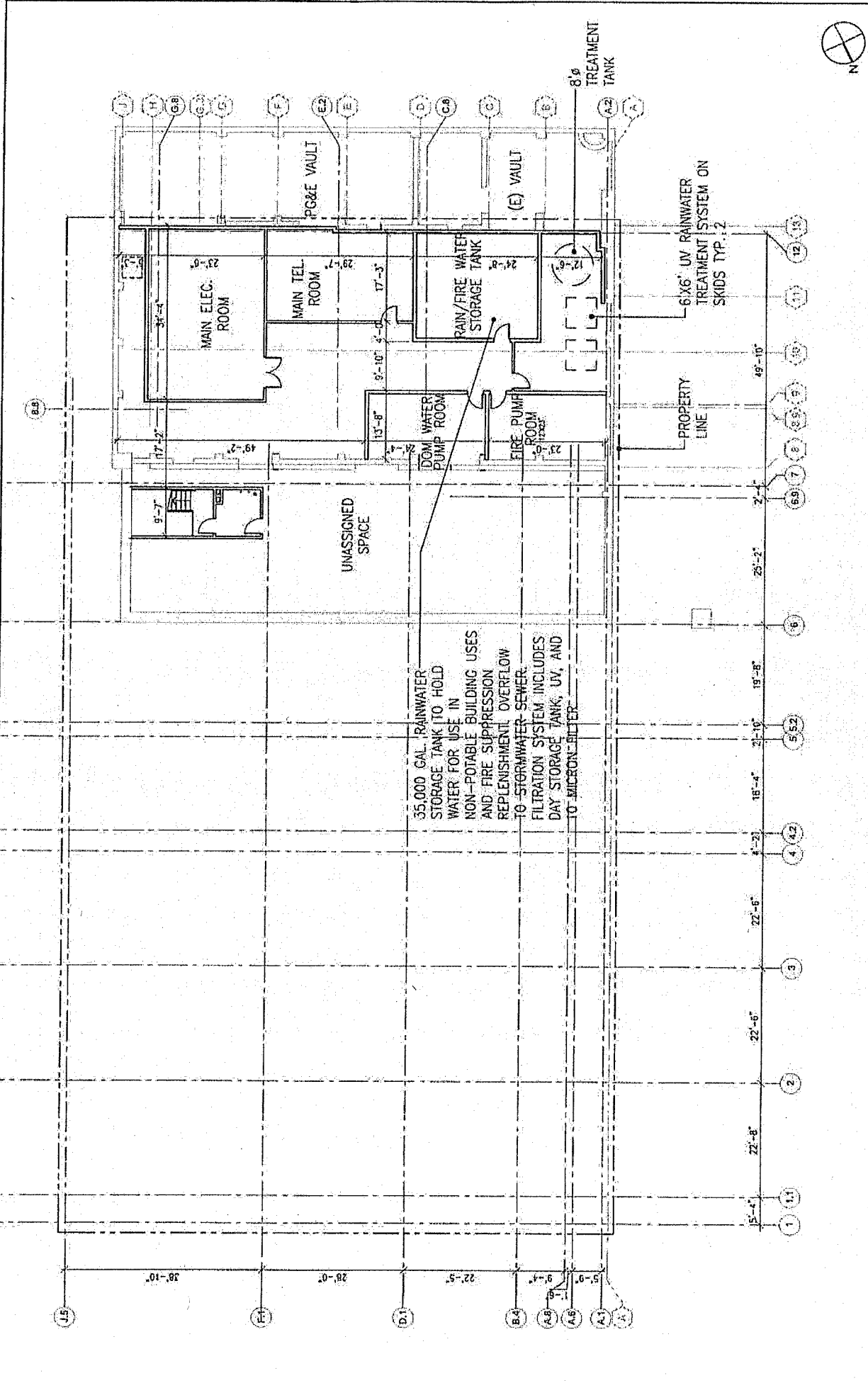


SKS

Investments

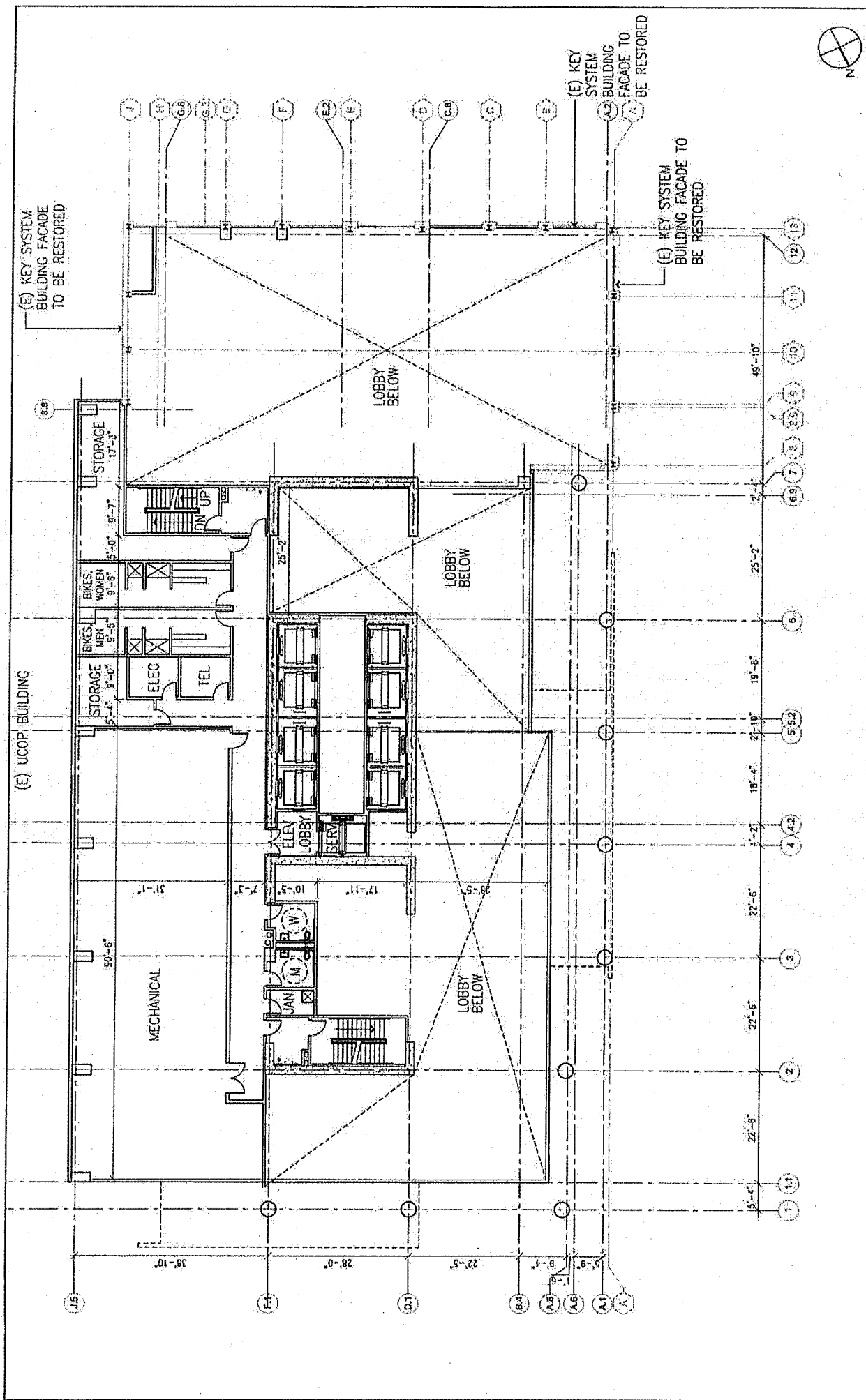
1100 BROADWAY
 Oakland, CA

KMD

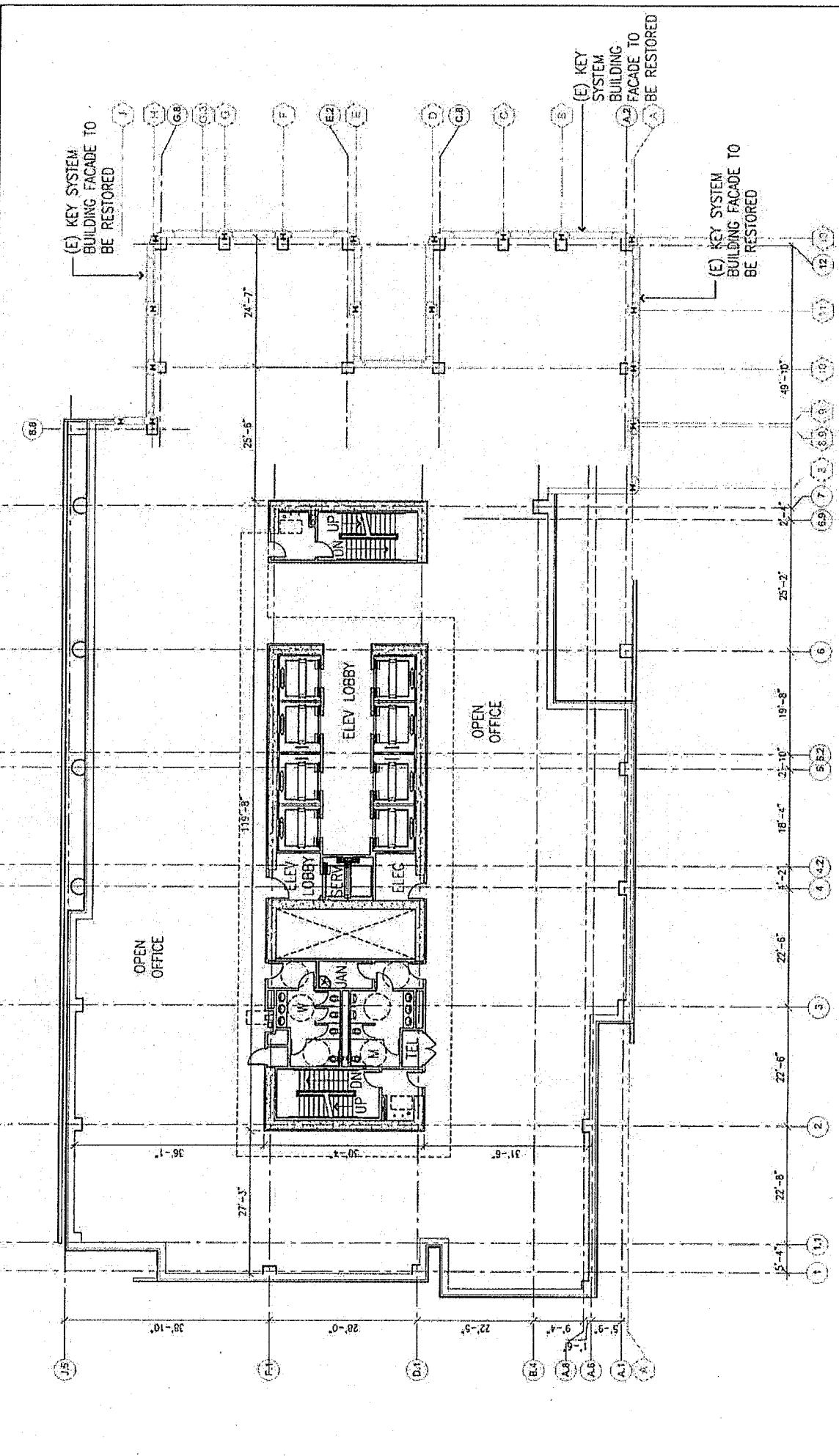


KAPLAN M&E ARCHITECTS 220 WALTON DRIVE SAN FRANCISCO, CA 94102 TEL: 415.774.8800	SKS 50 CALIFORNIA STREET SAN FRANCISCO, CA 