Case File Numbers: PUD03552, PUDF03553, ER030022 **December 1, 2004**

Location:	**Two blocks bounded by West Grand Avenue, Broadway, Valley and 24th Streets.**
Proposal:	Redevelopment of the site with a phased mixed-use project including 421 condominiums, 30,000 square feet of ground-floor commercial space, and 670 structured parking spaces.
Project Sponsor:	Signature Properties, Inc.
Owners:	Negherbon Lincoln Mercury, Inc.; Signature at Negherbon LLC; Tyler Hunt; Craig Hertz
Planning Permits Required:	Planned Unit Development (Preliminary Development Plan and Final Development Plan), Design Review, Conditional Use Permit for inconsistency between zoning classification and General Plan land use designation, Variances for the construction of new live-work units and a reduction in the number of required loading spaces, and a Tentative Parcel Map.
General Plan:	Central Business District/Community Commercial
Zoning:	C-40 Community Thoroughfare Commercial Zone/C-55 Central Core Commercial Zone/C-60 City Service Commercial Zone/S-4 Design Review Combining Zone/S-17 Downtown Residential Open Space Combining Zone
Environmental Determination:	Final EIR published on November 19, 2004.
Historic Status:	Site includes seven buildings considered cultural resources under CEQA.
Service Delivery District:	II – North Oakland/North Hills
City Council District:	3
For further information:	Contact case planner **Lynn Warner** at **510-238-6168** or by e-mail at **lwarner@oaklandnet.com**

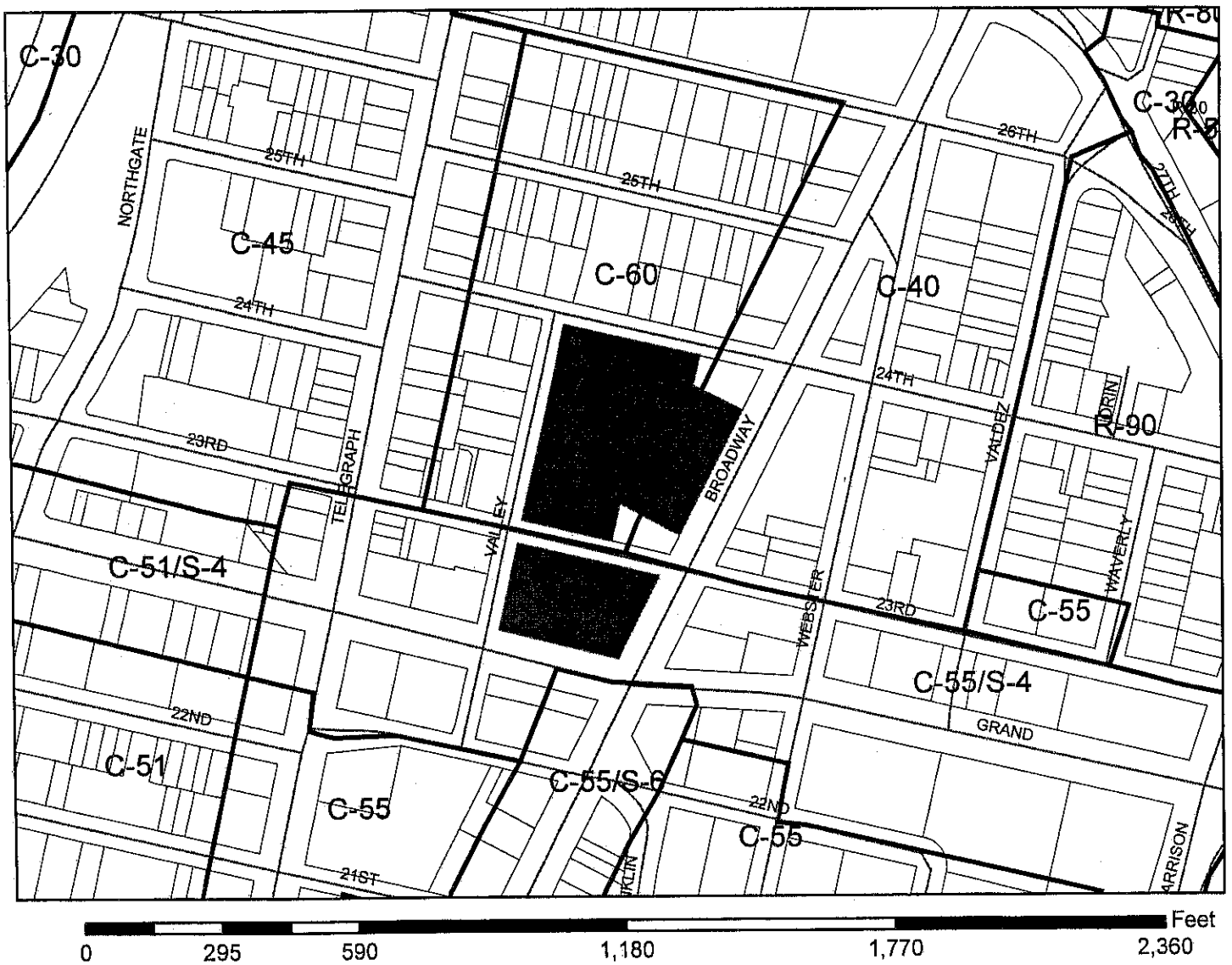
SUMMARY

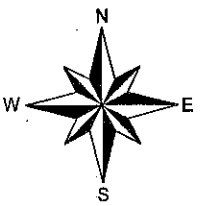
The mixed-use project is located on a two-block site bounded by West Grand Avenue, Broadway, 24th and Valley Streets. The approximately 5-acre site is located at the southern end of Broadway Auto Row and is surrounded by a mix of commercial and residential uses. The almost two-block project site is currently comprised of auto-related sales and services, surface parking, small-scale retail and commercial services, and 16 residential units. Signature Properties is proposing a phased redevelopment of the site with 421 condominiums, 30,000 square feet of ground-floor, neighborhood-serving commercial space on West Grand Avenue and Broadway, and 670 structured parking spaces.

A Draft EIR was published on August 26, 2004 and the public review and comment period ended on October 8, 2004. A Final EIR responding to the comments received on the Draft EIR was published on November 19, 2004. In response to the comments received the project sponsor has revised the design to demolish the building facade at the southeast corner of the 23rd/Valley Street intersection that was previously proposed for retention and instead preserve the façade of the building at 2335 Broadway, which was originally designed by Julia Morgan.

Staff recommends approval of the project subject to the conditions, requirements, and findings contained in this staff report.

CITY OF OAKLAND PLANNING COMMISSION





Case File: ER03-0022, PUD03-552 & PUDF03-553
Applicant: Signature Properties
Location: Mixed Use Project involving two block area bounded by West Grand Ave, Broadway, 24th St, and Valley St.
Zone: C-40; C-60; C-55/S-4/S-17

PROJECT SITE AND SURROUNDING AREA

The approximately 5-acre site is bounded by West Grand Avenue, Broadway, Valley and 24th Streets. The almost two-block project site is comprised of auto-related sales and services, surface parking, small-scale retail and commercial services, and 16 residential units. The site includes all lots on both blocks, with the exception of one lot housing a Saturn dealer at the southwest corner of Broadway and 24th Street. In addition, a parcel at Broadway and 23rd Street, occupied by the Lucky Goldfish store, is not currently under the control of the project sponsor, but may be acquired and included as part of the project. The project site is located at the southern end of Broadway Auto Row and is surrounded by a mix of commercial and residential uses. Buildings in the surrounding area range in height from one to ten stories. There are seven CEQA cultural resources located on the project site. The project site is also adjacent to, but not within, the 25th Street Garage District (see Environmental Review section below).

PROJECT DESCRIPTION

Signature Properties is currently proposing a phased redevelopment of the site with up to 421 condominiums, 30,000 square feet of ground-floor commercial space on West Grand Avenue and Broadway, and 670 structured parking spaces (544 residential and 126 commercial). The project site consists of almost two entire blocks, which are designated Parcel A and Parcel B. Parcel A is the block bounded by West Grand Avenue, Broadway, Valley and 23rd Streets, and would be developed in Phase I of the project. Parcel B is the block bounded by West Grand Avenue, Broadway, Valley, 23rd and 24th Streets, and would be developed in Phase II of the project. Up to 13 existing buildings on the entire site (if the Lucky Goldfish parcel is acquired) would be demolished, but the facades of two buildings would be retained and incorporated into the project development. The previous project design would have retained the facades of the two buildings at the corners of the 23rd/Valley Street intersection. In response to the comments received on the Draft EIR, the project sponsor has revised the design to demolish one of the building facades at the southeast corner of the 23rd/Valley Street intersection previously proposed for retention and instead preserve the façade of the building at 2335 Broadway, which was originally designed by noted architect Julia Morgan. Therefore, the facades of the building at the northeast corner of the 23rd/Valley Street intersection (440-448 23rd Street) and the building at 2335 Broadway would be retained as part of the revised project. Five cultural resources would be demolished and two would have the facades preserved; none of the identified cultural resources would be preserved in their entirety.

The proposed buildings are between six and seven stories tall, with a maximum height of about 84 feet to the top of the parapet wall. This height would provide a transition between the high-rise office buildings and the smaller scale commercial and residential structures in the surrounding area. The residential levels will be constructed on a podium over the retail and parking levels. The parking levels will be partially lined by commercial space and residential units. The proposed flats and townhouses range in size from approximately 754 to 2,118 square feet and are a combination of one-, two-, and three-bedroom units. Most of the ground-floor units on Parcel B have street entrances. Vehicle access and loading berths will be provided on 23rd and 24th Streets. Open space will be provided via a combination of private balconies and

common interior courtyards at the podium level. The project sponsor is also proposing to widen portions of Valley Street adjacent to the project, and to provide curb bulb-outs along the Broadway, Valley, and 23rd Street project frontages.

GENERAL PLAN ANALYSIS

There are two General Plan designations for the project site: Central Business District and Community Commercial. The Central Business District designation, which applies to Parcel A, allows a maximum floor area ratio (FAR) of 20.0 (which includes both residential and nonresidential floor area). The Community Commercial designation, which applies to Parcel B, allows a maximum FAR of 5.0, and a maximum residential density of 166.67 units per net acre. The combined FAR for Parcel A is 4.1, the FAR for Parcel B is 0.06, and the residential density for Parcel B is 85 units per acre. The proposed project is within the allowable FAR and residential density for each parcel, and the uses are consistent with the General Plan designations. In addition, the project implements several General Plan Land Use and Transportation Element policies related to the provision of infill, mixed-use development in close proximity to mass transit (including Policies D2.1, D3.1, D3.2, D6.2, D10.1, D10.5). Therefore, the project is consistent with the intensity and uses allowed by the General Plan land use designations, as well as with several General Plan policies.

ZONING ANALYSIS

There are several zoning designations for the site including: C-40 Community Thoroughfare Commercial/C-55 Central Core Commercial/C-60 City Service Commercial/S-4 Design Review/S-17 Downtown Residential Open Space. All of these zoning districts permit the proposed uses except for the C-60 zone, which does not allow residential or retail uses. However, because the uses are consistent with the Community Commercial General Plan land use designation they are allowed with an interim Conditional Use Permit. The *Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations* include the C-40 zone as a possible best-fit zone for the Community Commercial land use designation. Staff has applied the C-40 zone as the best-fit zone for the portion of Parcel B currently zoned C-60 because the rest of Parcel B is currently zoned C-40. The FAR is within the maximum FAR allowed of 7.7 for Parcel A, and 3.3 for Parcel B. The density is within the maximum allowable residential density of 1 unit per 450 square feet of lot area for Parcel B.

The proposed project will require the following planning approvals: a Planned Unit Development (PUD) (including both a Preliminary Development Plan (PDP) and a Final Development Plan (FDP)), a Conditional Use Permit (for inconsistency between the existing zoning classification and the General Plan designation), Design Review, Variances for the construction of new live-work units and a reduction in the number of required loading spaces, and a Tentative Parcel Map. All applicable criteria for these entitlements have been analyzed and appropriate findings have been made as part of this staff report.

Planned Unit Development

A Planned Unit Development (PUD) is required in order to accommodate the phasing of the proposed mixed-use project. The project sponsor has submitted both Preliminary Development Plan (PDP) and Final Development Plan (FDP) applications to develop the two blocks of the project in two overlapping construction phases. The first phase of construction would entail the redevelopment of Parcel A with 132 condominiums and 135 resident parking spaces, as well as approximately 21,300 square feet of ground-floor commercial space with 61 commercial parking spaces. The project sponsor anticipates that construction of Parcel A would begin by March 2005 and be completed by September 2006. The second phase of construction would entail the redevelopment of Parcel B with 289 condominiums and 409 resident parking spaces, as well as approximately 8,500 square feet of ground-floor commercial space with 65 commercial parking spaces. The anticipated schedule for Parcel B is for construction to begin by April 2006 and to be completed by March 2009. Except for interior finish work, most of the construction activity on Parcel A will be completed before construction activity commences on Parcel B.

Conditional Use Permit

A Conditional Use Permit is required per Section 17.01.100 of the Planning Code for the inconsistency between the existing zoning and general plan land use designations for the site. Except for the Broadway frontage of the site, which is zoned C-40 Community Thoroughfare Commercial, Parcel B is zoned C-60 City Service Commercial. As previously discussed, this zoning classification is inconsistent with the General Plan land use designation of Community Commercial because it does not allow residential uses. Therefore, applying the best-fit zone of C-40 would make the zoning for the rest of Parcel B consistent with both the existing General Plan land use designation for the site, and with the existing zoning for the Broadway frontage of the site.

Design Review

Design review is required for residential projects with three or more units on a lot. The project design breaks up the building massing by incorporating different materials, styles, and colors. The architectural styles include a combination of traditional and modern design elements, which is compatible with the mix of styles in the surrounding area. The proposed exterior building materials include stucco, brick veneer, concrete, stone veneer, aluminum panels, metal railing, balconies, and grills, metal and glass canopies, and fiberglass and aluminum windows. Proposed colors include a range of earth tones as well as muted red, orange, and blue tones.

The project design has been reviewed several times by the Design Review Committee, the Landmarks Preservation Advisory Board, the Planning Commission, and at a community meeting. The project sponsor has revised the project design several times in order to address comments received throughout the review process. Design changes made include: altering the transitions between the different portions of the buildings, changing some of the architectural styles, emphasizing the tower element at the corner of Broadway and West Grand, adding bay windows to the Valley Street and 23rd Street elevations, and incorporating facades of historic buildings into the design where feasible. Staff believes that the current design is attractive and

appropriate for the area, which includes buildings with a variety of designs, forms, heights, and uses.

Variances

Variances are required for the construction of new live-work units and a reduction in the number of required loading spaces. The project sponsor would like the flexibility to create up to 6 live-work units on a portion of the ground floor of the building along West Grand Avenue so that residents could operate businesses from their residences that include on-site employees and/or signage. If constructed, these units would replace a portion of the commercial space proposed for the West Grand Avenue project frontage, and would have to meet the applicable Planning Code requirements related to parking, unit size, etc. that are in place at the time of building permit issuance. Under the existing Planning Code the construction of new live-work units is not allowed except in the S-16 Industrial-Residential Transition Combining Zone, a recently created zoning overlay district. Live-work units (or joint living and working quarters) are defined as residential occupancy of a building originally designed for non-residential occupancy, or in other words the conversion of an existing building to residential uses. Staff has been considering expansion of the areas where new joint living and working quarters are allowed with the Zoning Update Committee, and expects to revise the Planning Code in the near future to allow this type of facility in order to accommodate market demand and to take advantage of the incremental reduction in vehicle trips that these units provide by combining workplace and residence. This facility type will further important General Plan Land Use and Transportation Element objectives such as developing live-work spaces and providing variety in housing types. This area near the downtown is one of the areas being considered. The proposed facility type would be different from any existing live-work facility type currently allowed by the Planning Code as it would have different requirements related to floor area, parking, and open space. Staff supports a major variance to allow the construction of up to 6 new live-work units as part of this project. This would allow the project sponsor the flexibility to provide a combination of live-work and neighborhood-serving commercial space at the ground floor of the building which will activate the street level. A variance for the construction of new live-work units was recently approved for the T-10 mixed-use project, which is part of the City Center Planned Unit Development.

In addition, per Section 17.116 of the Planning Code, two residential loading berths and one commercial loading berth are required to serve Parcel A, but only one residential and one commercial berth are provided. Staff believes that a minor variance for a deficit of one residential loading berth is warranted since the building would adequately accommodate the need for residential loading through provision of one berth, and meeting the code requirement for an additional berth would negatively impact the layout of the parking garage. Other variances for a reduction in the number of required loading berths have been granted for several other similar projects.

Tentative Parcel Map

A Tentative Parcel Map is required in order to create condominiums. The proposed parcel map (TPM 8530) is an administrative-level determination and will not come before the Planning Commission.

ENVIRONMENTAL REVIEW

The project has undergone review to assess its potential environmental impacts. Based on the results of an Initial Study, a staff determination was made to prepare an Environmental Impact Report (EIR). A Notice of Preparation was issued on March 5, 2004 and several comments were received on the scope of the EIR. The Draft EIR analysis focused on potential impacts of the project on aesthetics, transportation, air quality, noise, cultural resources, hazardous materials, and shadow. Topics excluded from further review as part of the Initial Study checklist include: agricultural resources, biological resources, geology and soils, some hazardous materials issues, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, and utilities and service systems. The Draft EIR comment period began on August 26 and ended on October 8, 2004.

A Final EIR was prepared that responded to all the comments received on the Draft EIR. The Final EIR, published on November 19, 2004, was provided under separate cover for review and consideration by the Planning Commission, and is available to the public at the Planning Department office. The Final EIR included some minor revisions to the project description as noted previously. In addition, a variant of the Partial Preservation Alternative was analyzed to determine the environmental impacts of preserving three buildings on Broadway instead of the two buildings at the corner of the 23rd/Valley Street intersection that were originally proposed. Finally, Mitigation Measure E.5 was modified to include an additional measure to reduce the cumulative impact of the project on cultural resources. Significant impacts identified in the Final EIR are discussed in detail below.

Significant and Unavoidable Impacts

The Draft EIR analysis identified significant and unavoidable impacts on cultural resources. The project would result in either demolition or substantial alteration of up to 13 existing buildings on the site. Of these buildings, seven would qualify as cultural resources. These buildings include: 1) 2335 Broadway, 2) 2343 Broadway, 3) 2345 Broadway, 4) 2366-2398 Valley Street, 5) 439 23rd Street, 6) 440-448 23rd Street, and 7) 441-449 23rd Street. The location of these buildings is shown in the attached figure (see Attachment B) from the Draft EIR. The historic significance ratings for these buildings are shown in the attached table (see Attachment C) from the Draft EIR. Although retaining the facades at 440-448 and 441-449 23rd Street would somewhat reduce the loss of these cultural resources, the buildings would be substantially altered. Constructing several stories of residential units above the retained facades would result in a substantial adverse effect on each building's character-defining elements and would render them no longer eligible for listing in the California Register. The proposed mitigation measures (E.3a through E.3f) would require the project sponsor to prepare a Historic American Building

Survey for each of the seven affected buildings, prepare a history of the role played by the buildings in the history of automobile sales and repair in Oakland, incorporate historic interpretive elements into the project, salvage architectural elements from the buildings, curate materials and reports at the Oakland History Room, and make any or all of the buildings available for those who may wish to relocate them. Although these mitigation measures would reduce the impacts of the project on cultural resources, they would not be mitigated to less-than-significant levels. The demolition or alteration of these cultural resources would also result in cumulative project impacts in conjunction with other proposed and approved projects in the general vicinity such as the Uptown Mixed-Use project, the Thomas L. Berkley Square project, and the Bay Place project. The proposed project, in combination with these other projects, would eliminate a total of 15 cultural resources in north downtown Oakland.

As mentioned previously, the Final EIR included a modified project description that would retain the façade of the building at 2335 Broadway instead of the building at 440-448 23rd Street proposed in the previous project description. In addition, Mitigation Measure E.5 related to cumulative impacts of the project on cultural resources was modified to include an additional measure to reduce the cumulative impact of the project on cultural resources. The additional measure would require the project sponsor to contribute $125,000 to the City's Façade Improvement Fund for cumulative impacts on cultural resources in downtown Oakland and the vicinity. The contribution would be earmarked for improving facades of buildings identified as cultural resources in the downtown area according to the General Plan Historic Preservation Element of the Oakland Cultural Heritage Survey. The amount of the contribution was determined by the Planning Director based on the average amount of façade improvement grant awarded ($25,000) by the Fund and the number of buildings that will be demolished by the project (5). The revised project would not substantially change the EIR's conclusions regarding the project's impact on cultural resources. There would still be significant, unavoidable impacts related to demolition or alteration of seven buildings identified as cultural resources under CEQA. Incorporation of the facades of certain historic buildings as part of the project would not mitigate the project impact or the cumulative impact of the loss of those buildings to a less-than-significant level.

Significant Impacts that Can Be Mitigated to Less-Than-Significant-Levels

The Draft EIR analysis identified also identified significant impacts that could be mitigated to less-than-significant levels on transportation, air quality, noise, cultural resources, and hazardous materials. These impacts and proposed mitigation measures are briefly summarized below:

Transportation: Increased traffic generated by the project would affect levels of service at local intersections under future 2010 and cumulative 2025 conditions. The project sponsor will be required to contribute its fair share to optimize the signal timing at the West Grand Avenue/Telegraph Avenue intersection. In addition, the project sponsor will be required to contribute its fair share to altering the signalization at the Broadway/West Grand Avenue intersection, and for installation of traffic signals at the 24th Street/Telegraph Avenue intersection. Finally, the project sponsor shall prepare a construction management plan for

review and approval by the City Traffic Engineering Division to reduce the impacts of construction-period traffic and parking.

Air Quality: Construction activities would generate short-term emissions of criteria pollutants. The project sponsor shall be required to implement standard dust control procedures.

Noise: Construction activities would generate short-term noise. The project sponsor shall require its construction contractor to limit the time of construction activities as required by the City, to implement noise control techniques, to prepare site-specific noise attenuation measures, and to submit measures to respond to and track complaints about construction noise.

Cultural Resources: Archaeological artifacts, human remains, or fossils may be encountered during project construction activities. The project sponsor is required to conduct an archival cultural resource evaluation prior to construction activity in order to determine whether there are areas of the project site that are likely to contain archaeological resources. In addition, work shall be halted by the project sponsor immediately if human remains or fossils are encountered and appropriate professionals shall be contacted to evaluate any find.

Hazardous Materials: Contaminated soil, groundwater, and/or building materials may be encountered during construction activities and require disposal. In order to avoid impacts due to exposure to these materials, the project sponsor shall prepare a pre-demolition survey for asbestos-containing materials, prepare an asbestos abatement plan, submit documentation showing removal of any asbestos, implement a lead-based paint abatement plan, submit documentation that any lead has been removed from the site, remove any PCB-containing materials, remove the underground storage tank from the site, develop a worker health and safety plan, provide documentation that all applicable regulatory agency clearances have been granted, analyze the soil to be disposed of, stockpile soil safely, and prepare a soil management plan if necessary. In addition, the project sponsor shall be required to implement best management practices to avoid the release of any hazardous materials used during construction activities.

Project Alternatives

As required by the California Environmental Quality Act, several alternatives that would avoid or substantially lessen the significant unavoidable impacts of the project were analyzed in the Draft EIR. These included a No Project Alternative, a Full Preservation Alternative, and a Partial Preservation Alternative. Under the No Project Alternative, the project would not be undertaken and none of the impacts of the project would occur. This alternative would neither meet the project sponsor's objectives, nor the City's objectives to provide new infill housing in the downtown area in close proximity to transit opportunities. Under the Full Preservation Alternative, all seven buildings on the site that are identified as cultural resources would be retained and reused for commercial space as part of the project. No new construction would occur above the retained structures in order to avoid altering their historic significance. This alternative would not result in any significant unavoidable impacts, but would result in 25 percent fewer residential units than the proposed project. The Partial Preservation Alternative would retain and reuse the three historic buildings at the intersection of 23rd/Valley Streets: 441-

449 23rd Street, 439 23rd Street, and 440-448 23rd Street. As with the Full Preservation Alternative, no new construction would occur above the retained structures. This alternative would minimize, but would not fully avoid, the significant unavoidable impacts of the project on cultural resources. The alternative would also reduce the number of residential units by ten percent. The Draft EIR also discusses other project alternatives that were not further analyzed.

As previously discussed, the Final EIR included a variant to the Partial Preservation Alternative, identified as the Broadway Alternative, which would preserve the three buildings located at 2335, 2343, and 2345 Broadway instead of the three buildings evaluated for preservation in the original Partial Preservation Alternative, which included 441-449 23rd Street, 439 23rd Street, and 440-448 23rd Street. This alternative was added in response to comments received on the Draft EIR that requested preservation of the building at 2335 Broadway, which was originally designed by Julia Morgan. As noted in the Draft EIR, although the project alternatives would reduce some of the project impacts, none of them would fully avoid the significant unavoidable impacts of the project on cultural resources.

CEQA Findings and Statement of Overriding Considerations

The findings to certify that the Final EIR has been prepared in compliance with CEQA and a Statement of Overriding Considerations for the approval of the project are included as Attachment B to this staff report. In addition, these findings are supported by a feasibility analysis which analyzed the potential for reusing the seven existing buildings on the site that were identified in the EIR as cultural resources, and for incorporating them into the project design. The analysis discusses the economic, operational, and design reasons that the project cannot be feasibly redesigned to retain additional building facades or entire buildings. Portions of the feasibility analysis are included in Attachment C. The full text of the analysis including all of the appendices is available at the Planning Department office.

CONCLUSION

Staff believes that the proposed project includes a number of benefits such as revitalizing an underutilized site on a major street corridor with active uses, providing infill housing in close proximity to mass transit, providing neighborhood-serving commercial space for the surrounding area, and retaining two historic building facades as part of the project design. Staff acknowledges that the project will also result in the demolition of five additional buildings identified as cultural resources. However, Mitigation Measure E.5 from the Mitigation Monitoring and Reporting Program requires the project sponsor to make a substantial contribution to the City's Façade Improvement Fund for its cumulative impacts on cultural resources. As discussed in the attached Statement of Overriding Considerations, staff believes that the benefits of the project outweigh the adverse impacts of the project. Therefore, staff recommends that the Planning Commission:

1) Adopt the CEQA findings for the Broadway/West Grand mixed-use project contained in Attachment B, which include certification of the EIR, rejection of alternatives as infeasible, and a Statement of Overriding Considerations; and

2) Adopt the attached conditions of approval for the proposed project including the Mitigation Monitoring and Reporting Program; and

3) Approve the applications for the Planned Unit Development (Preliminary Development Plan and Final Development Plan), Design Review, Conditional use Permit, and Variances subject to the attached findings and conditions of approval.

Respectfully submitted:

CLAUDIA CAPPIO
Development Director

Prepared by:

LYNN WARNER
Planner IV, Major Development Projects

Attachments: A. Project Plans
B. CEQA Findings and Statement of Overriding Considerations
C. Feasibility Analysis of Reusing Existing Buildings

FINDINGS FOR APPROVAL

This proposal meets the required findings under Oakland Municipal Code Sections 17.01.100 (Criteria for proposals in conflict with zoning regulations but in conformance with General Plan), 17.134.050 (Conditional Use Permit Criteria), 17.136.070 (Design Review Criteria), 17.140.080 (Planned Unit Development Criteria), 17.140.060 (Planning Commission Action for Final Planned Unit Development), 17.148.050 (Variance Criteria), and Government Code Section 65589.5(j) (Reducing Density for Housing Developments) as set forth below. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type. The project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report and elsewhere in the record.

Section 17.01.100 (Criteria for proposals in conflict with zoning regulations but in conformance with General Plan):

1. **That the proposal is clearly appropriate in consideration of the characteristics of the proposal and the surrounding area.**

   The project is appropriate for the site because it has been designed to be compatible with development in the surrounding area, which includes a variety of uses and building types. The uses and intensity of the proposed project are consistent with the General Plan designations for the site.

2. **That the proposal is clearly consistent with the intent and desired character of the relevant land use classification or classifications of the General Plan and any associated policies.**

   The uses and intensity of the proposed project are consistent with the existing Community Commercial General Plan land use designation for Parcel B on the site, which allows residential and commercial uses. In addition, the project is consistent with several General Plan Land Use and Transportation Element policies that encourage infill, mixed-use projects in close proximity to mass transit facilities.

3. **That the proposal will clearly promote implementation of the General Plan. Any such proposal shall be subject to the provisions of the "best fit zone" corresponding to the land use classification in which the proposal is located, as determined in accordance with the guidelines adopted pursuant to Section 17.01.060. If there is more than one "best fit zone" the Director of City Planning shall determine which zone to apply, with consideration given to the characteristics of the proposal and the surrounding area and any relevant provisions of the General Plan.**

   The proposed project will clearly promote implementation of the General Plan regulations and policies for this site, because it is consistent with the uses and intensity allowed by the General Plan land use designations. Because the existing C-60 zoning classification for a portion of the project site on Parcel B is inconsistent with the Community

Commercial General Plan designation, the applicable "best fit zone" that has been determined to apply to this portion of the site is the C-40 Community Thoroughfare Commercial Zone. It is one of the possible "best-fit" zones identified in the *Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations.* The C-40 zone was selected as the "best-fit" zone because it makes the most sense since the rest of Parcel B is already zoned C-40.

Section 17.134.050 (Conditional Use Permit Criteria):

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

   The location, size, design, and operating characteristics of the project will be compatible with the surrounding neighborhood, which includes a variety of building heights, forms, architectural styles, and materials. The scale, bulk, coverage and density of the project are similar to other recent mixed-use projects that have been approved in the general vicinity and are compatible with existing surrounding development. With implementation of the required mitigation measures, the project will not result in any significant impacts on the neighborhood other than the unavoidable impacts on cultural resources that were identified in the EIR for the project.

2. **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 mixed-use project is attractive and has been designed to be compatible with the location. The project will provide living and shopping opportunities that are close to the downtown area and are accessible by public transportation.

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

   The proposed project will enhance the surrounding area by redeveloping an underutilized site with an attractively designed mixed-use project. The project will revitalize the area by providing active uses that serve the surrounding community.

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

The project conforms to all applicable design review criteria as discussed below.

Section 17.136.070 (Design Review Criteria):

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

   The proposed project will include several buildings that will be well related to the surrounding area in their setting, scale, bulk, height, materials, and textures. The surrounding area contains a mix of residential and commercial uses in buildings ranging in height from one to ten stories. The project's building heights, ranging from six to seven stories, will fit within the scale of the surrounding area. In addition, the architectural design, massing, and materials of the project will relate to the variety of styles in the surrounding area.

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

   The proposed project will enhance the character of this area of Oakland by redeveloping an underutilized site with attractively designed buildings that provide a mix of residential and neighborhood-serving commercial uses for the surrounding neighborhood.

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

   The project will not affect the topography or landscape of the area. The site is a flat, infill site.

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

   The proposed project will be located on a flat infill site and will not be situated on a hill.

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

   The proposed project is consistent with the General Plan land use designations for the site as discussed above and elsewhere in this staff report. The project is consistent with the design goals and policies of the General Plan by providing infill mixed-use development in close proximity to mass transit. The project is also consistent with the existing and "best fit" zoning classifications for the site as previously discussed.

Section 17.140.080 Planned Unit Development Permit

A. That the location, design, size, and uses are consistent with the Oakland Comprehensive Plan and with any other applicable plan, development control map, or ordinance adopted by the City Council.

The proposed project includes a mix of residential and commercial uses that are consistent with the Central Business District General Plan and Community Commercial land use designations. The project is also consistent with the intensity allowed by the General Plan and with several policies regarding provision of infill mixed-use projects in close proximity to mass transit. With approval of the Planned Unit Development, which includes variances for the construction of new live-work units, as well as a reduction in the number of required loading spaces, the project is consistent with the Planning Code.

B. That the location, design, and size are such that the development can be well integrated with its surroundings, and, in the case of a departure in character from surrounding uses, that the location and design will adequately reduce the impact of the development.

The design and size of the project are appropriate for the location and compatible with the surrounding area, which includes a wide variety of uses, building heights, and building types. The project reflects the character of the surrounding area through its mix of uses and variety of architectural styles and building forms.

C. That the location, design, size, and uses are such that traffic generated by the development can be accommodated safely and without congestion on major streets and will avoid traversing other local streets.

The proposed project will generate some additional traffic at a few intersections. However, the EIR determined that with implementation of the required mitigation measures the cumulative traffic impacts of the project will be less than significant.

D. That the location, design, size, and uses are such that the residents or establishments to be accommodated will be adequately served by existing or proposed facilities and services.

The proposed project site is located in a developed area that is adequately served by existing utilities and service systems including water supply, wastewater treatment, storm water drainage, and solid waste disposal as documented in the Initial Study prepared for the EIR. The proposed project will also provide additional services for the area and improvements to the existing infrastructure.

E. That the location, design, size, and uses will result in an attractive, healthful, efficient, and stable environment for living, shopping, or working, the beneficial effects of which environment could not otherwise be achieved under the zoning regulations.

The proposed project is an attractive mixed-use development that will benefit the surrounding area by redeveloping an underutilized site with active uses, providing housing in close proximity to the downtown and public transportation, and providing neighborhood-serving commercial uses.

F. That the development will be well integrated into its setting, will not require excessive earth moving or destroy desirable natural features, will not be visually obtrusive and will harmonize with surrounding areas and facilities, will not substantially harm major views for surrounding residents, and will provide sufficient buffering in the form of spatial separation, vegetation, topographic features, or other devices.

As demonstrated in the project EIR, the proposed project will not require excessive earth moving or harm major views. The project has been designed to be compatible with the variety of building heights and forms in the surrounding area and will provide sufficient buffering in the form of landscaping.

Section 17.140.060 (Planning Commission Action for Final Planned Unit Development):

The proposal conforms to all applicable criteria and standards and conforms in all substantial respects to the preliminary development plan, or, in the case of the design and arrangement of those portions of the plan shown in generalized, schematic fashion, it conforms to applicable design review criteria.

The proposed Final Development Plan for Parcels A and B conforms to all applicable criteria and standards and is consistent with the Preliminary Development Plan for the project. The design is attractive and appropriate for the location.

Section 17.148.050 (Variance Criteria for a Reduction in the Number of Required Loading Berths and for the Construction of New Live-work Units):

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

Strict compliance with the zoning regulations related to loading berths would preclude an effective design solution that improves operational efficiency. Strict adherence to the regulations would result in an impractical layout and would reduce the amount of parking available in the garage. In addition, the construction of new live-work units will provide variety in housing type, will allow flexibility for the project sponsor to best utilize the ground-floor space depending on the commercial viability, and is consistent with proposed revisions to the zoning regulations.

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

Strict compliance with the loading regulations for Parcel A would result in inefficient layout and would reduce the amount of space available in the garage for parking. However, the project will still provide one residential and one commercial loading berth which is sufficient to serve the building. Several other projects in the downtown area have had variances granted for a reduction in the number of loading berths provided. In addition, a variance for the construction of new live-work units has recently been approved for another project in the downtown area. As discussed previously, the Planning Code will be revised in the near future to allow for the construction of new live-work units.

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

Granting the variances will not adversely affect the character, livability, or appropriate development of the abutting properties or the surrounding area. The intent of the zoning regulations will be met through the provision of adequate residential and commercial loading facilities to serve the building, and the construction of new live-work units will enhance the area by providing variety in housing type and another way to activate the street edge.

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

The variance will not constitute a grant of special privilege inconsistent with limitations imposed on other similarly zoned properties. Similar variances have been granted to other projects in the general vicinity for construction of new live-work units and for a reduction in the number of loading berths. The variance will not be inconsistent with the purposes of the planning code regulations as upcoming Planning Code revisions will include the provision for the construction of new live-work units, and a sufficient number of residential and commercial loading berths will be provided to serve the site.

Findings Pursuant to State Government Code Section 65589.5 (j)

Pursuant to Government Code section 65589.5(j), the Planning Commission finds that the proposed housing development cannot have its density reduced because:

(a) The project is consistent with the general plan and zoning regulations; and

(b) There is no specific, adverse impact upon the public health or safety as a result of the project.

According to Government Code section 65589.5 (j), if a "housing" project is consistent with a City's General Plan and zoning ordinance, and does not present a threat to public health and safety at its current density, a lower density project cannot be considered as a feasible alternative. Thus, it is not legally feasible to reduce the density of a "housing" project that meets the requirements of Government Code section 65589.5 (j). Under the statute, a "housing" project is defined as residential units only or mixed use developments in which nonresidential uses are limited to neighborhood serving commercial uses on the first floor of buildings. As described elsewhere in this report, the proposed housing project (which is a mixed use development that proposes neighborhood serving commercial uses on the first floor) is consistent with the City General Plan and zoning regulations (pursuant to the granting of variances relating to the construction of new live-work units and a reduction in the number of required loading berths) and there is no specific, adverse impact on the public's health and safety as a result of the project. As defined by the statute, a "specific, adverse impact" means a significant, quantifiable, direct and unavoidable impact, based upon objective, identified written public health or safety standards, policies or conditions as they existed on the date the application was deemed complete." Thus, the proposed housing project cannot have its density reduced.

CONDITIONS OF APPROVAL

1. **Approved Use**

   a. Ongoing

   This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes:

   1. A Planned Unit Development (including a Preliminary Development Plan and Final Development Plan); and

   2. A Conditional Use Permit for the inconsistency between the C-60 zoning classification and the Community Commercial General Plan land use designation; and

   3. Design Review Approval; and

   4. Variances for construction of up to 6 new live-work units, and a reduction in the number of required loading berths.

   b. Ongoing.

   The project shall be constructed and operated in accordance with the authorized use as described in this staff report and the plans dated November 2, 2004 and as amended by the following conditions of approval. Any additional uses other than those approved with this permit, as described in the project description, will require a separate application and approval.

2. **Effective Date, Expiration, and Extensions**

   a. Ongoing through project completion.

   These approvals shall become effective upon satisfactory compliance with these conditions. These approvals for the project site shall expire on December 1, 2006 unless actual construction of the first phase of the project has begun under necessary permits by this date. The approvals for the second phase of the project shall expire on December 1, 2008 unless actual construction of the second phase has begun under necessary permits by this date. Upon written request and payment of appropriate fees prior to the expiration of the approvals, the Zoning Administrator may grant a one-year extension of these dates, with additional extensions subject to approval by the Planning Commission.

   b. Prior to issuance of building permit

   The project sponsor shall submit a Construction Phasing and Management Plan, incorporating all applicable conditions of approval. The plan shall also include the following additional measures and standards:

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

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

c. A construction period litter/debris control plan to ensure the site and surrounding area is kept free of litter and debris.

c. Prior to issuance of certificate of occupancy.

Final inspection and a certificate of occupancy for any unit or other structure within a phase, as set forth above, shall not be issued until (a) all landscaping and on and off-site improvements for that phase are completed in accordance with this Approval, or (b) until cash, an acceptably rated bond, a certificate of deposit, an irrevocable standby letter of credit or other form of security (collectively "security"), acceptable to the City Attorney, has been posted to cover all costs of any unfinished work related to landscaping and public improvements plus 25 percent within that phase, unless already secured by a subdivision improvement agreement approved by the City. For purposes of these Conditions of Approval, a certificate of occupancy shall mean a final certificate of occupancy, not temporary or conditional, except as the City determines may be necessary to test utilities and services prior to issuance of the final certificate of occupancy.

3. Scope of This Approval

a. Ongoing.

The project is approved pursuant to the Planning Code only and shall comply with all other applicable codes and requirements imposed by other affected departments, including but not limited to the Building Services Division and the Fire Marshal. Minor changes to the approvals may be approved administratively by the Planning Director; major changes to the approvals, shall be subject to review and approval by the City Planning Commission.

4. Mitigation Monitoring and Reporting Program

a. Ongoing.

The following mitigation measures shall be incorporated into the project. The measures are taken directly from the environmental impact report for the Broadway-West Grand Mixed-Use 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").

B. Transportation, Circulation, and Parking

Impact B.2: Traffic generated by the project would affect traffic levels of service at local intersections under future (2010) conditions.

Mitigation Measure B.2: The project sponsor shall contribute its fair share to alteration of the traffic signal cycle length and optimization of the traffic signal timing at the signalized intersection of West Grand Avenue / Telegraph Avenue. Optimization of traffic signal timing shall include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections that are part of signal systems on West Grand Avenue and Telegraph Avenue.

The project sponsor shall contribute its fair share toward the cost of optimization of all traffic signals on West Grand Avenue between San Pablo Avenue and Broadway, and on Telegraph Avenue between Broadway and West Grand Avenue. The project volumes would comprise about 2.3 percent of the increase in traffic volume during the a.m. peak hour between existing conditions and 2010 volumes.

Given that the project sponsor is responsible for only a portion of this mitigation measure, implementation of this set of improvements will be funded fully by one or a combination of the following means:

a. Prior to project completion the project sponsor shall contribute to the City its fair share of the cost of signalization improvements to address cumulative impacts of the project. Prior to payment of the contributions the City will create a mechanism to receive the fair share contributions from the project sponsor. The City Public Works Agency shall implement the measures as necessary to address cumulative impacts of the project.

b. Prior to project completion the project sponsor shall fully fund the costs of the signalization improvements and shall be reimbursed through other fair-share contributions as future projects that exceed the City's thresholds of significance occur. Prior to the time the project sponsor provides these funds, the City and the project sponsor will create a mechanism for this reimbursement.

Responsible Implementing Entity: Oakland Public Works Agency, Traffic Engineering Division

Monitoring Action(s): Public Works Agency, Traffic Engineering Division to determine cost of signal optimization; Oakland Community and Economic Development Agency (CEDA), Planning Division to determine fair-share contribution to this cost and ensure that project sponsor funds this share.

Monitoring Responsibility: CEDA, Planning Division; Public Works Agency, Traffic Engineering Division

Monitoring Timeframe: Prior to issuance of certificate of occupancy for Parcel B (north of Grand Avenue).

Impact B.3: Traffic generated by the project would affect traffic levels of service at local intersections under cumulative (2025) conditions.

Mitigation Measure B.3a: The project sponsor shall contribute its fair share to alteration of the traffic signal cycle length and optimization of the traffic signal timing at the signalized intersection of West Grand Avenue / Telegraph Avenue. Optimization of traffic signal timing shall include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections that are part of signal systems on West Grand Avenue and Telegraph Avenue.

The project sponsor shall contribute its fair share toward the cost of optimization of all traffic signals on West Grand Avenue between San Pablo Avenue and Broadway, and on Telegraph Avenue between Broadway and West Grand Avenue. The proposed project would contribute about 1.4 percent in the a.m. peak hour and 3.4 percent in the p.m. peak hour to the traffic volume increase between the existing and Year 2025 cumulative conditions.

Given that the project sponsor is responsible for only a portion of this mitigation measure, implementation of this set of improvements will be funded fully by one or a combination of the following means:

a. Prior to project completion the project sponsor shall contribute to the City its fair share of the cost of signalization improvements to address cumulative impacts of the project. Prior to payment of the contributions the City will create a mechanism to receive the fair share contributions from the project sponsor. The City Public Works Agency shall implement the measures as necessary to address cumulative impacts of the project.

b. Prior to project completion the project sponsor shall fully fund the costs of the signalization improvements and shall be reimbursed through other fair-share contributions as future projects that exceed the City's thresholds of significance occur. Prior to the time the project sponsor provides these funds, the City and the project sponsor will create a mechanism for this reimbursement.

Responsible Implementing Entity: Oakland Public Works Agency, Traffic Engineering Division

Monitoring Action(s): Public Works Agency, Traffic Engineering Division to determine cost of signal optimization; Oakland Community and Economic Development Agency (CEDA), Planning Division to determine fair-share contribution to this cost and ensure that project sponsor funds this share.

Monitoring Responsibility: CEDA, Planning Division; Public Works Agency, Traffic Engineering Division

Monitoring Timeframe: Prior to issuance of certificate of occupancy for Parcel B (north of Grand Avenue).

Mitigation Measure B.3b: The project sponsor shall contribute its fair share to alteration of the traffic signal cycle length, optimization of the traffic signal timing, and provision of protected left turn phases on the northbound and southbound approaches, at

the signalized intersection of Broadway / West Grand Avenue. Optimization of traffic signal timing shall include determination of allocation of green time for each intersection approach in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections that are part of signal system on West Grand Avenue.

The project sponsor shall contribute its fair share toward the cost of optimization of all traffic signals on West Grand Avenue between San Pablo Avenue and Broadway, and on Telegraph Avenue between Broadway and West Grand Avenue. The proposed project would contribute about 4.2 percent of the cumulative traffic volume increase between the existing and Year 2025 cumulative conditions.

