DESIGN REVIEW COMMITTEE STAFF REPORT

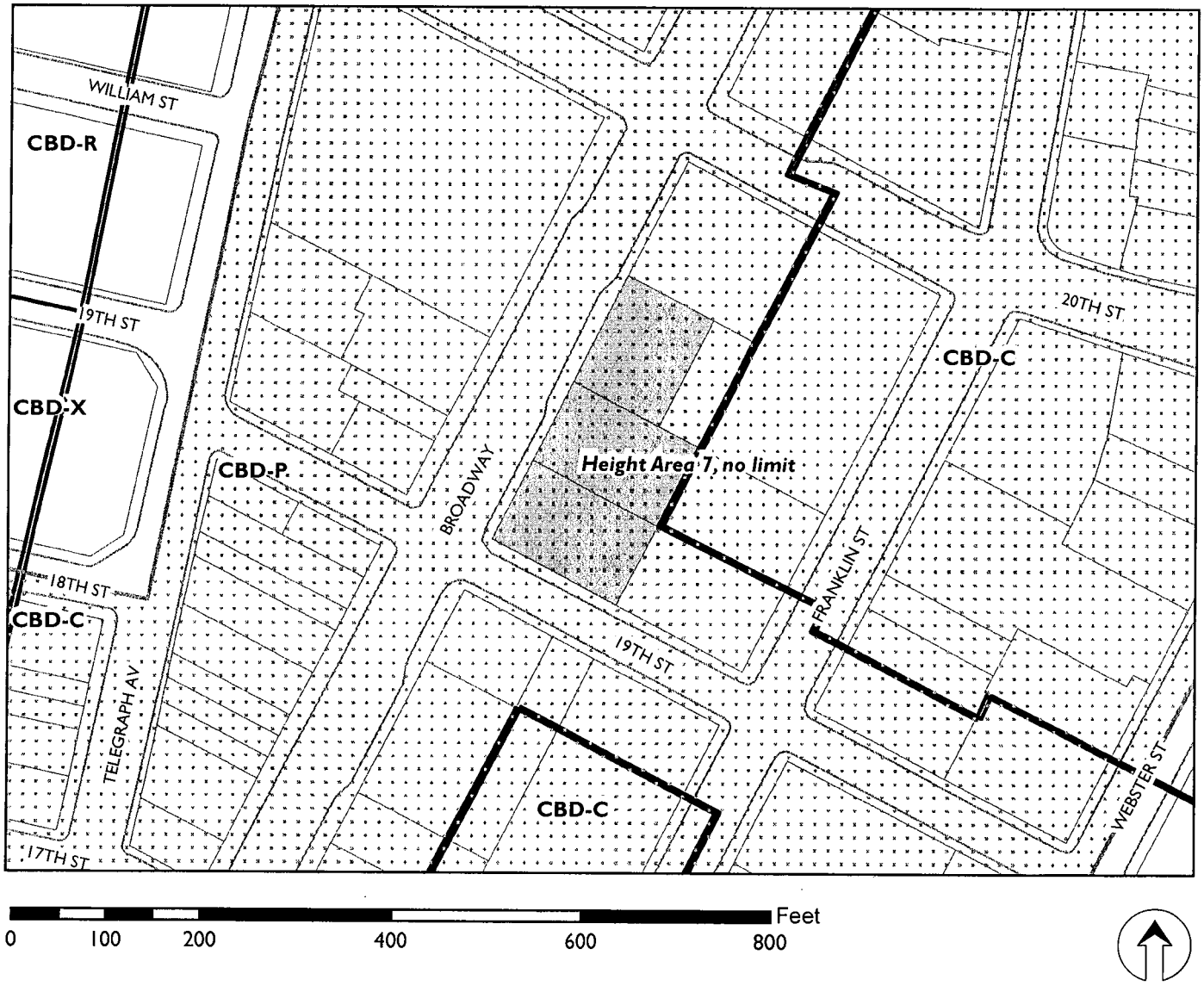
Case File Number PLN15179-R02 **August 8, 2018**