94108 TEL: 415.398.8200	PROJECT: 1100 BROADWAY OAKLAND, CA	TITLE: BASEMENT PLAN	SHEET: AI-0	SCALE: 1/8" = 1'-0" DATE: 09/04/07
		APPLICATION FOR DEVELOPMENT REVIEW	35,000 GAL. RAINWATER STORAGE TANK TO HOLD WATER FOR USE IN NON-POTABLE BUILDING USES AND FIRE SUPPLEMENT OVERFLOW TO STORMWATER SEWER. FILTRATION SYSTEM INCLUDES DAY STORAGE TANK, UV, AND TO MICRON-FILTER	6'x6' UV RAINWATER TREATMENT SYSTEM ON SKIDS TYP. 2	8.0 TREATMENT TANK

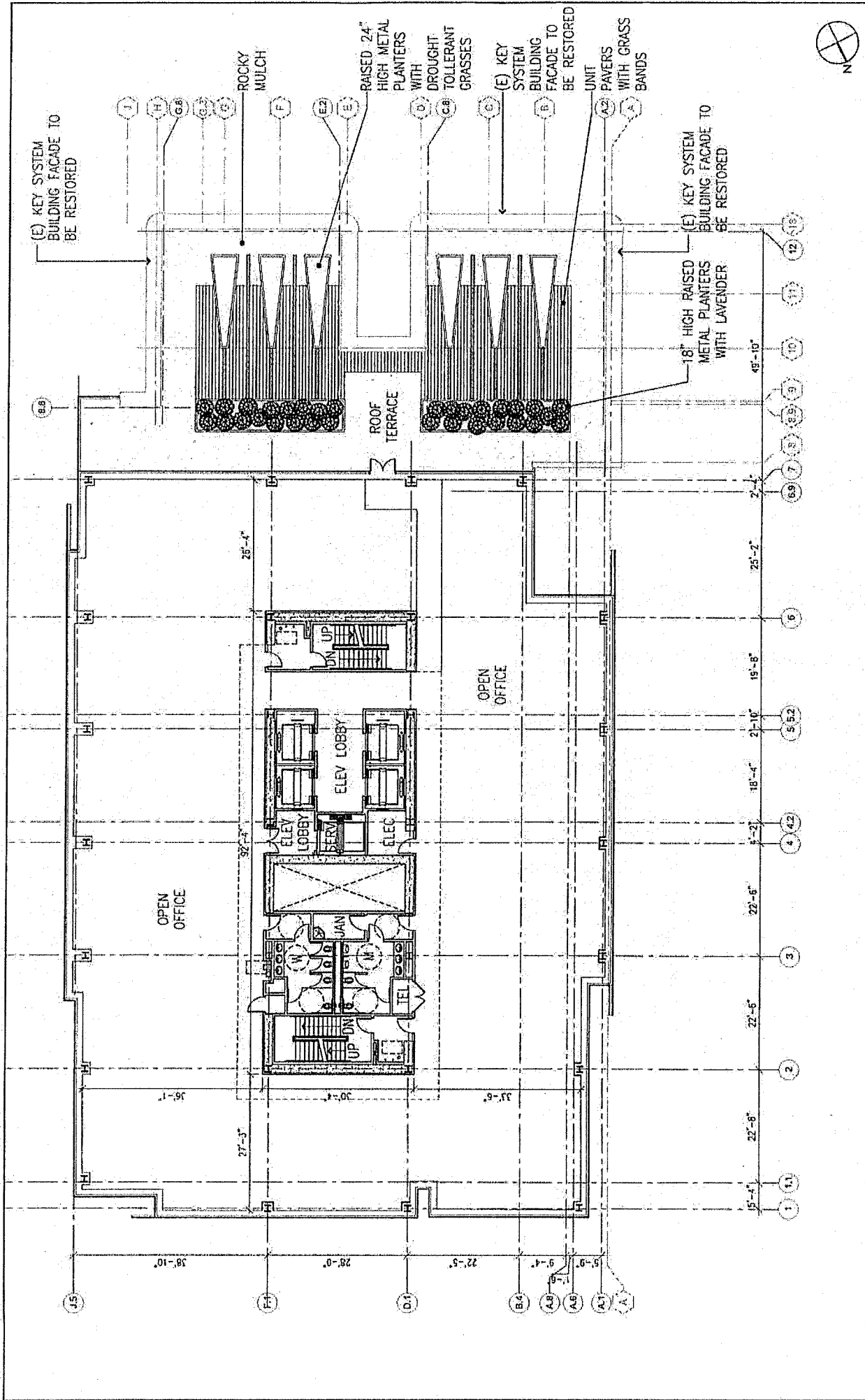
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KAPLAN McLAUGHLIN DIAZ ARCHITECTS 215 CALIFORNIA STREET SAN FRANCISCO, CA 94102 TEL: (415) 398-1000 WWW: WWW.KMDC.COM	S K S PROJECT MANAGER 1100 BROADWAY OAKLAND, CA	APPLICATION FOR DEVELOPMENT REVIEW	TITLE 2ND FLOOR PLAN	SHEET A1-2	SCALE 1/8" = 1'-0"
				DATE 09/04/07	COPYRIGHT © 2007 BY KMD (KAPLAN McLAUGHLIN DIAZ). ALL RIGHTS RESERVED.