Given that the project sponsor is responsible for only a portion of this mitigation measure, implementation of this set of improvements will be funded fully by one or a combination of the following means:

a. Prior to project completion the project sponsor shall contribute to the City its fair share of the cost of signalization improvements to address cumulative impacts of the project. Prior to payment of the contributions the City will create a mechanism to receive the fair share contributions from the project sponsor. The City Public Works Agency shall implement the measures as necessary to address cumulative impacts of the project.

b. Prior to project completion the project sponsor shall fully fund the costs of the signalization improvements and shall be reimbursed through other fair-share contributions as future projects that exceed the City's thresholds of significance occur. Prior to the time the project sponsor provides these funds, the City and the project sponsor will create a mechanism for this reimbursement.

Responsible Implementing Entity: Oakland Public Works Agency, Traffic Engineering Division

Monitoring Action(s): Public Works Agency, Traffic Engineering Division to determine cost of signal optimization; Oakland Community and Economic Development Agency (CEDA), Planning Division to determine fair-share contribution to this cost and ensure that project sponsor funds this share.

Monitoring Responsibility: CEDA, Planning Division; Public Works Agency, Traffic Engineering Division

Monitoring Timeframe: Prior to issuance of certificate of occupancy for Parcel B (north of Grand Avenue).

Mitigation Measure B.3c: The project sponsor shall contribute its fair share to installation of a traffic signals at the unsignalized intersection of 24th Street / Telegraph Avenue. Installation of traffic signals shall include optimizing signal phasing and timing (i.e., allocation of green time for each intersection approach) in tune with the relative traffic volumes on those approaches, and coordination with signal phasing and timing of adjacent intersections.

The project sponsor shall contribute its fair share toward the cost of installation of the traffic signal. The proposed project would contribute about 4.8 percent of the cumulative traffic volume increase between the existing and Year 2025 cumulative conditions.

Given that the project sponsor is responsible for only a portion of this mitigation measure, implementation of this set of improvements will be funded fully by one or a combination of the following means:

a. Prior to project completion the project sponsor shall contribute to the City its fair share of the cost of signalization improvements to address cumulative impacts of the project. Prior to payment of the contributions the City will create a mechanism to receive the fair share contributions from the project sponsor. The City Public Works Agency shall implement the measures as necessary to address cumulative impacts of the project.

b. Prior to project completion the project sponsor shall fully fund the costs of the signalization improvements and shall be reimbursed through other fair-share contributions as future projects that exceed the City's thresholds of significance occur. Prior to the time the project sponsor provides these funds, the City and the project sponsor will create a mechanism for this reimbursement.

Responsible Implementing Entity: Oakland Public Works Agency, Traffic Engineering Division

Monitoring Action(s): Public Works Agency, Traffic Engineering Division to determine cost of traffic signal installation; Oakland Community and Economic Development Agency (CEDA), Planning Division to determine fair-share contribution to this cost and ensure that project sponsor funds this share.

Monitoring Responsibility: CEDA, Planning Division; Public Works Agency, Traffic Engineering Division

Monitoring Timeframe: Prior to issuance of certificate of occupancy for Parcel B (north of Grand Avenue).

Impact B.11: Project construction would affect traffic flow and circulation, parking, and pedestrian safety.

Mitigation Measure B.11: The project sponsor and construction contractor shall meet with the Traffic Engineering Division of the Oakland Public Works Agency and other 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 sponsor shall develop a construction management plan for review and approval by the City Traffic Engineering Division. The plan shall include at least the following items and requirements: traffic control, including truck scheduling to avoid peak traffic hours,

detour signs and other warning devices as needed, lane closure procedures, and designated construction routes; any transit stop relocations; provisions for construction worker parking management to ensure no impacts to on-street parking; identification of parking eliminations and any relocation of parking for employees and public parking during construction; notification procedures for adjacent property owners and public safety personnel regarding deliveries, detours, and lane closures; accommodation of pedestrian flow; location of construction staging areas; identification and monitoring of haul routes to minimize traffic and pedestrian impacts and to identify and correct any damage; and a complaint response and tracking process, including identification of an onsite complaint manager.

Responsible Implementing Entity: Oakland Public Works Agency, Traffic Engineering Division

Monitoring Action(s): Public Works Agency, Traffic Engineering Division to meet with project sponsor to discuss construction-period traffic management and shall review and approve construction management plan submitted by project sponsor. Traffic Engineering Division shall notify Oakland Community and Economic Development Agency (CEDA), Planning Division, of acceptance of construction management plan when plan is determined adequate.

Monitoring Responsibility: CEDA, Planning Division; Public Works Agency, Traffic Engineering Division

Monitoring Timeframe: Prior to issuance of each demolition, grading, or building permit.

C. Air Quality

Impact C.1: Activities associated with demolition, site preparation and construction would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions.

Mitigation Measure C.1a: During construction, the project sponsor shall require the construction contractor to implement the following measures required as part of BAAQMD's basic dust control procedures required for sites of less than four acres. These include: watering all active construction areas at least twice daily; covering all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard; paving or application of water three times daily or of (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites; daily street sweeping (with water sweepers) of all paved access roads, parking areas and staging area at construction sites if visible soil material is observed; and daily street sweeping (with water sweepers) if visible soil material is carried onto adjacent public streets.

Responsible Implementing Entity: Oakland Community and Economic Development Agency (CEDA), Building Services Division

Monitoring Action(s): CEDA, Building Services Division shall conduct spot-checks as deemed necessary throughout construction period.

Monitoring Responsibility: CEDA, Building Services Division

Monitoring Timeframe: Throughout the construction period.

Mitigation Measure C.1b: In accordance with standard City practices, to minimize water quality impacts, the project sponsor shall be required to comply with applicable standards and regulations of the City of Oakland. In addition, the following standard measures shall be implemented to avoid impacts related to stormwater or water quality: grading of unpaved areas shall be done in such a manner as to control surface drainage and redirect surface water away from areas of activity during excavation and construction, and the project shall be required to comply with provisions of the Clean Water Act, if applicable, with regard to preparing a storm water discharge plan.

Responsible Implementing Entity: Project Sponsor; Oakland Public Works Agency, Environmental Services Division

Monitoring Action(s): Environmental Services Division shall review final grading, excavation, and building plans to ensure compliance with applicable standards and regulations. Environmental Services Division shall conduct spot-checks as deemed necessary throughout construction period.

Monitoring Responsibility: Public Works Agency, Environmental Services Division

Monitoring Timeframe: Environmental Services Division shall review plans for compliance prior to issuance of any grading, excavation, or building permits. Environmental Services Division shall verify compliance with applicable rules and regulations throughout construction period.

D. Noise

Impact D.1: Construction activities would intermittently and temporarily generate noise levels above existing ambient levels in the project vicinity.

Mitigation Measure D.1a: The project sponsor shall require construction contractors to limit standard construction activities as required by the City Building Department. Such activities are generally limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday, with no extreme noise generating activity permitted between 12:30 and 1:30 p.m. No construction activities shall be allowed on weekends until after the building is enclosed, without prior authorization of the Building Services Division, and no extreme noise generating activities shall be allowed on weekends and holidays.

Responsible Implementing Entity: Project Sponsor; Oakland Community and Economic Development Agency (CEDA), Building Services Division

Monitoring Action(s): Project sponsor shall prepare and submit for review and approval a site-specific construction noise control plan.

Monitoring Responsibility: CEDA, Building Services Division

Monitoring Timeframe: Review and approve noise control plan prior to the issuance of demolition, grading, excavation, or building permits. Monitor and respond to noise complaints throughout construction period.

Mitigation Measure D.1b: To reduce daytime noise impacts due to construction, the project sponsor shall require construction contractors to implement the following measures: Equipment and trucks used for project construction shall employ the best available noise control techniques; impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible; where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used. External jackets on the tools themselves shall be used where feasible. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible; stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.

Responsible Implementing Entity: Project Sponsor; Oakland Community and Economic Development Agency (CEDA), Building Services Division

Monitoring Action(s): Project sponsor shall prepare and submit for review and approval a site-specific construction noise control plan.

Monitoring Responsibility: CEDA, Building Services Division

Monitoring Timeframe: Review and approve noise control plan prior to the issuance of demolition, grading, excavation, or building permits. Monitor and respond to noise complaints throughout construction period.

Mitigation Measure D.1c: To further mitigate potential other extreme noise generating construction impacts, 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 City to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible: Erect temporary plywood noise barriers around the construction site, particularly along the western boundary along Valley Street to shield the adjacent multi-family residential buildings; implement "quiet" pile-driving technology, where feasible, if pile-driving becomes necessary (it is not currently proposed); use noise control blankets on the building structure as the building is erected to reduce noise emission from the site; evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and monitor the effectiveness of noise attenuation measures by taking noise measurements.

Responsible Implementing Entity: Project Sponsor; Oakland Community and Economic Development Agency (CEDA), Building Services Division

Monitoring Action(s): Project sponsor shall prepare and submit for review and approval a site-specific construction noise control plan.

Monitoring Responsibility: CEDA, Building Services Division

Monitoring Timeframe: Review and approve noise control plan prior to the issuance of demolition, grading, excavation, or building permits. Monitor and respond to noise complaints throughout construction period.

Mitigation Measure D.1d: Along with the submission of construction documents, the project sponsor shall submit to the City Building Department a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include: a procedure for notifying the City Building Division staff and Oakland Police Department; a plan for posting signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem; a listing of telephone numbers (during regular construction hours and off-hours); the designation of an on-site construction complaint manager for the project; notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving or other extreme noise-generating activities about the estimated duration of the activity; and a preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

Responsible Implementing Entity: Project Sponsor; Oakland Community and Economic Development Agency (CEDA), Building Services Division

Monitoring Action(s): Project sponsor shall prepare and submit for review and approval a site-specific construction noise control plan.

Monitoring Responsibility: CEDA, Building Services Division

Monitoring Timeframe: Review and approve noise control plan prior to the issuance of demolition, grading, excavation, or building permits. Monitor and respond to noise complaints throughout construction period.

E. Cultural Resources

Impact E.1: Construction of the proposed project could cause substantial adverse changes to the significance of currently unknown cultural resources at the site, potentially including an archaeological resource pursuant to CEQA Guidelines Section 15064.5 or CEQA Section 21083.2(g), or the disturbance of any human remains, including those interred outside of formal cemeteries.

Mitigation Measure E.1a: An archival cultural resource evaluation shall be implemented prior to the start of construction or other ground-disturbing activities to identify whether historic or unique archaeological resources exist within the project site.

The archival cultural resource evaluation, or "sensitivity study," shall be conducted by a cultural resource professional approved by the City who meets the Secretary of the Interior's Professional Qualifications Standards for Prehistoric and Historical Archaeology.

The purpose of the archival cultural resource evaluation is to: (1) identify documentation and studies to determine the presence and location of potentially significant archaeological deposits; (2) determine if such deposits meet the definition of a historical resource under CEQA Guidelines Section 15064.5 or a unique archaeological resource under CEQA Section 21083.2(g); (3) guide additional archaeological work, if warranted, to recover the information potential of such deposits; and (4) define an archaeological monitoring plan, potentially including pre-construction subsurface archaeological investigation if warranted. If excavation is the only feasible means of data recovery, such excavation shall be in accord with the provisions of CEQA Guidelines Section 15126.4(b)(3)(C). Any additional archaeological work and or monitoring shall be pursuant to a plan approved by the City. If a pre-constructing testing program is deemed necessary by the qualified professional as a result of the archival study, it shall be guided by the archival study and shall use a combination of subsurface investigation methods (including backhoe trenching, auguring, and archaeological excavation units, as appropriate).

Representatives of established local Chinese-American organizations (including the Chinese Historical Society of America and the Oakland Asian Cultural Center) shall be invited to participate in a focused community review of the archival cultural resource evaluation prior to any subsequent recovery of potential resources or prior to the start of construction, whichever is earlier. The City shall consider the community comments in its review and approval of any plan for additional archaeological work or monitoring.

Should an archaeological artifact be discovered on-site during project construction, all activities within a 50-foot radius 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 sponsor and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation, subject to approval by the City of Oakland, which shall assure implementation of appropriate mitigation measures recommended by the archaeologist. Should archaeologically significant materials be recovered, the qualified archaeologist would recommend appropriate analysis and treatment, and would prepare a report on the findings for submittal to the Northwest Information Center.

If historic or unique archaeological resources associated with the Chinese community are identified within the project site and are further determined to be unique, the City shall consult with representatives of an established local Chinese-American organization(s) regarding the potential use of the archaeological findings for interpretive purposes.

Responsible Implementing Entity: Project Sponsor; Oakland Community and Economic Development Agency (CEDA), Planning Division

Monitoring Action(s): Project sponsor shall prepare and submit to Planning Division for review and approval an archival cultural resource evaluation. Project sponsor shall contact qualified archaeologist in the event that artifacts are discovered during construction. Archaeologist shall consult with Planning Division and with representatives of local Chinese-American community regarding any such discovery and shall undertake data recovery as warranted based on the nature of the discovery.

Monitoring Responsibility: CEDA, Planning Division

Monitoring Timeframe: Review and accept archival cultural resource evaluation prior to the start of any ground-disturbing activities. Direct data recovery, as applicable, in the event that artifacts are discovered during the construction period.

Mitigation Measure E.1b: In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work would immediately halt and the Alameda County Coroner would be contacted to evaluate the remains, and follow 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 will 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 will cease within a 50-foot radius 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.

Responsible Implementing Entity: Project Sponsor; Oakland Community and Economic Development Agency (CEDA), Planning Division; Alameda County Coroner; Native American Heritage Commission

Monitoring Action(s): Project sponsor shall contact coroner in the event that human remains are encountered. Agencies shall respond to any such discovery as applicable.

Monitoring Responsibility: CEDA, Planning Division; Alameda County Coroner; Native American Heritage Commission

Monitoring Timeframe: Throughout construction period.

Impact E.2: The proposed project may adversely affect unidentified paleontological resources at the site.

Mitigation Measure E.2: The project sponsor shall notify a qualified paleontologist of unanticipated discoveries, who 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. In the event of an unanticipated discovery of a breas, true, and/or trace fossil 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 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.

Responsible Implementing Entity: Project Sponsor; Oakland Community and Economic Development Agency (CEDA), Planning Division

Monitoring Action(s): Project sponsor shall contact qualified paleontologist in the event that fossils are discovered during construction. Paleontologist shall direct data recovery, as warranted based on the discovery.

Monitoring Responsibility: CEDA, Planning Division

Monitoring Timeframe: Direct data recovery, as applicable, in the event that fossils are discovered during the construction period.

Impact E.3: The project would result in demolition or substantial alteration of seven buildings that qualify as historic resources, as defined in Section 15064.5. These buildings include: 1) 2335 Broadway, 2) 2343 Broadway; 3) 2345 Broadway, 4) 2366-2398 Valley Street, 5) 439 23rd Street, 6) 440-448 23rd Street, and 7) 441-449 23rd Street.

Mitigation Measure E.3a: Record each of the seven affected historic resources in accordance with procedures of the Historic American Building Survey (HABS) through measured drawings, large-format photographs and written histories in a combined document, to be archived locally at the Oakland History Room (OHR) of the Oakland Public Library with copies to OCHS and the Northwest Information Center (NWIC). Portions of the metal facades on 2335-2345 Broadway shall be selectively demolished to determine if any original fabric from the 1920s exists behind them, as visual evidence suggests. If the selective demolition reveals sufficient evidence of historic fabric, all metal facades shall be carefully removed and all original facades photographed for the HABS documentation effort. If no original fabric exists, these buildings shall be photographed as they currently appear.

Responsible Implementing Entity: Project Sponsor; Oakland Community and Economic Development Agency (CEDA), Planning Division; Oakland Cultural Heritage Survey

Monitoring Action(s): Project sponsor shall contract with qualified architectural historian or preservation architect to prepare historical documentation and shall submit the documentation as specified in the mitigation measure.

Monitoring Responsibility: CEDA, Planning Division

Monitoring Timeframe: Verify that appropriate documentation has been prepared prior to the issuance of demolition permit(s).

Mitigation Measure E.3b: Prepare a history of the development of automobile sales and repair in Oakland, and the role played by the buildings on the project site in that history, that incorporates oral history, documentary research, and architectural information; this history could utilize non-written media and production techniques, including video photography. The resulting report, in brochure or other form, shall be made available at local libraries and museums.

Responsible Implementing Entity: Project Sponsor; Oakland Community and Economic Development Agency (CEDA), Planning Division; Oakland Cultural Heritage Survey

Monitoring Action(s): Project sponsor shall contract with qualified architectural historian or preservation architect to prepare historical documentation and shall submit the documentation as specified in the mitigation measure.

Monitoring Responsibility: CEDA, Planning Division

Monitoring Timeframe: Verify that appropriate documentation has been prepared prior to the issuance of demolition permit(s).

Mitigation Measure E.3c: Incorporate interpretive elements, such as signs and placards that describe the history of the area and the historic buildings to be demolished, into public areas and street frontages proposed as part of the project.

Responsible Implementing Entity: Project Sponsor; Oakland Community and Economic Development Agency (CEDA), Planning Division; Oakland Cultural Heritage Survey

Monitoring Action(s): Review building plans for evidence of incorporation of interpretative elements in the project design.

Monitoring Responsibility: CEDA, Planning Division

Monitoring Timeframe: Prior to the issuance of building permit(s).

Mitigation Measure E.3d: Salvage architectural elements from the historic buildings to be demolished, including hardware, doors, paneling, fixtures, and equipment, and incorporate these elements into new construction where feasible.

Responsible Implementing Entity: Project Sponsor; Oakland Community and Economic Development Agency (CEDA), Planning Division; Oakland Cultural Heritage Survey

Monitoring Action(s): Project sponsor shall contract with qualified architectural historian or preservation architect to conduct appropriate salvage of architectural

elements and shall prepare report documenting same and addressing how elements will be incorporated for submittal to Planning Division.

Monitoring Responsibility: CEDA, Planning Division

Monitoring Timeframe: Verify that appropriate documentation has been prepared prior to the issuance of demolition permit(s).

Mitigation Measure E.3e: Curate all materials, notes, and reports at the Oakland History Room, and submit copies to the NWIC.

Responsible Implementing Entity: Project Sponsor; Oakland Community and Economic Development Agency (CEDA), Planning Division

Monitoring Action(s): Project sponsor shall contract with qualified architectural historian or preservation architect to prepare historical documentation and shall submit the documentation as specified in the mitigation measure.

Monitoring Responsibility: CEDA, Planning Division

Monitoring Timeframe: Verify that appropriate documentation has been submitted to the Oakland History Room and the NWIC prior to the issuance of first occupancy permit(s).

Mitigation Measure E.3f: Make any or all of the historic buildings proposed for demolition available at no cost to a qualified individual or organization that may wish to relocate one or more of the buildings to a nearby site consistent with the early automotive history of Oakland.

Responsible Implementing Entity: Project Sponsor; Oakland Community and Economic Development Agency (CEDA), Planning Division

Monitoring Action(s): Project sponsor shall contact Oakland Heritage Alliance regarding the availability for relocation of the historical resources on the project site. Sponsor shall also publish advertisement(s) or notice(s) regarding the availability at no cost (with new owner to pay relocation costs) for relocation of the buildings identified as historical resources that are proposed for demolition. Options for noticing include, but are not limited to, placement of at least one display ad in a newspaper of general circulation; placement of at least one display ad in at least three East Bay real estate publications; and/or placement of at least one display ad in a local historic preservation newsletter.

Monitoring Responsibility: CEDA, Planning Division

Monitoring Timeframe: Verify that appropriate contact and advertising has been prepared prior to the issuance of demolition permit(s).

Impact E.5: The proposed project, in combination with cumulative development including new construction and other alterations to historic resources in the project vicinity, would result in cumulative impacts to historic resources.

Mitigation Measure E.5: The project sponsor would contribute $125,000 to the City's Facade Improvement Fund for cumulative impacts on historic resources in downtown Oakland and the vicinity. The amount of the contribution was determined by the Planning Director based on the average amount of façade improvement grant awarded ($25,000) by the Fund and the number of buildings that will be demolished by the project (5). Although the Facade Improvement Fund is not limited to historic buildings, the project's contribution would be earmarked especially for improving facades of buildings in the downtown area identified as historic resources according to the General Plan Historic Preservation Element or the Oakland Cultural Heritage Survey.

Responsible Implementing Entity: Oakland Community and Economic Development Agency (CEDA), Planning Division

Monitoring Action(s): CEDA, Planning Division to determine fair-share contribution and ensure that project sponsor funds this amount.

Monitoring Responsibility: CEDA, Planning Division; Oakland Cultural Heritage Survey

Monitoring Timeframe: Verify that agreed-upon fee has been paid prior to the issuance of demolition permit(s).

F. Hazardous Materials

Impact F.1: Disturbance and release of contaminated soil, groundwater, or building materials during demolition and construction phases of the project could expose construction workers, the public, or the environment to adverse conditions related to hazardous substance handling.

Mitigation Measure F.1a: A pre-demolition survey for asbestos-containing materials (ACMs) shall be performed prior to demolition of all structures to be demolished. The survey shall include sampling and analysis of suspected ACMs identified in the 1997 and 2000 Phase I investigations and areas that were previously not surveyed (439 23rd Street, 449 23rd Street, and 461 24th Street).

Responsible Implementing Entity: Project Sponsor; Oakland Public Works Agency, Environmental Services Division

Monitoring Action(s): Project sponsor shall contract with a qualified environmental professional to prepare ACM survey(s) and shall submit same to Public Works Agency, Environmental Services Division for review and acceptance. Environmental Services Division shall notify CEDA Planning Division and Building Services Division of its acceptance of the survey(s).

Monitoring Responsibility: Public Works Agency, Environmental Services Division.

Monitoring Timeframe: Prior to the issuance of demolition permit(s).

Mitigation Measure F.1b: An asbestos abatement plan developed by a state-certified asbestos consultant shall be prepared. All asbestos-containing materials (ACMs) shall be

removed and appropriately disposed of in accordance with the asbestos abatement plan prior to demolition of the existing buildings in accordance with federal and State construction worker health and safety regulations, the regulations and notification requirements of the Bay Area Air Quality Management District (BAAQMD).

Responsible Implementing Entity: Project Sponsor; Oakland Public Works Agency, Environmental Services Division

Monitoring Action(s): Project sponsor shall contract with a qualified environmental professional to prepare an asbestos abatement plan, if deemed necessary by the consultant and by the Public Works Agency, Environmental Services Division. Environmental Services Division shall review the plan and shall notify CEDA Planning Division and Building Services Division of its acceptance of the plan(s).

Monitoring Responsibility: Public Works Agency, Environmental Services Division.

Monitoring Timeframe: Prior to the issuance of demolition permit(s).

Mitigation Measure F.1c: The applicant shall submit for review and approval written documentation that any asbestos-containing materials (ACMs) have been removed from the project site prior to the start of any demolition activities. A licensed asbestos firm shall conduct the removal of ACMs in accordance with BAAQMD's Regulation 11 Rule 2.

Responsible Implementing Entity: Project Sponsor; Oakland Public Works Agency, Environmental Services Division

Monitoring Action(s): Project sponsor shall submit documentation specified in mitigation measure to Public Works Agency, Environmental Services Division. Environmental Services Division shall review the plan and shall notify CEDA Planning Division and Building Services Division of its acceptance of the documentation.

Monitoring Responsibility: Public Works Agency, Environmental Services Division.

Monitoring Timeframe: Prior to the issuance of demolition permit(s).

Mitigation Measure F.1d: The project sponsor shall implement a lead-based paint abatement plan, which shall include the following components: development of an abatement specification approved by a Certified Project Designer; a site Health and Safety Plan, as needed; containment of all work areas to prohibit off-site migration of paint chip debris; removal of all peeling and stratified lead-based paint on building surfaces and on non-building surfaces to the degree necessary to safely and properly complete demolition activities per the recommendations of the survey. The demolition contractor shall be identified as responsible for properly containing and disposing of intact lead-based paint on all equipment to be cut and/or removed during the demolition; appropriate removal of paint chips by vacuum or other approved method; collection, segregation, and profiling waste for disposal determination; and appropriate disposal of all hazardous and non-hazardous waste.

Responsible Implementing Entity: Project Sponsor; Oakland Public Works Agency, Environmental Services Division

Monitoring Action(s): Project sponsor shall contract with a qualified environmental professional to prepare a lead-paint abatement plan, if deemed necessary by the consultant and by the Public Works Agency, Environmental Services Division. Environmental Services Division shall review the plan and shall notify CEDA Planning Division and Building Services Division of its acceptance of the plan(s).

Monitoring Responsibility: Public Works Agency, Environmental Services Division.

Monitoring Timeframe: Prior to the issuance of demolition permit(s).

Mitigation Measure F.1e: The applicant shall demonstrate to the satisfaction of the Fire Department, Office of Emergency Services, that the site has been investigated for the presence of lead and does not contain hazardous levels of lead.

Responsible Implementing Entity: Project Sponsor; Oakland Public Works Agency, Environmental Services Division

Monitoring Action(s): Project sponsor shall submit documentation specified in mitigation measure to Public Works Agency, Environmental Services Division, and to the Oakland Fire Department. Environmental Services Division and Fire Department shall review the plan and shall notify CEDA Planning Division and Building Services Division of their acceptance of the documentation.

Monitoring Responsibility: Public Works Agency, Environmental Services Division.

Monitoring Timeframe: Prior to the issuance of demolition, grading, excavation, and/or building permit(s), as applicable.

Mitigation Measure F.1f: In the event that electrical equipment or other PCB-containing materials are identified prior to demolition activities they shall be removed and disposed of by a licensed transportation and disposal facility in a Class I hazardous waste landfill.

Responsible Implementing Entity: Project Sponsor; Oakland Public Works Agency, Environmental Services Division

Monitoring Action(s): Project sponsor shall contract with a qualified environmental professional to assess the project site for the presence of PCBs and, if warranted by the assessment, to prepare an abatement plan for PCBs. This plan shall be submitted for review and acceptance by the Public Works Agency, Environmental Services Division. Environmental Services Division shall review the plan and shall notify CEDA Planning Division and Building Services Division of its acceptance of the plans.

Monitoring Responsibility: Public Works Agency, Environmental Services Division.

Monitoring Timeframe: Prior to the issuance of demolition permit(s).

Mitigation Measure F.1g: The underground storage tank present along the west side of Broadway shall be removed prior to construction activities in the immediate area. The Alameda County Local Oversight Program (LOP) shall be contacted to oversee removal and determine appropriate remediation measures. Removal of the UST shall require, as deemed necessary by the LOP, over-excavation and disposal of any impacted soil that may be associated with such tanks to a degree sufficient to the oversight agency. In the event that additional USTs are encountered the same procedures described above shall apply.

Responsible Implementing Entity: Project Sponsor; Oakland Public Works Agency, Environmental Services Division

Monitoring Action(s): Project sponsor shall contract with a qualified environmental professional to remove the underground storage tank. The qualified environmental professional shall submit to the Public Works Agency, Environmental Services Division, a removal plan prior to the start of work, and shall submit documentation of the tank removal upon completion. Environmental Services Division shall review the plan and shall notify CEDA Planning Division and Building Services Division of its acceptance of the documentation.

Monitoring Responsibility: Public Works Agency, Environmental Services Division.

Monitoring Timeframe: Prior to the issuance of demolition, grading, excavation, and/or building permit(s), as applicable.

Mitigation Measure F.1h: The project applicant shall develop and implement a project-specific worker Health and Safety Plan that contains, at a minimum, a description of contamination; decontamination procedures, the nearest hospital, and emergency notification procedures.

Responsible Implementing Entity: Project Sponsor; Oakland Public Works Agency, Environmental Services Division

Monitoring Action(s): Project sponsor shall contract with a qualified environmental professional to prepare site-specific worker Health and Safety Plan. Environmental Services Division shall review the plan and shall notify CEDA Planning Division and Building Services Division of its acceptance of the plan.

Monitoring Responsibility: Public Works Agency, Environmental Services Division.

Monitoring Timeframe: Prior to the issuance of demolition, grading, excavation, and/or building permit(s), as applicable.

Mitigation Measure F.1i: The applicant shall provide written verification that the appropriate State, Federal, or County authorities have granted all required clearances and confirmed compliance with all applicable conditions imposed by said authorities, for all previous contamination at the site, if applicable.

Responsible Implementing Entity: Project Sponsor; Oakland Public Works Agency, Environmental Services Division

Monitoring Action(s): Project sponsor shall submit documentation specified in mitigation measure to Public Works Agency, Environmental Services Division. Environmental Services Division shall review the plan and shall notify CEDA Planning Division and Building Services Division of its acceptance of the documentation.

Monitoring Responsibility: Public Works Agency, Environmental Services Division.

Monitoring Timeframe: Prior to the issuance of demolition, grading, excavation, and/or building permit(s), as applicable.

Impact F.2: Improper disposal of contaminated soil components from the demolition and excavation phases of the project could expose construction workers, the public, or the environment to adverse conditions.

Mitigation Measure F.2a: The sponsor shall perform additional soluble lead analyses of soil prior to on-site reuse or off-site disposal to confirm the acceptability for reuse and/or classification of the soils as a California hazardous waste material. If the soils are classified as a California hazardous waste, the project sponsor shall dispose of the soils at a Class I disposal facility in California or an out of state non-RCRA facility permitted to accept wastes at concentrations of the excavated soils.

Responsible Implementing Entity: Project Sponsor; Oakland Public Works Agency, Environmental Services Division

Monitoring Action(s): Project sponsor shall contract with a qualified environmental professional to conduct sampling of soils excavated from the project site. The qualified environmental professional shall prepare recommendations for disposal of excavated soils as deemed necessary based on the results of sampling. The project sponsor shall submit to the Public Works Agency, Environmental Services Division, documentation regarding the handling of excavated soils. The Environmental Services Division shall notify the Community and Economic Development Agency, Planning Division, of its receipt and acceptance of the documentation.

Monitoring Responsibility: Public Works Agency, Environmental Services Division.

Monitoring Timeframe: Prior to the issuance of demolition, grading, excavation, and/or building permit(s), as applicable.

Mitigation Measure F.2.b: Soil generated by construction activities shall be stockpiled onsite in a safe and secure manner, and sampled prior to reuse or disposal at an appropriate facility. Specific sample procedures (i.e. frequency, etc.) for reuse and disposal shall be determined within a Soil Management Plan.

Responsible Implementing Entity: Project Sponsor; Oakland Public Works Agency, Environmental Services Division

Monitoring Action(s): Project sponsor shall contract with a qualified environmental professional to conduct sampling of soils excavated from the project site. The qualified environmental professional shall prepare recommendations for disposal of excavated soils as deemed necessary based on the results of sampling. The project sponsor shall submit to the Public Works Agency, Environmental Services Division, documentation regarding the handling of excavated soils. The Environmental Services Division shall notify the Community and Economic Development Agency, Planning Division, of its receipt and acceptance of the documentation.

Monitoring Responsibility: Public Works Agency, Environmental Services Division.

Monitoring Timeframe: Prior to the issuance of demolition, grading, excavation, and/or building permit(s), as applicable.

Mitigation Measure F.2c: Per the regulatory standards of the City Environmental Services Division of the Public Works Agency, the project sponsor shall sample the soil on the site to determine whether any further remediation is required. Based on the test results, the project sponsor shall submit any and all applicable documentation and plans required by the Regional Water Quality Control Board, the Alameda County Public Health Department, and the City's Fire Department, Office of Emergency Services, regarding remediation of any remaining contaminated soil and/or groundwater that may be identified on the site. These documents and plans shall be submitted to the Environmental Services Division, and shall demonstrate to the satisfaction of each agency with jurisdiction that all applicable standards and regulations have been met for the construction and site work to be undertaken pursuant to the permit. If warranted, the project sponsor must develop and submit for review by the Environmental Services Division a Soil and Groundwater Management Plan for construction and development activities at the site. The plan shall include, as required, any special health and safety precautions to mitigate worker exposure to contaminated soils, dust control measures to prevent the generation of dust that could migrate off-site, stormwater runoff controls to minimize migration of soils to storm drains, measures to ensure the proper treatment and disposal of groundwater during dewatering activities, steps for ensuring compliance with applicable state and federal regulations governing the transportation and disposal of hazardous wastes, and general protocol for addressing any unexpected hazardous materials conditions in the subsurface encountered during construction.

Responsible Implementing Entity: Project Sponsor; Oakland Public Works Agency, Environmental Services Division; Regional Water Quality Control Board; Alameda County Public Health Department; and Oakland Fire Department.

Monitoring Action(s): Project sponsor shall contract with a qualified environmental professional to conduct sampling of soil and, if deemed necessary, groundwater on the project site. The qualified environmental professional shall prepare recommendations for disposal of excavated soils as deemed necessary based on the results of sampling. The project sponsor shall submit to the Public Works Agency, Environmental Services Division, and to other applicable agencies as described in the mitigation measure, documentation regarding the testing results. If deemed necessary by the Environmental

Services Division, the project sponsor shall contract with a qualified environmental professional to prepare a Soil and Groundwater Management Plan. The Environmental Services Division shall notify the Community and Economic Development Agency, Planning Division, of its receipt and acceptance of the documentation, including, if required, the Soil and Groundwater Management Plan.

Monitoring Responsibility: Public Works Agency, Environmental Services Division.

Monitoring Timeframe: Prior to the issuance of demolition, grading, excavation, and/or building permit(s), as applicable.

Impact F.3: Hazardous materials used on-site during construction activities (i.e. solvents) could be released to the environment through improper handling or storage.

Mitigation Measure F.3: The use of construction best management practices shall be implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following: follow manufacturer's recommendations on use, storage and disposal of chemical products used in construction; avoid overtopping construction equipment fuel gas tanks; during routine maintenance of construction equipment, properly contain and remove grease and oils; and properly dispose of discarded containers of fuels and other chemicals.

Responsible Implementing Entity: Project Sponsor; Oakland Public Works Agency, Environmental Services Division

Monitoring Action(s): Environmental Services Division shall conduct spot-checks as deemed necessary throughout construction period.

Monitoring Responsibility: Public Works Agency, Environmental Services Division

Monitoring Timeframe: Environmental Services Division shall verify compliance with applicable rules and regulations throughout construction period.

5. Design Review Requirements

a. Prior to issuance of building permit

The final design elements listed below shall be submitted for review and approval by the Planning Director prior to issuance of the building permit. The Planning Director may exercise his/her standard authority to refer the final design to the Design Review Committee or to the Planning Commission.

a. Windows shall be articulated to provide a two-inch minimum recess from the building façade in order to create a sufficient shadow line and articulation. The final window details shall be submitted for review and approval.
b. The materials and installation methods shall be detailed to provide a high-quality, durable, and attractive building façade, particularly at the base of the buildings. Full-size material mock-ups shall be provided as deemed necessary, particularly for the brick veneer, stone, and aluminum panels. Final material selections and installation details shall be submitted for review and approval.
c. The final colors must be submitted for review and approval.

6. Modification of Conditions or Revocation

a. Ongoing.

The City reserves the right, after notice and public hearing, to alter Conditions of Approval or revoke this conditional use permit if it is found that the approved facility is violating any of the Conditions of Approval or the provisions of the Zoning Regulations, or operates as or causes a public nuisance.

7. Recording of Conditions of Approval and Mitigation Monitoring Plan

a. Prior to issuance of building permit or commencement of activity.

The project sponsor shall execute and record with the Alameda County Recorder's Office a copy of these conditions of approval and the mitigation monitoring plan on a form approved by the Zoning Administrator. Proof of recordation shall be provided to the Zoning Administrator.

8. Reproduction of Conditions and Mitigations on Building Plans

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

These conditions of approval and the Mitigation Monitoring Plan shall be reproduced on page one of all plans submitted for a grading or building permit for this project.

9. Indemnification

a. Ongoing.

The project sponsor shall defend, indemnify, and hold harmless the City of Oakland, its agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Oakland, its agents, officers or employees to attack, set aside, void or annul, an approval by the City of Oakland, the Office of Planning and Building, Planning Commission, or City Council. The City shall promptly notify the project sponsor 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.

10. Recycling Space Allocation Requirements

a. Prior to issuance of building permit

The design, location and maintenance of recycling collection and storage areas shall comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas", Policy 100-28 and with the recycling space requirements of the Planning Code. The recycling location and area shall be clearly delineated on the building permit plans.

11. Lighting Plan

a. Prior to issuance of building permit

A lighting plan for the exterior of the project shall be submitted for review and approval by the Planning Director. The lighting plan shall include the appearance and location of all exterior and lighting fixtures or standards, and said lighting shall be installed such that it is adequately shielded and does not cast glare onto adjacent properties.

12. Landscape and Streetscape Plans

a. Prior to issuance of building permit.

The project sponsor shall submit a detailed landscaping plan to the Planning Director for review and approval prior to the issuance of any building permits. This plan shall include:

a. Details and specifications for landscaping features such as street furniture, rocks, and any water features.

b. Detailed irrigation plans, planting details such as species, location, number and sizes of the plant materials, and the specifications for planting.

c. Street tree planting specifications. Consistent street tree species must be provided on the street frontages with the species to be approved by the Office of Parks and Recreation.

13. Signage Plan

a. Prior to issuance of building permit

The project sponsor shall submit a conceptual signage plan for the project for review and approval by the Planning Director.

14. Water, Wastewater and Storm Sewer Service

a. Prior to issuance of building permit

The project sponsor shall provide the necessary information to the Public Works Agency, Design and Construction Services Division to confirm the existing capacity of the water, wastewater and storm service systems that serve the project site and the projected project demand. The project sponsor shall be responsible for payment of the required installation or hookup fees to the affected service providers. The project sponsor shall also be responsible for payment of sewer and/or storm water improvement fees as required by the Public Works Agency.

15. Special Inspector

a. Throughout construction

The project sponsor may be required to pay for on-call special inspector(s) as needed during the times of most intense construction or as directed by the Building Official. Prior to issuance of the demolition permit, the project sponsor shall establish a deposit with the Building Services Division to fund a special inspector who shall be available as needed, as determined by the Building Official or the Planning Director.

16. 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. The Plan shall include, but not be limited to:

- Distribution of proposed locations of litter receptacles on site and in the public right-of-way; and
- A management schedule for keeping the premises and surrounding area in a one-block radius free from litter originating from the operation of the future commercial activities; and
- Sweeping and trash collection of the premises, the public sidewalk, and the gutter area of the public street immediately adjacent to the project, as needed to keep the area free of litter.

17. Exterior Pay Phones

a. On-going

There shall be no exterior pay telephones located on the project site without obtaining a pay phone permit.

18. Master Improvement Plan and Improvements in the Public Right-of-Way

a. Prior to Finalization of P-Job for First Phase of Project

The project sponsor shall submit a detailed improvement plan prepared by a licensed Civil Engineer, with all conditions and requirements as set forth in these Conditions of Approval for the private property and the public rights of way, including but not limited to curbs, gutters, pedestrian ways, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design, specifications and locations of the water pumping facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements required to comply with all applicable City standards, including the approved landscape plans, the design of the pedestrian paths, and the street tree locations and planting specifications. This plan shall be reviewed and approved by the City Engineer and used as the confirmation of compliance with all phases of the project.

19. Electrical Facilities

a. Prior to installation

All electrical and telephone facilities, fire alarm conduits, street light wiring, and similar facilities shall be placed underground. Electric and telephone facilities shall be installed in accordance with standard specifications of the servicing utilities. Street lighting and fire alarm facilities shall be installed in accordance with the standard specifications of the Building Services Division.

20. Tentative Parcel Map

a. Prior to issuance of building permit

The project requires approval of a Tentative Parcel Map in order to create condominiums. The Final Parcel Map must be submitted within two years of the date the Tentative Parcel Map is approved.

21. Construction of New Live-Work Units

a. Prior to issuance of building permit

The proposed construction of up to 6 new live-work units would be subject to any additional Planning Code requirements (e.g. related to parking, unit size, etc.) that may be adopted by the City prior to issuance of building permits.

22. Waste Reduction and Recycling Plan

a. Prior to issuance of building permit

The project sponsor shall submit a "Waste Reduction and Recycling Plan," and a plan to divert 50 percent of the solid waste generated by the construction and operation of the project, to the Public Works Agency for review and approval, pursuant to City of Oakland Ordinance No. 12253.

23. Dust Control

a. Prior to commencement of construction activity

In order to minimize impacts on air quality and water quality from dust associated with construction, the project sponsor shall not commence construction activity on Parcel B until grading activities on Parcel A have been completed. This will ensure that there will be no soil disturbance of more than four acres at any given time during project construction.

24. Car Share Parking

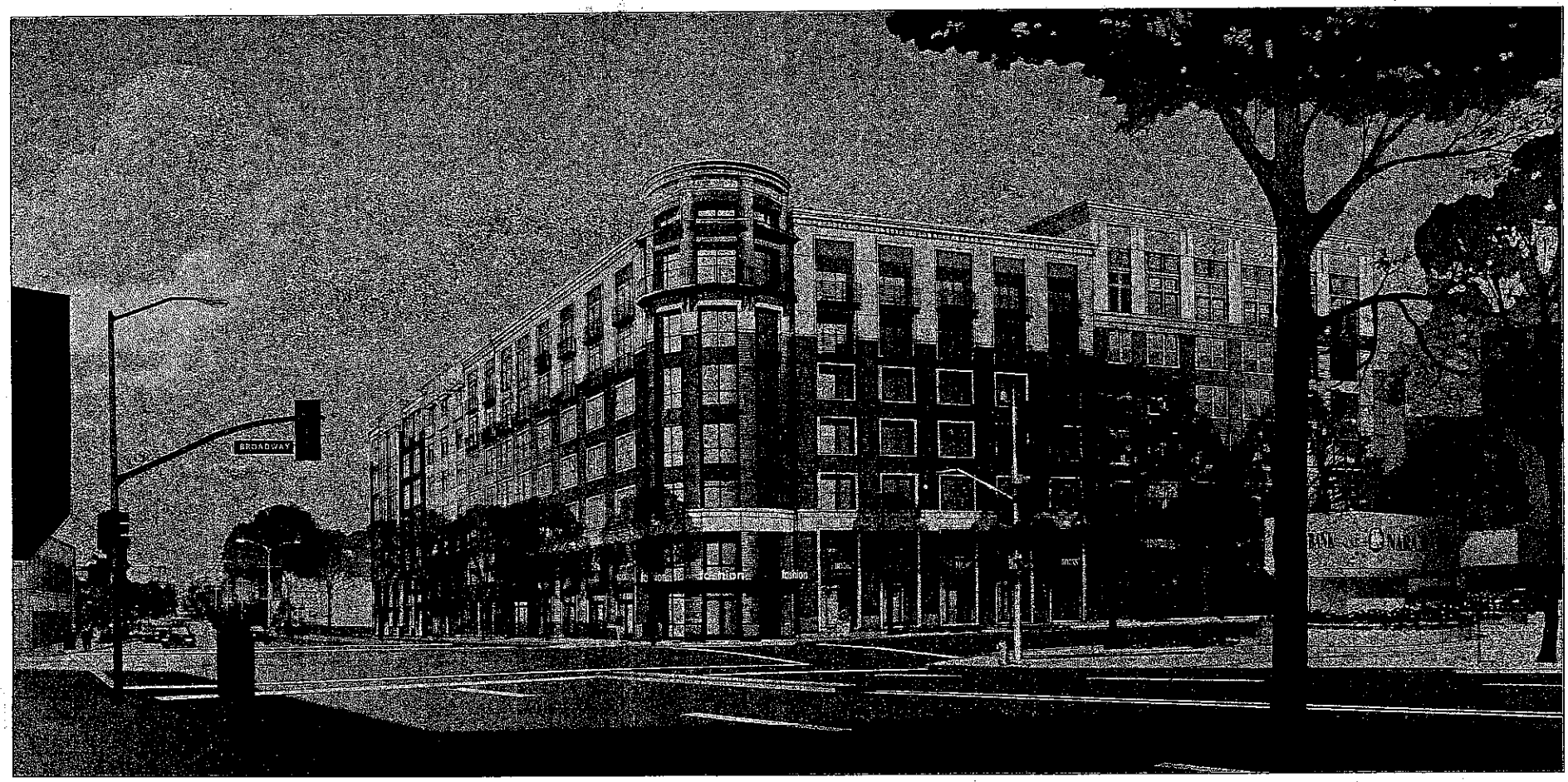
a. Prior to issuance of certificate of occupancy

The project sponsor shall allocate a number of parking spaces in the project parking garage(s) to be determined by the Planning Director to be available for the City Carshare parking program.

APPROVED BY:

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

City Council:_____(date)_____(vote)



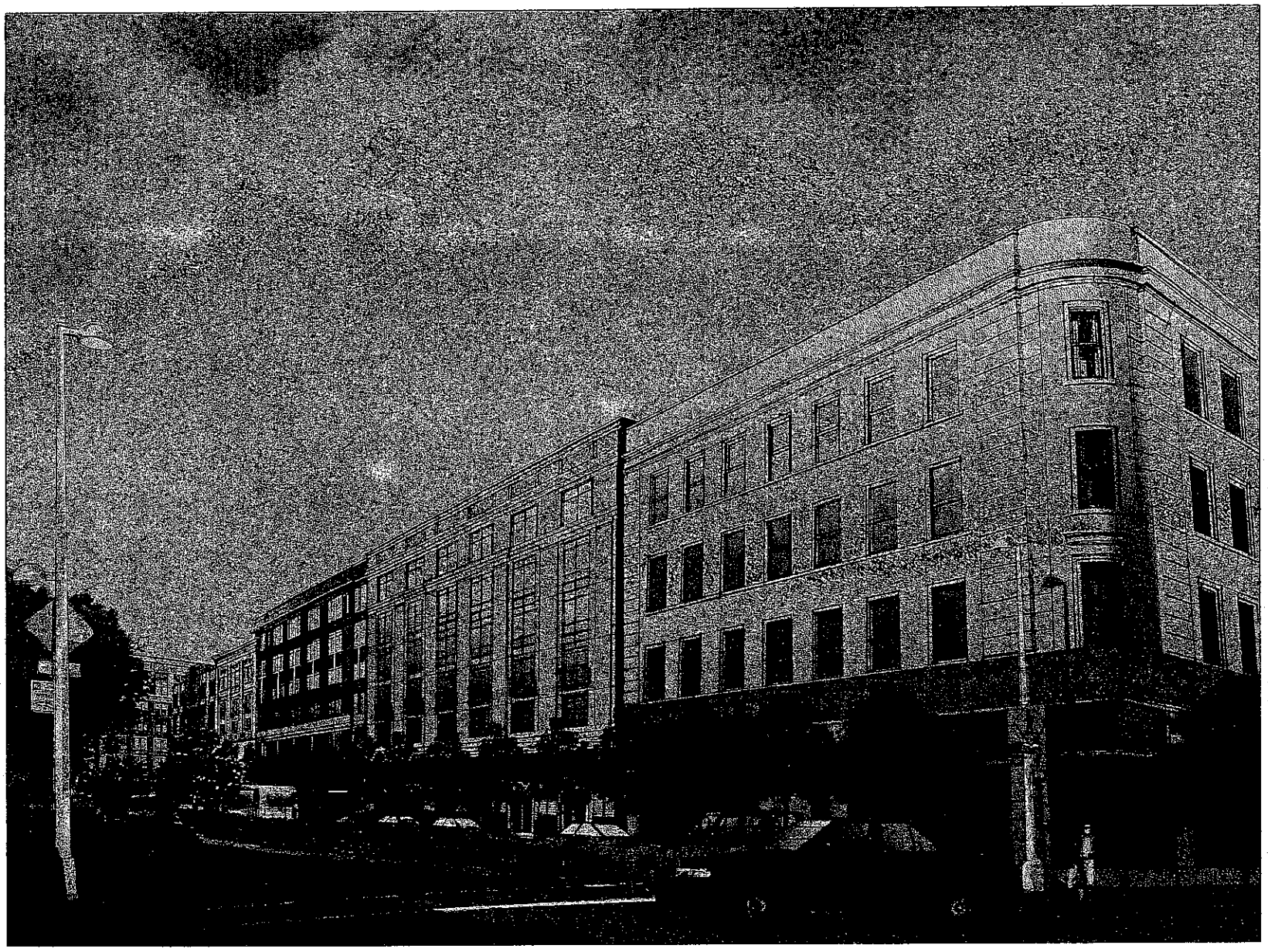
ATTACHMENT A

RENDERING - BROADWAY AND WEST GRAND

NEGHERBON MIXED USE PROJECT

02 NOVEMBER 2
PROJECT NO: 41

1115 ATLANTIC AV
ALAMEDA, CA



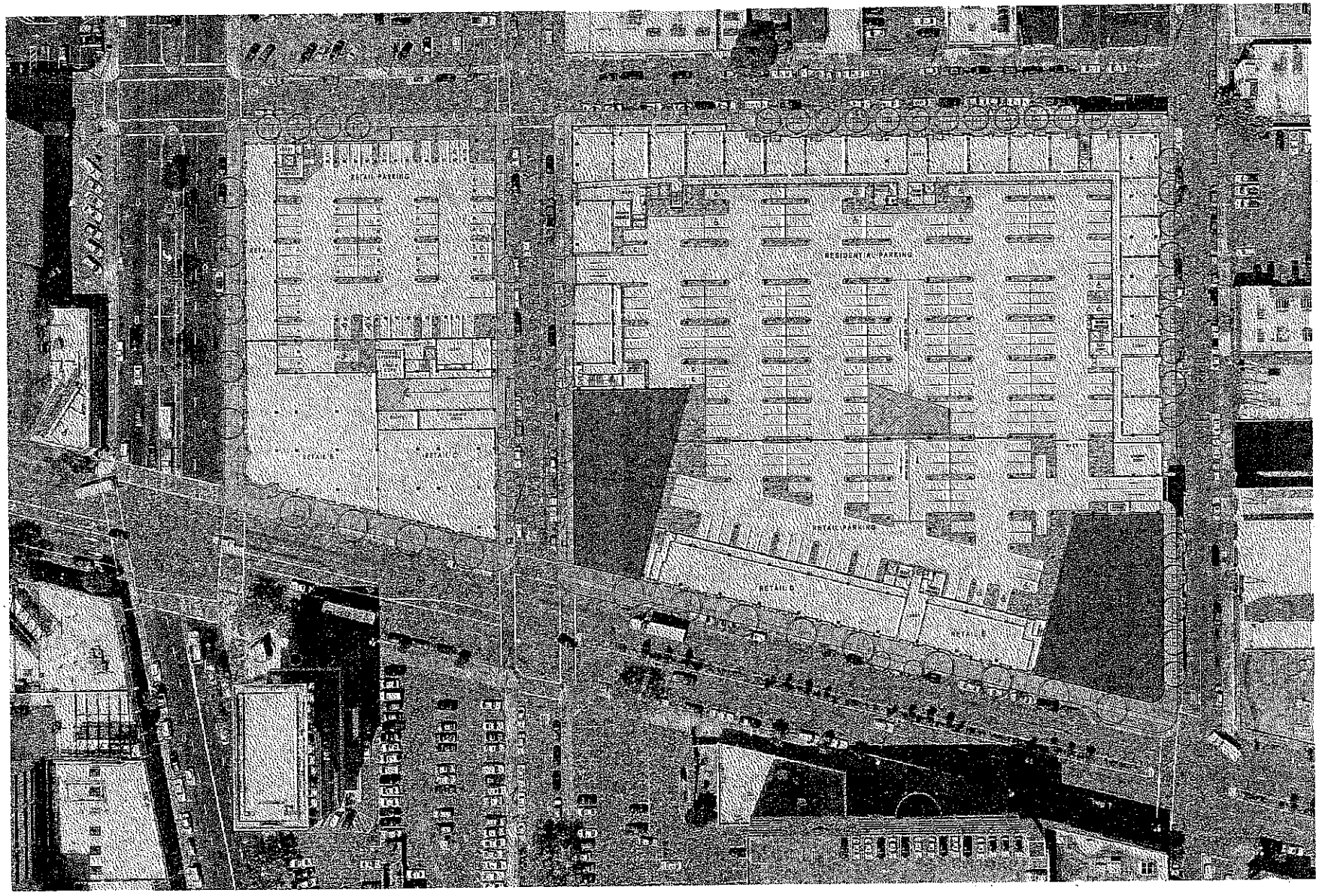
RENDERING - BROADWAY AND 24TH

NEGHERBON MIXED USE PROJECT

OAKLAND, CALIFORNIA

02 NOVEMBER 2
PROJECT NO: 412

1115 ATLANTIC AV
ALAMEDA, CA



AERIAL OF SITE - SCHEME A

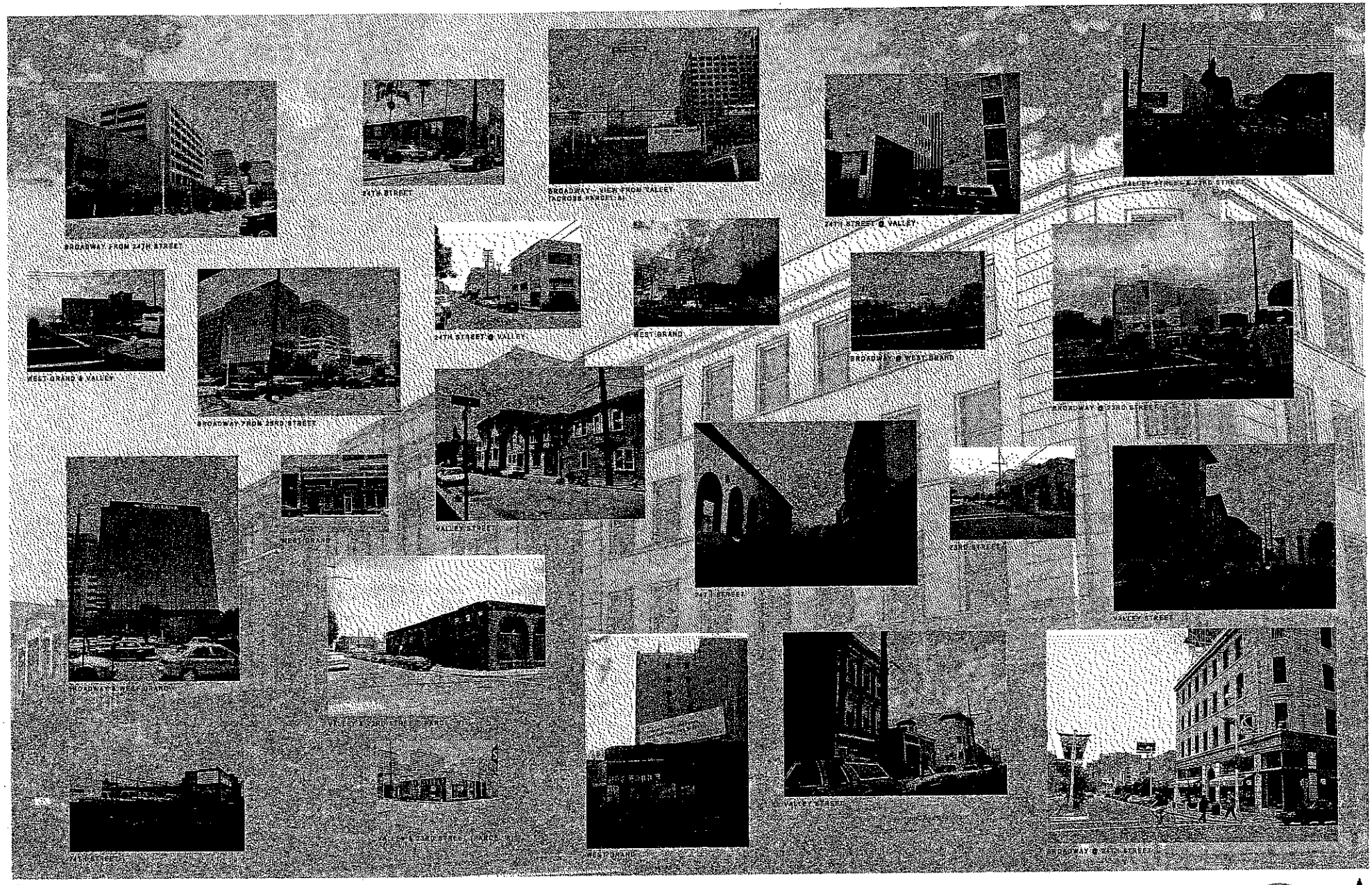
A0.

NEGHERBON MIXED USE PROJECT

OAKLAND, CALIFORNIA

02 NOVEMBER 2
PROJECT NO: 41

1115 ATLANTIC AV
ALAMEDA, CA



SITE CONTEXT PHOTOS

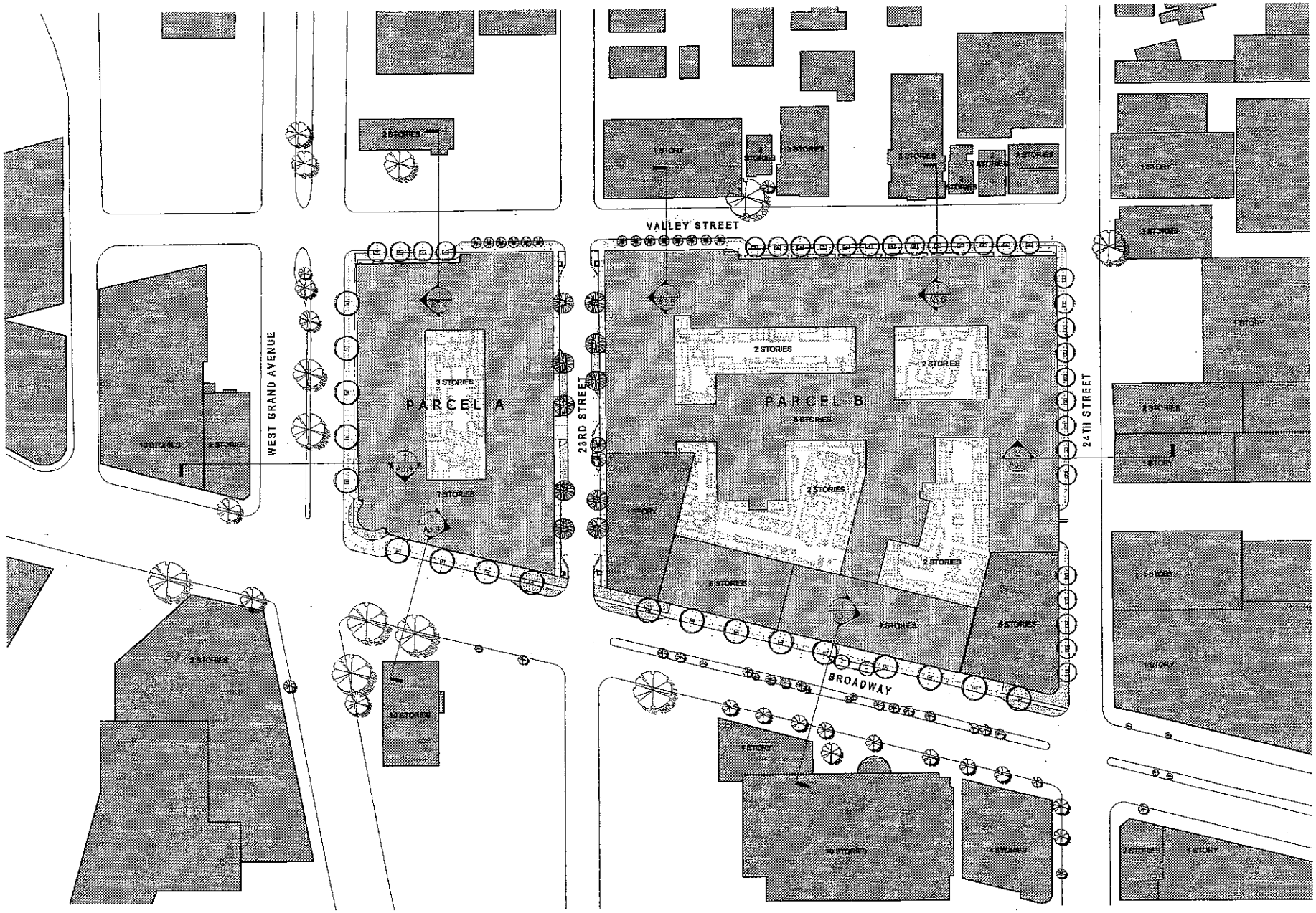
A0.

NEGHERBON MIXED USE PROJECT

OAKLAND, CALIFORNIA

02 NOVEMBER 2
PROJECT NO: 41

1115 ATLANTIC AV
ALAMEDA, CA
TEL 510.865.



BUILDING CONTEXT PLAN

A1.

NOT TO SC.

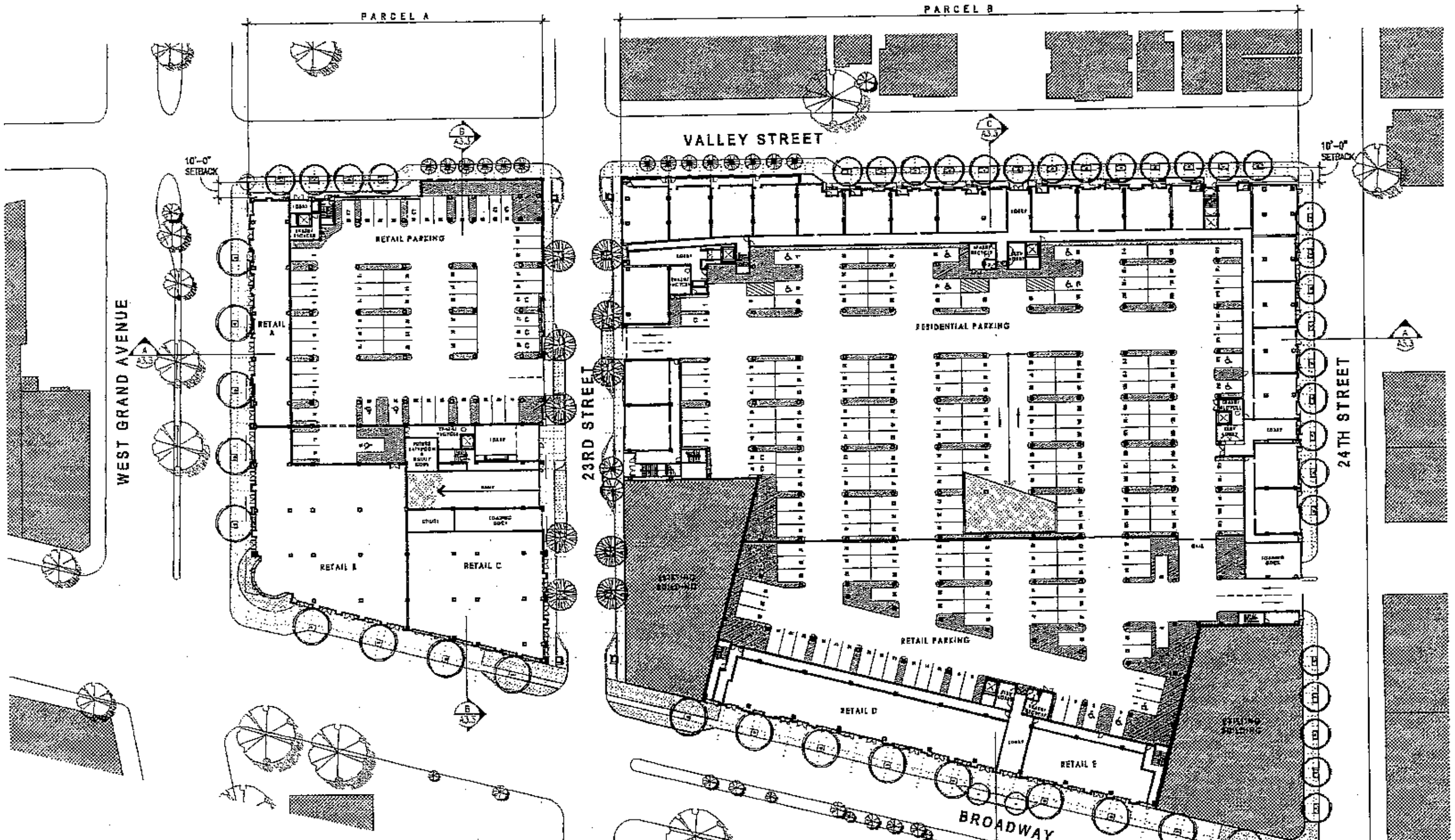
02 NOVEMBER 2

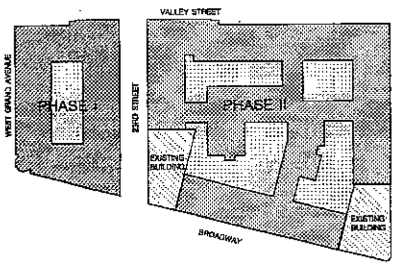
PROJECT NO: 41

NEGHERBON MIXED USE PROJECT

OAKLAND, CALIFORNIA

1115 ATLANTIC AV
ALAMEDA, CA
TEL 510.865





PHASE DIAGRAM

SITE PLAN 

SITE USEAGE BY PARCEL:

CONSIDERATIONS:

FLOOR AREA CALCULATIONS ARE ESTIMATED AND WILL CHANGE UNTIL UNIT LAYOUTS ARE FINALIZED.

PARCEL A

RETAIL SPACES:	APPROXIMATE SQUARE FT.
A	3,684 SF±
B	10,513 SF±
C	7,102 SF±
TOTAL SQUARE FEET:	21,299 SF±

UNITS:	COUNT	MIX	APPROXIMATE SQUARE FT.
TOWNHOUSE:			
ONE BEDROOM	2	2%	1,157 SF±
TWO BEDROOM	21	16%	1,384 SF±
THREE BEDROOM	4	3%	2,073 SF±
TOTAL TOWNHOMES:	27		
FLAT:			
ONE BEDROOM	29	22%	886 SF±
TWO BEDROOM	73	55%	1,462 SF±
THREE BEDROOM	3	2%	1,800 SF±
TOTAL FLATS:	105		
TOTAL UNITS:	132	100%	

OPEN SPACE:	APPROXIMATE SQUARE FT.
COURTYARD:	8,500 SF±

PARKING:	COUNT						APPROXIMATE SQUARE FT.
RESIDENTIAL:	COMPACT		STANDARD				
FL-02:	15	+	58	=	73		[illegible]
FL-03:	5	+	57	=	62		[illegible]
TOTAL:	20	+	115	=	135	(1:1 UNIT)	[illegible]

1 LOADING SPACE PROVIDED

RETAIL: (FL-01 ONLY)	COMPACT		STANDARD			APPROXIMATE SQUARE FT.
TOTAL:	8	+	53	=	61 (2.1/1,000 SF)	[illegible]

1 LOADING SPACE PROVIDED

PARCEL B

RETAIL SPACES:	APPROXIMATE SQUARE FT.
D	5,805 SF±
E	2,622 SF±
TOTAL SQUARE FEET:	8,427 SF±

UNITS:	COUNT	MIX	APPROXIMATE SQUARE FT.
TOWNHOUSE:			
ONE BEDROOM	2	1%	1,187 SF±
TWO BEDROOM	15	5%	1,536 SF±
THREE BEDROOM	6	2%	1,564 SF±
TOTAL TOWNHOMES:	23		
FLAT:			
ONE BEDROOM	85	29%	822 SF±
TWO BEDROOM	173	60%	1,231 SF±
TWO + BEDROOM	8	3%	1,590 SF±
TOTAL FLATS:	266		
TOTAL UNITS:	289	100%	

OPEN SPACE:	APPROXIMATE SQUARE FT.
COURTYARD:	48,560 SF±

PARKING:	COUNT						APPROXIMATE SQUARE FT.
RESIDENTIAL:	COMPACT		STANDARD				
FL-01:	3	+	156	=	159		[illegible]
FL-02:	3	+	247	=	250		[illegible]
TOTAL:	6	+	403	=	409	(1.4:1 UNIT)	[illegible]

3 LOADING SPACES PROVIDED

RETAIL: (FL-01 ONLY)	COUNT	APPROXIMATE SQUARE FT.
TOTAL:	65 (1.9/1,000 SF)	[illegible]

1 LOADING SPACE PROVIDED

LICENSED ARCHITECT T. CLAY FRY C-18257 STATE OF CALIFORNIA

A1.

1/32" =

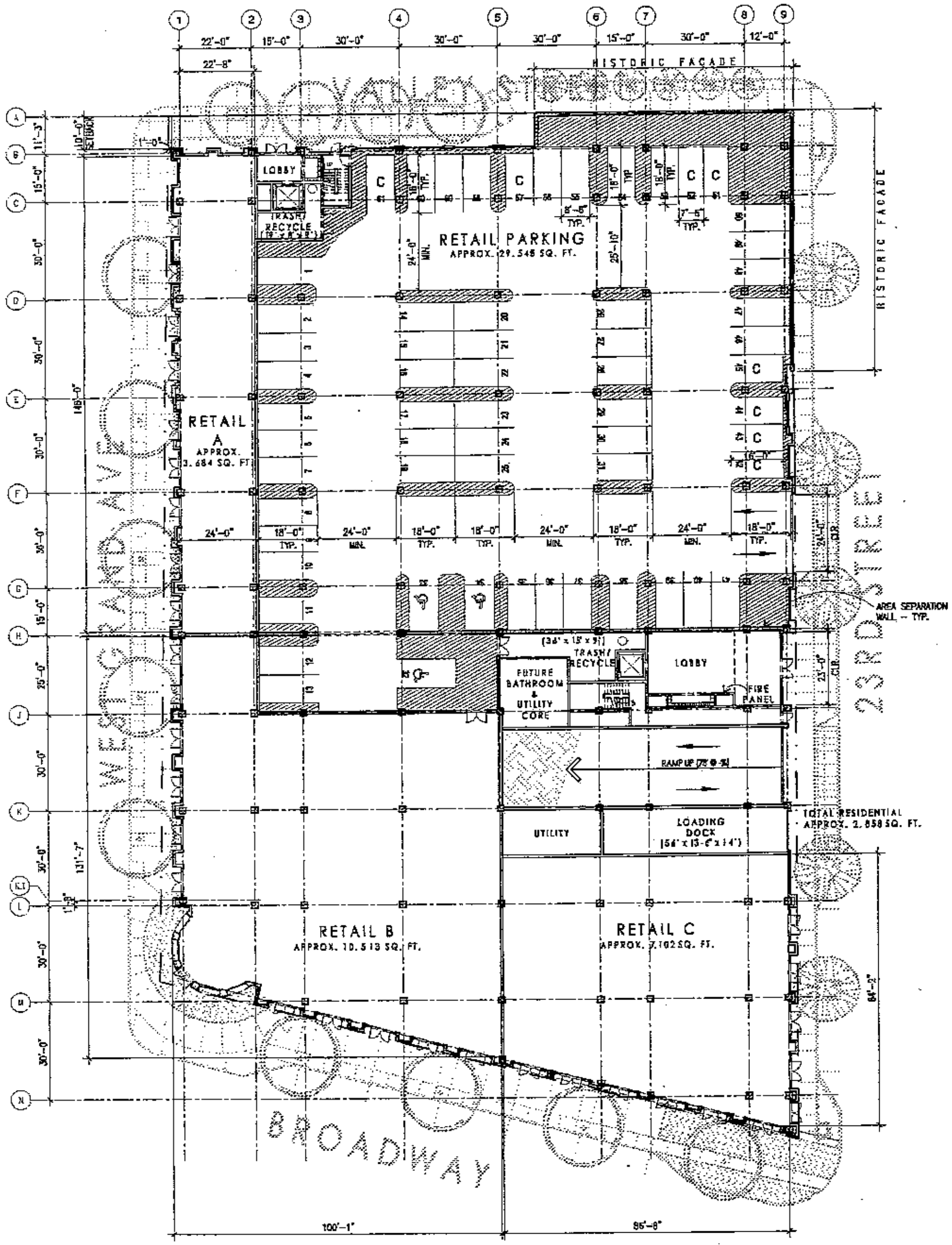
02 NOVEMBER 2

PROJECT NO: 41

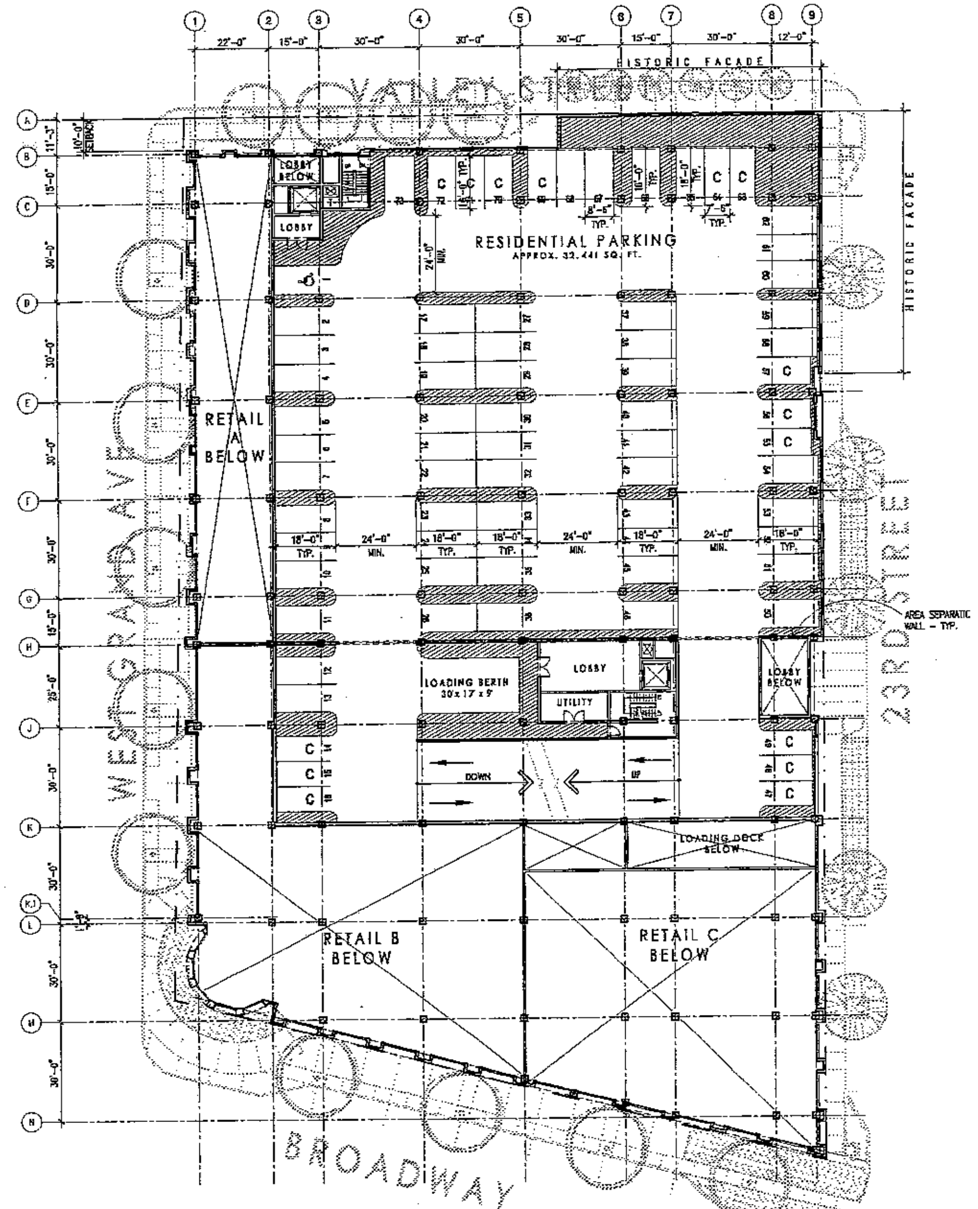
NEGHERBON MIXED USE PROJECT

OAKLAND, CALIFORNIA

1115 ATLANTIC AV
ALAMEDA, CA
TEL 510.865



PARCEL A
GROUND LEVEL PLAN



PARCEL A
SECOND LEVEL PLAN

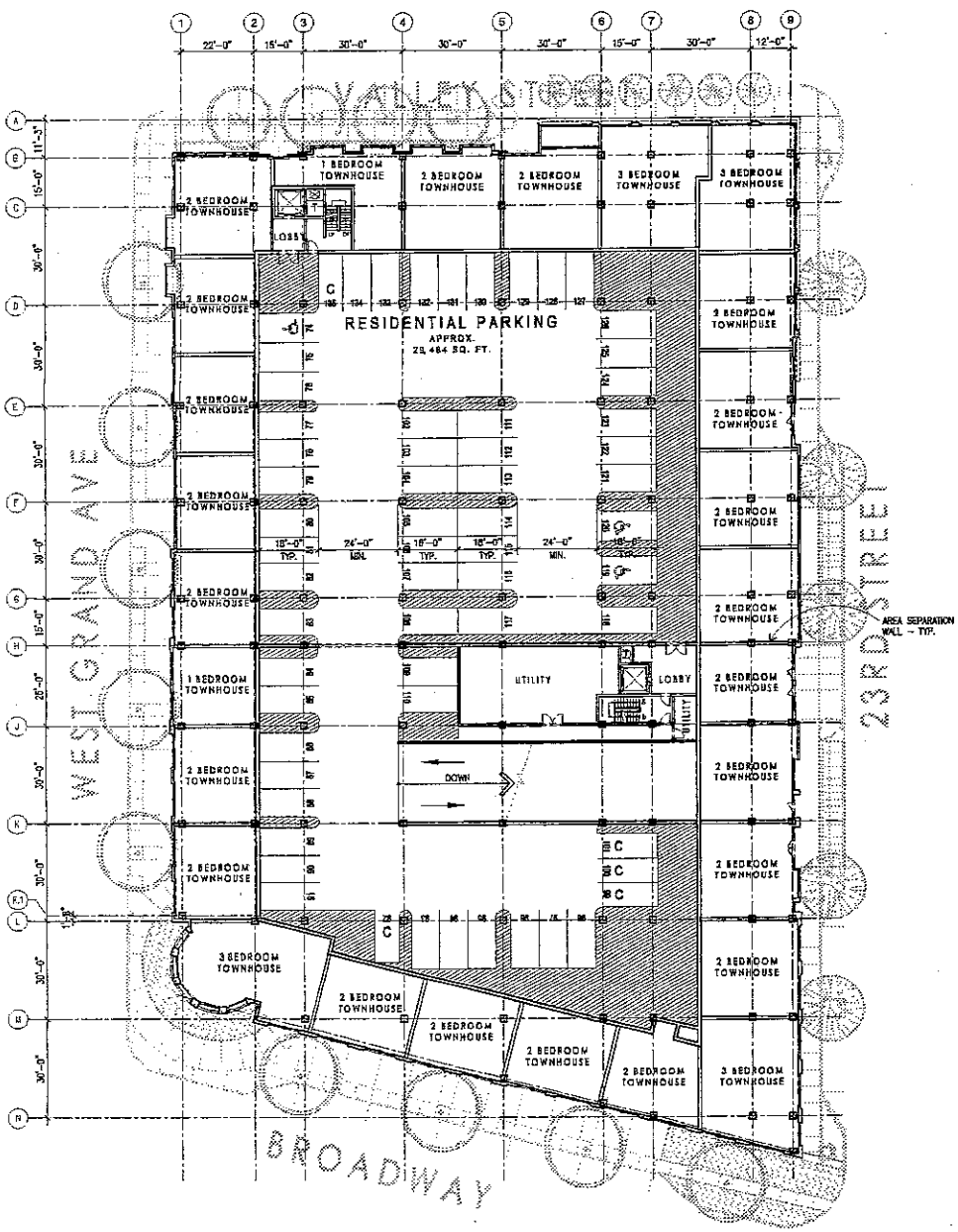
A2.

1/16" = 1

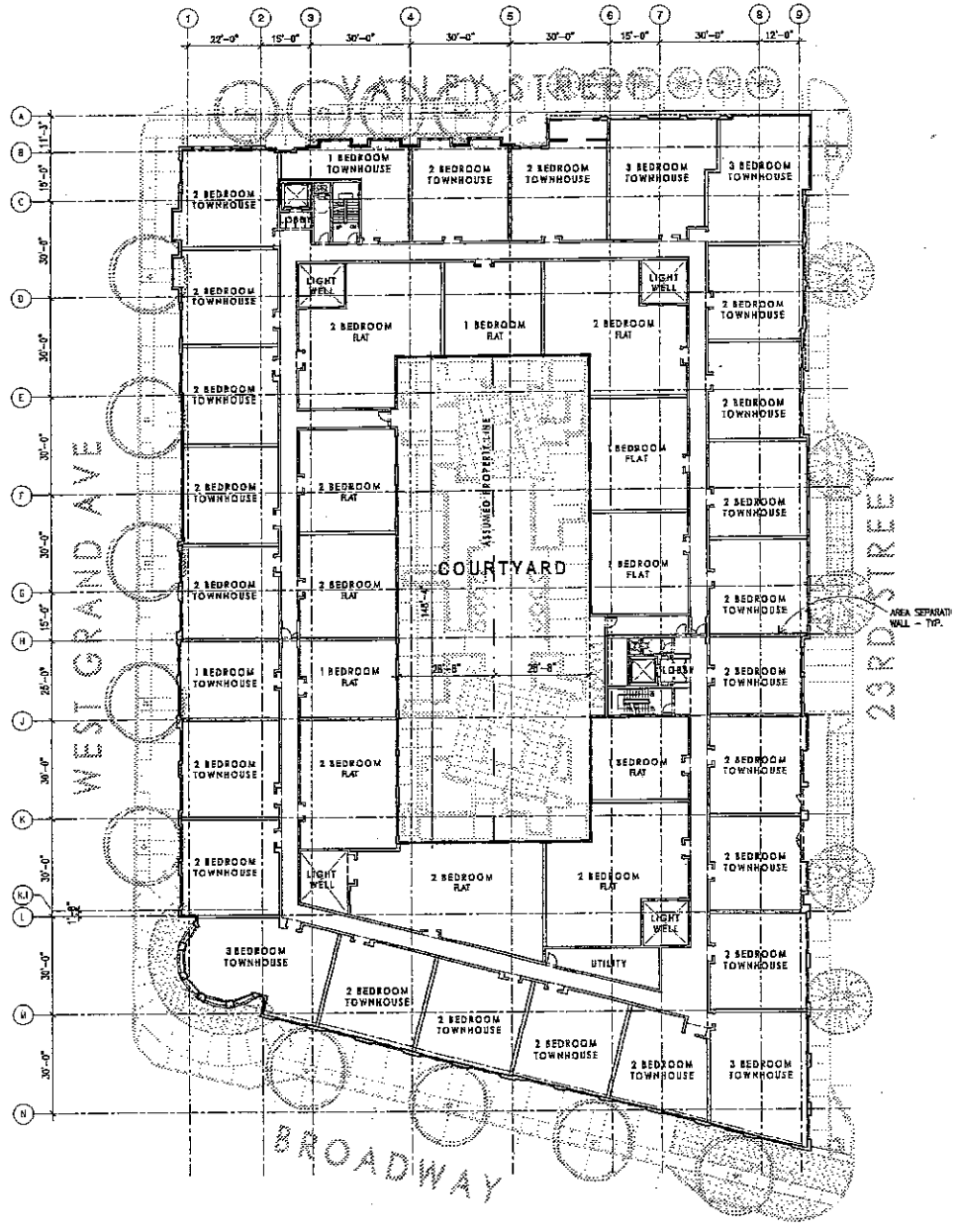
02 NOVEMBER 2
PROJECT NO: 41

1115 ATLANTIC AV
ALAMEDA, CA

NEGHERBON MIXED USE PROJECT



PARCEL A
THIRD LEVEL PLAN



PARCEL A
FOURTH LEVEL PLAN

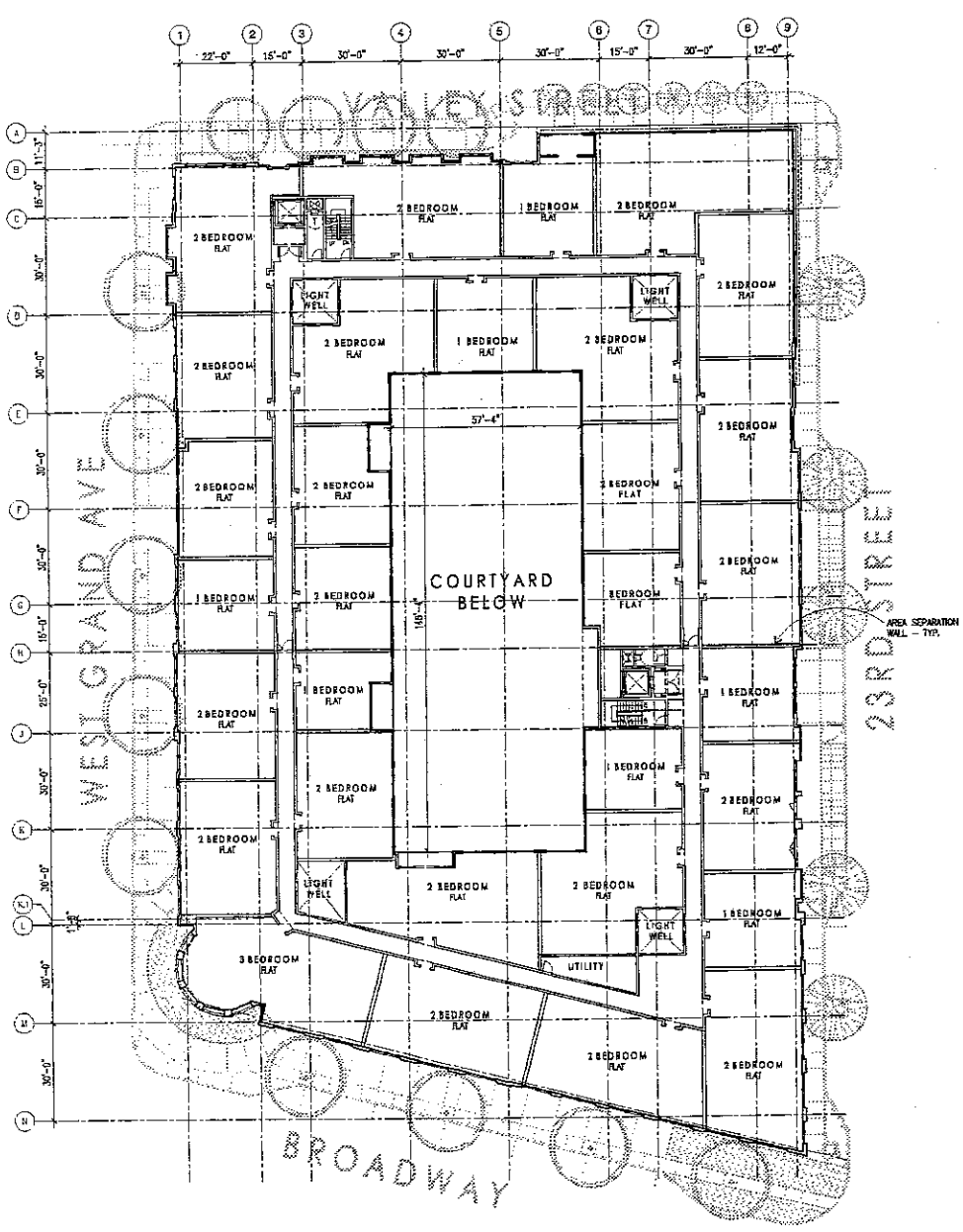
A2.

1/16"

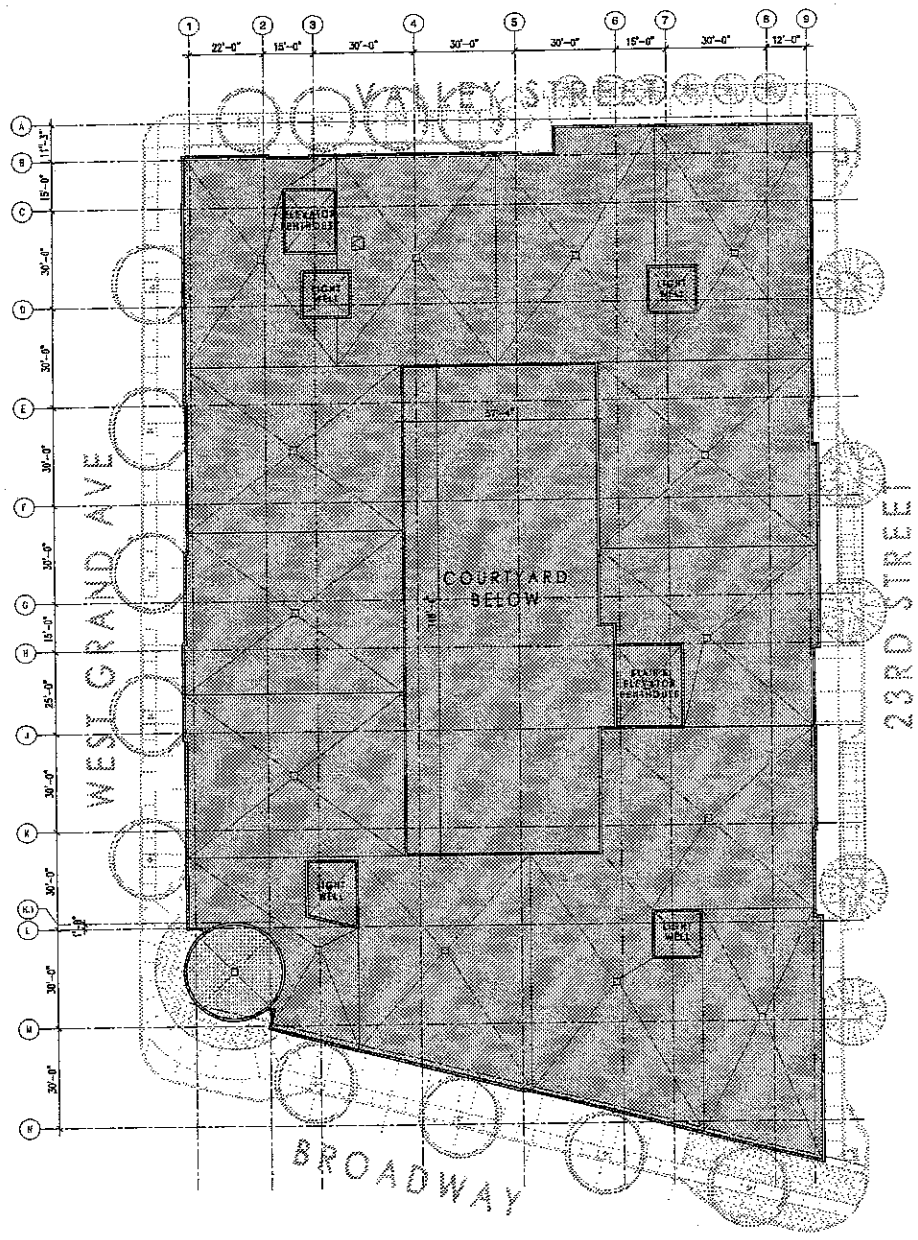
NEGHERBON MIXED USE PROJECT

02 NOVEMBER 2
PROJECT NO: 41

1113 ATLANTIC A
ALAMEDA, CA



PARCEL A
FIFTH, SIXTH, & SEVENTH LEVEL PLAN



PARCEL A
ROOF PLAN

A2.