KAPLAN McLAUGHLIN DIAZ ARCHITECTS 300 WASHINGTON STREET SAN FRANCISCO, CALIFORNIA 94102	PROJECT 610 CALIFORNIA STREET SAN FRANCISCO, CALIFORNIA 412-018200	1100 BROADWAY OAKLAND, CA	APPLICATION FOR DEVELOPMENT REVIEW	TITLE 6TH FLOOR PLAN (GRD THROUGH 5TH, 7TH, AND 8TH FLOOR PLANS SIMILAR)	SHEET A1-3	SCALE 1/8" = 1'-0"	DATE 09/04/07
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KAPLAN McLAUGHLIN DIAZ ARCHITECTS 200 CALIFORNIA STREET OAKLAND, CA 94612 415-221-2000	SKS <small>SKS CONSULTANTS</small>	PROJECT 501 CALIFORNIA STREET OAKLAND, CA 94612 415-221-2000	TITLE 9TH FLOOR PLAN (10TH THROUGH 13TH FLOOR PLANS SIMILAR)	SHEET A1-4	SCALE 1/8" = 1'-0"
		APPLICATION FOR DEVELOPMENT REVIEW	DATE 09/04/07	COPYRIGHT © 2007 BY KAPLAN McLAUGHLIN DIAZ. ALL RIGHTS RESERVED.	



SCALE 1/8" = 1'-0"
DATE 09/04/07

SHEET **A1-5**

TITLE 14TH FLOOR PLAN
(15TH THROUGH 19TH FLOOR PLANS SIMILAR)