1/16"=1

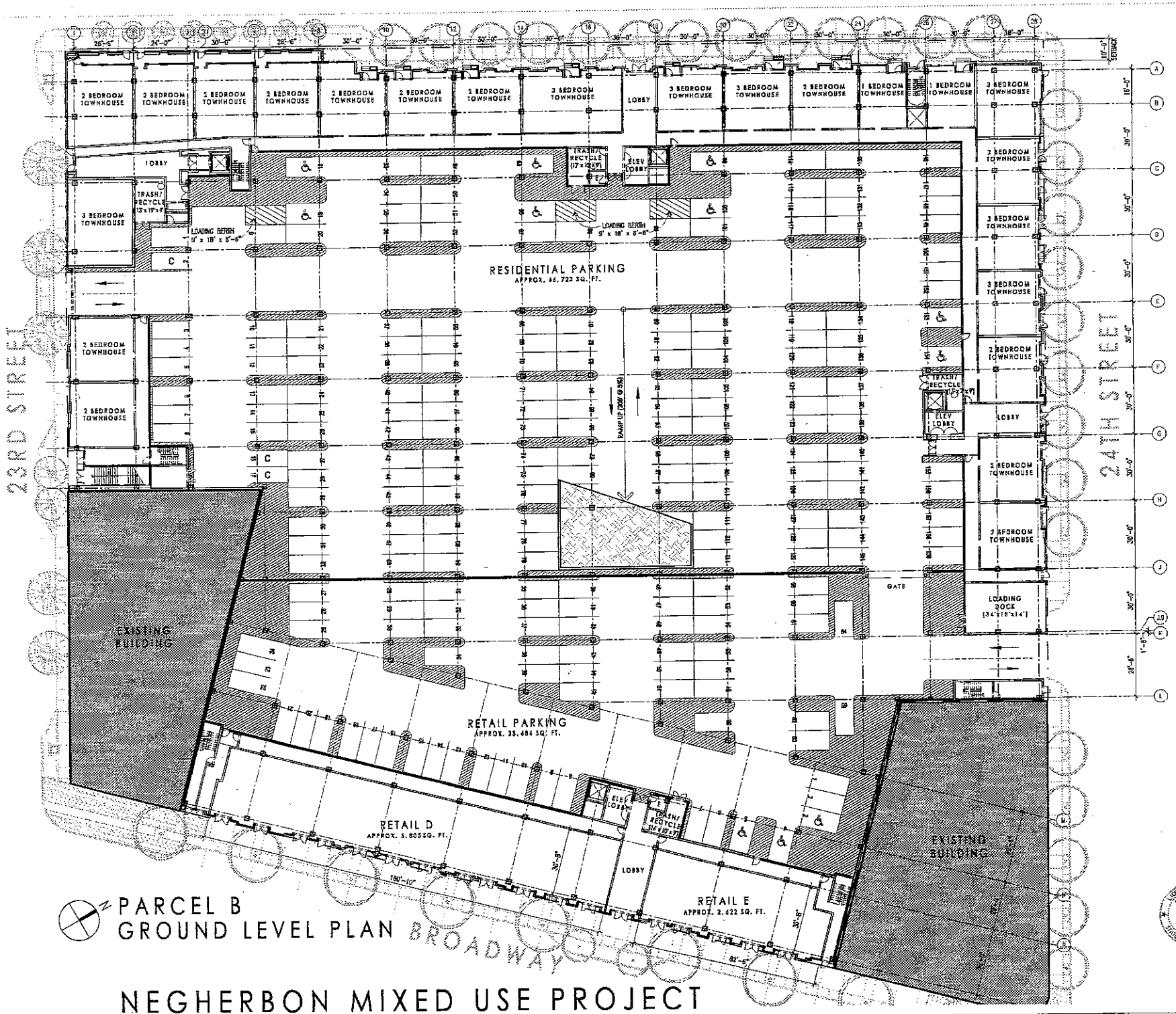
02 NOVEMBER 2

PROJECT NO: 41

NEGHERBON MIXED USE PROJECT

OAKLAND, CALIFORNIA

1115 ATLANTIC A
ALAMEDA, CA



PARCEL B
GROUND LEVEL PLAN

NEGHERBON MIXED USE PROJECT

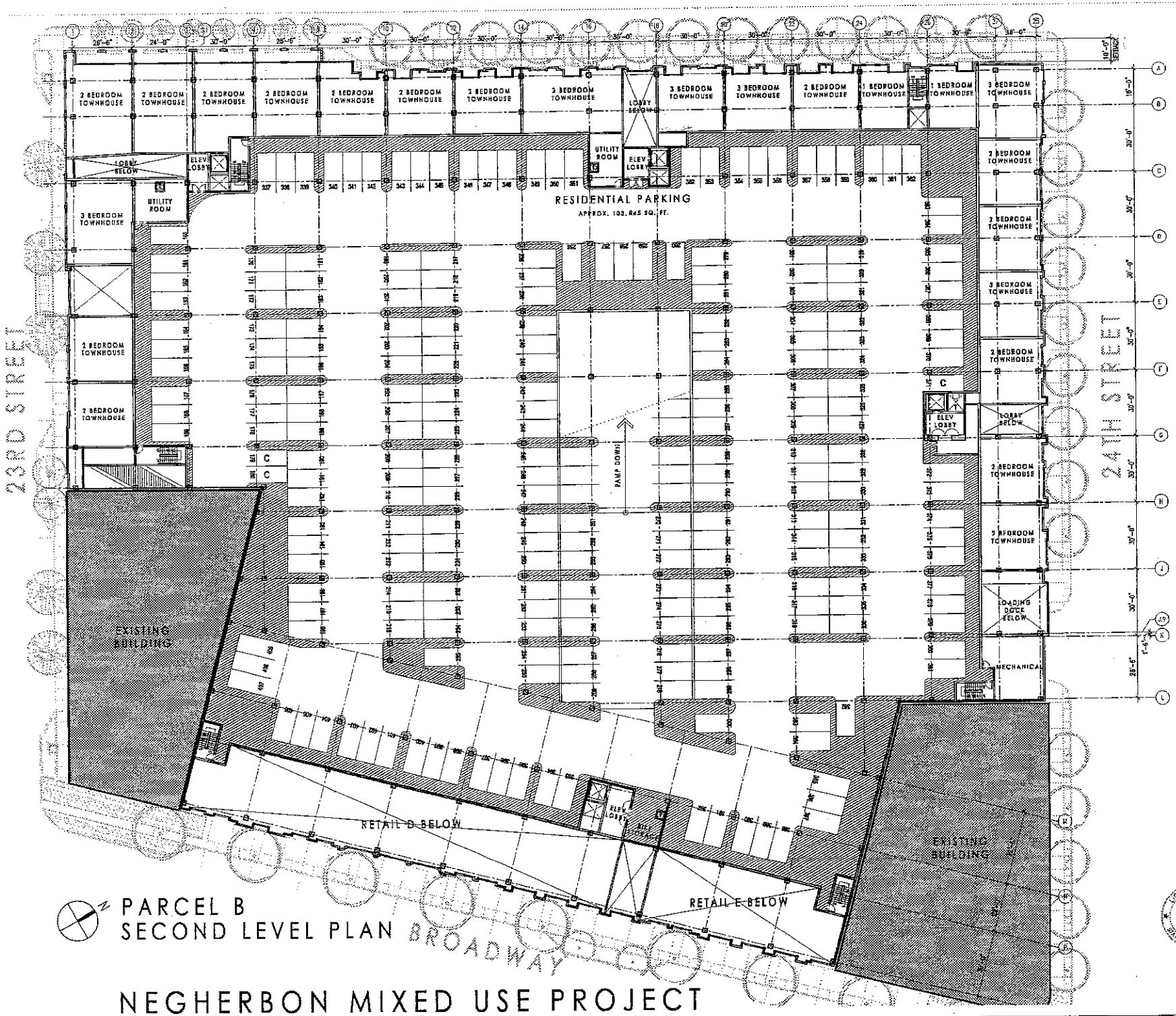
A2.

1/16"

02 NOVEMBER 2

PROJECT NO: 41

1115 ATLANTIC A
ALAMEDA, CA



PARCEL B
SECOND LEVEL PLAN

NEGHERBON MIXED USE PROJECT

OAKLAND, CALIFORNIA

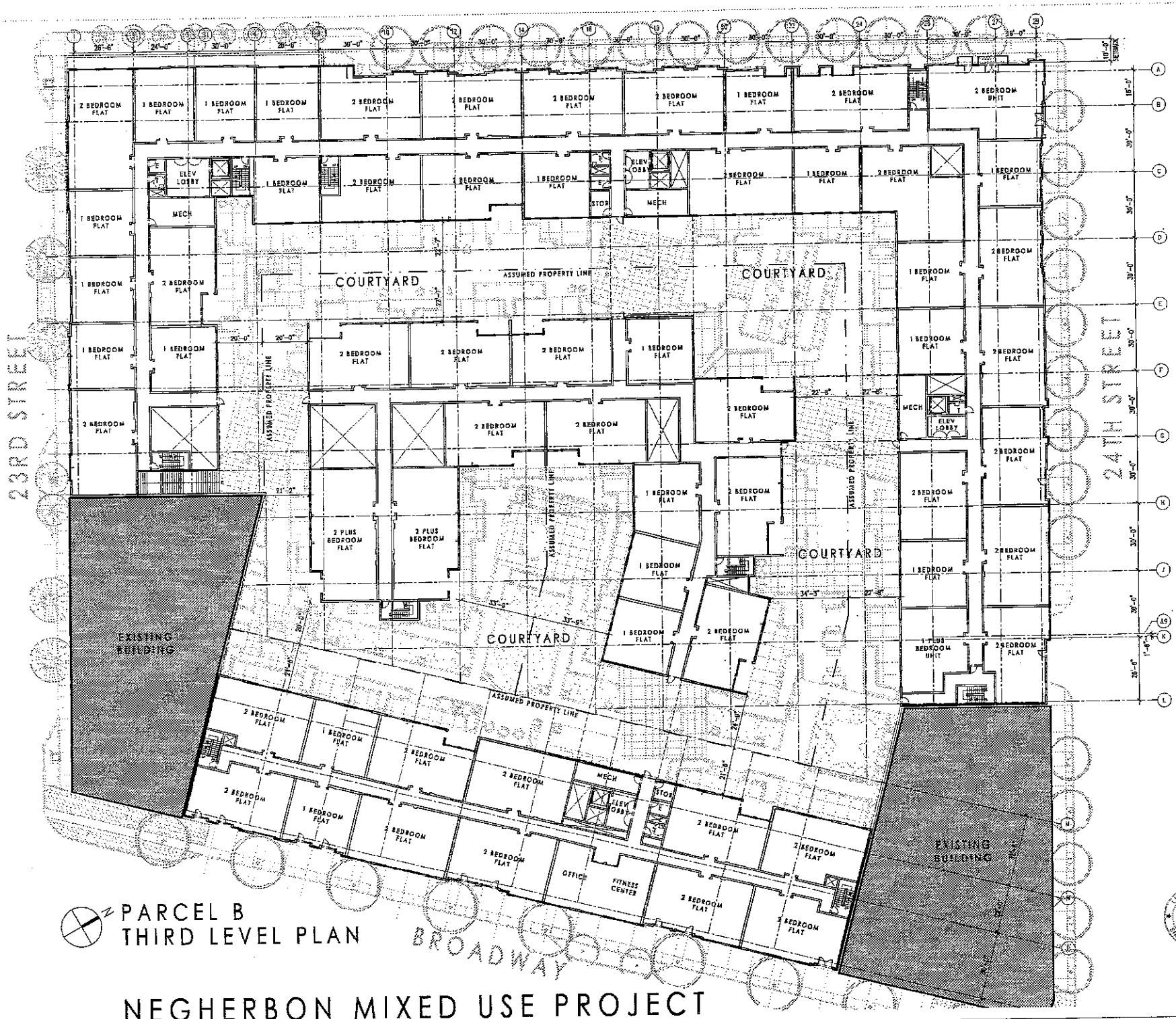
A2.

1/16" =

02 NOVEMBER 2

PROJECT NO: 41

1115 ATLANTIC AV
ALAMEDA, CA
TEL 510.865



PARCEL B
THIRD LEVEL PLAN

NEGHERBON MIXED USE PROJECT

OAKLAND, CALIFORNIA

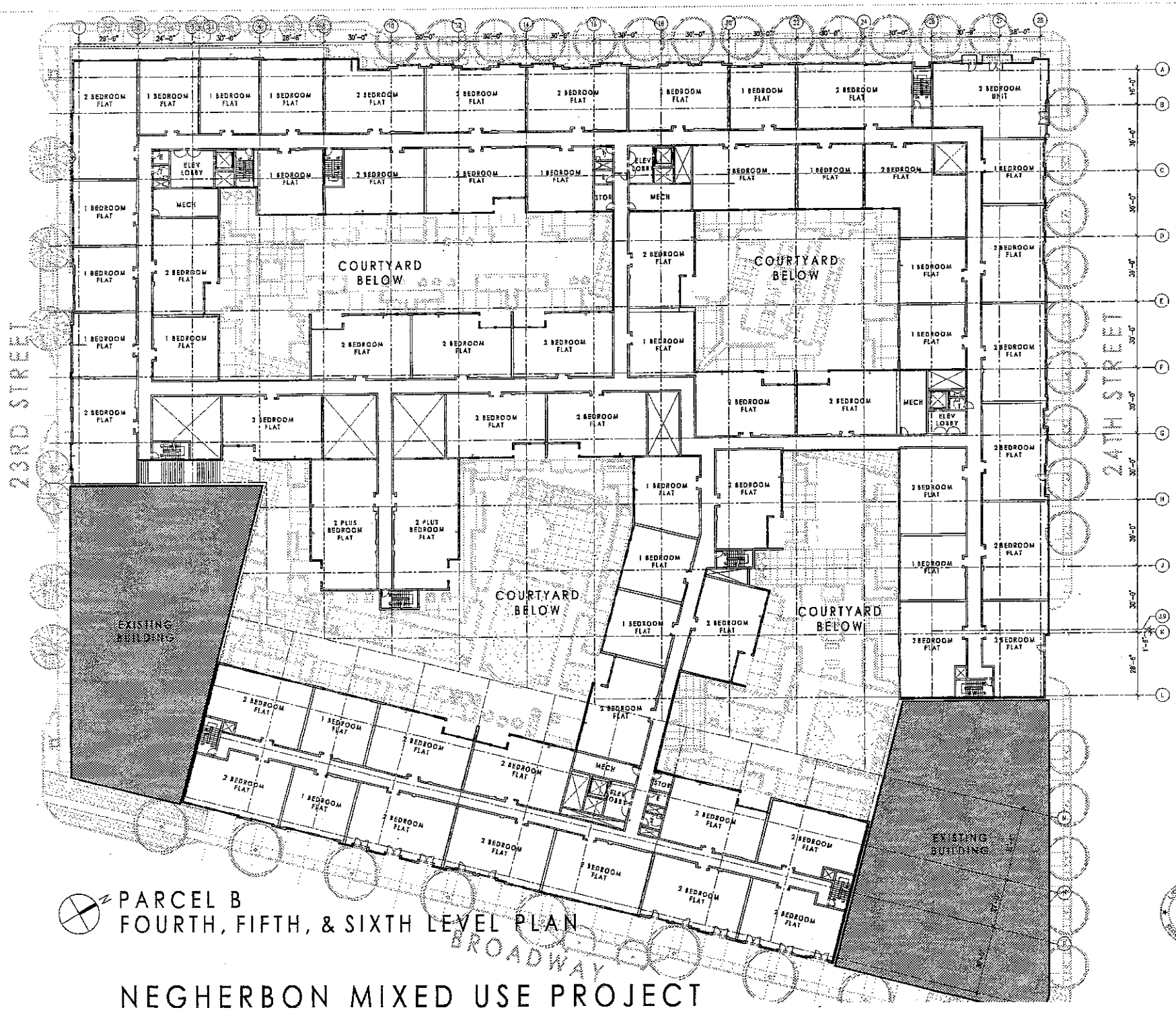
A2.

1/16"

02 NOVEMBER 2

PROJECT NO: 41

1115 ATLANTIC A
ALAMEDA, CA
TEL 510.86



PARCEL B
FOURTH, FIFTH, & SIXTH LEVEL PLAN

NEGHERBON MIXED USE PROJECT

OAKLAND, CALIFORNIA

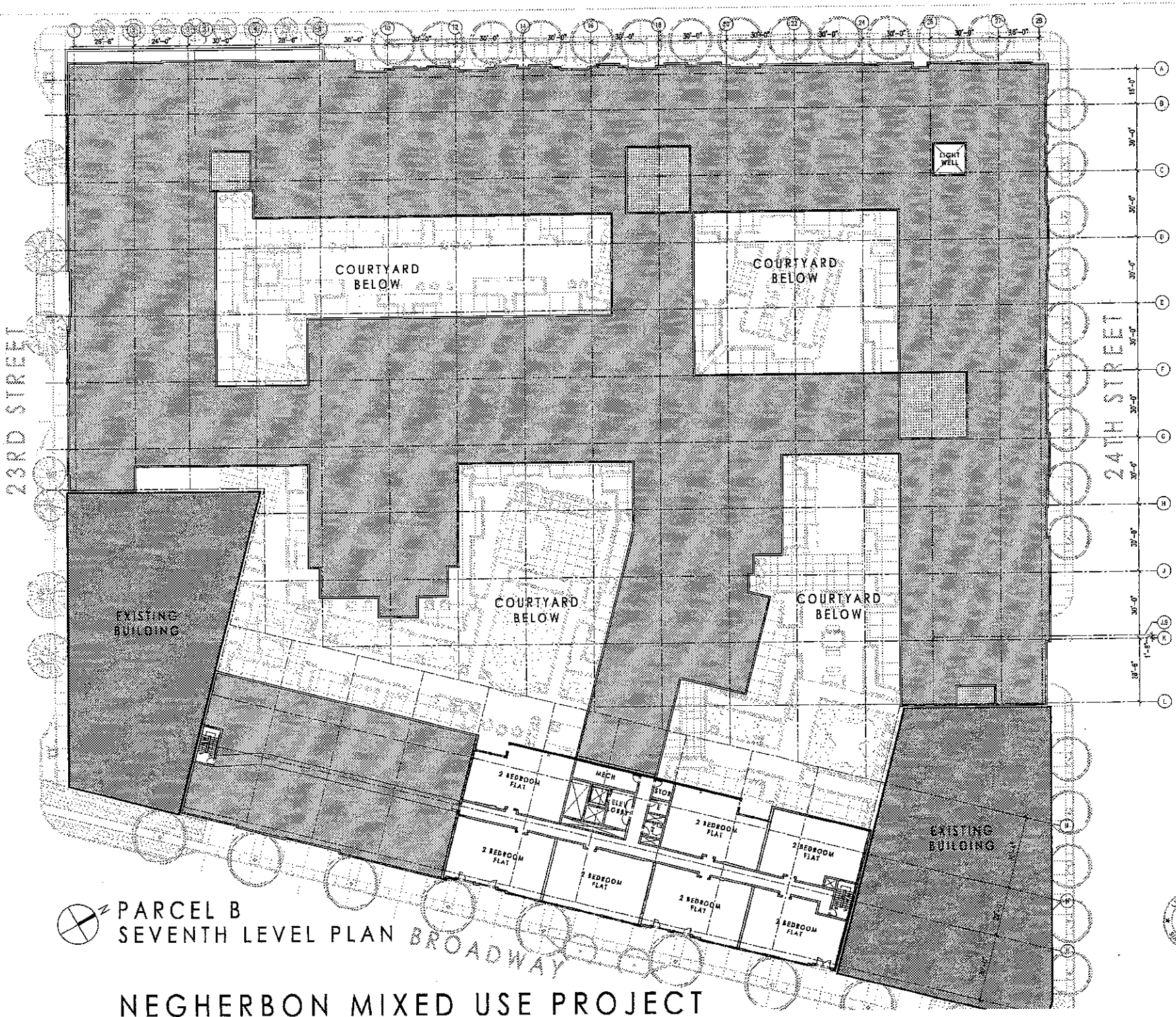
A2.

1/16"

02 NOVEMBER 2

PROJECT NO: 41

1115 ATLANTIC A
ALAMEDA, CA



PARCEL B
SEVENTH LEVEL PLAN

NEGHERBON MIXED USE PROJECT

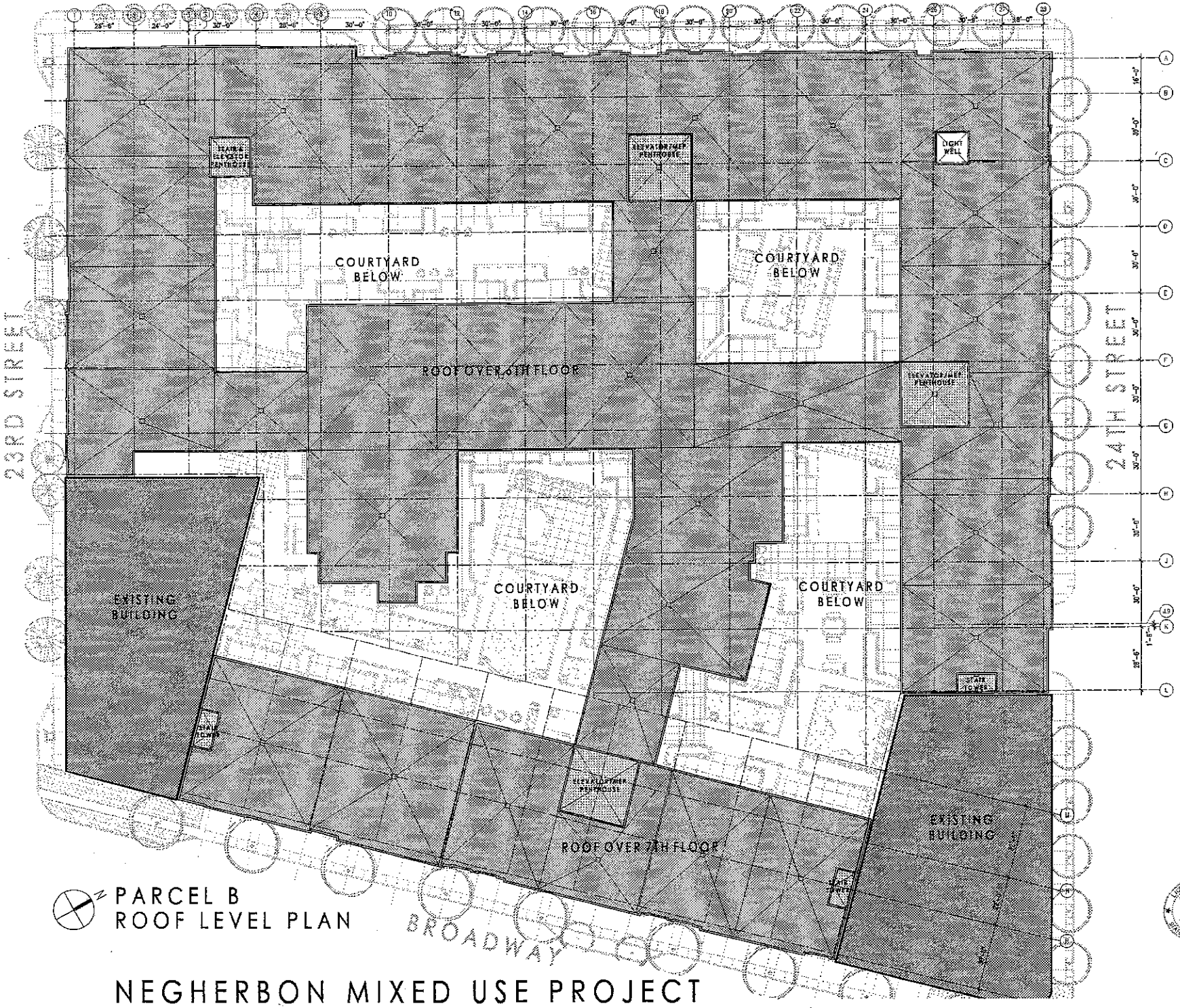
OAKLAND, CALIFORNIA

A2.

1/16"=

02 NOVEMBER 2
PROJECT NO: 41

1115 ATLANTIC A
ALAMEDA, CA
TEL 510 84



PARCEL B
ROOF LEVEL PLAN

NEGHERBON MIXED USE PROJECT

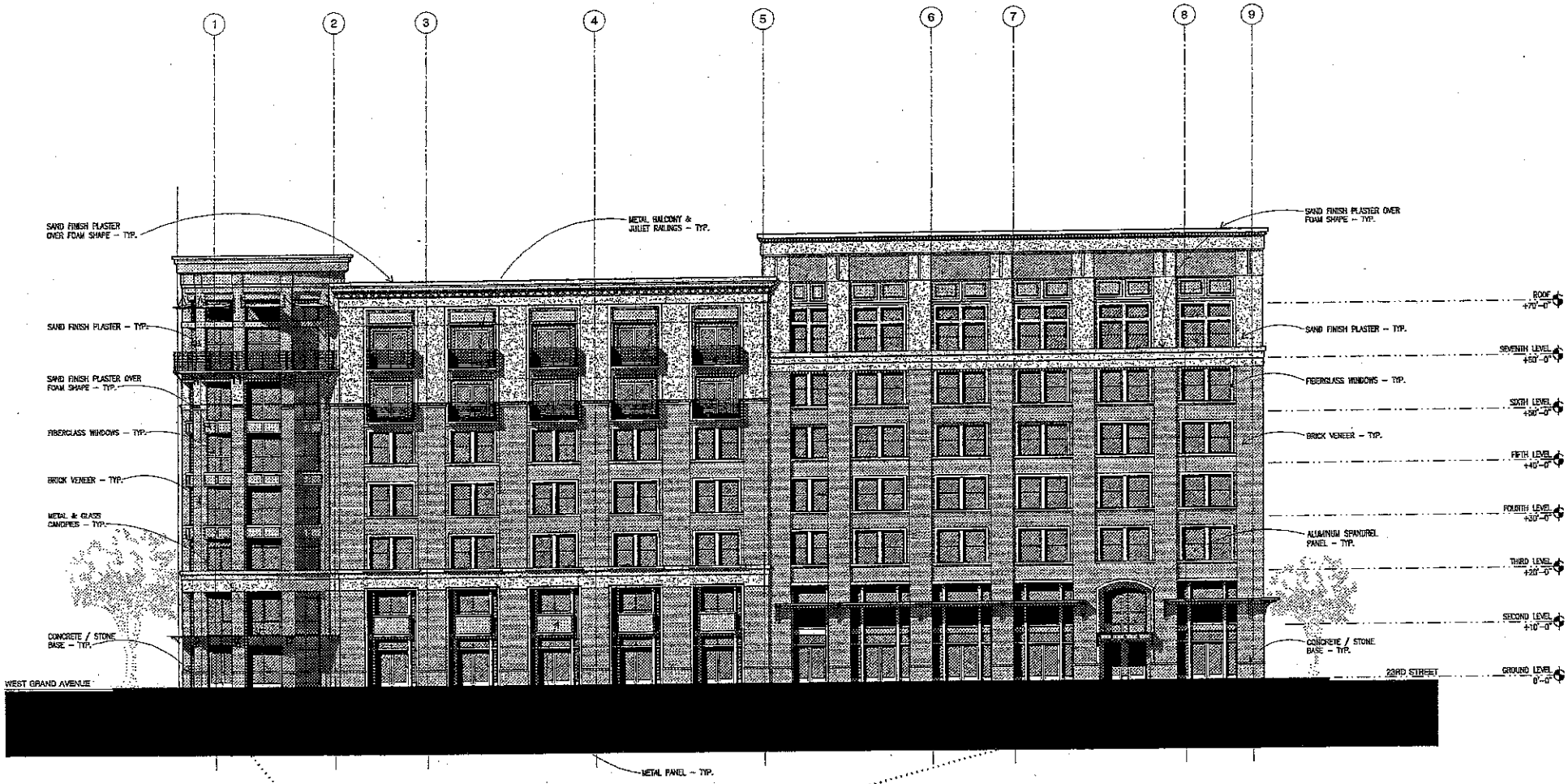
A2.

1/16"=

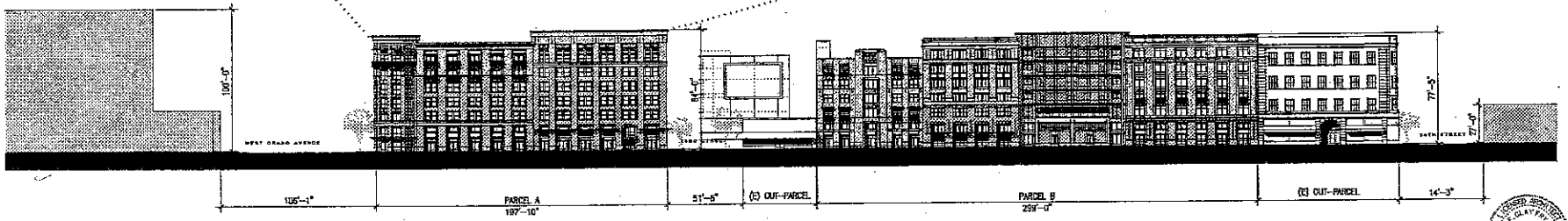
02 NOVEMBER 2

PROJECT NO: 41

1115 ATLANTIC AV
ALAMEDA, CA



BROADWAY ELEVATION



ENLARGED ELEVATIONS

A3.a

1/8"=1'

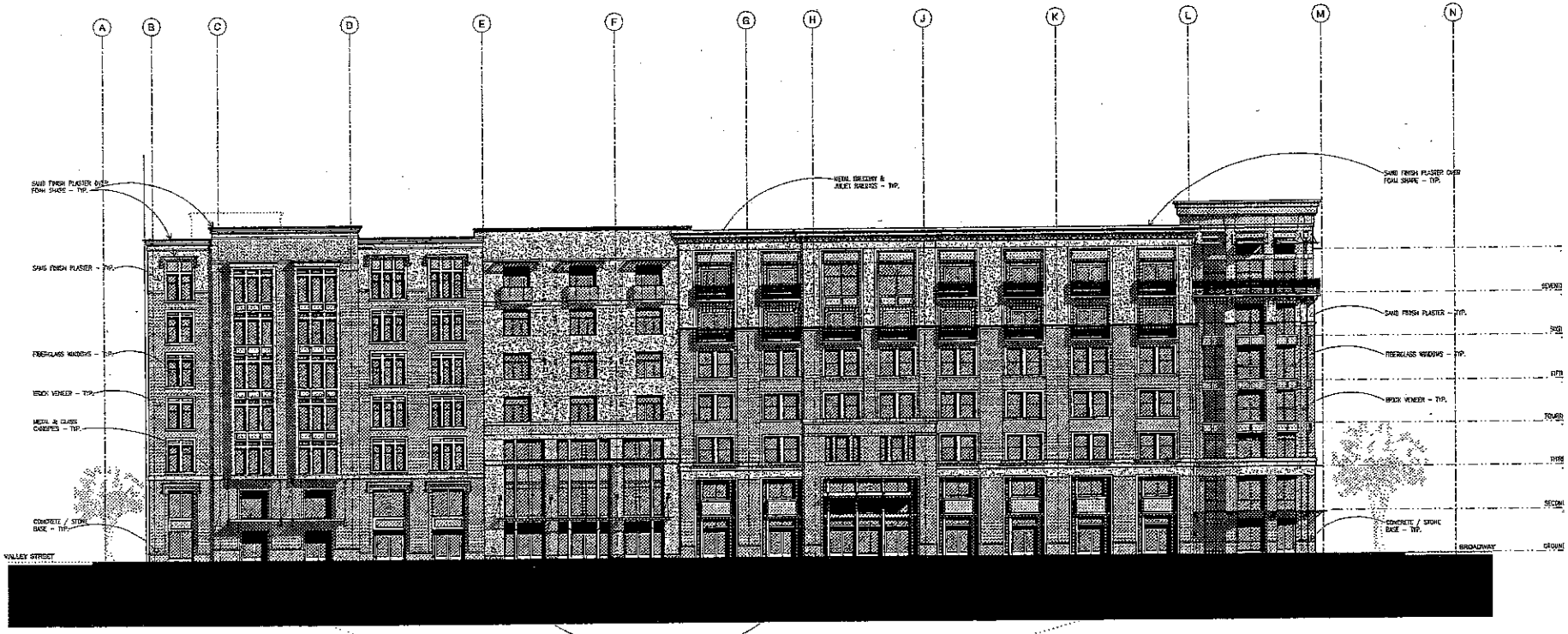
02 NOVEMBER 2

PROJECT NO: 41

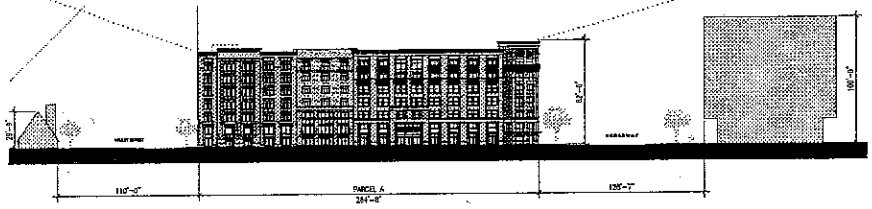
NEGHERBON MIXED USE PROJECT

OAKLAND, CALIFORNIA

1115 ATLANTIC AV
ALAMEDA, CA

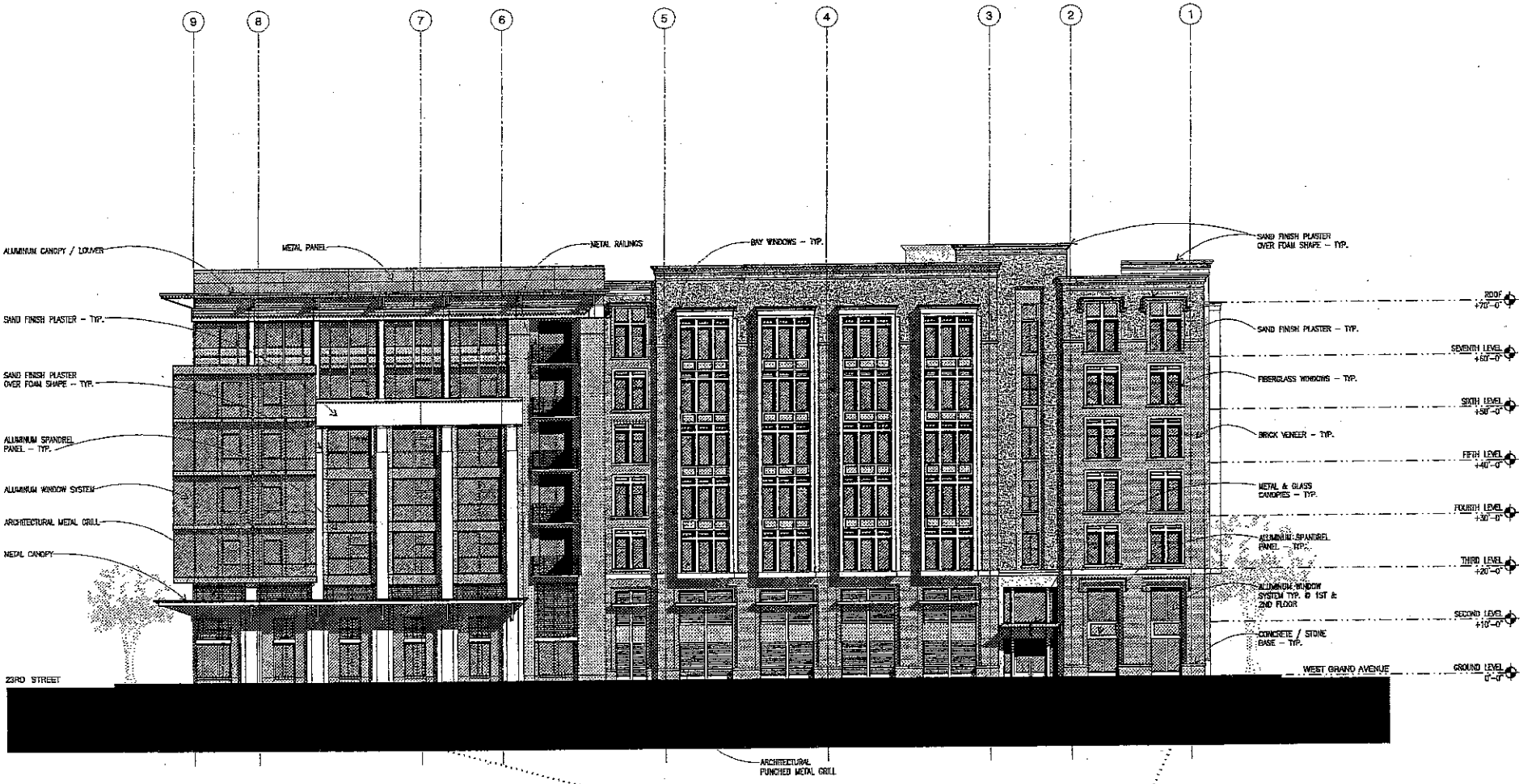


WEST GRAND AVENUE ELEVATION

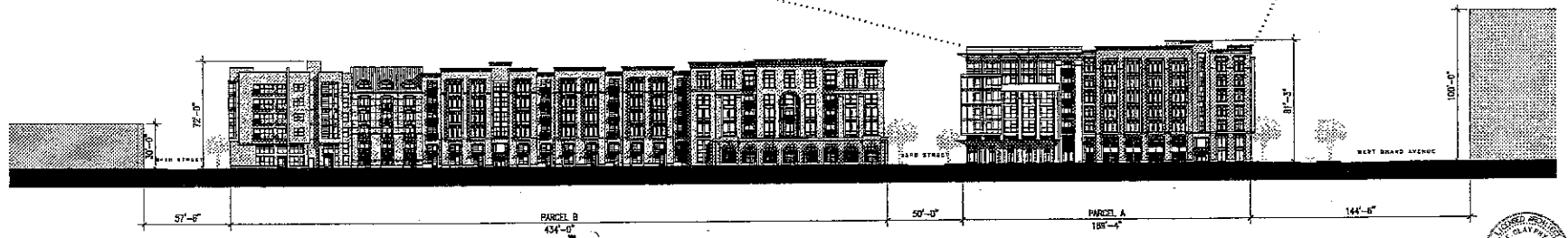


ENLARGED ELEVATIONS

A3.



VALLEY STREET ELEVATION



ENLARGED ELEVATIONS

A3.a3

1/8"=1'-0

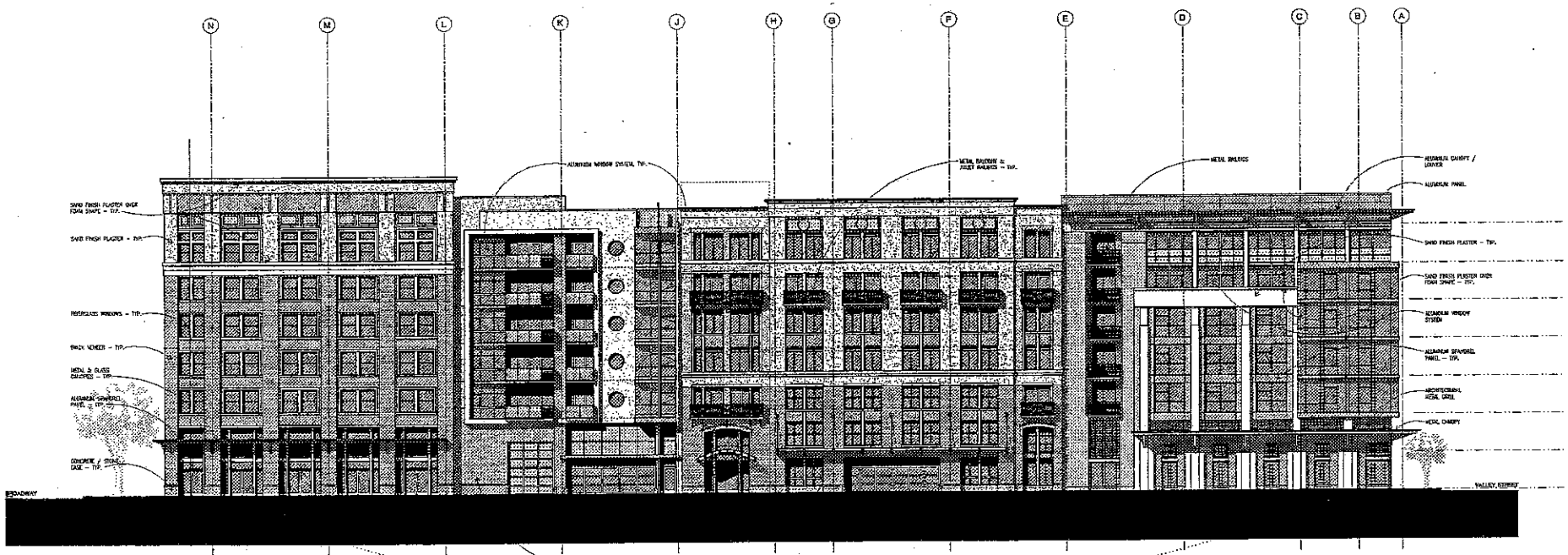
02 NOVEMBER 20

PROJECT NO: 412

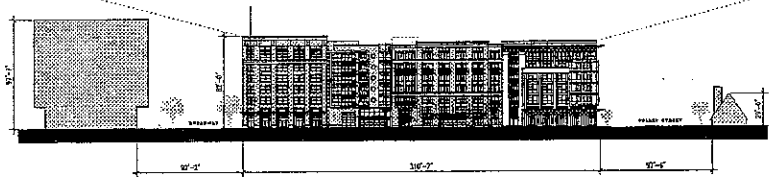
NEGHERBON MIXED USE PROJECT

OAKLAND, CALIFORNIA

1115 ATLANTIC AVE
ALAMEDA, CA 94



23RD STREET ELEVATION

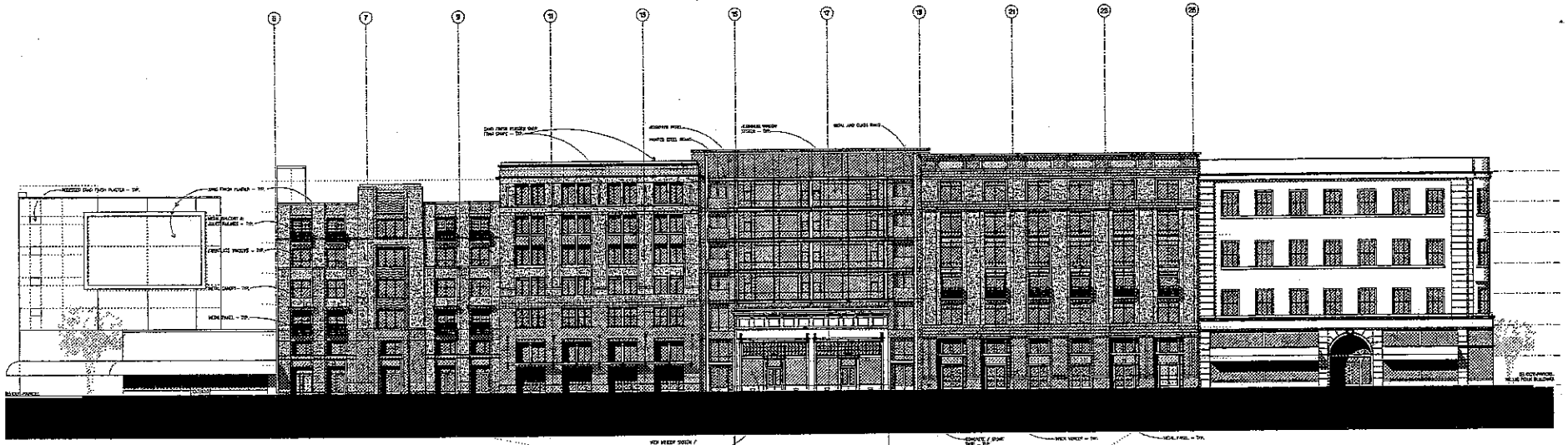


ENLARGED ELEVATIONS

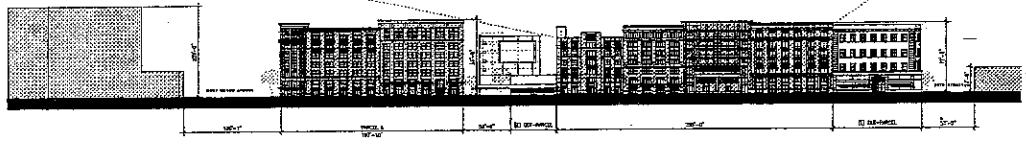
A3

02 NOV
PROJEC

NEGHERBON MIXED USE PROJECT

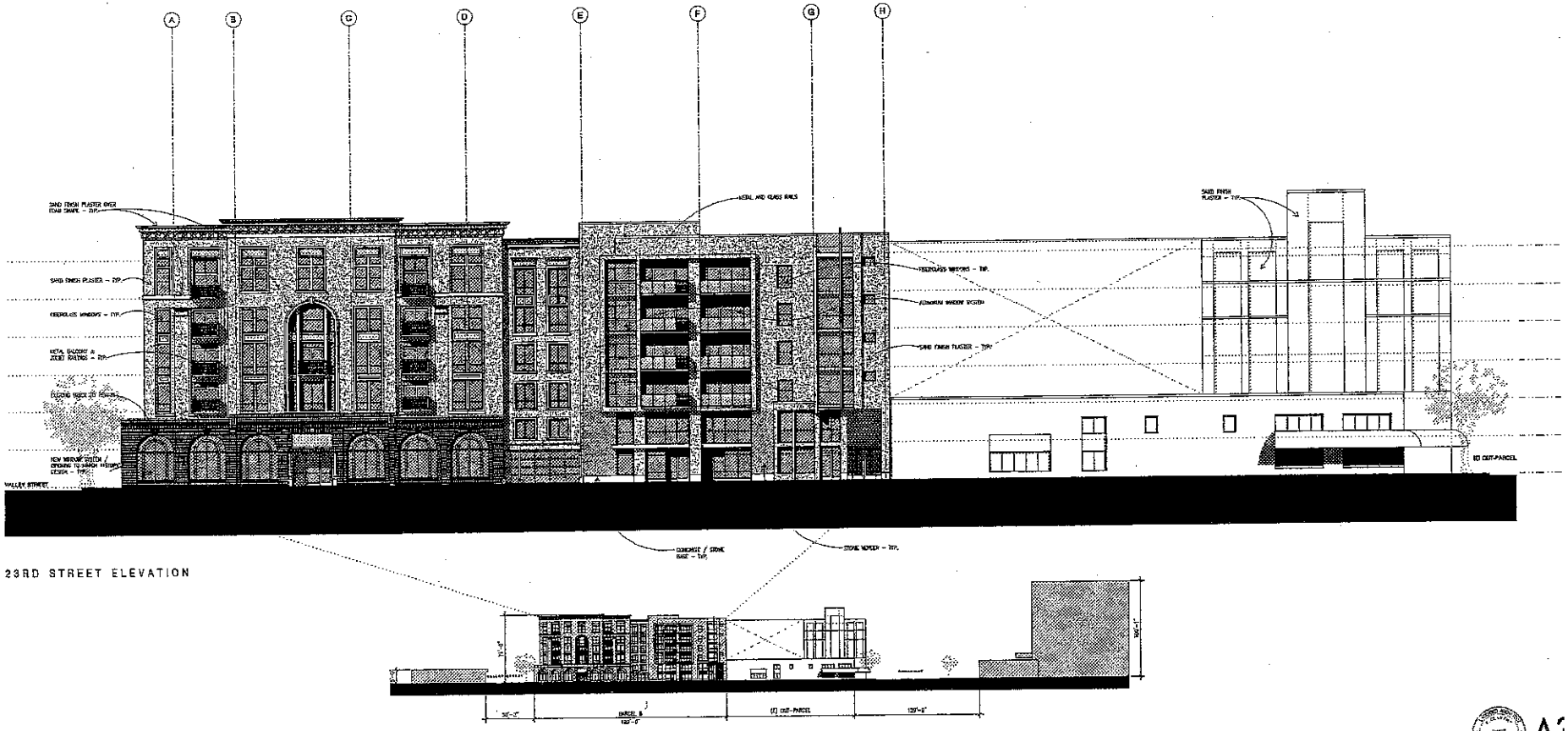


BROADWAY ELEVATION



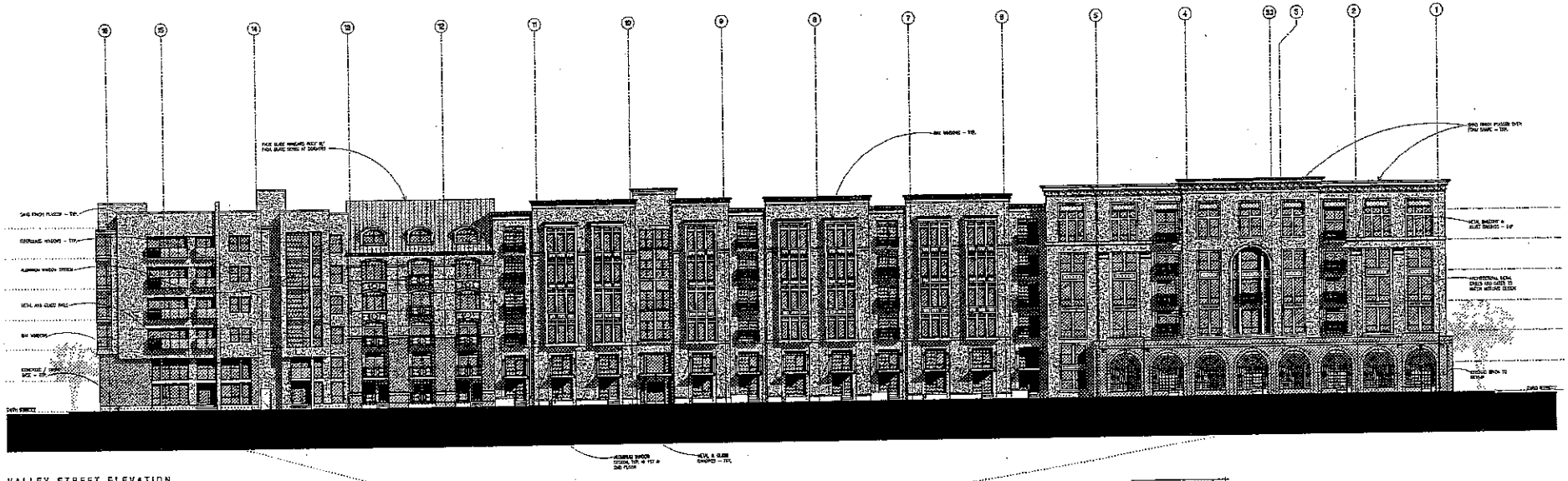
ENLARGED ELEVATIONS

NEGHERBON MIXED USE PROJECT



23RD STREET ELEVATION

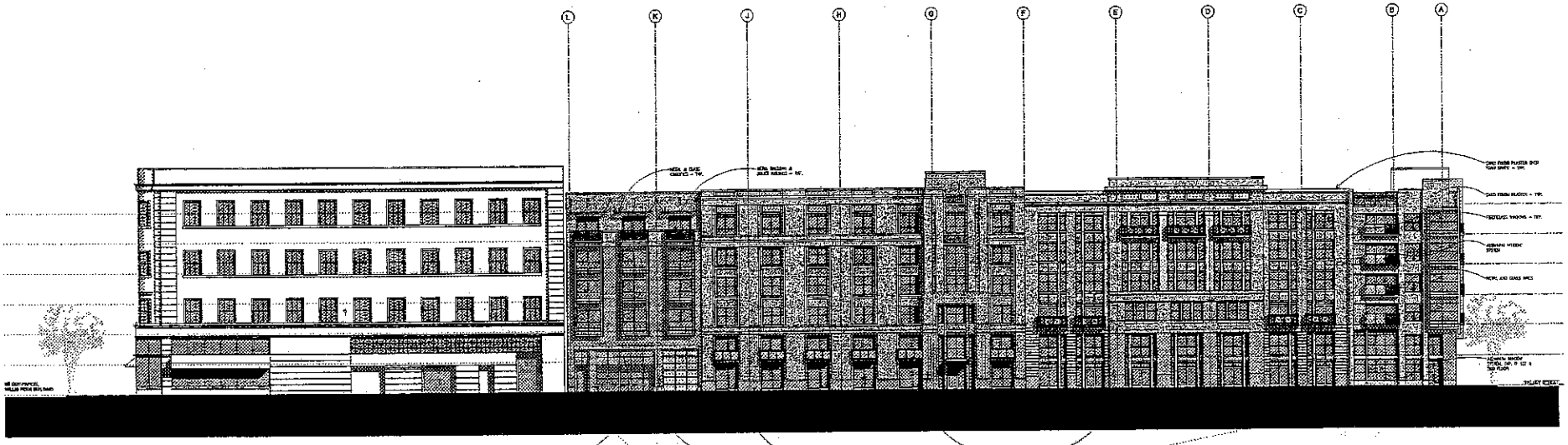
ENLARGED ELEVATIONS



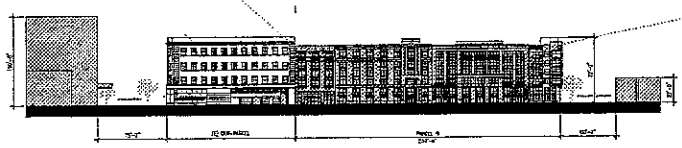
VALLEY STREET ELEVATION

ENLARGED ELEVATIONS

NEGHERBON MIXED USE PROJECT

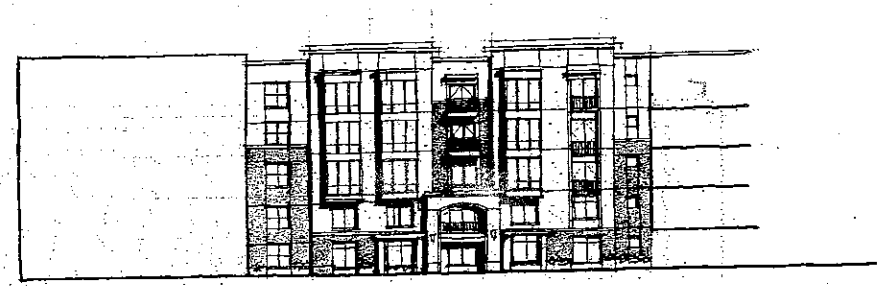


24TH STREET ELEVATION



ENLARGED ELEVATIONS

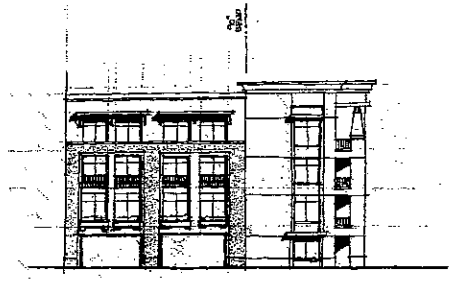
NEGHERBON MIXED USE PROJECT



COURTYARD ELEVATION 1 - LEFT OF BRIDGE

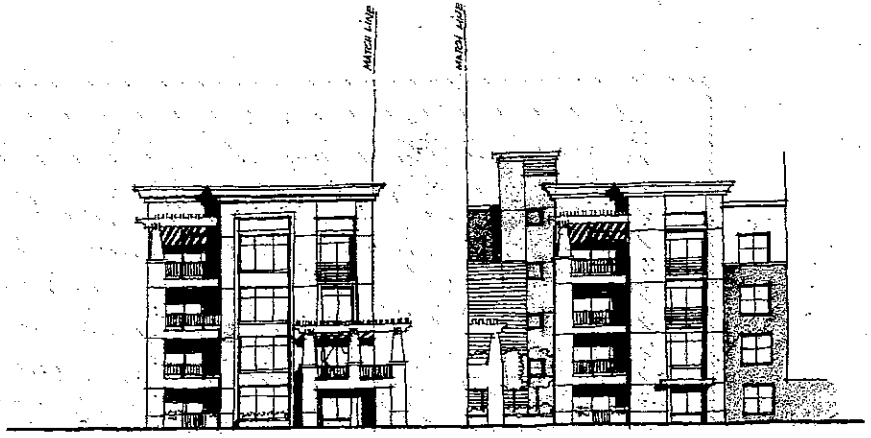
COURTYARD ELEVATION 2 - RIGHT OF BRIDGE

COURTYARD ELEVATION 3 - LEFT OF BRIDGE

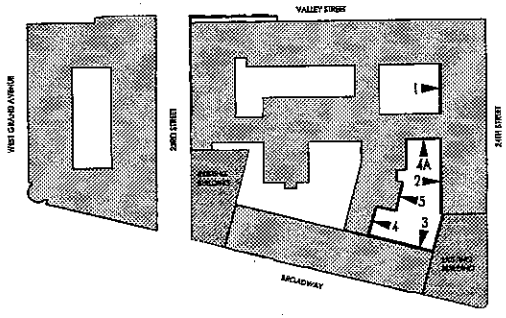


COURTYARD ELEVATION 4 - BRIDGE & CORNER

COURTYARD ELEVATION 4A - BRIDGE (TYP



COURTYARD ELEVATION 5 - RESIDENTIAL FACADES



COURTYARD KEY PLAN

COURTYARD ELEVATIONS

(SIMILAR THROUGHOUT)

A3.c

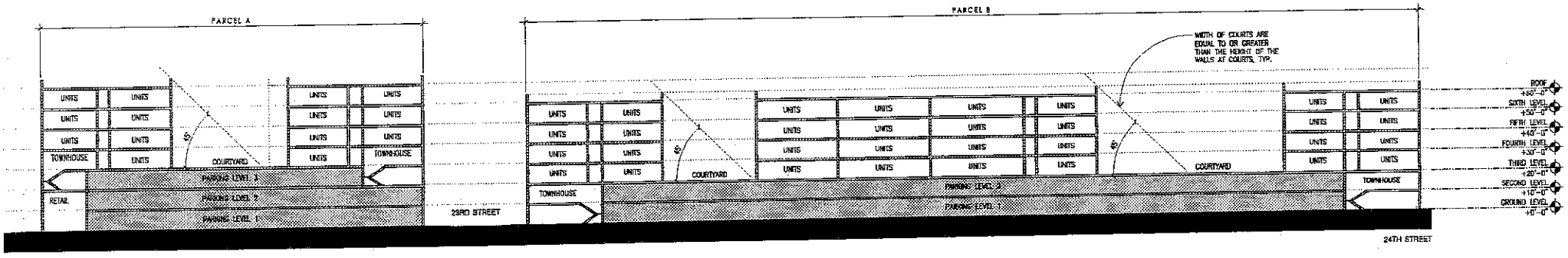
1/16" = 1'

02 NOVEMBER 20

PROJECT NO: 412

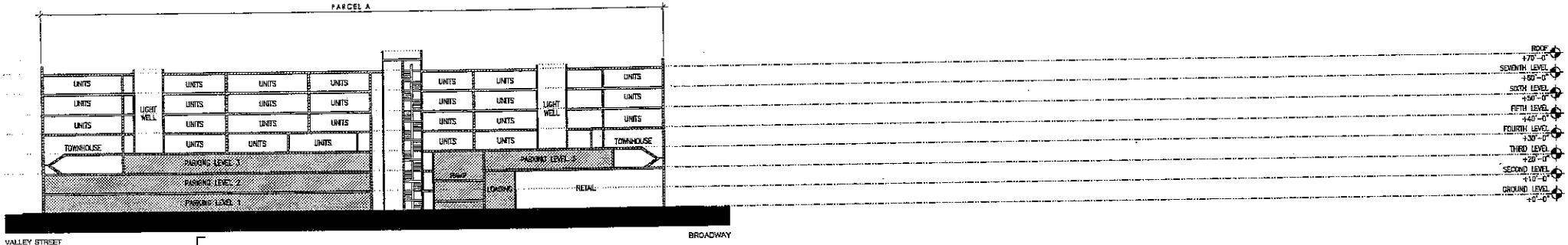
1115 ATLANTIC AVE
ALAMEDA, CA 9

NEGHERBON MIXED USE PROJECT



WEST GRAND AVENUE

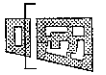
SECTION A

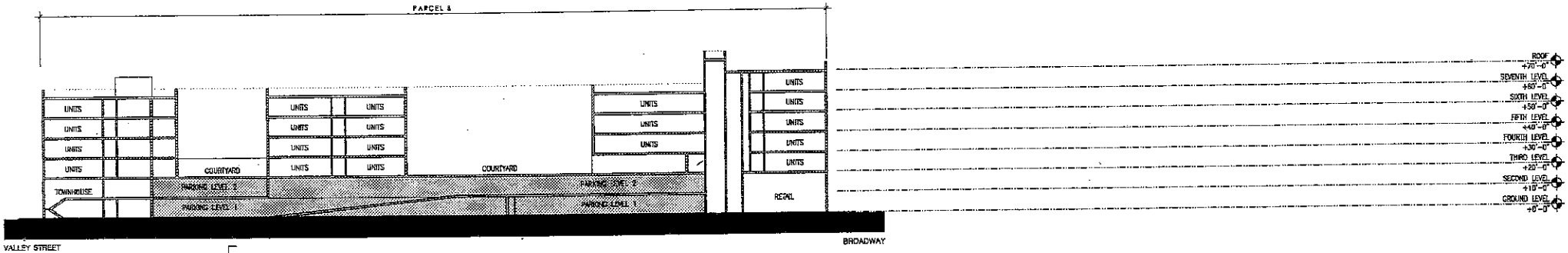


VALLEY STREET

BROADWAY

SECTION B





VALLEY STREET

BROADWAY

SECTION C

BUILDING SECTIONS

A3.3

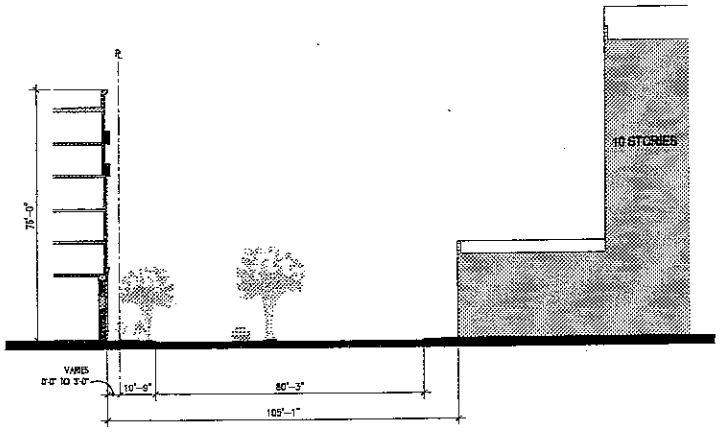
NEGHERBON MIXED USE PROJECT

OAKLAND, CALIFORNIA

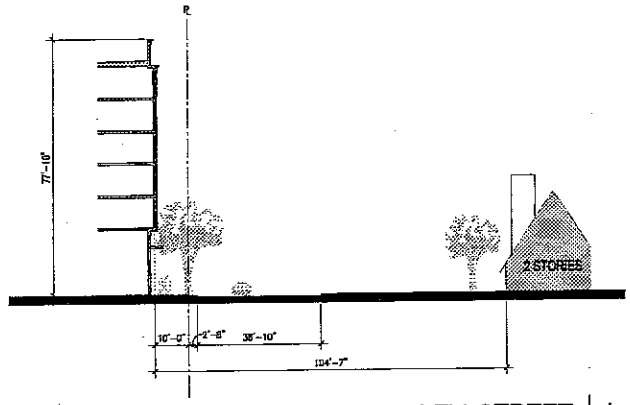
02 NOVEMBER 200

PROJECT NO: 4121

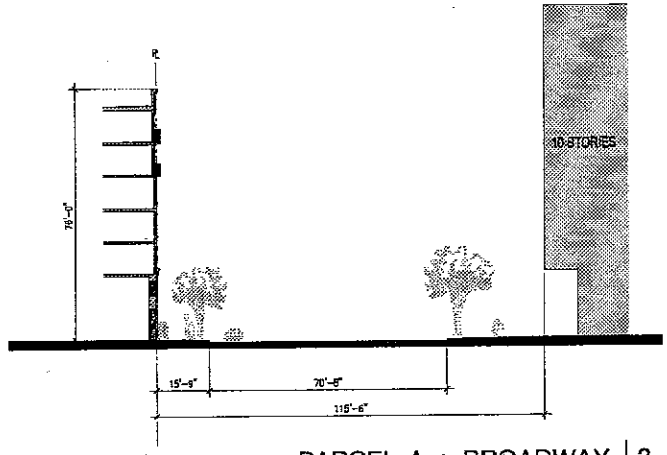
1115 ATLANTIC AVEN
ALAMEDA, CA 945
TEL 510.865.66



PARCEL A @ WEST GRAND | 2



PARCEL A @ VALLEY STREET | 1



PARCEL A @ BROADWAY | 3

STREET SECTIONS

A3.4

1/16" = 1

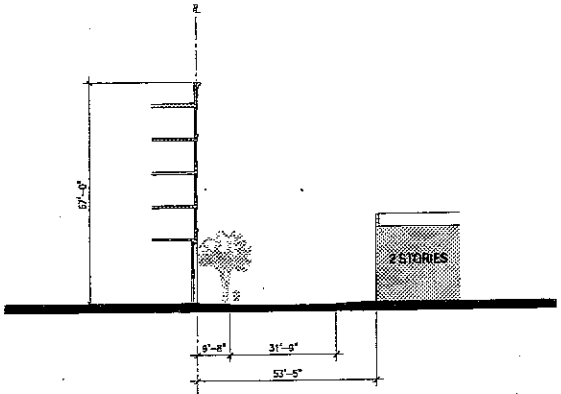
02 NOVEMBER 20

PROJECT NO: 412

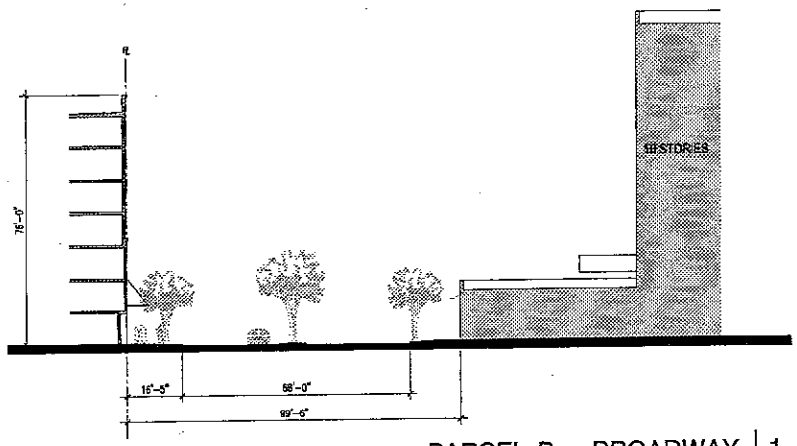
1115 ATLANTIC AVE
ALAMEDA, CA 9

NEGHERBON MIXED USE PROJECT

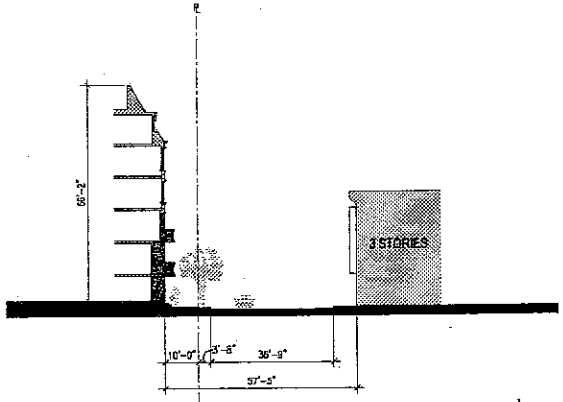
OAKLAND, CALIFORNIA



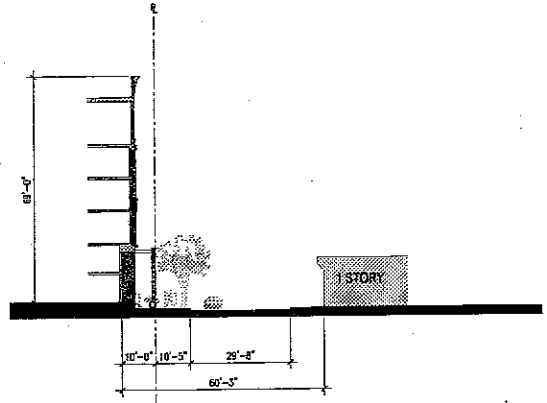
PARCEL B @ 24TH STREET | 2



PARCEL B @ BROADWAY | 1



PARCEL B @ VALLEY STREET | 4



PARCEL B @ VALLEY STREET | 3

STREET SECTIONS

A3.

1/16" =

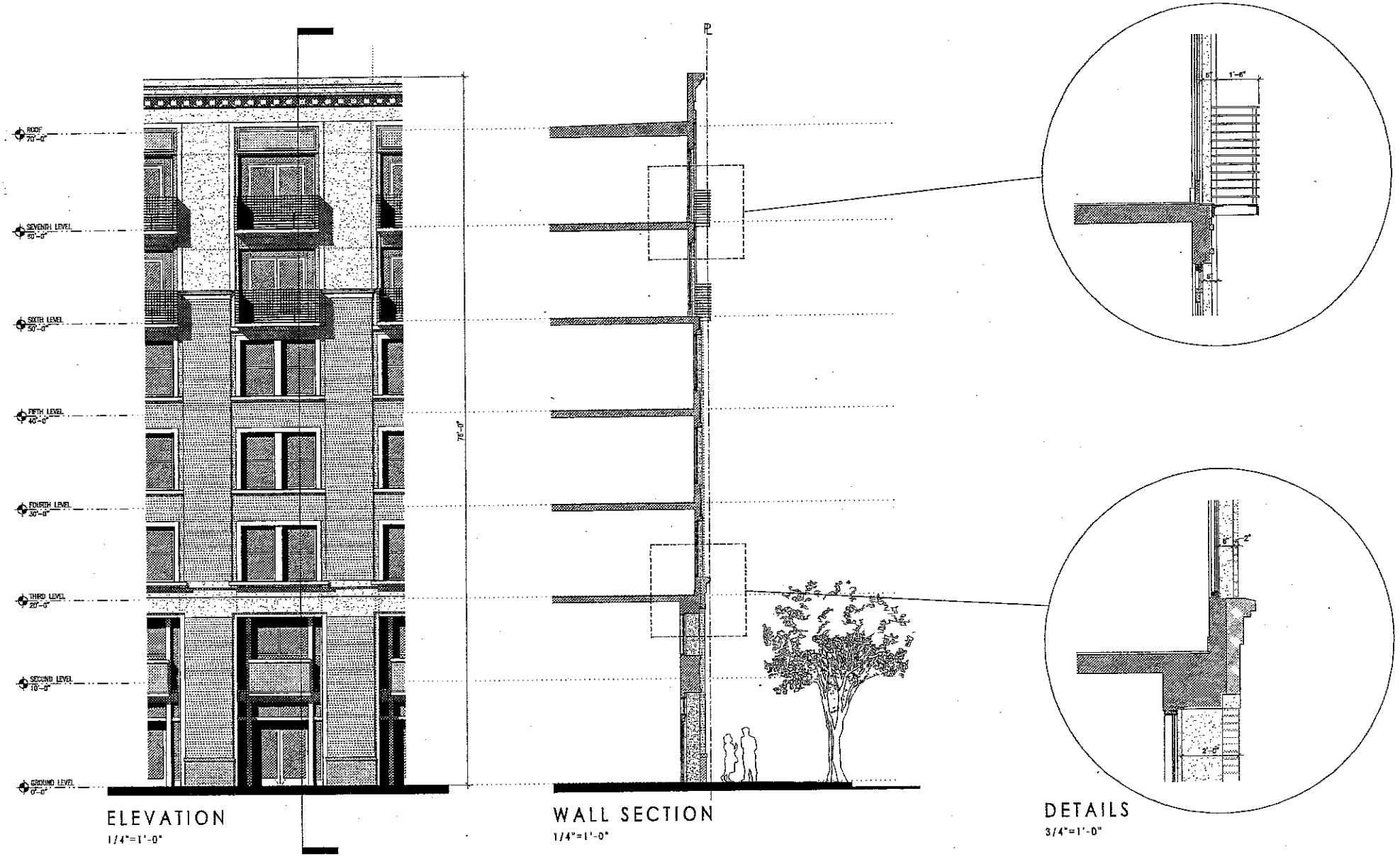
02 NOVEMBER 2

PROJECT NO: 41

NEGHERBON MIXED USE PROJECT

OAKLAND, CALIFORNIA

1115 ATLANTIC AV
ALAMEDA, CA
TEL 510.865



ELEVATION
1/4"=1'-0"

WALL SECTION
1/4"=1'-0"

DETAILS
3/4"=1'-0"

PARCEL A @ BROADWAY

A3.

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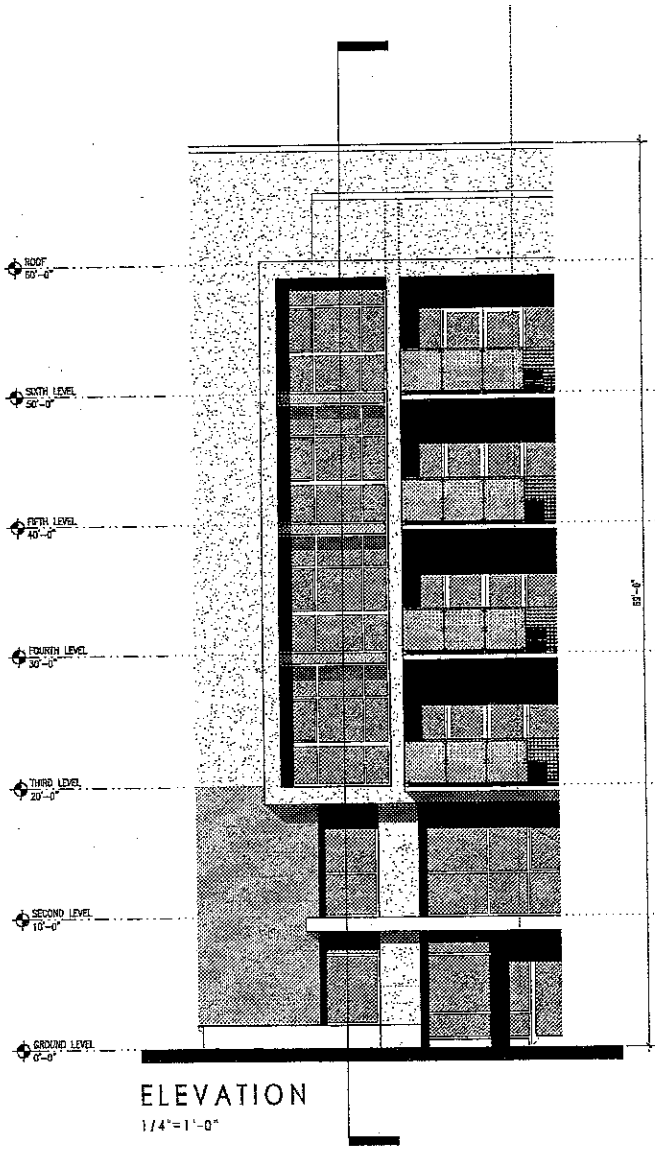
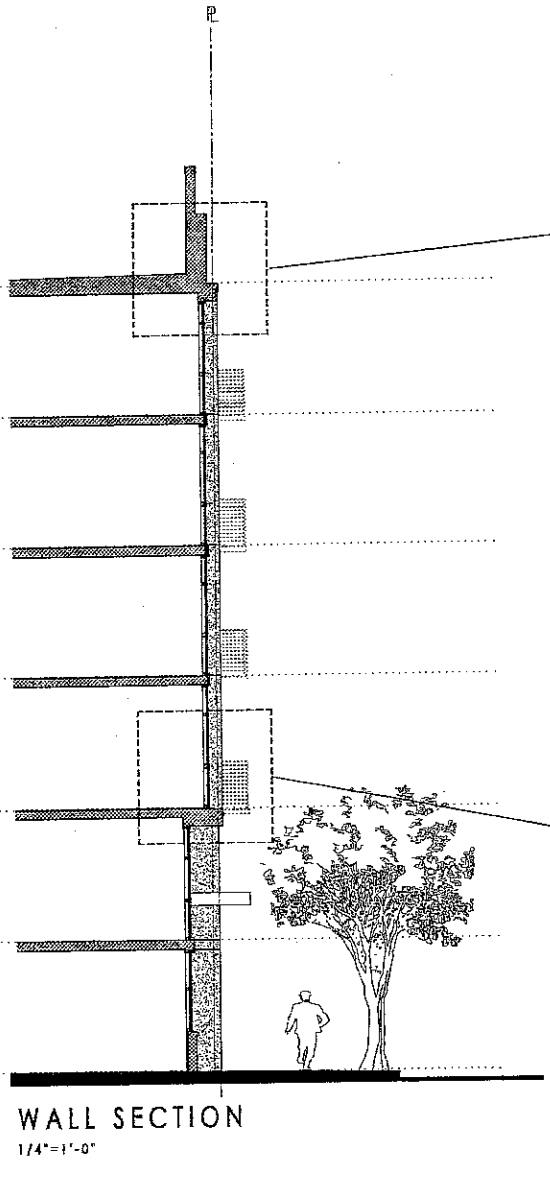


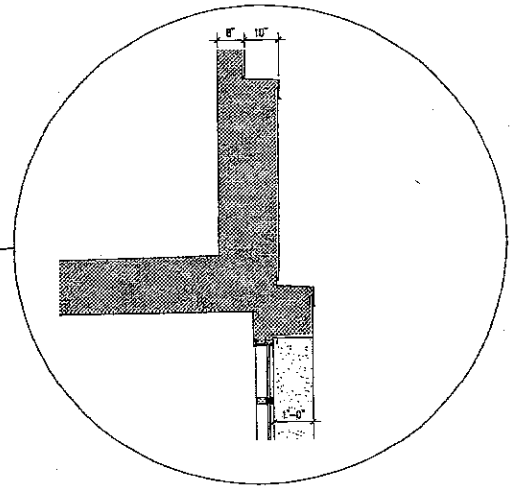
ELEVATION

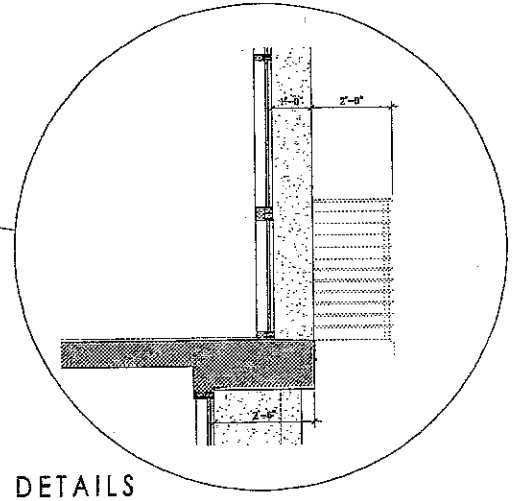
1/4"=1'-0"



WALL SECTION

1/4"=1'-0"





DETAILS

3/4"=1'-0"

PARCEL B @ 23RD STREET

A3.

NEGHERBON MIXED USE PROJECT

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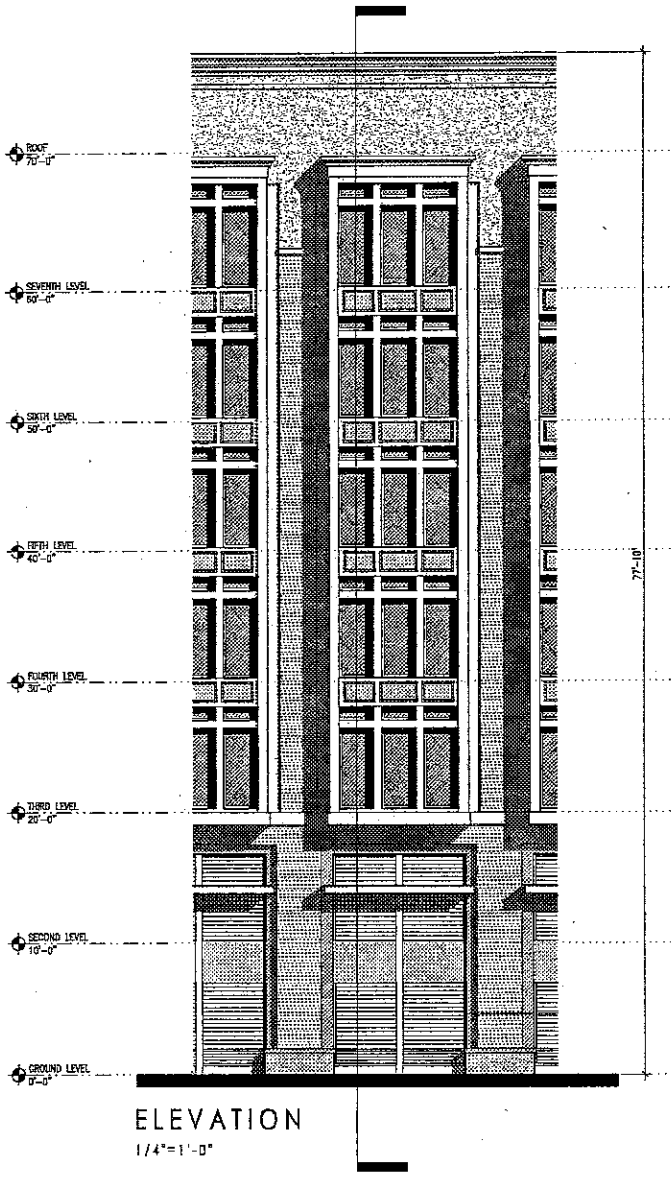
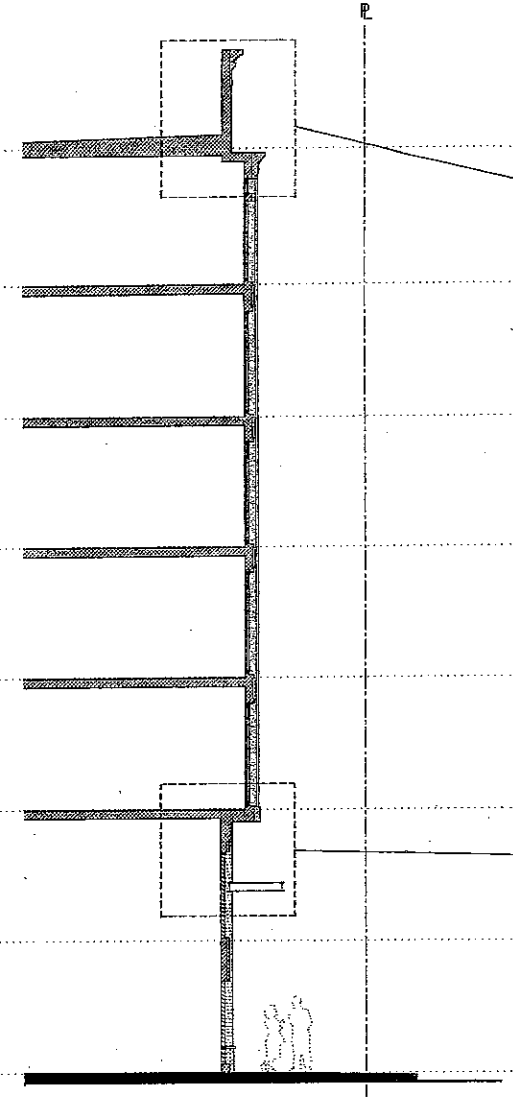
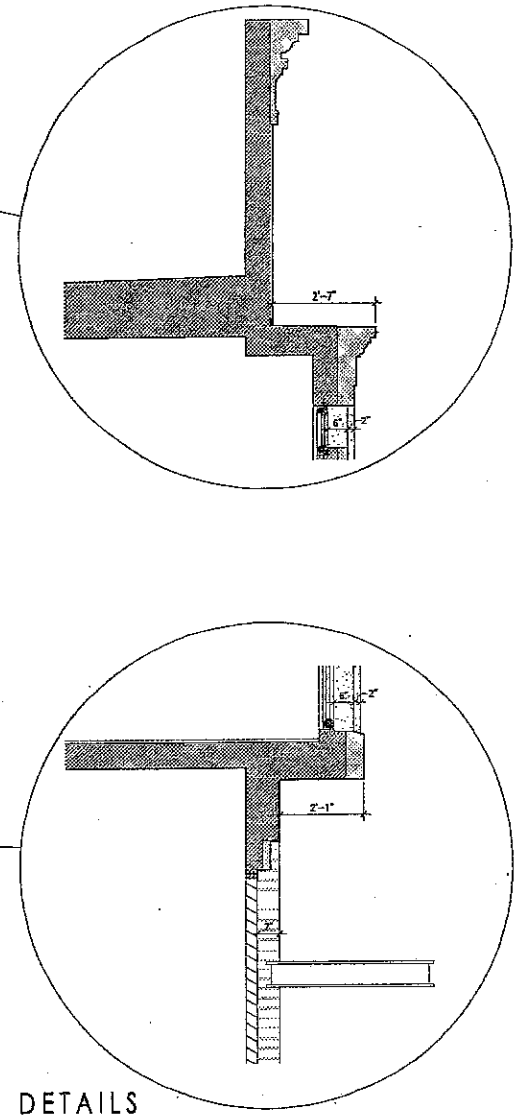


ELEVATION
1/4"=1'-0"



WALL SECTION
1/4"=1'-0"



DETAILS
3/4"=1'-0"

PARCEL A @ VALLEY STREET

A3.