APPLICATION FOR
DEVELOPMENT REVIEW

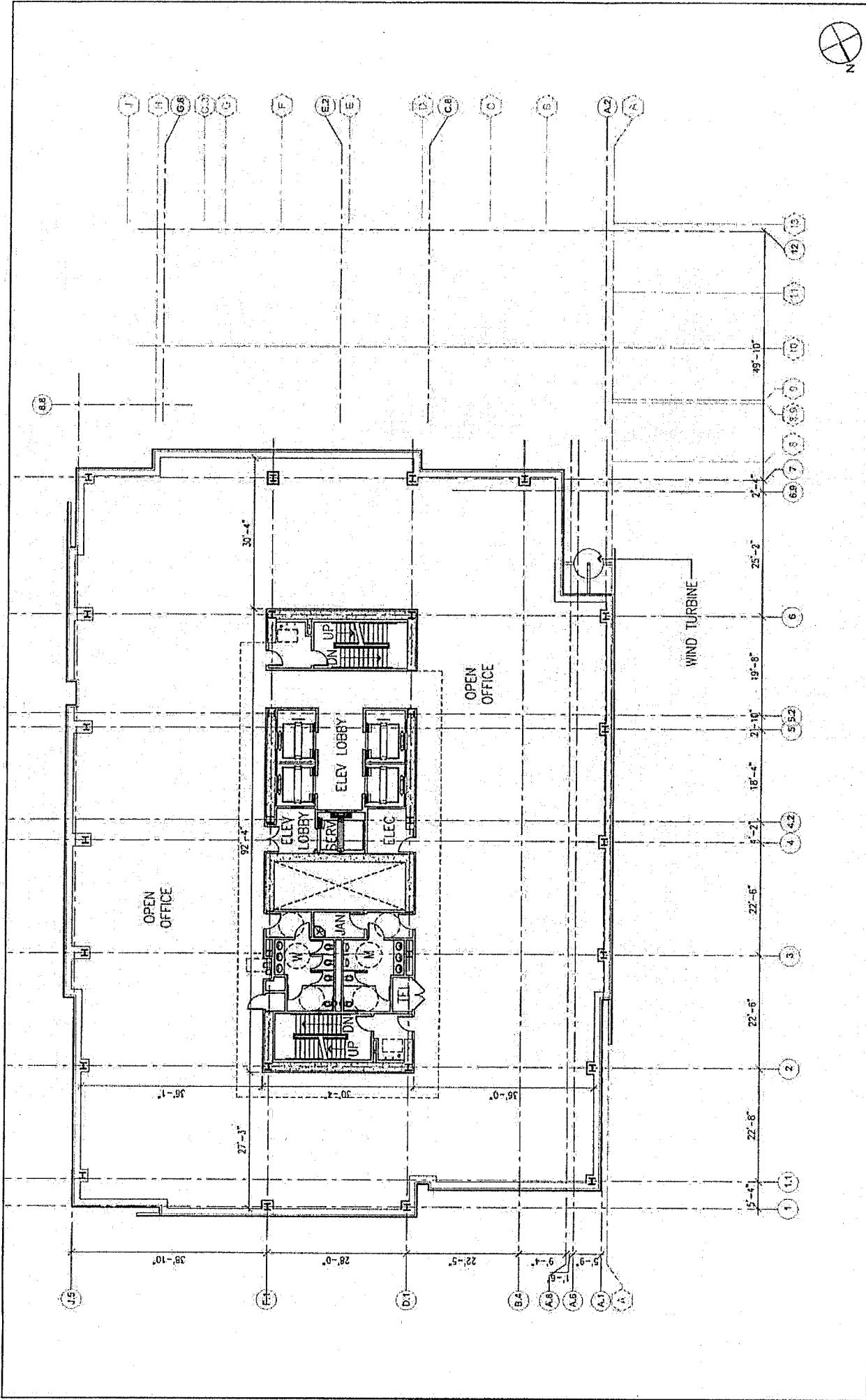
PROJECT 1100 BROADWAY
OAKLAND, CA

30 CALIFORNIA STREET
SAN FRANCISCO, CA 94102
415-421-5200

SKS

KAPLAN McLAUGHLIN DIAZ
ARCHITECTS P.L.L.C.
30 McALLISTER STREET SAN FRANCISCO, CA 94102

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SCALE 1/8" = 1'-0"
DATE 09/04/07

A1-6

SECRET

PROJECT 20TH FLOOR PLAN

APPLICATION FOR DEVELOPMENT REVIEW

PROJECT 1100 BROADWAY OAKLAND, CA

SKS

KAPLAN McLAUGHLIN DIAZ ARCHITECTS P.A.

220 WASHINGTON STREET SAN FRANCISCO, CA 94102 415-421-8222

1100 BROADWAY OAKLAND, CA 94612 415-421-8222

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