NEGHERBON MIXED USE PROJECT

OAKLAND, CALIFORNIA

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PROJECT NO: 41

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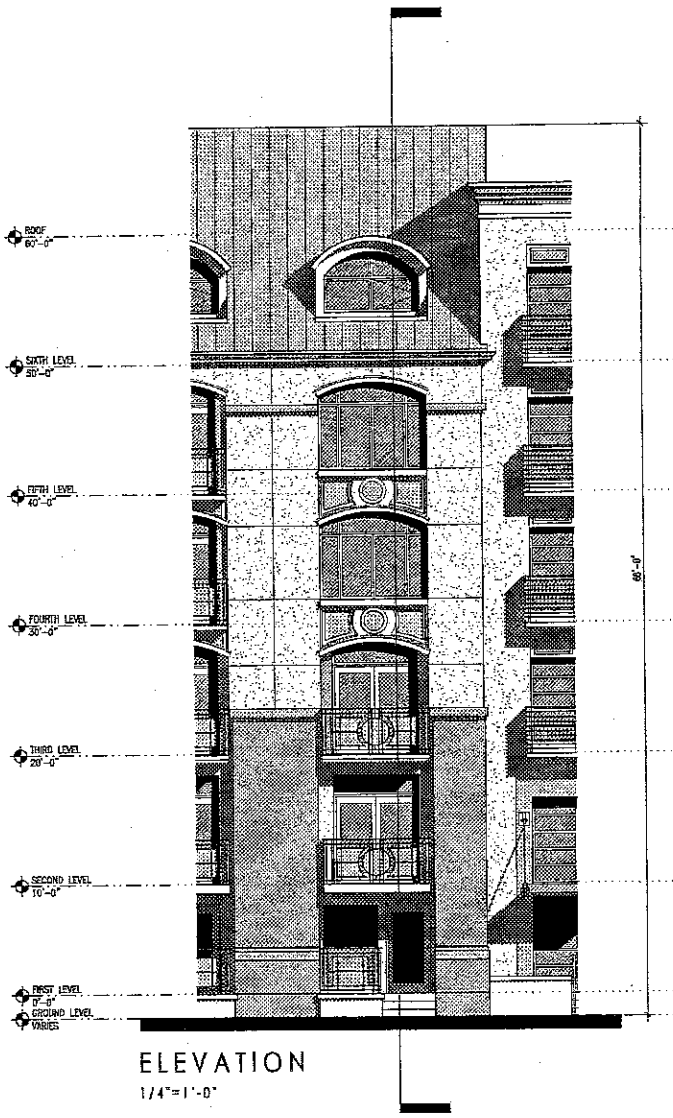
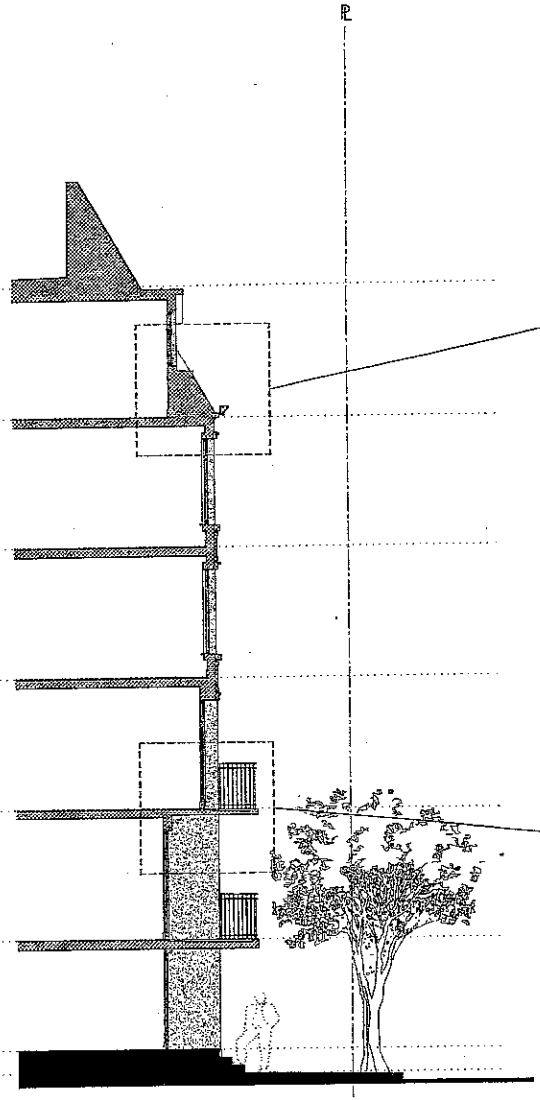
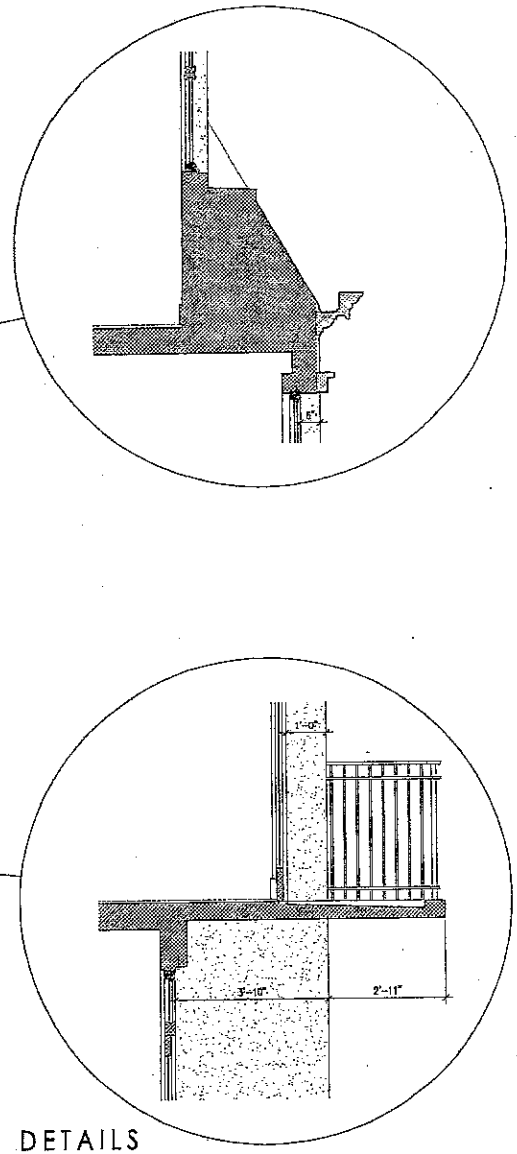
ALAMEDA, CA



ELEVATION
1/4"=1'-0"



WALL SECTION
1/4"=1'-0"



DETAILS
3/4"=1'-0"

PARCEL B @ VALLEY STREET

A3.

NEGHERBON MIXED USE PROJECT

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PROJECT NO: 41

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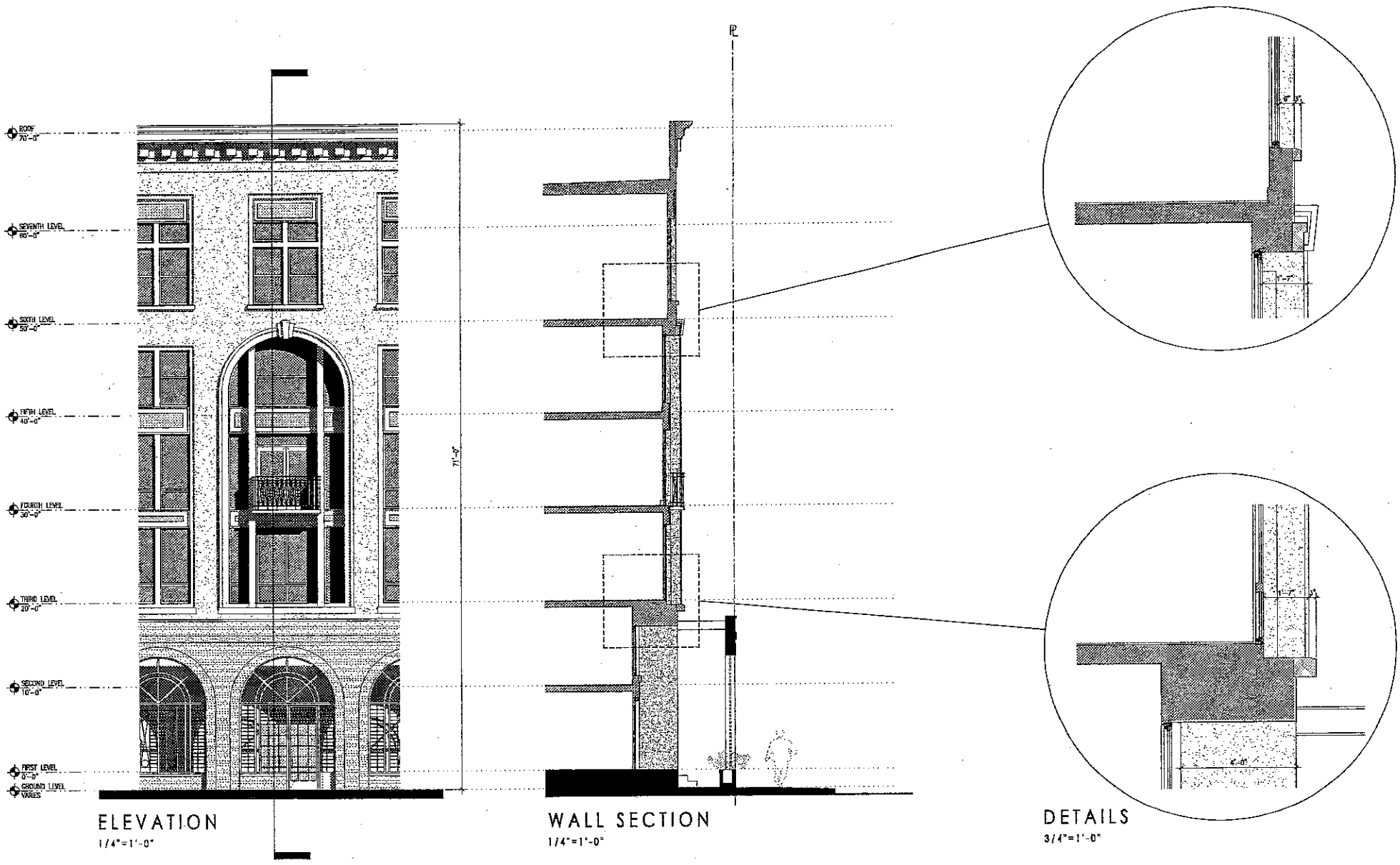
ALAMEDA, CA



ELEVATION
1/4"=1'-0"

WALL SECTION
1/4"=1'-0"

DETAILS
3/4"=1'-0"

PARCEL B @ VALLEY STREET

A3.1

NEGHERBON MIXED USE PROJECT

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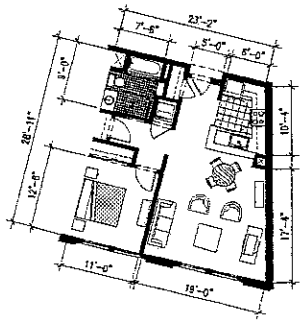
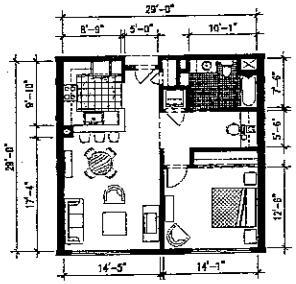
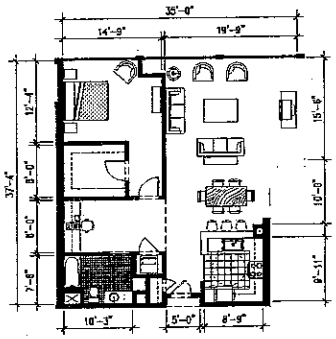
NOTE:
SQUARE FOOTAGE OF UNITS IS MEASURED FROM INSIDE FACE OF WALLS AND EXCLUDES SHAI AREAS = (PAINT TO PAINT).



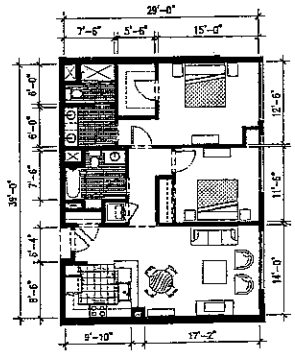
F.1A - ONE BEDROOM FLAT
754 SQ. FT.



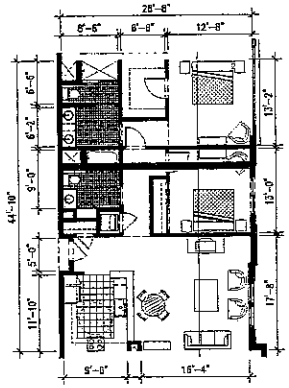
F.1B - ONE BEDROOM FLAT
822 SQ. FT.



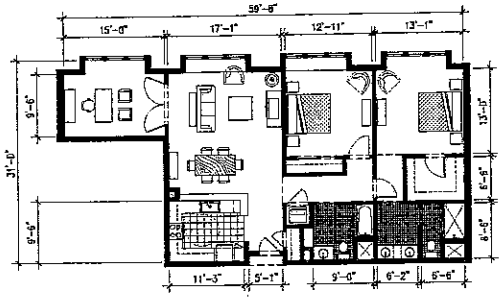
F.1C - ONE BEDROOM FLAT
1082 SQ. FT.



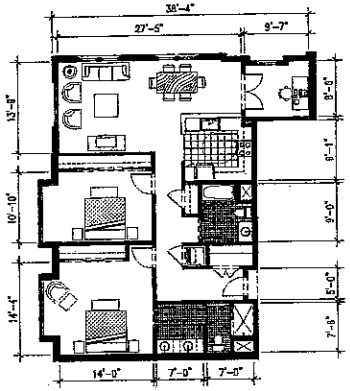
F.2A - TWO BEDROOM FLAT
1095 SQ. FT.



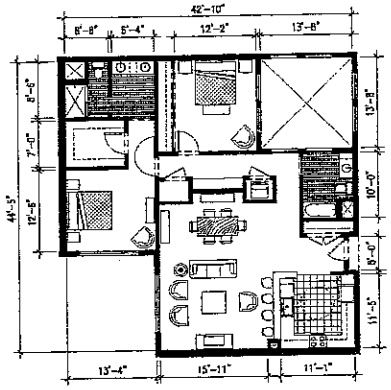
F.2B - TWO BEDROOM FLAT
1231 SQ. FT.



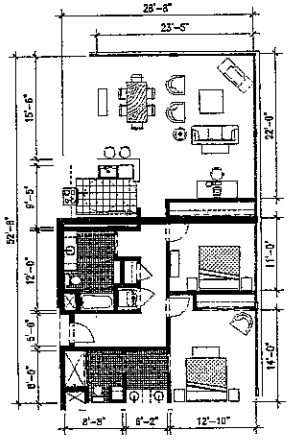
F.2Ba - TWO BEDROOM+STUDY FLAT
1433 SQ. FT.



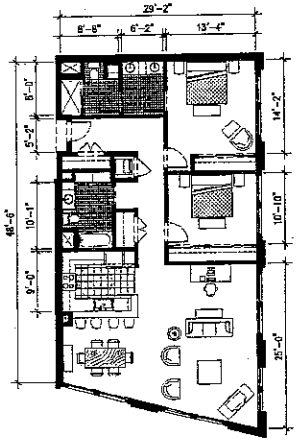
F.2D - TWO BEDROOM FLAT
1275 SQ. FT.



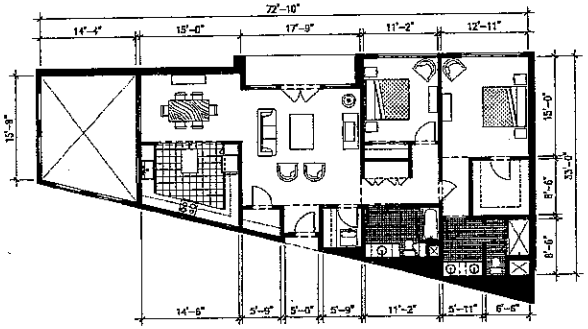
F.2E - TWO BEDROOM FLAT
1452 SQ. FT.



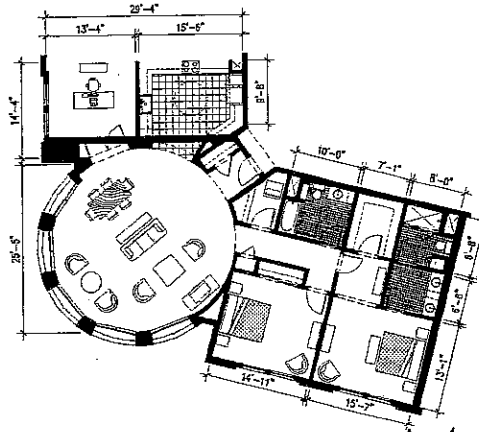
F.2F - TWO BEDROOM FLAT
1457 SQ. FT.



F.2G - TWO BEDROOM FLAT
1523 SQ. FT.



F.2H - TWO BEDROOM FLAT
1775 SQ. FT.



F.2J - TWO BEDROOM FLAT
1919 SQ. FT.

A4.

1/8" = 1'

UNIT PLANS

NEGHERBON MIXED USE PROJECT

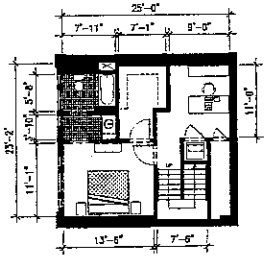
OAKLAND, CALIFORNIA

02 NOVEMBER 2
PROJECT NO: 41

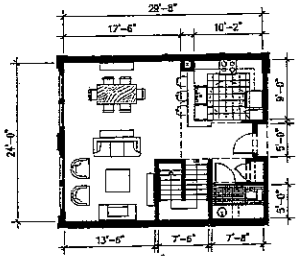
1115 ATLANTIC AV
ALAMEDA, CA

NOTE:

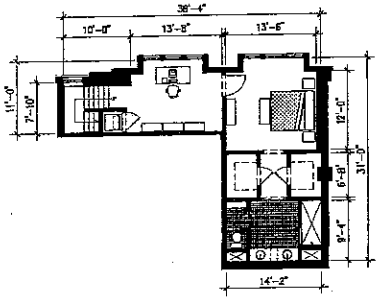
SQUARE FOOTAGE OF UNITS I
MEASURED FROM INSIDE FACE
OF WALLS AND EXCLUDES SH.
AREAS = (PAINT TO PAINT).



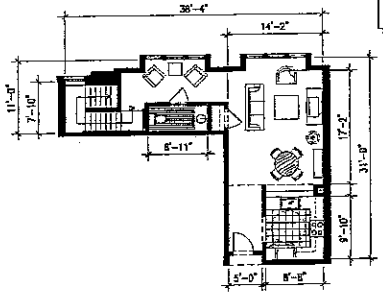
TH. 1A - ONE BEDROOM +STUDY TOWNHOUSE
LOWER LEVEL : 534 SQ. FT.



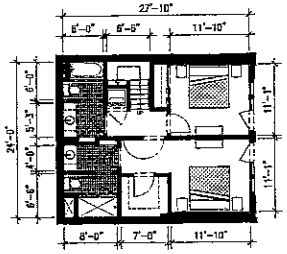
TH. 1A - ONE BEDROOM +STUDY TOWNHOUSE
UPPER LEVEL : 599 SQ. FT. TOTAL : 1133 SQ. FT.



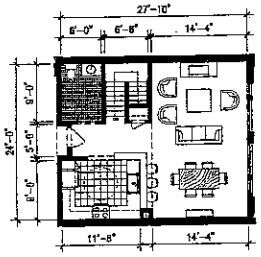
TH. 1B - ONE BEDROOM +STUDY TOWNHOUSE
LOWER LEVEL : 607 SQ. FT.



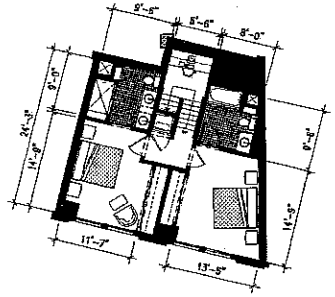
TH. 1B - ONE BEDROOM +STUDY TOWNHOUSE
UPPER LEVEL : 574 SQ. FT. TOTAL : 1181 SQ. FT.



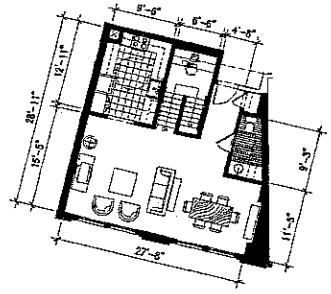
TH. 2A - TWO BEDROOM TOWNHOUSE
LOWER LEVEL : 640 SQ. FT.



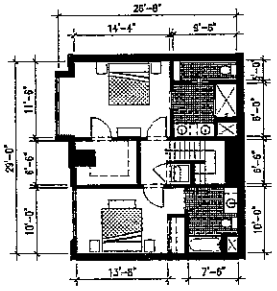
TH. 2A - TWO BEDROOM TOWNHOUSE
UPPER LEVEL : 582 SQ. FT. TOTAL : 1222 SQ. FT.



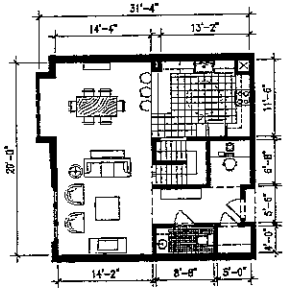
TH. 2B - TWO BEDROOM TOWNHOUSE
LOWER LEVEL : 612 SQ. FT.



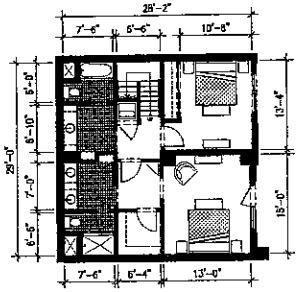
TH. 2B - TWO BEDROOM TOWNHOUSE
UPPER LEVEL : 635 SQ. FT. TOTAL : 1247 SQ. FT.



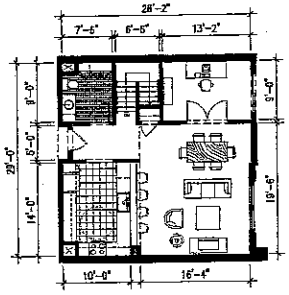
TH. 2C - TWO BEDROOM TOWNHOUSE
LOWER LEVEL : 632 SQ. FT.



TH. 2C - TWO BEDROOM TOWNHOUSE
UPPER LEVEL : 721 SQ. FT. TOTAL : 1353 SQ. FT.



TH. 2D - TWO BEDROOM TOWNHOUSE
LOWER LEVEL : 793 SQ. FT.



TH. 2D - TWO BEDROOM TOWNHOUSE
UPPER LEVEL : 727 SQ. FT. TOTAL : 1520 SQ. FT.

A4.

1/8" = 1'

02 NOVEMBER 20

PROJECT NO: 41

UNIT PLANS

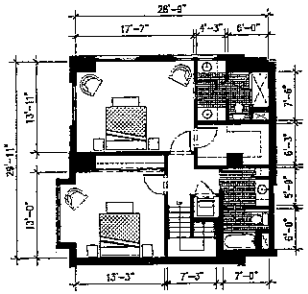
NEGHERBON MIXED USE PROJECT

OAKLAND, CALIFORNIA

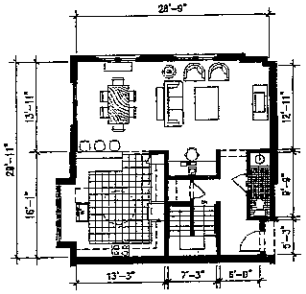
1115 ATLANTIC AV
ALAMEDA, CA 9

NOTE:

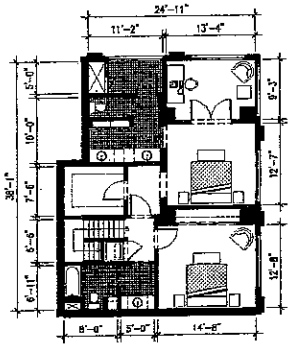
SQUARE FOOTAGE OF UNITS MEASURED FROM INSIDE FAC OF WALLS AND EXCLUDES SH AREAS = (PAINT TO PAINT).



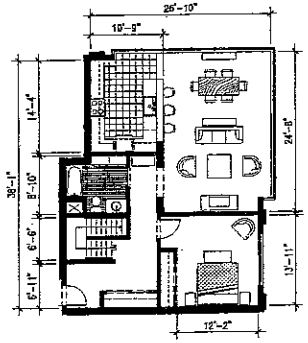
TH. 2E - TWO BEDROOM TOWNHOUSE
LOWER LEVEL : 799 SQ. FT.



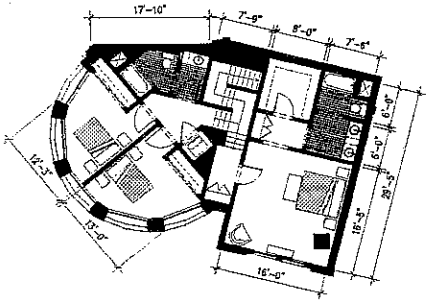
TH. 2E - TWO BEDROOM TOWNHOUSE
UPPER LEVEL : 780 SQ. FT. TOTAL : 1579 SQ. FT.



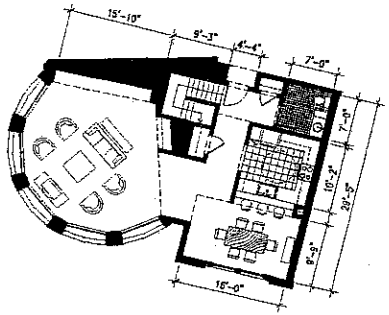
TH. 3A - THREE BEDROOM+STUDY TOWNHOUSE
LOWER LEVEL : 1019 SQ. FT.



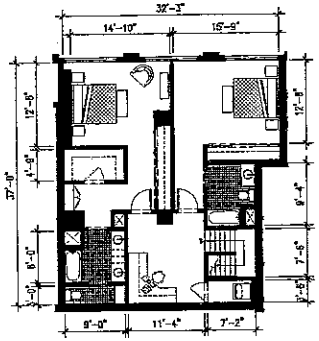
TH. 3A - THREE BEDROOM+STUDY TOWNHOUSE
UPPER LEVEL : 1008 SQ. FT. TOTAL : 2027 SQ. FT.



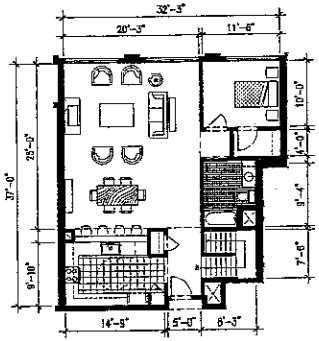
TH. 3B - THREE BEDROOM TOWNHOUSE
LOWER LEVEL : 1082 SQ. FT.



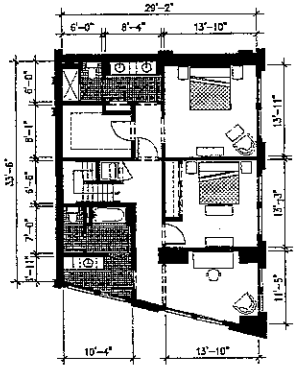
TH. 3B - THREE BEDROOM TOWNHOUSE
UPPER LEVEL : 978 SQ. FT. TOTAL : 2060 SQ. FT.



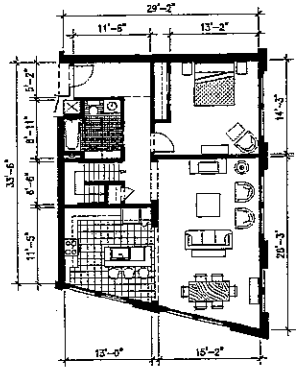
TH. 3C - THREE BEDROOM+STUDY TOWNHOUSE
LOWER LEVEL : 1073 SQ. FT.



TH. 3C - THREE BEDROOM+STUDY TOWNHOUSE
UPPER LEVEL : 1014 SQ. FT. TOTAL : 2087 SQ. FT.



TH. 3D - THREE BEDROOM+STUDY TOWNHOUSE
LOWER LEVEL : 1078 SQ. FT.



TH. 3D - THREE BEDROOM+STUDY TOWNHOUSE
UPPER LEVEL : 1040 SQ. FT. TOTAL : 2118 SQ. FT.

UNIT PLANS

NEGHERBON MIXED USE PROJECT

OAKLAND, CALIFORNIA

A4.

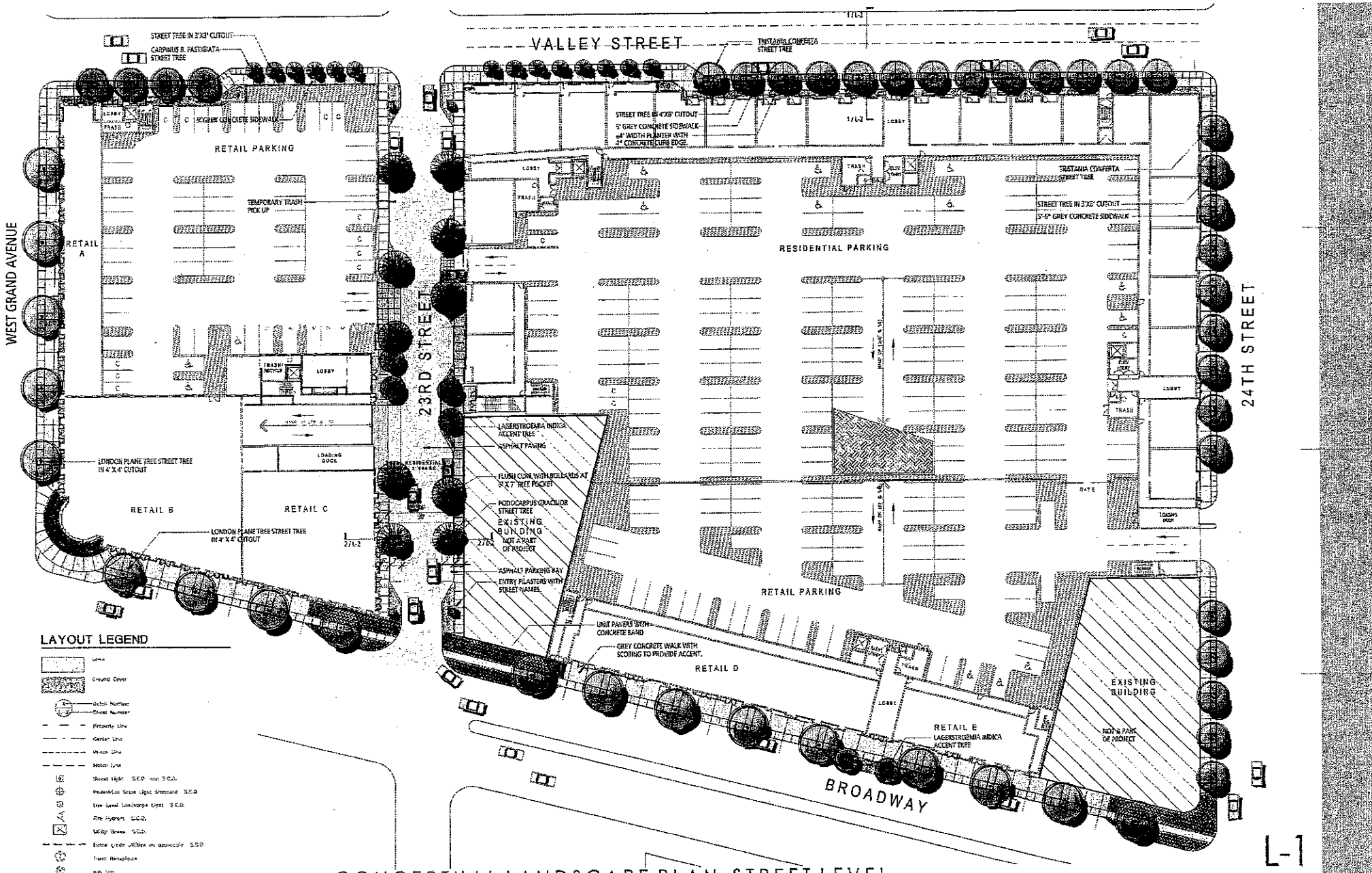
1/8" = 1'

02 NOVEMBER 20

PROJECT NO: 41

1133 ATLANTIC AV

ALAMEDA, CA 9



CONCEPTUAL LANDSCAPE PLAN-STREET LEVEL

L-1

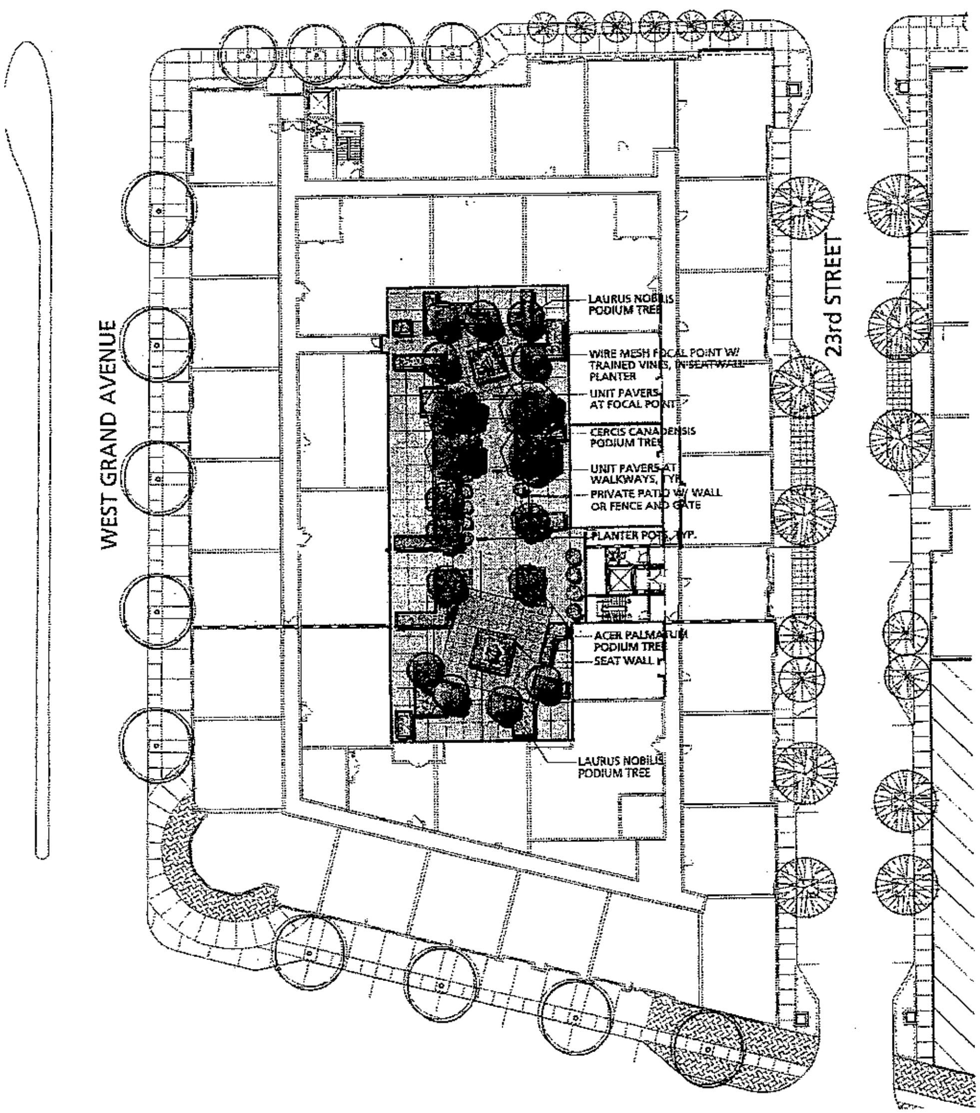
1" = 20'

02 NOVEMBER 2004

03576

NEGHERBON MIXED USE PROJECT

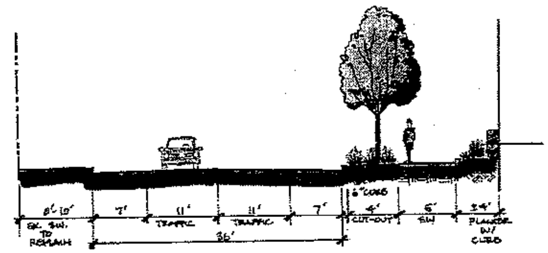
OAKLAND, CALIFORNIA



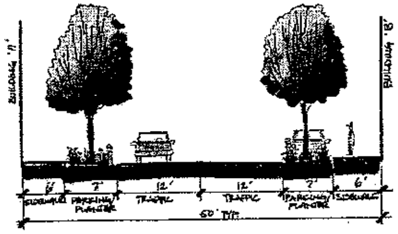
CONCEPTUAL LANDSCAPE PLAN-PODIUM 'A'

PLANT PALETTE

SIZE	BOTANICAL NAME	COMMON NAME	COMMENTS
TREES			
	Acer palmatum	Japanese Maple	
	Betula pendula 'Fastigiata'	Pyramidal White Birch	
	Carpinus b. fastigiata	Hornbeam	
	Cercis canadensis	Eastern Redbud	
	Chamaerops humilis	Mediterranean Fan Palm	Clump
	Dicksonia antarctica	TasmanianTree Fern	
	Lagerstroemia indica	Crape Myrtle	
	Laurus nobilis	Sweet Bay	
	Magnolia g. 'St. Mary'	Southern Magnolia	
	Parrotia persica	Persian Ironwood	
	Platanus a. 'Columbia'	London Plane Tree	
	Podocarpus gracilior	Fern Pine	
	Raphiolepis i. 'Majestic Beauty'	Indian Hawthorn	Standard
	Rhamnus alaternus	Italian Buckthorn	
	Syagrus romanzoffianum	Queen Palm	
	Tristania conferta	Brisbane Box	
	Washingtonia robusta	Mexican Fan Palm	Skinned
SHRUBS			
SIZE	BOTANICAL NAME	COMMON NAME	
5 gal	Aspidistra elatior	Cast Iron Plant	
5 gal	Bambusa oldhamii	Oldham Bamboo	
5 gal	Buxus microphylla j. 'Green Beauty'	Japanese Boxwood	
	Begonia richmondensis	Begonia	
1 gal	Clivia miniata	Kaffir Lily	18" O.C. (GC)
5 gal	Dietes bicolor	Fortnight Lily	24" O.C. (GC)
5 gal	Dryopteris erythrosora	Wood Fern	24" O.C. (GC)
5 gal	Fargesia murielae	Hardy Clump Bamboo	
5 gal	Fatsia japonica	False Aralia	
5 gal	Ilex crenata 'Convexa'	Japanese Holly	
1 gal	Lavandula dentata	French Lavender	
5 gal	Liriope muscari 'Majestic'	Lily Turf	
5 gal	Ligustrum j. 'Texanum'	Texas Privet	
	Nephrolepis cordifolia	Southern Sword Fern	
	Philodendron bipinnatifidum	Tree Philodendron	
1 gal	Polystichum munitum	Sword Fern	24" O.C. (GC)
5 gal	Prunus laurocerasus	English Laurel	
5 gal	Prunus caroliniana 'Bright and Tight'	Cherry Laurel	
5 gal	Sarcococca ruscifolia	Fragrant Sarcococca	
	Strelitzia reginae	Bird of Paradise	
5 gal	Viburnum suspensum	Sandankwa	
GROUNDCOVERS			
SIZE	BOTANICAL NAME	COMMON NAME	COMMENTS
1 gal	Lantana montivedensis	Purple Lantana	24" O.C.
1 gal	Liriope muscari	Liriope	12" O.C.
1 gal	Pachysandra terminalis	Japanese Spurge	18" O.C.
1 gal	Bergenia cordifolia	Heartleaf Bergenia	24" O.C.
1 gal	Rumohra adiantiformis	Leather Leaf Fern	24" O.C.
1 gal	Scaevola 'Mauve Clusters'	Fan Flower	18" O.C.
1 gal	Trachelospermum jasminoides	Star Jasmine	18" O.C.
4" pot	Seasonal Color		12" O.C.
Sod	Lawn		



SECTION 1
VALLEY STREET PROPOSED SECTION
Not to Scale



SECTION 2
23RD STREET PROPOSED SECTION
Not to Scale

L-2

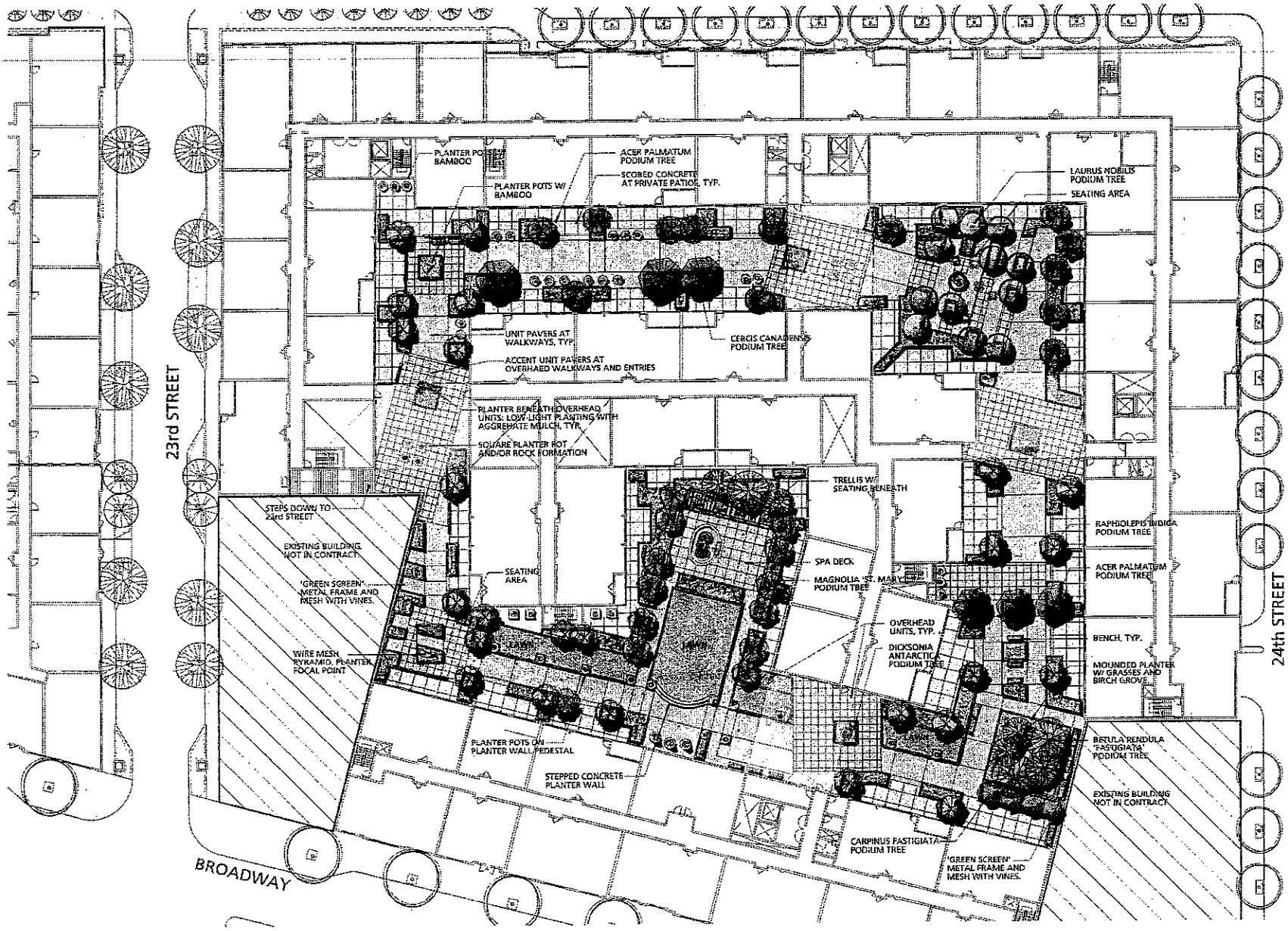
1" = 16'

02 NOVEMBER 2004
03576

NEGHERBON MIXED USE PROJECT

OAKLAND, CALIFORNIA

GUZZARDO PARTNERSHIP INC.



CONCEPTUAL LANDSCAPE PLAN-PODIUM 'b'

L-3

1" = 16'

02 NOVEMBER 2004

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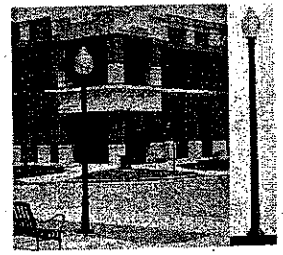
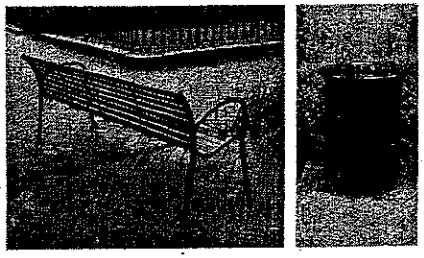
NEGHERBON MIXED USE PROJECT

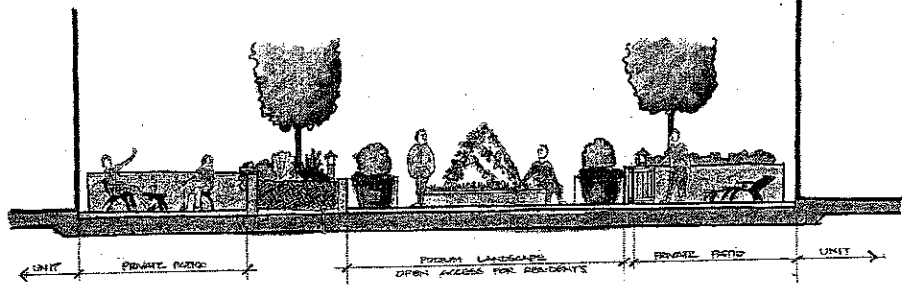
OAKLAND, CALIFORNIA



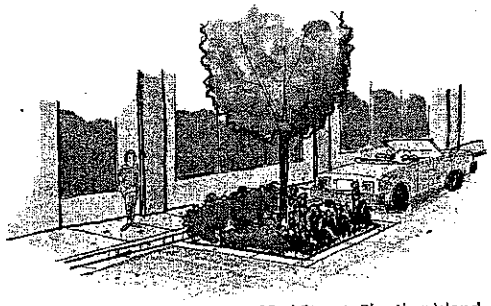
Street Light Standard



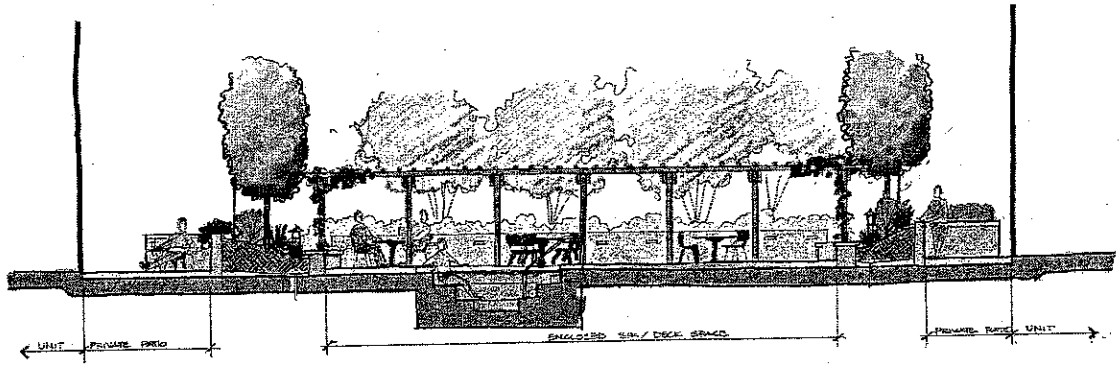
Site Furniture Bench and
Trash Receptacle



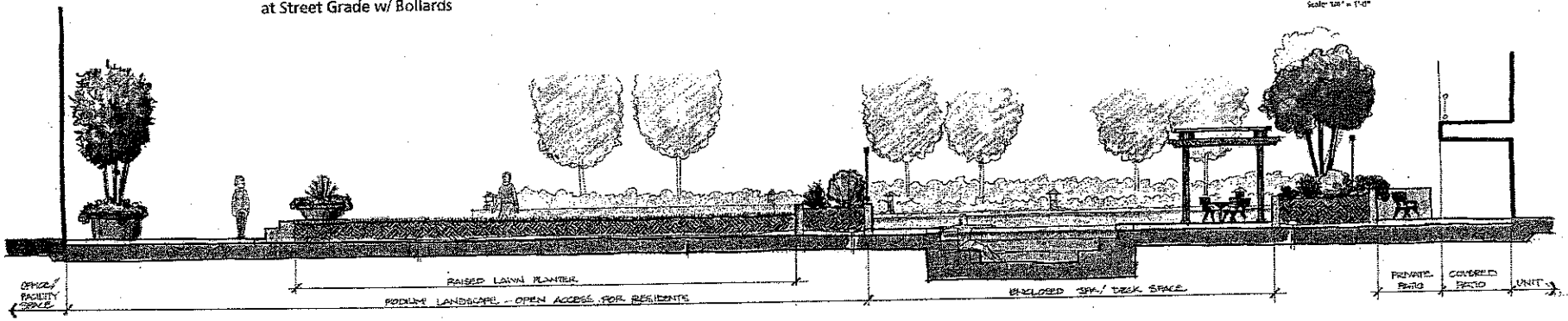
Podium A - Typical Section
Scale: 1/4" = 1'-0"



23rd Street: Planting Island
at Street Grade w/ Bollards



Podium B - Section Through Spa Area
Scale: 1/4" = 1'-0"



Podium B - Long Section Through Spa Area
Scale: 1/4" = 1'-0"

L-4

CONCEPTUAL SKETCHES AND SITE FURNISHINGS

02 NOVEMBER 2004
03576

NEGHERBON MIXED USE PROJECT

OAKLAND, CALIFORNIA

CEQA Findings And Statement Of Overriding Considerations For The Approval Of The Broadway-West Grand Mixed-Use Project

I. INTRODUCTION

1. These findings are made pursuant to the California Environmental Quality Act (Pub. Res. Code section 21000 et seq; "CEQA") and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.) by the City of Oakland Planning Commission in connection with the EIR prepared for the Broadway-West Grand Mixed-Use Project ("the Project"), these findings pertain to EIR SCH # 2004032052.

2. These findings are attached and incorporated by reference into the December 1, 2004 staff report prepared for the approval of the Project. These findings are based on substantial evidence in the entire administrative record and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings.

II. PROJECT DESCRIPTION

3. The Project, which is the subject of the EIR, is located in the Northgate commercial district immediately north of downtown Oakland, at the south end of the Broadway Auto Row. The project site consists of two parcels comprising nearly all of two City blocks. Parcel A is bounded by 23rd Street, Broadway, West Grand Avenue, and Valley Street. Parcel B is bounded by 24th Street, Broadway, 23rd Street and Valley Street. One lot in Parcel B, located at the corner of Broadway and 24th Street, is excluded from the project site.

4. The maximum Project analyzed in the EIR is the redevelopment of the site with a mixed-use project including up to 475 residential units, 40,000 square feet of ground-floor neighborhood-serving commercial space, 675 structured parking spaces, and a 9,500 square foot courtyard located on top of the garage.

5. Following public comment received on the Draft EIR, the project sponsor proposed modifications to the project design. The project sponsor's Revised Preferred Design Option would not include retention of any building facades on Parcel A as originally planned, but would include retention of the facades of two buildings on Parcel B – 2335 Broadway and 440-448 23rd Street (proposed for retention under the original design). With respect to the 2335 Broadway façade, the project sponsor proposes to restore or reconstruct the façade to the maximum extent feasible consistent with the extent of historic material that remains. These findings, and all references to "the Project" herein, pertain to this Revised Preferred Design Option as described in the Final EIR.

III. ENVIRONMENTAL REVIEW OF THE PROJECT

6. Pursuant to CEQA and the CEQA Guidelines, the City determined that an EIR would be required for the Project. On March 5, 2004, the City issued a Notice of Preparation for the EIR and an Initial Study, which was circulated to responsible agencies and interested groups and individuals for review and comment. A copy of this Notice and the comments thereon are included in Appendix A of the Draft EIR.

7. A Draft EIR was prepared for the Project to analyze its environmental impacts. The Draft EIR was properly circulated for a 43-day public review period from August 26, 2004 to October 8, 2004, which exceeds the legally required 30-day comment period. The Planning Commission held hearings on the Draft EIR on September 15, 2004 and October 6, 2004. The Landmarks Preservation Advisory Board held a hearing on the Draft EIR on September 20, 2004.

8. The City received written and oral comments on the Draft EIR. The City prepared responses to comments on environmental issues and made changes to the Draft EIR. The responses to comments, changes to the Draft EIR and additional information were published in a Final EIR on November 19, 2004. The Draft EIR, the Final EIR and all appendices thereto constitute the "EIR" referenced in these findings.

IV. THE ADMINISTRATIVE RECORD

9. The record, upon which all findings and determinations related to the approval of the Project are based, includes the following:

a. The EIR and all documents referenced in or relied upon by the EIR.

b. All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the EIR, the approvals, and the Project.

c. All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and subconsultants who prepared the EIR or incorporated into reports presented to the Planning Commission.

d. All information (including written evidence and testimony) presented to the City from other public agencies relating to the Broadway-West Grand Mixed-Use project or the EIR.

e. All applications, letters, testimony and presentations presented by the project sponsor and its consultants to the City in connection with the Project.

f. All information (including written evidence and testimony) presented at any City public hearing or City workshop related to the Project and the EIR.

g. For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.

h. The Mitigation Monitoring and Reporting Program for the Project.

i. All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

10. The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is Claudia Cappio, Development Director, Community and Economic Development Agency, or her designee. Such documents and other materials are located at Frank H. Ogawa Plaza, Suite 3315, Oakland, California 94612.

V. CERTIFICATION OF THE EIR

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

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

13. The Planning Commission certifies that the EIR is adequate to support the approval of each entitlement, approval, or agreement that is the subject of the staff report to which these CEQA findings are attached. The Planning Commission certifies that the EIR is adequate to support approval of the project described in the EIR, each component and phase of the Project described in the EIR, any variant of the Project described in the EIR, any minor modifications to the Project or variants described in the EIR and the components of the Project.

VI. ABSENCE OF SIGNIFICANT NEW INFORMATION

14. The Planning Commission recognizes that the Final EIR incorporates information obtained and produced after the Draft EIR was completed, and that the EIR contains additions, clarifications, modifications, including the Revised Preferred Design Option. The Planning Commission has reviewed and considered the Final EIR and all of this information. The Final EIR does not add significant new information to the Draft EIR that would require recirculation of the EIR under CEQA. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the project sponsor declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No information indicates that the Draft EIR

was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR. Thus, recirculation of the EIR is not required.

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

VII. MITIGATION MEASURES, CONDITIONS OF APPROVAL, AND MITIGATION MONITORING AND REPORTING PROGRAM

16. Public Resources Code section 21081.6 and CEQA Guidelines section 15097 require the City to adopt a monitoring or reporting program to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented. The Mitigation Monitoring and Reporting Program ("MMRP") is attached and incorporated by reference into the December 1, 2004 staff report prepared for the approval of the Project, is included in the conditions of approval for the Project, and is adopted by the Planning Commission. The MMRP satisfies the requirements of CEQA.

17. The mitigation measures set forth in the MMRP are specific and enforceable and are capable of being fully implemented by the efforts of the City of Oakland, the applicant, and/or other identified public agencies of responsibility. As appropriate, some mitigation measures define performance standards to ensure no significant environmental impacts will result. The MMRP adequately describes implementation procedures, monitoring responsibility, reporting actions, compliance schedule, non-compliance sanctions, and verification of compliance in order to ensure that the Project complies with the adopted mitigation measures.

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

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

VIII. FINDINGS REGARDING IMPACTS

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

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

SIGNIFICANT BUT MITIGATABLE IMPACTS

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

a. Transportation, Circulation, and Parking: Impact B.2 finds that traffic generated by the Project would affect traffic levels of service at local intersections under 2010 conditions. This impact will be mitigated through the implementation of Mitigation Measure B.2, which imposes requirements for a fair share contribution to the alteration of the traffic signal cycle length and optimization of the traffic signal timing at the signalized intersection of West Grand Avenue and Telegraph Avenue. Impact B.3 finds that the traffic generated by the Project would affect levels of service at local intersections under 2025 conditions. This impact will be mitigated through implementation of Mitigation Measures B.3(a), (b), and (c), which impose requirements for fair share contributions (either through a City created mechanism for such contributions or through the project sponsor fully funding the improvements subject to a reimbursement agreement) to the alteration of the traffic signal cycle length and optimization of traffic signal timing at the signalized intersections of West Grand Avenue and Telegraph Avenue and Broadway and West Grand Avenue, provision of protected left turn phases on the northbound and southbound approaches to the intersection of Broadway and West Grand Avenue, and installation of traffic signals at 24th Street and Telegraph Avenue. Impact B.11 finds that construction would affect traffic flow and circulation, parking and pedestrian safety. This impact will be mitigated through implementation of Mitigation Measure B.11, which imposes specific requirements for the preparation, review and approval of a construction management plan prior to the issuance of each building permit.

b. Air Quality: Impact C.1 finds that demolition, site preparation, and construction activities associated with the Project would generate short-term emissions of criteria pollutants. Impact C.1 will be mitigated through implementation of Mitigation Measures C.1(a) and (b), which impose the Bay Area Air Quality Management District's basic dust control procedures for a site of less than four acres and the City's standard practices to minimize water quality impacts. The applicant has agreed to, and the City has imposed, a condition of approval which requires completion of grading on Parcel A prior to the start of grading on Parcel B, so

that there will be no soil disturbance of more than four (4) acres at any given time during the construction of the Project.

c. Noise. Impact D.1 finds that the Project construction activities would intermittently and temporarily generate noise levels above existing levels in the Project vicinity. This impact will be mitigated through implementation of Mitigation Measures D1(a), (b), (c), (d), which impose requirements for construction hours, equipment and truck requirements, site-specific noise attenuation measures to be completed under the supervision of a qualified acoustical consultant, and procedures for responding to and tracking construction noise complaints.

d. Cultural Resources: Impact E.1 finds that the Project could adversely affect unknown cultural resources at the site, including archaeological resources and human remains. These impacts will be mitigated through implementation of Mitigation Measures E.1(a) and (b), which impose requirements for an archival cultural resources evaluation to be prepared by a cultural resource professional and to include, among other elements, a monitoring plan, focused community review of the archival cultural resource evaluation, procedures to be followed, including certain halting of construction activities, should an archaeological artifact be discovered on-site during construction, and specific procedures and protocols to be followed in the event that human skeletal remains are uncovered on-site during construction.

Impact E.2 finds that the Project may adversely affect unidentified paleontological resources at the site. This impact will be mitigated through implementation of Mitigation Measure E.2, which calls for notification of a qualified paleontologist of unanticipated discoveries, evaluation and assessment of any finds, and halting or diverting of certain construction activities for certain discoveries followed by implementation of certain procedures and, if necessary, an excavation plan.

d. Hazardous Materials: Impact F.1 finds that demolition and construction could disturb and release contaminated soil, groundwater, or building materials and expose construction workers, the public or the environment to adverse conditions related to hazardous substance handling. This impact will be mitigated through implementation of Mitigation Measures F.1(a),(b),(c),(d),(e),(f),(g),(h),(i), which impose requirements for a pre-demolition survey for asbestos-containing materials, an asbestos abatement plan, written documentation that asbestos-containing materials have been removed from the site prior to the start of demolition, use of a licensed asbestos firm for the removal of asbestos containing materials, implementation of a lead-based paint abatement plan, demonstration that the site does not contain hazardous levels of lead, removal of PCB-containing materials prior to demolition activities, removal of the underground storage tank, development and implementation of a worker Health and Safety Plan, and verification that all relevant governmental authorities have granted clearances and confirmed compliance with all applicable conditions for the site.

Impact F.2 finds that improper disposal of contaminated soil components from demolition and excavation could expose construction workers, the public, or the environment to adverse conditions. This impact will be mitigated through implementation of Mitigation Measures F.2(a),(b), and (c), which impose requirements for analysis and

classification of soils, proper disposal of any soils classified as hazardous, safe and secure stockpiling of soils, sampling of soils, review of soil results by appropriate regulatory agencies, and, if warranted, preparation of a Soil Management Plan.

Impact F.3 finds that hazardous materials used on-site during construction activities could be released to the environment through improper handling. This impact will be mitigated through implementation of Mitigation Measure F.3, which imposes requirements for best management practices to be implemented during construction.

SIGNIFICANT AND UNAVOIDABLE IMPACTS

23. Under Public Resources Code section 21081(a) and CEQA Guidelines section 15091 and 15092, and to the extent reflected in the EIR and the MMRP, the Planning Commission finds that the following impacts of the Broadway-West Grand Mixed-Use project remain significant and unavoidable, notwithstanding the imposition of all feasible mitigation measures, as set forth below. The Planning Commission also finds that any alternative discussed in the EIR that may reduce the significance of these impacts is rejected as infeasible for the reasons given below.

a. Cultural Resources: Impact E.3 finds that the Project will demolish or substantially alter seven buildings that qualify as historic resources. Mitigation measures E.3(a),(b),(c),(d),(e), and (f), which impose requirements for recordation of the resources in accordance with HABS to be archived at the Oakland Public Library, preparation of the history of development of automobile sales and repair in Oakland, incorporation of interpretive elements in public areas, salvage of architectural elements and incorporation into new construction where feasible, curation of materials, and making the buildings available for relocation, would reduce the impact but not to a less than significant level. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

Impact E.5 finds that the Project could result in cumulative impacts to historic resources. Mitigation Measure E.5, which imposes a requirement for a contribution to the City's Facade Improvement Fund earmarked for historic resources, would reduce the cumulative impact but not to a less than significant level. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

IX. FINDINGS REGARDING ALTERNATIVES

23. The Planning Commission finds that specific economic, social, environmental, technological, legal or other considerations make infeasible the alternatives to the Project as described in the EIR and justify approval of the Project despite remaining impacts, as more fully set forth in the Statement of Overriding Considerations. The only remaining impacts of the Project that cannot be fully mitigated through the mitigation measures described in the EIR are direct and cumulative impacts to cultural resources.

24. The EIR evaluated a reasonable range of alternatives to the original project that was described in the Draft EIR. The DEIR identified seven alternatives to the proposed project, four of which were initially rejected as infeasible for the reasons stated in the

DEIR. The Planning Commission adopts the EIR's analysis and conclusions regarding alternatives eliminated from further consideration.

25. The three potentially feasible alternatives analyzed in the DEIR, and a fourth alternative added in the Final EIR, represent a reasonable range of potentially feasible alternatives that reduce one or more significant impacts of the Project. These alternatives include the (1) No Project Alternative; (2) Full Preservation Alternative; (3) Partial Preservation Alternative; and (4) Broadway Alternative, a Variant of the Partial Preservation Alternative. As presented in the DEIR and FEIR, the alternatives were described and compared with each other and with the proposed project. The Full Preservation Alternative was identified as the environmentally superior alternative.

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

27. Under the No Project Alternative, the Project would not be undertaken. None of the buildings on the site would be demolished and no new construction of residential and commercial uses would occur. This alternative would avoid the direct and cumulative cultural resource impacts of the Project. This alternative is rejected as infeasible because (a) it would not achieve any of the project sponsor's objectives for the Project; (b) it would not achieve any of the City's objectives with respect to increasing the supply of new housing in Oakland and, in particular, in the greater downtown area; (c) it would not meet the City's objectives with respect to improving the streetscape of an important gateway site to downtown; (c) it would not provide the City or the Redevelopment Agency with any of the fiscal benefits documented in the report prepared by Economic Planning Systems, Inc., entitled "Broadway & West Grand Mixed Use Project Analysis of Fiscal Impacts and the Feasibility of Reuse of Existing Buildings," ("EPS Report") and submitted into the record by the project sponsor; (d) given that the site is underutilized and is located in an area of other redevelopment activity, in the event that this Project does not proceed, it is likely that other proposals to develop the site would be forthcoming thus the long-term preservation of these buildings would not be guaranteed by this alternative; (e) it would not create any jobs; (f) Government Code section 65589.5(j) prohibits the City from disapproving a housing project that complies with the applicable general plan and zoning standards and criteria in the absence of a finding that the project would have a specific adverse impact upon the public health and safety that could not be avoided or mitigated other than through disapproval of the project or approval of the project conditioned on a lower density. The record contains no evidence that would support such a finding for this Project.

28. Under the Full Preservation Alternative, all seven buildings identified as cultural resources would be retained, rehabilitated, and reused in accordance with the Secretary of Interior Standards for Rehabilitation. This alternative would reduce the Project's direct and cumulative impacts to cultural resources to a less than significant level. This alternative is rejected as infeasible because: (a) it would result in 25% fewer residential units than the Project, thereby reducing the Project's ability to fulfill the City's housing goals and objectives, particularly for the greater downtown area; (b) it would adversely affect the integrity of the Project design and result in space that is not functionally optimal for viable reuse; (c) based on the information and analysis contained in the EPS report, the commercial reuse of these buildings would not be financially feasible because it would not provide a sufficient increase in lease value to offset the substantial costs for seismic retrofit and historic rehabilitation; (d) based on the information and analysis contained in the EPS report, the residential reuse of these buildings would not be financially feasible because it would not provide a sufficient increase in value to offset the substantial costs for seismic retrofit, historic rehabilitation, and offsite parking, it would result in inefficiencies associated with the design of the residential units within the existing building spaces, resulting in a reduction in useable floor area, and because of the elimination of value associated with existing buildings; (e) it would generate less annual revenue to the City, and to the Redevelopment Agency including the set aside for affordable housing, than the Project; (f) it would create fewer jobs than the Project; and (g) Government Code section 65589.5(j) prohibits the City from approving a housing project that complies with the applicable general plan and zoning standards and criteria conditioned on reduced density in the absence of a specific adverse impact upon the public health or safety that could not be avoided or mitigated other than through disapproval of the project or approval of the project conditioned on a lower density. The record contains no evidence that would support such a finding for this Project.

29. Under the Partial Preservation Alternative, three buildings identified as cultural resources and located at 441-449 23rd Street, 439 23rd Street, and 440-448 23rd Street would be retained, rehabilitated, and reused in accordance with the Secretary of Interior Standards for Rehabilitation. This alternative would reduce, but not to a less than significant level, the Project's direct and cumulative impacts to cultural resources. This alternative is rejected as infeasible because: (a) it would result in 15% fewer residential units than the Project, thereby reducing the Project's ability to fulfill the City's housing goals and objectives, particularly for the greater downtown area; (b) it would adversely impact the integrity of the Project design and result in space that is not functionally optimal for viable reuse; (c) based on the information and analysis contained in the EPS report, the commercial reuse of these buildings would not be financially feasible because it would not provide a sufficient increase in lease value to offset the substantial costs for seismic retrofit and historic rehabilitation; (d) based on the information and analysis contained in the EPS report, the residential reuse of these buildings would not be financially feasible because it would not provide a sufficient increase in value to offset the substantial costs for seismic retrofit, historic rehabilitation, and offsite parking, it would result in inefficiencies associated with the design of the residential units within the existing building spaces, resulting in a reduction in the useable floor area and because of the elimination of value associated with existing buildings; (e) it would generate less annual revenue to the City, and to the Redevelopment Agency including the set aside for affordable housing, than the Project; (f) it would create fewer jobs than the Project; and (g) Government Code section 65589.5(j) prohibits the City from approving a housing project that complies with the

applicable general plan and zoning standards and criteria conditioned on reduced density in the absence of a specific adverse impact upon the public health or safety that could not be avoided or mitigated other than through disapproval of the project or approval of the project conditioned on a lower density. The record contains no evidence that would support such a finding for this Project.

30. Under the Broadway Alternative, three buildings identified as cultural resources and located at 2335 Broadway, 2343 Broadway, and 2345 Broadway would be retained, rehabilitated, and reused in accordance with the Secretary of Interior Standards for Rehabilitation. This alternative would reduce, but not to a less than significant level, the Project's direct and cumulative impacts to cultural resources. This alternative is rejected as infeasible because: (a) it would result in 13% fewer residential units than the Project, thereby reducing the Project's ability to fulfill the City's housing goals and objectives, particularly for the greater downtown area; (b) it would adversely affect the integrity of the Project design and result in space that is not functionally optimal for viable reuse; (c) based on the information and analysis contained in the EPS report, the commercial reuse of these buildings would not be financially feasible because it would not provide a sufficient increase in lease value to offset the substantial costs for seismic retrofit and historic rehabilitation; (d) based on the information and analysis contained in the EPS report, the residential reuse of these buildings is not feasible because the three buildings are located on Broadway at the ground floor level and would not be viable for residential use; (e) it would generate less annual revenue to the City, and to the Redevelopment Agency including the set aside for affordable housing, than the Project; (f) it would create fewer jobs than the Project; and (g) Government Code section 65589.5(j) prohibits the City from approving a housing project that complies with the applicable general plan and zoning standards and criteria conditioned on reduced density in the absence of a specific adverse impact upon the public health or safety that could not be avoided or mitigated other than through disapproval of the project or approval of the project conditioned on a lower density. The record contains no evidence that would support such a finding for this Project.

X. STATEMENT OF OVERRIDING CONSIDERATIONS

31. The Planning Commission finds that each of the specific economic, legal, social, technological, environmental, and other considerations and the benefits of the project independently outweigh these remaining significant, adverse impacts and is an overriding consideration independently warranting approval. The remaining significant adverse impacts identified above are acceptable in light of each of these overriding considerations.

32 The Project will provide much needed infill housing in downtown Oakland adjacent to and near access to local and regional public transit located near downtown jobs, thereby promoting smart growth principles.

33. The Project will redevelop a group of underutilized sites near downtown Oakland to create a new neighborhood and provide residential and commercial uses to enhance the visual and community character of this neighborhood and this prominent gateway site.

34. The project will provide a stable "24-hour" population near downtown Oakland.

35. The project will create a diversity of housing sizes and types to accommodate a diverse group of people and households.

36. The Project will contribute to the attainment of the Mayor's and City Council's 10K Downtown Housing Initiative.

37. The Project will ensure an active street frontage along five main streets.

38. The Project will provide housing to meet the local, regional, and state housing need and help alleviate the jobs/housing imbalance in the region.

39. The Project will provide the opportunity to strengthen local-serving commercial activity by providing ground floor, neighborhood-serving commercial space.

40. The Project will promote the objectives and goals of the General Plan as detailed on pages 22-25 of the Initial Study, included as Appendix A of the Draft EIR, and incorporated by reference and will promote the objectives and goals of the Housing Element, including Policy 1.1 (Downtown Housing Program), Policy 1.3 (Appropriate Locations and Densities for Housing), Policy 1.7 (Regional Housing Needs), Policy 7.3 (Infill Development), and Policy 7.5(Mixed Use Development).

41. The Project will provide needed construction jobs and permanent jobs.

42. The Project will provide increased revenue to the City through sales, property, and real estate transfer taxes.

43. The Project would, to the extent feasible, rehabilitate the facades of two historic resources.

Economic &
Planning Systems
Real Estate Economics
Regional Economics
Public Finance
Land Use Policy

BROADWAY & WEST GRAND MIXED USE PROJECT

ANALYSIS OF FISCAL IMPACTS AND THE FEASIBILITY OF REUSE OF EXISTING BUILDINGS

Prepared for:

City of Oakland Community & Economic Development Agency

Prepared by:

Economic & Planning Systems, Inc.

November 2004

EPS #14135

BERKELEY
2501 Ninth St., Suite 200
Berkeley, CA 94710-2515
www.epsys.com
Phone: 510-841-9190
Fax: 510-841-9208

SACRAMENTO
Phone: 916-649-8010
Fax: 916-649-2070

DENVER
Phone: 303-623-3557
Fax: 303-623-9049

ATTACHMENT C

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I. INTRODUCTION AND SUMMARY OF FINDINGS

Signature Properties has plans to redevelop two city blocks at the northwest corner of Broadway and West Grand Avenue, immediately north of downtown Oakland at the south end of the Broadway Auto Row. The objectives of the project are to redevelop an underutilized site within the Central District Redevelopment Area ("Area") into a mixed-use residential/retail project that provides housing opportunities in close proximity to local and regional transportation and job opportunities, and to provide for a 24-hour population in greater downtown. Economic & Planning Systems, Inc. (EPS) analyzed (a) the fiscal impacts to the City of Oakland; and (b) the feasibility of preserving on-site historical structures, in regards to the Broadway West Grand Avenue Mixed-Use Project (the "Project").

Four project alternatives have been proposed[1]. The Summary of Findings below compares the fiscal impact of the maximum project and three additional alternatives on the City of Oakland's General Fund. The financial feasibility for the reuse of existing buildings is also summarized. Subsequent chapters provide a description of the project alternatives and an explanation of the methodology and key assumptions. **Appendices A through D** include additional documentation of the fiscal analysis. **Appendix E** describes the financial feasibility analysis. **Appendix F** describes the basis for the reuse options, and provides additional information about the potential for integrating each building and its facade into the proposed project, impacts on the number of new residential units and parking spaces in the project, and other architectural and design issues.

SUMMARY OF FINDINGS

FISCAL ANALYSIS

1. *The fiscal impact of the Project will be positive and would not result in any significant impacts on public services.*

By buildout, the Project is expected to generate revenue approximately $624,000 to $771,000 each year for the City's General Fund as shown in **Table 1**. The General Fund costs are expected to be considerably lower. Additionally, as stated by the Draft Environmental Impact Report, the project would not significantly impact the existing public services such as police or fire.

[1] The EIR considers a "no project" alternative, which was not evaluated as a part of this report.

Table 1
Fiscal Impact Summary of Project Alternatives
Broadway-West Grand Mixed Use Project Fiscal Impact Analysis, EPS #14135

Item	Alternatives			
	1 Maximum Project	2 Full Preservation (1)	3 Partial Preservation (2)	4 Broadway Preservation (3)
CITY GENERAL FUND				
Revenues				
Property Tax	$132,816	$100,113	$118,252	$114,887
Property Transfer Tax	$345,150	$257,254	$310,672	$300,222
Sales Tax	$91,382	$91,585	$85,011	$82,978
Vehicle License Fee (VLF)	$3,761	$2,787	$3,389	$3,270
Business License Tax	$26,735	$43,445	$26,735	$26,735
Utility Users Tax	$76,161	$58,766	$68,886	$66,564
Fines & Penalties	$51,766	$38,362	$46,644	$45,009
Total	**$770,604**	**$624,006**	**$698,158**	**$676,877**
Expenditures				
General Government	$9,477	$7,023	$8,539	$8,240
Finance & Management	$13,275	$9,838	$11,962	$11,543
Parks & Recreation	$10,601	$7,856	$9,552	$9,217
Library Services	$9,876	$7,318	$8,899	$8,587
Total	**$43,228**	**$32,034**	**$38,951**	**$37,586**
Net General Fund	**$727,376**	**$591,972**	**$659,207**	**$639,291**
OTHER CITY REVENUES				
Transfer Tax From Initial Sale	$3,007,500	$2,302,691	$2,693,611	$2,621,094
Redevelopment Agency Revenue				
Housing Set-Asides	$477,070	$359,602	$424,755	$412,669
Pass-Throughs to other Agencies (4)	$248,840	$187,568	$221,552	$215,248
Net to RDA	$1,049,554	$791,124	$934,462	$907,872
Total	**$1,775,464**	**$1,338,295**	**$1,580,769**	**$1,535,790**
OTHER ECONOMIC EFFECTS				
Construction Value	$142,150,000	$110,198,000	$127,347,000	$123,447,000
Construction Jobs	1,420	1,100	1,272	1,233
Total New Household Expenditures				
Taxable Retail	$8,047,730	$5,963,792	$7,251,428	$6,997,290
Other	$26,967,019	$19,983,981	$24,298,704	$23,447,114
Total	**$35,014,750**	**$25,947,772**	**$31,550,132**	**$30,444,403**

(1) Alternative 2 preserves historic buildings 1, 2, 4, 5, 9, 10, and 11.
(2) Alternative 3 preserves historic buildings 1, 2, and 4.
(3) Alternative 4 preserves historic buildings 9, 10, and 11.
(4) Excludes Pass-Throughs to City's General Fund.

Source: Economic & Planning Systems, Inc.

2. *The Maximum Project generates over $72,000 more in annual General Fund revenue compared to the three Preservation Alternatives (i.e., Partial Preservation scenario).*

The Maximum Project generates more annual revenue to the General Fund because of the greater number of residential units and more viable commercial retail in the Project and their associated higher property values. Although the Maximum Project also generates more General Fund costs due to a higher number of residents than in the three alternatives, these costs represent less than 6 percent of General Fund revenues generated by the project.

3. *General Fund revenues will come from a number of sources, though property tax and transfer taxes will make up the majority of the City's new revenues.*

Property transfer taxes are expected to generate between $257,000 and $345,000 each year at Project buildout. An additional $2.3 million to $3.0 million of transfer tax is estimated to accrue to the City following the initial sale of both the residential and commercial components of the Project. Property taxes, sales taxes, and utility user fees all also make significant contributions to the new stream of General Fund revenues. Motor vehicle in-lieu fees (VLF) are estimated based on recent legislation; actual amounts will depend on the manner in which the VLF changes are implemented.

4. *The Project would not only generate revenue to the City, but would also generate revenue to the Redevelopment Agency, support construction jobs, and result in additional downtown residents and resident expenditures in the City.*

In addition to the revenues generated to the City, the Project would also generate between $791,000 to $1.0 million in revenues to the Redevelopment Agency after housing set-asides and pass-throughs. The number of temporary construction jobs is expected to be approximately 1,100 to 1,420. Total expenditures by new households are estimated at $25.9 million to $35 million, of which a portion will generate sales tax to the City of Oakland.

FINANCIAL FEASIBILITY OF EXISTING BUILDING REUSE

1. *Investment into the rehabilitation of the seven identified historic buildings for commercial reuse purposes is not financially feasible.*[2] *Investors and lenders would not undertake these projects due to the financial shortfalls.*

As shown in **Table 2**, the total financial gap for each project alternative ranges from $2.1 million to $5.3 million, depending on the number of buildings reused and their size. The results by building (see **Table 6**) indicate a potential shortfall ranging from $330,000

[2] Rehabilitation would occur consistent with the Secretary of Interior'sStandards for Rehabilitation. Strict adherence to these guidelines is required in order for the project to avoid significant impacts under CEQA.

Table 2
Financial Shortfall from Commercial Reuse by Alternative (increased value minus costs)
Broadway-West Grand Mixed Use Project Reuse Feasibility Analysis, EPS #14135

EIR Bldg	Address	SqFt	Alternative 2	Alternative 3	Alternative 4
1	449 23rd St.	5,700	($718,200)	($718,200)	
2	439 23rd St.	2,600	($327,600)	($327,600)	
	Subtotal	8,300	($1,045,800)	($1,045,800)	
11	2345 Broadway	5,700	($718,200)		($718,200)
10	2343 Broadway	5,700	($718,200)		($718,200)
9	2337 Broadway	5,700	($718,200)		($718,200)
4	444 23rd St.	11,000	($1,386,000)	($1,386,000)	
5	2366-2398 Valley St.	7,800	($748,800)		
TOTAL			($5,335,200)	($2,431,800)	($2,154,600)

Notes:
See Appendix E tables; shortfall is based on total future value (Table E-5) less existing value (Table E-7), minus costs (Table E-2).

for Building 2 to $1.4 million for Building 4. The reuse of these buildings does not provide a sufficient increase in lease value to offset substantial costs due to seismic retrofit and historic rehabilitation. Lease rates would need to increase to $1.80 to $2.30 per square foot per month to cover the development costs; these lease rates are significantly higher than the rates that are achievable in this area. Because of the financial shortfalls, it is unlikely that conventional financing will be available for these buildings.

2. ***Residential reuse produces a financial gap greater than the commercial reuse.***

Table 3 indicates a gap of $4.4 to $3.8 million for Alternatives 2 and 3, respectively; no residential reuse was determined to be viable for Alternative 4 given that the three buildings are located on Broadway at the ground-floor level.

The shortfall by building (see **Table 7**) ranges from $600,000 for Building 5, to $1.4 million for Buildings 1 and 2 (assuming combined redevelopment), to $2.3 million for Building 4. A number of factors account for this gap, including: 1) substantial seismic retrofit, historic rehabilitation costs, and offsite parking costs; 2) inefficiencies associated with the design of residential units within the existing building spaces, resulting in a reduction in floor area; 3) the value of the existing buildings, i.e., the cost of acquisition based on existing value.

Table 3
Financial Shortfall from Residential Reuse by Alternative (increased value minus costs)
Broadway-West Grand Mixed Use Project Reuse Feasibility Analysis, EPS #14135

EIR Bldg	Address	SqFt	Alternative 2	Alternative 3	Alternative 4
1	449 23rd St.	5,700			
2	439 23rd St.	2,600			
	Subtotal	8,300	($1,428,000)	($1,428,000)	
11	2345 Broadway	5,700	na		na
10	2343 Broadway	5,700	na		na
9	2337 Broadway	5,700	na		na
4	444 23rd St.	11,000	($2,335,000)	($2,335,000)	
5	2366-2398 Valley St.	7,800	($600,000)		
TOTAL			($4,363,000)	($3,763,000)	

Notes:
See Appendix E tables; shortfall is based on total future value (Table E-6) less existing value (Table E-7), minus costs (Table E-3).

II. PROJECT DESCRIPTION

The Broadway West Grand Mixed-Use Project encompasses approximately five acres and is bounded by 24th Street to the north, Broadway to the east, West Grand Avenue to the south, and Valley Street to the west. The Project includes all of the parcels on two blocks, with the exception of a large building which houses the Saturn car dealership at the southwest corner of Broadway and 24th Street. **Figure 1** shows the Project site and existing structures, including the buildings evaluated in this analysis.

The Maximum Project as proposed by the Developer includes up to 475 residential units and up to 40,000 square feet of commercial space at buildout (see **Table 4**).[3] There are seven historic buildings throughout the site,[4] and the number of residential units and size of retail space will depend on how many and which historical buildings the developer retains, rehabilitates and reuses.[5] The Maximum Project would demolish all seven historic structures. Alternative 2, which corresponds to Alternative 2 in the project's Draft Environmental Impact Report (DEIR), will preserve all seven historic buildings. Alternative 3 will preserve three historic buildings at the intersection of 23rd Street and Valley Street; and Alternative 4 will preserve the three historic buildings along Broadway, including one designed by architect Julia Morgan.

A combination of one-, two-, and three-bedroom condominium residential units and neighborhood retail uses are planned for the site. The average household size for the condominium units is assumed to be 1.7 persons, based on an average household size typical of this product type. At Project buildout, the development will accommodate between 573 and 774 new residents (accounting for average vacancy). Signature Properties expects the condominiums to sell for between $325,000 and $450,000. These prices are within the current pricing range of higher density product types in the City of Oakland.

Assumptions concerning the development concept, population growth, and household characteristics as well as Citywide demographics are shown in **Appendices A, B, C**, and **D** which correspond with the Maximum Project and Alternatives 2, 3, and 4, respectively.

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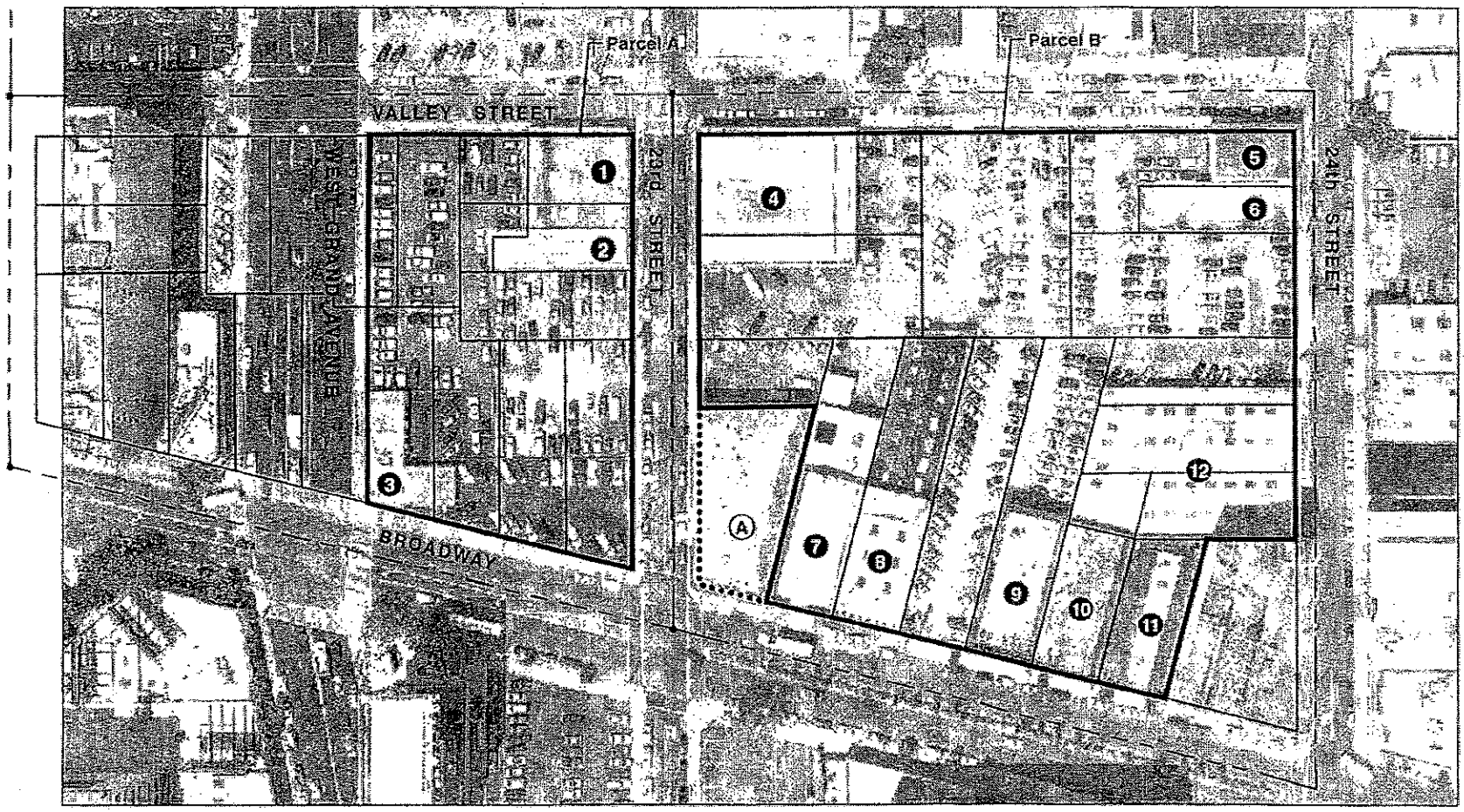
[3] The Full Preservation Alternative includes up to 65,000 square feet of commercial space.

[4] The DEIR notes twelve buildings that could be demolished as a result of the Project. The seven historic buildings are: #1) 449 23rd Street, #2) 439 23rd Street, #4) 444 23rd Street, #5) 2366-2398 Valley Street, #9) 2335-2337 Broadway, #10) 2343 Broadway, and #11) 2345 Broadway (numbers shown here correspond to their reference number in the DEIR).

[5] Rehabilitation would occur consistent with the Secretary of Interior's Standards for Rehabilitation. Strict adherence to these guidelines is required in order for the project to avoid significant impacts under CEQA.



Buildings To Be Demolished

1. 449 23rd St.*
2. 439 23rd St.
3. 2251 Broadway
4. 440-48 23rd St. / 2300-14 Valley St.*
5. 2366-98 Valley St. / 467 24th St.
6. 461 24th St.
7. 2315 Broadway — Shared Facade
8. 2323 Broadway — Shared Facade
9. 2335-37 Broadway — Shared Facade
10. 2343 Broadway — Shared Facade
11. 2345 Broadway — Shared Facade
12. 421 24th St.

(A) 2301 Broadway**

Project Site

Maximum Potential Site

0 100 Feet

* Facade to be retained

** To be demolished if acquired by sponsor

SOURCE: Brian Kangas Foulk; Signature Properties

Broadway & West Grand / 203468 ■

Figure III-2
Buildings to be Demolished

Table 4
Project Description
Broadway-West Grand Mixed Use Project Fiscal Impact Analysis, EPS #14135

	Commercial		Residential		Historic Bldgs.		New	# Parking
	SqFt (2)	Employees	Units	Residents (3)	#	SqFt	Retail (SqFt)	Spaces
Maximum Project (1)	40,000	120	475	774	0	0	40,000	675
Alternative 2 Full Preservation	65,000	195	352	573	7	44,200	20,800	500
Alternative 3 Partial Preservation	40,000	120	428	697	3	19,300	20,700	580
Alternative 4 Broadway	40,000	120	413	673	3	17,100	22,900	570

(1) Maximum project assumes acquisition of Lucky Goldfish parcel (2301 Broadway).
(2) Assumes: 10.0% retail vacancy rate
300 sq. ft. per employee
(3) Assumes: 1.7 persons per household
4.17% housing vacancy rate

Source: Signature Properties; Economic & Planning Systems, Inc.

III. FISCAL ANALYSIS METHODOLOGY

This chapter describes the methodology and key assumptions used in estimating the fiscal impacts of the Broadway West Grand Mixed Use Project. The analysis is based on a number of sources including the City of Oakland's 2004-05 Mid-Cycle Amended Budget, City, County, and State data sources, and EPS's experience with similar projects in other jurisdictions.

The analysis describes annual operating costs and revenue impacts on the City of Oakland. All revenue and expenditure forecasts are in constant 2004 dollars. For the purpose of evaluating the potential fiscal impact of the Project, this analysis considers impacts at buildout of the four different alternatives. Given the predominantly residential nature of the Project, fiscal impacts prior to buildout will display similar results but at a smaller scale. Key assumptions and calculations are shown in **Appendices A, B, C,** and **D.**

GENERAL FUND REVENUES

This section describes the methodology and assumptions used for each General Fund revenue item. **Table 5** provides a summary of the City's current General Fund revenues as estimated in the 2004-05 Mid-Cycle Amended Budget. Some items are not forecast because they are not expected to be significantly affected by the Broadway West Grand Mixed-Use Project (e.g., transient occupancy tax, licenses and permits).

PROPERTY TAX

For this estimate, it is assumed that new residential units achieve an average sales price of $400,000 each. New commercial space is estimated to achieve an average $1.75 per square foot lease rate and is capitalized at an 8 percent cap rate. Rehabilitated commercial space is expected to achieve a slightly lower average lease rate of $1.25 per square foot with a 10 percent cap rate. Annual property tax is one percent of assessed value; since the project is within a redevelopment area, 20 percent of the property tax collected is allocated to a pass-through, of which the City receives 34.8 percent. The annual property tax forecast at Project buildout is illustrated in **Tables A-7, B-7, C-7** and **D-7.**

TRANSFER TAX

The City will receive property transfer tax for any units that are sold. The City receives $1.50 for every $100 of value transferred. The City will receive transfer tax revenue for the initial sale of all the residential and commercial units. Furthermore, EPS assumes

Table 5
General Fund 2004-05 and Estimating Factors
Broadway-West Grand Mixed Use Project Fiscal Impact Analysis, EPS #14135

Item	Table Reference	2004-05 Mid-Cycle Amended	Percent Variable Costs (1)	Allocation Factor
Revenues				
State Take Back		$ (6,900,000)	-	- not estimated
Property Tax	Table B-7	75,440,000	-	34.8% of RDA pass-thru
Property Transfer Tax	Table B-4	47,010,000	-	$1.50 per $100 AV
Sales Tax	Table B-5	41,410,000	-	1.00% of taxable sales
Vehicle License Fee (VLF)		24,330,000	-	$4.86 per capita
VLF Property Tax Return				$55.27 per capita
Business License Tax		44,660,000		$223 per employee
Utility Users Tax	Table B-6	48,607,226	-	7.5% of Utility Bill
Transient Occupancy Tax		9,930,000	-	- not estimated
License and Permits		14,649,206	-	- not estimated
Fines & Penalties		27,535,200	-	$67 per capita
Interest Income		0	-	- not estimated
Service Charges		51,722,639	-	- not estimated
Grants & Subsidies		105,500		- not estimated
Miscellaneous		9,110,493		- not estimated
Subtotal Revenues		$387,610,264		
Interfund Transfers		6,900,000	-	- not estimated
Total Revenues		**$394,510,264**		
Expenditures				
General Government (2)		$ 20,162,964	25%	$12 per capita
Finance & Management		28,245,333	25%	$17 per capita
Police Services		156,462,424	-	no impact
Fire Services		89,628,254	-	no impact
Public Works		924,506	-	no impact
Parks & Recreation		11,277,121	50%	$14 no impact
Library Services		10,506,143	50%	$13 per capita
Cultural Arts & Marketing		7,064,482	-	no impact
Human Services		6,300,768	-	no impact
Community & Economic Development		20,620,134	-	no impact
Non-Departmental		52,754,119	-	no impact
Subtotal Expenditures		$403,946,248		
Capital Improvement Program		$20,000	-	no impact
Total Expenditures		**403,946,248**		
Total Net		$ (9,435,984)		

(1) Percentage of costs that increases with growth, as opposed to fixed costs.
(2) Includes Mayor, City Council, City Administrator, City Clerk, City Attorney, and City Auditor.

Source: City of Oakland FY 2004-2005 Midcycle Amended Budget Summary; Economic & Planning Systems, Inc.

that in any given year, an average of 12 percent of the residential units will be resold and an average of 2 percent of the commercial units will be resold. The annual property transfer tax forecast is illustrated in **Tables A-4, B-4, C-4** and **D-4.**

SALES TAX

The commercial development proposed for the Broadway West Grand Mixed Use Project will include from 40,000 to 65,000 square feet of commercial space, of which 50% is assumed to be sales-tax generating retail space. Project retail is assumed to achieve average sales of approximately $150 per square foot. The City receives a 1 percent sales tax on taxable retail items. Revenues from project retail sales are estimated in Tables **A-5, B-5, C-5** and **D-5.**

Furthermore, based on household income estimates and consumer spending patterns, it is expected that each new project household will spend on average approximately $27,200 annually on taxable retail items. EPS assumes that Oakland can expect to capture 65 percent of these purchases, with 35 percent "leaking" to neighboring jurisdictions. The City will receive sales tax revenue from these purchases, as illustrated in Tables **A-5, B-5, C-5** and **D-5.**

UTILITY USER TAX

Oakland's Utility User Tax is 7.5 percent of utility bills for cable, telephone, gas, and electric service (excluding water and garbage). Utility User Tax is charged of both residential and commercial development. Assumptions regarding typical monthly household utility bills and commercial utility bills are illustrated in Tables **A-6, B-6, C-6** and **D-6.**

FINES AND PENALTIES

The 2004-05 City budget indicates that the City will receive approximately $27.5 million, or roughly $67 per capita, in revenue from fines and fees. It is expected that the City will continue to collect fines and fees at this per capita rate (see **Table 3**). The annual fines and penalties forecast at Project buildout are estimated in **Tables A-1, B-1, C-1** and **D-1.**

MOTOR VEHICLE IN-LIEU FEE

The City of Oakland will receive an estimated $4.86 per capita in vehicle license fees (VLF) from the State. Recent changes in the distribution of the VLF have resulted in cities receiving additional property tax in lieu of approximately $55 per capita of VLF; this in-lieu amount is estimated based on the project's addition to city population.

Actual increases to the City's VLF – property tax exchange will depend on growth in City assessed value; implementation of these changes is still in the process of being defined.

GENERAL FUND EXPENDITURES

This section describes the methodology and assumptions used for the General Fund expenditure items. **Table 5** provides a summary of the City's current General Fund expenditures as estimated in the 2004-05 Mid-Cycle Amended Budget as well as impact estimating factors. A general description of the methods used for this analysis is provided for each item. Some items are not forecast because they are not expected to be affected by the Project (e.g., police, fire, and public works).

GENERAL GOVERNMENT

Currently, the City spends $20.2 million to provide general government services, including budgets for the offices of the Mayor, City Council, City Administrator, City Clerk, City Attorney, and City Auditor divisions. This analysis assumes that 25 percent of General Government costs are variable and may increase with the addition of new residents. The estimates for increased expenditures are provided for each alternative in **Tables A-1, B-1, C-1** and **D-1**.

FINANCE AND MANAGEMENT

Oakland spends $28 million to provide finance and management services. Similar to General Government spending, 25 percent of finance and management costs are assumed to be variable. The project, at buildout, is anticipated to increase the City's finance and management costs by approximately $17 per new resident (see **Tables A-1, B-1, C-1** and **D-1**).

PARKS AND RECREATION

The new project's residents are expected to affect the City's Parks and Recreation budget by increasing demand for recreational programs. Oakland's 2004-05 Budget allocates $11.3 million for Parks and Recreation. Assuming 50 percent of costs are variable, the new project would result in an estimated $14 per capita increase (see **Tables A-1, B-1, C-1** and **D-1**).

LIBRARY SERVICES

In 2004-05, Oakland's budget allocated $10.5 million for the City's public library system. Assuming 50 percent of library costs are variable, this corresponds to an approximate cost of $13 per resident. The new project residents would increase demand on the library system accordingly. See **Tables A-1, B-1, C-1** and **D-1** for estimates at project buildout.

OTHER REVENUES

TRANSFER TAX FROM INITIAL SALE

Oakland charges a property transfer tax of $1.50 per $100 value. The amount on **Table 1** represents the transfer tax collected from the initial sale of all new units. After the initial sale of the units, the calculation of ongoing transfer tax revenues from the resale of the units is illustrated in **Tables A-4, B-4, C-4** and **D-4**, and shown as an annual General Fund revenue item.

REDEVELOPMENT AGENCY REVENUE

Since the Project Area is within the City of Oakland's Central District Redevelopment Area, property tax goes to the City's Redevelopment Agency (RDA). Twenty-five percent of the property tax goes to the City's low-moderate income housing fund. Twenty percent of the property tax goes to tier one pass-throughs, which distribute revenues among eligible taxing entities. One of these entities is the City itself. Oakland's General Fund receives 34.8 percent of the tier one pass-through. The remaining 65.2 percent of the tier one pass-through revenue is distributed to other taxing agencies. The amount remaining after the low-moderate income housing fund and tier one pass-throughs goes to the RDA.

OTHER ECONOMIC EFFECTS

CONSTRUCTION VALUE AND CONSTRUCTION JOBS

Rehabilitation of historic buildings and construction of new residential, commercial, and parking structures will generate a construction value, calculated in **Tables A-8, B-8, C-8** and **D-8**. It is assumed that approximately half of the construction costs will be for labor. Based on an average yearly wage for construction workers in the Oakland area, the construction job-years created by the Project were estimated. These calculations are also illustrated in **Tables A-8, B-8, C-8** and **D-8**.

TOTAL NEW HOUSEHOLD EXPENDITURES

New project households are expected to spend approximately 74 percent of their household incomes on taxable and non-taxable goods and services, including housing, based on data collected by the U.S. Bureau of Labor Statistics Consumer Expenditure Survey. Non-taxable expenditures, such as groceries, housing, health care, education, and insurance, are estimated by multiplying a household's average annual income by 74 percent, and subtracting the household's estimated taxable expenditures. Although none of these non-taxable expenditures have a direct impact on the City's General Fund, expenditures within the City of Oakland will have indirect effects on the economy of the City and the region. Approximately 26 percent of household expenditures are taxable; annual sales tax revenue to the City's General Fund is estimated in **Tables A-5, B-5, C-5** and **D-5**.

IV. FINANCIAL ANALYSIS OF EXISTING BUILDING REUSE

This chapter describes the key assumptions and methodology utilized to estimate the financial feasibility of investment in the reuse of the seven existing buildings on the Project site identified as historic resources.[6] While the reuse of existing buildings will have a financial affect on the remainder of the Project, e.g., resulting in fewer new residential units and a reconfigured design, the analysis focuses only on the financial feasibility of the reuse of each existing building.

The analysis estimates the increase in value that could result from reuse of the seven historic buildings, and compares the increased value to the required additional costs to determine the extent, if any of financial shortfalls, or "gaps". The reuse alternatives and costs are based on estimates by Signature Properties, Inc., as revised by EPS after further review of the site and current market conditions. **Appendix E** documents the key assumptions and calculations in greater detail. **Appendix F** describes the basis for the reuse options, and provides additional information about the potential for integrating each building and its facade into the proposed project, impacts on the number of new residential units and parking spaces in the project, and other architectural design issues.

Commercial Reuse Summary

Table 6 shows the financial gap that results from the commercial reuse of each building as a result of the extraordinary seismic and rehabilitation costs required, relative to the potential added value. The potential shortfall ranges from $330,000 for Building 2 to $1.4 million for Building 4. The variation is largely related to the size of the buildings, which range from about 2,600 square feet to 11,000 square feet for Buildings 2 and 4, respectively. The financial gap represents the shortfall that would face the owner in deciding whether to retain the building as is (or sell it assuming its current use), or invest the additional funds required to reinforce, rehabilitate and lease the building at a slightly improved lease rate. In addition to the financial shortfall, conventional financing would be very difficult to obtain considering the potential financial gap. Investors and lenders would not undertake these projects due to the financial shortfalls.

Residential Reuse Summary

Residential reuse generally entails a greater shortfall relative to commercial reuse, with the exception of Building 5. **Table 7** depicts the implications of residential reuse of buildings determined to be suitable for residential uses. The shortfall ranges from $600,000 for Building 5, to $1.4 million for Buildings 1 and 2 (assuming combined redevelopment), to $2.3 million for Building 4. In addition to the extraordinary seismic and rehab costs required, the shortfalls are a function of building size, as well as the number of units and the efficiencies involved in reconstructing the existing building spaces.

[6] Rehabilitation would occur consistent with the Secretary of Interior's Standards for Rehabilitation. Strict adherence to these guidelines is required in order for the project to avoid significant impacts under CEQA.

Table 6
Summary of Commercial Reuse Analysis by Building
Broadway-West Grand Mixed Use Project Reuse Feasibility Analysis, EPS #14135

		Building						
		1	2	4	5	9	10	11
Item								
Sq.ft.		5,700	2,600	11,000	7,800	5,700	5,700	5,700
Commercial Reuse Value								
Lease Rate		$1.25	$1.25	$1.25	$1.00	$1.25	$1.25	$1.25
Annual Revenue		$15	$15	$15	$12	$15	$15	$15
Total Capitalized Value	(1)	$855,000	$390,000	$1,650,000	$936,000	$855,000	$855,000	$855,000
Existing Value								
Lease Rate		$1.00	$1.00	$1.00	$0.50	$1.00	$1.00	$1.00
Annual Revenue		$12	$12	$12	$6	$12	$12	$12
Total Capitalized Value	(1)	$684,000	$312,000	$1,320,000	$468,000	$684,000	$684,000	$684,000
Net Increase in Value		$171,000	$78,000	$330,000	$468,000	$171,000	$171,000	$171,000
Development Costs								
Seismic	$25	$142,500	$65,000	$275,000	$195,000	$142,500	$142,500	$142,500
Rehabilitation	$75	$427,500	$195,000	$825,000	$585,000	$427,500	$427,500	$427,500
Tenant Improvements	$30	$171,000	$78,000	$330,000	$234,000	$171,000	$171,000	$171,000
Soft Costs	20%	$148,200	$67,600	$286,000	$202,800	$148,200	$148,200	$148,200
Total Costs		$889,200	$405,600	$1,716,000	$1,216,800	$889,200	$889,200	$889,200
Net Gain or (Shortfall)		($718,200)	($327,600)	($1,386,000)	($748,800)	($718,200)	($718,200)	($718,200)

(1) Assumes cap rate 10%

Table 7
Summary of Residential Reuse Analysis by Building
Broadway-West Grand Mixed Use Project Reuse Feasibility Analysis, EPS #14135

Item		Building 1 & 2	Building 4	Building 5
Existing Building Sq.ft.		8,300	11,000	7,800
Units		6	5	4
Unit Size		950	1,250	1,500
Residential Reuse Value				
Price per sq.ft.		$380	$380	$380
Price per unit		$361,000	$475,000	$570,000
Total Value		$2,166,000	$2,375,000	$2,280,000
Existing Value				
Lease Rate		$1.00	$1.00	$0.50
Annual Revenue		$12	$12	$6
Total Capitalized Value	(1)	$996,000	$1,320,000	$468,000
Net Increase in Value		$1,170,000	$1,055,000	$1,812,000
Development Costs				
Seismic	$25	$207,500	$275,000	$195,000
Rehabilitation	$75	$622,500	$825,000	$585,000
Parking	$15,000	$90,000	$75,000	$60,000
Residential Construction	$150	$1,245,000	$1,650,000	$1,170,000
Soft Costs	20%	$433,000	$565,000	$402,000
Total Costs		$2,598,000	$3,390,000	$2,412,000
Net Gain or (Shortfall)		($1,428,000)	($2,335,000)	($600,000)

Following is a summary of general assumptions, followed by a description of key financial characteristics of each building.

DEVELOPMENT COSTS

The analysis includes development costs for the following items, for all buildings:

- Seismic retrofit costs of $25 per square foot;
- Rehabilitation costs of $75 per square foot to reconstruct the facades and restore the structures;
- "Soft costs" of an additional 20% to address design and engineering, contingency, finance, fees, etc.

The commercial reuse options also assume that an additional $30 per square foot will be necessary for interior tenant improvements.

The residential options assume a construction cost of $150 per square foot in addition to the seismic, rehabilitation and soft costs listed above. Offsite parking, assuming one space per unit, at a total cost equal to $15,000 per space; this cost is based on the capital cost equivalent of a monthly space rental at $90 per month.

VALUATION – REVENUES AND CAP RATES

Future lease revenues are estimated to range from $1.00 to $1.25 per square foot per month, for commercial uses of the rehabilitated buildings; these rates are relatively low due to several factors including lack of onsite parking, poor location and limited visibility in most cases, incompatibility with surrounding uses, and large, awkward spaces of the existing buildings.

Current commercial values depend on lease rates ranging from $0.50 to $1.00 based on current lease rates, or estimated values given building locations, conditions and potential use. Cap rates assume 10 percent, which is higher than the cap rate for new retail due to the more limited leasing potential of the existing space.

Residential values assume $380 per square foot for loft units in this location. These values are generally consistent with average values anticipated for the residential development proposed by Signature.

BUILDINGS #1 AND #2: 439 & 449 23RD STREET

Building#1, located at the corner of 23rd and Valley, currently houses three commercial tenants. The single-story structure is divided up and accommodates two retail tenants and an industrial/auto repair use. The structure is built of clay-tile brick and encompasses the entire 0.13 acre site.

Building #2, also located on 23rd Street, is adjacent to Building #1. It was originally designed as an auto-repair garage, but later altered to accommodate commercial office tenants with storage needs. The building currently is vacant and has a mezzanine, but it is uncertain whether this could be reused as leaseable space; the analysis assumes only one-story is rehabilitated and leased. The building encompasses the entire 0.06 acre site.

COMMERCIAL REUSE

The analysis assumes a continuation of office or retail uses; due to its limited visibility relative to other more trafficked areas, the site is not well-suited for retail and potential rents will be constrained. Lack of onsite parking is also a constraint. A lease rate of $1.25 is assumed.

RESIDENTIAL/LIVEWORK

To maximize the units in the project and provide adequate light and air, the two buildings would need to be combined to provide a total of 6 units averaging 950 square feet each. This results in a reduction in useable area relative to the current 8,300 square feet in the existing building footprint. Additional costs for offsite parking would be required.

BUILDING #4: 440-48 23RD STREET

This decorative red-brick building was originally designed and constructed as an auto repair garage. The large structure encompasses 0.26 acres at the corner of Valley and 23rd Street. The building currently functions as the automotive repair garage for one of the existing car dealerships.

COMMERCIAL REUSE

The analysis assumes 11,000 square feet of office or retail use at $1.25 per square foot rent. The site is not well-located for retail uses, and limited by lack of parking. Reuse as an auto repair garage is possible, however, it may be less attractive due to the lack of on-site parking and potential conflicts with adjacent new residential uses.

RESIDENTIAL/LIVEWORK

The analysis assumes that 5 residential units averaging 1,250 square feet each are constructed within the roof line of the existing building, significantly reducing the amount of residential floor area relative to the current building. Offsite parking would have to be provided at an additional cost.

BUILDING #5: 2366-98 VALLEY STREET

This two-story warehouse building is located at the corner of 24th Street and Valley Street. The entire structure is currently vacant and in a dilapidated state. The last tenant use was in the early 1990's as a print shop. The building footprint is 0.09 acres.

COMMERCIAL REUSE

This building could accommodate approximately 7,800 square feet of office or service uses such as the prior print shop. Due to its location on Valley Street and multi-story configuration, it is not well-suited for retail uses and is less competitive as an office location, and would probably obtain a lower lease rate relative to other buildings evaluated; the analysis assumes $1.00 per square feet lease rate.

RESIDENTIAL/LIVEWORK

The residential reuse assumes that a total of 4 units averaging 1,500 square feet each could be built within the existing footprint. Offsite parking would be required.

BUILDINGS #9, #10, #11: 2335, 2343, 2345 BROADWAY

All three buildings currently serve as the showroom and office for the Audi-Porsche dealership. The buildings are constructed of red brick; however, the façade along Broadway has been covered up by metal cladding. At this time, the condition of the façades beneath the cladding is unknown, including one designed by Julia Morgan from the 1920s. The building footprint of each of the three buildings is approximately 0.13 acres, and the storefronts are connected.

COMMERCIAL REUSE

Retail uses were evaluated as an option for these buildings which total approximately 17,100 square feet. The size and depth of the spaces limits the potential lease rates. The lack of onsite parking also constrains leasing opportunities. Rehabilitation of the facades would break up the currently unified and consistent façade, reducing the appeal as large showroom space. Lease rates of $1.25 per square foot are assumed.

RESIDENTIAL/LIVEWORK

Because of the single-story, ground floor location along Broadway, retail uses were determined to be the most viable use for helping to activate the street frontage. Residential uses would not achieve that objective, and were not considered as an option for the space as a part of this analysis.

Economic &
Planning Systems
Real Estate Economics
Regional Economics
Public Finance
Land Use Policy

APPENDIX F:

FEASIBILITY ANALYSIS FOR PRESERVATION OF THE SEVEN HISTORIC STRUCTURES ON THE PROJECT SITE

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Feasibility Analysis for Preservation of the Seven Historic Structures on the Project Site

INTRODUCTION & SCOPE

There are seven buildings on the project site identified as historic resources under CEQA. As part of the project design and approval process, each building was analyzed to determine the feasibility of incorporating it into the proposed project. Economic feasibility is not a criteria assessed in this analysis (see Chapter IV of this report); rather, this analysis focuses on other criteria for each building.

First each building is evaluated for reuse potential as it exists today based on the following criteria:

1) Condition
2) Architecture
3) Location

Second reuse options are explored for each building following rehabilitation and incorporation into the project. The reuse options assessed for each building are:

1) Residential/Livework
2) Retail
3) Office
4) Light Industrial

Third, each building façade is assessed for incorporation into the overall project design. This analysis has non-CEQA implications and therefore relates only to design issues/preferences. The applicable criteria are:

1) Functionality
2) Architectural Compatibility

Finally, the overall project was analyzed to determine the impact of incorporating each building or its façade into the overall design. The project impacts analyzed are:

1) Residential Units
2) Parking
3) Architecture (whole building preserved)
4) Architecture (façade only)

Parcel A

Building #1 at 449 23rd Street:

Existing Building Assessment

- Condition: The building was built in 1924 as a service garage. It is a single story building of approximately 5,700 square feet and constructed of decorative clay-tile brick, multi-paned transom windows, and large plate glass industrial windows. It has been visibly altered with new storefront windows, commercial vehicle doors, and filled in doorways. Its current condition is fair. It is made of unreinforced masonry and would require a structural upgrade prior to incorporation into the proposed project. The exterior clay brick façade would need to be reconditioned and existing windows and doors replaced. The building requires work on the roof, electrical, plumbing, heating and cooling systems. Also, modifications to the existing tenant improvements are likely in order to reuse the space.

- Architecture: The building was designed as an auto repair facility. The roll up doors and window configurations reflect the utilitarian design. There are no unique or exceptional features to the building.

- Location: The building is located at the corner of 23rd Street and Valley Street. This portion of the site is an important element of the overall architectural design of the project, so proper scale and size of building at this location are necessary to complete the project's architectural concept.

Reuse options:

- Residential/Livework: A residential use for this building is challenged by unit density and parking. The size of the building makes a stand alone residential use improbable. To provide adequate light and air, the most viable scenario would be to combine the building with 439 23rd Street. If the buildings were combined a total of 6 units averaging 950 square feet could be built. These units would not have onsite parking.

- Retail: The corner of 23rd and Valley is not an ideal location for retail. It would be surrounded and buried by the proposed project. It would have to compete with the better-located retail on Broadway and West Grand. There is no onsite parking available and retail customers would park in adjacent parking garages or on the street.

- Office: An office use for the building is a challenge. Significant tenant improvements are required for office re-use and there is no onsite parking. The size of the building limits the number of tenants who would consider this location. There is no onsite parking available for tenants. This office space would compete with space in downtown Oakland.

- Light Industrial: The existing auto repair use is the most feasible use for the building, however, the proximity of the new residential project will limit the number of tenants willing to operate an auto repair facility in this location. The building also has limited onsite

parking, therefore cars waiting for repairs or pick-up would be parked on the street. The overflow of cars and the noise and odors from the auto repair use increase the potential for nuisance complaints from the neighbors in the residential project. An auto repair tenant is more likely to locate in a more visible and accessible location away from a residential neighborhood similar to other auto repair facilities along Broadway and adjacent garage district.

Façade Incorporation

- Functionality: The garage is immediately behind the building façade at this location. This creates a design challenge as the project needs to interact with the street at ground level. The garage must be screened in a way that does not create a sterile street frontage. The original design included the façade of this building. However upon further study it was removed because in order to meet the screening requirements for the garage, the façade required significant alteration. Additional windows would need to be added and doors removed or modified. Even with the modifications the existing building façade did not accomplish the desired ground floor design goals.

  There were additional design challenges with incorporating this façade into the project. The facade parapet wall is not the same height along the entire façade and therefore conflicted with the project floor plates of 10 feet. The height variation in the façade makes proper attachment to the floor plates difficult. This would require the project elevation on Valley and 23rd Street to be set back so that the third story residential windows function properly.

- Architectural Compatibility: The utilitarian style of architecture is incompatible with the needs of the project at this location. The architecture reflects the auto repair use and is designed to serve that function. Also, the architecture does not make a good base form for the project. The project takes on a modern character in this corner location that was significantly improved when the façade was removed from the project.

Impact to Project

- Residential Units: Incorporating the building into the project the impact would cause a loss of 16 residential units.

- Parking: Incorporating the building into the project would cause loss of 30 spaces (10 retail, 20 residential)

- Architecture (whole building preserved): The building style is incompatible with the proposed project architecture. It is a single story auto repair facility, and the architecture reflects this use. In addition, retaining the building results in a single story element on the corner of 23rd and Valley. Without a proper corner element the project design is incomplete. The corner should be of comparable size and scale to the rest of the project.

- Architecture (Façade): The façade of this building was originally included in the design of the project, however upon further study and public comment it was removed. See discussion above under "Façade Incorporation" regarding the incompatibility issues for this building.

Conclusion

If the entire building at 449 23rd Street were included in the project the result is a loss of residential units and parking; limited options for reuse exist because of the significant rehabilitation requirements; and the architectural design would suffer without a properly scaled element on this corner. Therefore including the entire building in the project is not feasible.

If the façade were incorporated into the project the architecture and unit plans require modification; the project architecture would not function as well; and significant modifications to the 449 23rd Street façade are required which would compromise the quality of the project design. The incorporation of the façade is not feasible.

Building #2 at 439 23rd Street

Existing Building Assessment

- Condition: The building was originally designed as an auto repair garage, but later altered to accommodate office tenants. It is a narrow one-story structure space with a mezzanine. The building is made of unreinforced masonry. Some structural upgrades have been made however additional upgrades would be required regardless of the proposed use. Alterations have been made to the storefront windows and commercial vehicle door. Its current condition is good. Modifications to the existing building and tenant improvements would likely need to be made in order to reuse the space.

- Architecture: The building was designed as an auto repair facility. It has a 20-foot high façade made of red brick. It is an architectural example of a utilitarian garage. The 23rd Street frontage is only 25 feet wide and dominated by a roll up doors.

- Location: The building is located on 23rd street next to 441-449 23rd Street. The location in the middle of 23rd Street presents a challenge for reuse of the building.

Reuse options:

- Residential/Livework: The challenges with residential use for this building are unit density and parking. Because of its footprint the building could not stand alone as a residential use. To maximize the units and provide adequate light and air, the most viable scenario would be to combine it with Building #1 at 449 23rd Street. If the buildings were combined a total of 6 units averaging 950 square feet could be built. These units would not have onsite parking.

- Retail: This is not an ideal location for retail. It would be surrounded and buried by the proposed project. It would have to compete with the better-located retail on Broadway and West Grand. There is no onsite parking available and retail customers would park in adjacent parking garages or on the street

- Office: The building was recently used as a small office; and upon complete structural and architectural rehabilitation, this would be the most likely use. However, the challenges that would remain include no onsite parking and the awkward size which limits the number of potential tenants for this location. There is currently little demand for this type of office space in Oakland as evidenced by the amount of vacant office space that exists today.

- Light Industrial: The building was originally designed as an auto repair facility, however it has undergone significant alterations since its auto use; therefore, an auto repair facility would be difficult to locate in this building. In addition, the proximity of the new residential project will limit the number of tenants willing to operate an auto repair facility in this location. The buildings also have limited onsite parking, therefore cars waiting for repairs or pick-up would be parked on the street. The overflow of cars and the noise and odors from the auto repair use increase the potential for nuisance complaints from the neighbors in the residential project. An auto repair tenant is more likely to locate in a more visible and accessible location away from a residential neighborhood, in a manner similar to auto repair facilities along Broadway and the adjacent garage district.

Façade Incorporation

- Functionality: The project includes retail and residential parking where the building is located. The architecture in front of the parking garage is very important because the design must minimize the visibility of the garage frontage. This building façade does not accomplish this urban design goal as well as a newly designed garage frontage.

- Architectural Compatibility: Incorporating the façade of 439 23rd street into the proposed project led to several design challenges. The building is only 25 feet wide and approximately 20 feet tall. The project façade along 23rd Street breaks down into 4 large building forms. The massing of each form is intended to create a scale that works well with the narrow street. The façade of 439 23rd Street is not the proper scale of the project building forms and it would create an unnecessary pause at the base of the project. If incorporated, the facade would detract from the quality of the project design because of its utilitarian design.

Impact to project

- Residential Units: Incorporating the building into the project the impact would cause a loss of 8 residential units.

- Parking: Incorporating the building into the project would cause a loss of 18 spaces (7 retail, 11 residential)

- Architecture (whole building preserved): The building is a single story building designed as an auto repair facility. It is narrow and utilitarian and if left in place, there would be an odd gap in the project. The building's small size and style are incompatible with the project architecture.

- Architecture (façade only): If the façade only were incorporated, its small scale would create an unnecessary pause or transition in the overall architecture. The top of the façade parapet wall is higher than the project second story requiring modifications to the units in this location if this façade were to be incorporated.

Conclusion

It is infeasible to reuse building #2 in the proposed project. A stand-alone structure would clash with the proposed project and result in loss of residential units and parking. The best use for the building would be office, which would likely sit vacant in current market conditions.

In addition the reuse of the façade was considered infeasible because it was incompatible with the project. The height and massing does not work as a base building form. Incorporation of the façade would cause an unnecessary break in the flow of the project design.

Parcel B

Building #4 at 440-48 23rd Street

Existing Building Assessment

- Condition: The single story brick façade is in fair condition, however the original windows have been removed and replaced with painted plywood. It is made of unreinforced masonry and would require a structural upgrade prior to incorporation into the proposed project. The brick façade requires reconditioning and existing windows and doors must be replaced. The building requires work on the roof, electrical, plumbing, heating and cooling systems and there would be modifications to the existing tenant improvements prior to reuse.

- Architecture: The decorative red brick building was originally designed and constructed as an auto repair garage in 1919 and is still used for that purpose today. The elaborate façade has arched windows, ruffled brick, and terracotta ornaments.

- Location: The building is located at the corner of 23rd and Valley opposite Building #1 at 449 23rd Street. This portion of the site is an important element of the overall architectural design, proper scale and size of the project's corner are necessary to complete the architectural concept.

Reuse options:

- Residential/Livework: Conversion into residential use is a viable option and is included as part of the proposed project. The program for residential units in the proposed project includes retention of the façades and construction of new units within and above the footprint of the existing building. If the building was rehabilitated with no new construction above the existing roofline the challenge would be unit density and parking. The residential use would be limited to 5 units that average 1250 square feet and would not have onsite parking.

- Retail: Currently this building is not used as retail space. At over 11,000 square feet, a retail re-use would be fairly significant but very challenging. The corner of 23rd Street and Valley is not an ideal location for retail as it would be surrounded and buried by the proposed project. It would also compete with the retail on Broadway and West Grand. There is no onsite parking available and retail customers would park in adjacent parking garages or on the street.

- Office: An office use for the building faces many challenges. Significant tenant improvements are required for office re-use and there is no onsite parking. The size of the building also limits the number of tenants who would consider this location, especially in light of the abundant vacant office space that exists today in the downtown Oakland area.

- Light Industrial: The existing auto repair use is the most feasible use for the building, however the proximity of the new residential project will limit the number of tenants willing to operate an auto repair facility in this location. The building also has limited onsite parking, therefore cars waiting for repairs or pick-up would be parked on the street. The overflow of cars and the noise and odors from the auto repair use increase the potential for nuisance complaints from the neighbors in the residential project. An auto repair tenant is more likely to locate in a more visible and accessible location away from a residential neighborhood similar to auto repair facilities along Broadway and the adjacent garage district.

Façade Incorporation

- Functionality: The building façade of 440-448 23rd Street is included in the project design along both 23rd Street and Valley Street. The 23rd Street façade runs approximately 100 feet and the Valley Street façade runs approximately 110 feet. The single story brick façade has fourteen large windows that incorporate well into the ground floor plan for Parcel B of the proposed project. The windows along 23rd Street will become the front windows and entries of two ground floor units. The main entry of the building becomes the 23rd street lobby entrance for the project. The windows along the Valley Street become wrought iron gates. The new building is set 5 feet behind the Valley Street façade creating a small patio in front of the three residential units on the ground floor. This space will be the main street entrance thus creating an opportunity for activation between the ground floor units and the public sidewalk.

- Compatibility: The project elevation above 440-448 23rd Street appropriately contrasts the historic façade to compliment it without overwhelming it. The design is an attractive, integral part of the project.

Impact to project

- Residential Units: Incorporating the building into the project would cause a loss of 20 residential units.

- Parking: Incorporating the building into the project would cause a loss of 46 spaces

- Architecture (whole building preserved): Leaving the single story building in place results in a single story element on the corner of 23rd and Valley. The 11,000 square foot building would leave a significant gap in the project. This gap would jeopardize the integrity of the project design. The corner should be of comparable size and scale to the rest of the project. In addition the garage, open space and building configuration would be adversely affected with this large piece of the project excluded.

- Architecture (façade only): The façade is a part of the proposed project.

Conclusion

Including the entire building at 440-448 23rd Street in the project would result in a loss of residential units and parking. In addition, the architectural design would suffer without a properly scaled element on this corner. Thus, preserving the entire building is infeasible.

Incorporating the building façade creates an attractive, appropriately scaled project elevation

Building #5 at 2366-98 Valley Street

Existing Building Assessment

- Condition: The two-story concrete structure is currently unoccupied. The exterior concrete facade is deteriorating and exposes steel rebar in places. The façade must be assessed and repaired prior to any reuse of the building. In addition, depending on the use, the interior columns and foundation will need to be structurally upgraded. The building requires work on the roof, electrical, plumbing, heating and cooling systems. The ground floor windows and doors have been altered or removed and would need replacement. Modifications to the existing interior improvements are likely in order to reuse the space.

- Architecture: The two-story building was designed as a warehouse. The façade is concrete with art deco detailing. The ground floor windows have been altered, however the second and third floor windows are unaltered. The building does not fit with the architectural style of the project in this location.

- Location: The building is located at the corner of Valley and 24th Streets. Proper scale and size at the project corners are necessary to achieve the architectural concept for the project.

Reuse options:

- Residential/Livework: The building can be converted to residential use, however this option poses some challenges. The building is fairly small in size and was originally designed as a warehouse, therefore, a residential use would require significant interior and exterior modifications. Windows and doors would need to be added, a roof deck would need to be provided and offsite parking would need to be secured. The small size/footprint of the building limits the number of possible units in a residential option; and in order to provide adequate light and air, there would be a maximum number of four units.

- Retail: Most recently the ground floor of the building was a print shop, however the building is currently unoccupied. The location of this building at the corner of 24th and Valley Streets is not an ideal retail location. It would be surrounded and buried by the proposed project and it would compete with the better-located retail on Broadway and West Grand. There is also no onsite parking for retail customers, thus making it less desirable space.

- Office: An office use for the building faces many challenges. Significant tenant improvements would need to be made to use the building as an office, and there is no onsite parking. The size of the building limits the number of tenants who would consider this location, as evidenced by the abundance of vacant office space that exists in downtown Oakland.

- Light Industrial: The original warehouse design of this building is no longer viable for a variety of reasons, but primarily due to the proximity of the new residential project. Other light industrial uses would be limited by the design, location, and surrounding uses.

Façade Incorporation

- Functionality: Incorporating the façade of this building into the proposed project poses several design challenges. The façade of the building does not line up with the plate lines of the surrounding proposed project. Specifically, the roofline would run through the window line of the residential units on the third floor; and the window and door locations would not match the ground floor unit requirements. The project could be offset from the façade, however the height of the façade and its small street frontage would create an awkward transition back to the project.

- Architectural Compatibility: The small footprint and art deco design of the building do not incorporate well into the larger scaled surrounding buildings. The proposed project includes glass and stucco dominating this portion of the elevation. The art deco façade would take the building form in a different direction and would detract from the integrity of the project design. Also, the warehouse/office character of this building would clash with the residential function/character of the proposed project design.

Impact to project

- Residential Units: Incorporating the building into the project would cause a loss of 5 residential units.

- Parking: Incorporating the building into the project would cause no impact to the parking count on the project.

- Architecture (whole building preserved): The building footprint covers approximately 4,000 square feet. The small footprint of the building does not fit the scale of the architectural massing desired at this corner. The roofline cuts through the third floor of the project creating a gap in the project and requiring a redesign of the project. The architecture is not compatible with the project design requiring a redesign of the Valley and 24th elevation.

- Architecture (Façade): The façade would not line up with the plate lines of the proposed project. Also, the roofline would run through the window line of the residential units on the third floor. The window and door locations do not match the ground floor unit requirements. The project could be offset from the façade, however the height of the façade and its small street frontage would create an awkward transition back to the project. The façade does not easily conform to the residential concept for the project, which was an important consideration for the Valley Street elevation of Parcel B. The design concept is intended to promote the interaction between the project and the surrounding neighborhood. If the building façade is incorporated into the project design it will create a gap in this ground floor experience.

Conclusion

Including the entire 2366-2398 Valley Street building in the project is not feasible because it would result in a loss of residential units and a redesign of the project architecture.

Including the façade of 2366-2398 Valley Street in the project is not feasible because it would require the architecture and unit design to be significantly modified. In addition, the residential design intent for the Valley and 24th Street elevation would need to be changed, thereby jeopardizing the project's design integrity.

Building #9 at 2335 Broadway

Existing Building Assessment

- Condition: This building, along with Buildings #10 and #11, currently serves as an automobile showroom and office for the Porche-Audi car dealership on Broadway. The building was designed by famed architect Julia Morgan in 1920 as an auto parts store. In 1964, the Dinsmore Brothers Auto Accessories building (as it was then known) was significantly remodeled when it was combined with Buildings #10 and #11 to create a large auto dealership. This remodel included installation of metal panels on the façades and the

complete removal of the storefronts at the ground-level. Based on preliminary investigation, it appears that the metal panels were installed over the existing façade.

If preservation is pursued, the building would require significant efforts to rehabilitate the original façade designed by Julia Morgan and reconstruct the interior portion. The exterior façade would require re-conditioning of the bricks as well as replacement of the transom windows and other details. The building also requires work on the roof, electrical, plumbing, heating and cooling systems as well as modifications to the existing tenant improvements.

- Architecture: This building was originally designed as an auto parts store in 1920. Façade details in the upper portion included transom windows, small columns and terra cotta details. Preservation of the façade only and its incorporation into the overall design is feasible. It would add nicely into the retail portion of the proposed project and it is the developer's intent to retain Julia Morgan's original design.

- Location: This building's prominent location along Broadway Avenue actually limits its re-use potential. As discussed below, neighborhood-serving retail is the only viable option from a marketing perspective as well as from the viewpoint of the City which desires to activate Broadway Avenue along downtown.

Re-Use Options

- Residential/Livework: Conversion into residential use is not feasible given this building's location and single-story nature. The City of Oakland prefers that neighborhood serving commercial uses be located on the ground-floor level of Broadway in order to activate one of its main commercial corridors. Also, there is little or no demand for ground floor housing along Broadway.

- Retail: Neighborhood serving retail is the most viable re-use for this building. However, given its awkward size, depth and configuration, it would not be possible to salvage all of the space to serve as neighborhood serving retail space. The challenges include its depth of 115 feet which is much deeper than the 35 feet required by most tenants; the lack of parking thus requiring retail customers to park on-street; and lack of amenities such as loading docks.

  The retail currently proposed by the developer (which involves preserving the façade only) achieves the correct balance between retail space and parking. The depth is approximately 35 feet, floor space is about 1,700 square feet and there is ample parking in the rear in addition to a loading dock. From a marketing perspective, this space with its on-site amenities would be much easier to lease and will ensure the revitalization to the downtown area.

- Office: The challenges related to office re-use are similar to those of reusing the building for retail purposes; specifically, potential office users would raise the issues relating to the awkward size, depth and lack of parking. From a marketing standpoint, this location is not ideal for office usage, as evidenced by the amount of vacant office space in superior

locations. Most businesses seeking to re-locate can find spaces with more light, parking and amenities within downtown Oakland.

- Light Industrial: Uses such as auto repair and other manufacturing activities are not feasible given the location along Broadway and the project surrounding the building. Cars would not be allowed to access the building to/from Broadway given its proximity to 24th Street and break-up of the pedestrian walkway. Potential tenants would also raise issues relating to lack of on-site parking. Industrial uses would also create a conflict to the residential uses surrounding the building; specifically, neighbors would eventually complain about the odors and noises generated by these activities.

Façade Incorporation

- Functionality: In order to maximize the functionality of this preserved façade, one of the residential lobbies has been relocated along Broadway. This entry now becomes one of the showcase items of the overall project.

- Architectural Compatibility: Given the historical significance of this building and the attractive original design, the developer is proposing to incorporate the façade into the overall project design. The inclusion involves rehabilitating what is left of the original façade, reconstruction of what no longer exists, and making it the lobby entrance to the residential portion of the project. Also, in order to highlight and showcase this historical portion of the Broadway frontage, a modern design has been programmed around and above this façade.

Impact to Project

- Residential Units: Incorporating the building into the project would cause a loss of 15 units.

- Parking: Incorporating the building into the project would cause a loss of 22 spaces (11 retail, 11 residential)

- Architecture (whole building preserved): Leaving the single story building in place results in a single story element along Broadway. The small frontage of the building would leave a significant gap in the project and thus result in a sense of incompleteness on Broadway compromising the integrity of the project design. Also, the depth of this building would significantly affect the garage, open space and building configuration. Thus, preservation of the entire building is not feasible.

- Architecture (façade only): The architecture designed by Julia Morgan is attractive and compatible with the surrounding overall design. The original design is suitable for a residential lobby entrance at the ground level and has been incorporated as such.

Conclusion

Preservation of the entire building is deemed not feasible. The project proposal for placing retail/parking at this location is the optimal use. This involves constructing new retail spaces with proper depths (approx. 35 feet) along Broadway, new parking areas behind the retail frontage and residential units above. Preserving the entire building would result in inefficient layout for the parking areas, less open space for the residents (on the podium level) and an improper balance of retail space and retail parking.

Preservation of the façade only is determined to be a very viable alternative both functionally and architecturally. The project benefits from a historical showcase piece along the prominent Broadway corridor as well as a unique entrance for residents and guests of the condominiums.

Building #10 at 2343 Broadway & Building #11 at 2345 Broadway

Given the similar size, design and location of these two buildings, this section of the re-use analysis applies to both buildings located along Broadway. The analysis is also similar to Building #9 above, with the exception of the inappropriateness of incorporating the façade into the design of the overall project.

Existing Building Assessment

- Condition: Buildings #10 and #11, along with Building #9, currently serve as an automobile showroom and office for the Porche-Audi car dealership on Broadway. They were both designed and constructed as auto-show rooms in the early-1920s. Architect Schirmer-Bugbee Company designed Building #10 and Reed and Corlett was the architect for Building #11. In 1964, both buildings were significantly remodeled when they were combined with Building #9 to create a large auto dealership. This remodel included installation of metal panels on the façades and the complete removal of the storefronts at the ground level. Preliminary investigation shows that the new metal parapet wall is attached directly onto the original facades.

  If preservation is pursued, each building would require significant efforts to rehabilitate the original façades and reconstruct the interior portion. The exterior façade would require re-conditioning of the bricks as well as replacement of the transom windows and other details. The building also requires work on the roof, electrical, plumbing, heating and cooling systems as well as modifications to the existing tenant improvements.

- Architecture: Both buildings were designed as auto showrooms in the early 1920s.

- Location: The location of these two buildings on Broadway Avenue significantly limits their re-use potential. As discussed below, neighborhood-serving retail is the only viable option from a marketing perspective as well as from the viewpoint of the City, which desires to activate Broadway in the downtown.

Re-Use Options

- Residential/Livework: Conversion to residential use is not feasible given the buildings' location and single-story nature. The City of Oakland prefers that neighborhood serving commercial uses be located on the ground-floor level of Broadway in order to activate one of its main commercial corridors. Also, there is little or no demand for ground-floor housing along Broadway.

- Retail: Neighborhood serving retail is the most viable re-use for these buildings. However, given the awkward size, depth and configuration of these buildings, it would not be possible to salvage all of the space to serve as neighborhood serving commercial uses. The challenges include the depth of 115 feet which is much deeper than the 35 feet required by most tenants; the lack of parking thus requiring retail customers to park on-street; and lack of amenities, such as loading docks.

  The proposed commercial space achieves the correct balance between retail space and parking. The depth for each building is approximately 35 feet, floor space is about 1,700 square feet and there is ample parking in the rear in addition to a loading dock. From a marketing perspective, such space with on-site amenities would be much easier to lease and will ensure the revitalization to the downtown area.

- Office: The challenges related to office re-use are similar to those of reusing the building for retail purposes; specifically, potential office users would raise the issues relating to the awkward size, depth and lack of parking. From a marketing standpoint, this location is not ideal for office use, as evidenced by the amount of vacant office space in superior locations. Most businesses seeking to re-locate can find spaces with more light, parking and amenities within downtown Oakland.

- Light Industrial: Uses such as auto repair and other manufacturing activities are not feasible for either building, given the Broadway location and the project surrounding the buildings. Cars would not be allowed to access the buildings to/from Broadway given their proximity to 24th Street and break-up of the pedestrian walkway on Broadway. Potential tenants would also raise issues relating to lack of on-site parking. Industrial uses also create a conflict to the residential uses surrounding the buildings; specifically, neighbors would complain about the odors and noises generated by these activities.

Façade Incorporation

- Functionality: The buildings sit on the retail portion of the overall proposed project along Broadway. There would be conflicts in terms of retaining these facades and the programming of the new retail spaces behind them.

- Architectural Compatibility: The style of either building would not blend in well with the overall project architecture along Broadway. Incorporating these facades would make for a lackluster project frontage along Broadway as well as detract from the Julia Morgan façade next door, which is proposed for preservation within the context of a modern design.

Impact to Project

- Residential Units: Incorporating the two buildings into the project would cause a loss of 30 units (15 each).

- Parking: Incorporating the two buildings into the project would cause a loss of 44 spaces (11 retail each building & 11 residential each building)

- Architecture (whole building preserved): Retaining either of the single story buildings would result in an inappropriate single story element along Broadway. The small frontage of the buildings would leave a significant gap in the project and thus result in a sense of incompleteness on Broadway. This is especially true in light of the 7-story buildings that would surround them. Also, the depth of the buildings would significantly affect the garage, open space and project configuration. Thus, preservation of the buildings is not feasible.

- Architecture (façade only): Preserving these facades would detract from the Julia Morgan façade which is proposed for preservation next door.

Conclusion

Preservation of the entire buildings has been deemed not feasible. The developer's proposal for placing retail/parking at the location of these two buildings is the most feasible plan. This involves new retail spaces with proper depths (approx. 35 feet) along Broadway, new parking areas behind the retail frontage and residential units above. Preserving the buildings would result in inefficient layout for the parking areas, less open space for the residents (on the podium level) and the improper balance of retail space and retail parking, therefore it is not feasible.

As discussed above, preservation of the façades only is not feasible from an architectural and functional perspective. The project would not benefit from saving these facades along Broadway.