Location:	1900-1944 Broadway (APNs: 008-0638-005-00; 008-0638-006-03; 008-0638-007-10). **(See map on reverse)**
Proposal:	Final design review of a planned 38-story building (plus rooftop amenities) with 452 residential units and approximately 96,300 square feet of office and retail space. The project also includes reconditioning an existing four-story, historically-rated (Cb+1+) building and demolishing a one-story commercial building that has no historic rating.
Applicant/Owner:	Seth Hamalian, 19th and Bway Associates, LLC
Planning Permits Required:	NA. Project approved at the June 20, 2018, Planning Commission meeting. Final design review in response to Planning Commission direction.
General Plan:	Central Business District
Zoning:	CBD-P Central Business District Pedestrian Retail Commercial Zone and CBD-C Central Business District General Commercial Zone. Height Area 7 (no height limit).
Environmental Determination:	Exempt, State CEQA Guidelines Sections 15332 – In-fill projects and 15183 - Projects consistent with a community plan, general plan, or zoning.
Historic Status:	Existing building at the corner of 19th Street and Broadway is rated Cb+1+ and the site is within the Uptown Commercial Area of Primary Importance. This building will be refurbished as part of this project.
City Council District:	3
Status:	Previously approved
Action to be Taken:	Review proposed changes to project and direct staff
For Further Information:	Contact case planner **Neil Gray** at **510-238-3878** or ngray@oaklandnet.com

SUMMARY

The proposed project is the final design review related to a revision to a planned high-rise at 1900-1944 Broadway. The project, as revised, was approved by the Planning Commission on June 20, 2018. The revisions increased the height of the building from 379'-6" to 394'-6" and the number of units proposed from 433 to 452. The increased height was a result of taller floors, and the increased number of units maximized those allowed in Height Area 7 in the Central Business District. At that meeting, the Planning Commission requested the applicant return to the Design Review Committee to respond to Planning Commissioner comments. This item is a response to that direction.

CITY OF OAKLAND PLANNING COMMISSION



Case File:	PLN15179-R02
Applicant:	Seth Hamalian, 19th and Bway Associates, LLC
Address:	1900-1944 Broadway
Zone:	CBD-P
Height Area:	7 (no height limit)

BACKGROUND AND PROPOSAL

This project was originally approved at the August 5, 2015 City Planning Commission meeting. The approval included the construction of a new 33-story tower with 345 residential units, approximately 10,000 square feet of commercial space, and the reconditioning an existing four story, highly rated historic structure, known as the Tapscott Building (rated Cb+1+ and considered a contributor to the Uptown Historic District by the Office of Cultural Heritage Survey).

Staff administratively approved a revision to the proposal on March 25, 2016 that increased the height of the building, increasing the number of units and commercial space. Other than the additional height, the revision did not include any substantial changes to the exterior of the tower and included the same renovation of the Tapscott Building. The revision was approved administratively after noticing the neighborhood and the completion of a detailed environmental analysis.

On February 6, 2018, the applicant submitted another set of revised plans that generally consisted of increased height, a fewer number of units, reducing parking, placing parking underground, and using the newly available floor area to provide additional office and retail space. This change was brought to the Design Review Committee (DRC) on February 28, 2018 due to substantial changes to the façade of the building. The DRC voted 3-0 to recommend that staff approve the revision. In the motion, Commissioner Manus requested a reduction in the use of champaign colors and materials on the building and better distinguish the base of the building from the upper stories.

On May 21, 2018, the applicant submitted further revisions that were approved by the Planning Commission on June 20, 2018 (see Attachment B for the Staff Report, including a full description of the project). The revisions further increased the height of the building and the number of units proposed. The increased height was a result of taller floors, and the increased number of units maximized those allowed in Height Area 7 in the Central Business District. At that meeting, the Planning Commission requested the applicant return to the Design Review Committee to respond to Planning Commissioner comments, including improving the south elevation and better depicting the pocket park between the Tapscott Building and the new tower. At the meeting, the Oakland Heritage Alliance (OHA) stated that: the building appears bulky due to its relatively uniform exterior treatment; the balcony projections on the west elevation are too aggressive; and the angled floor plates and wall planes on the north and south elevations promote visual disorder. See Attachment C for written input from OHA.

KEY ISSUES AND IMPACTS

Attachment A contains the revised plans, which display new perspectives of the pocket park and a revised south elevation showing less prominent vertical accent panels on the windows. The latter change responds to the requests of the Planning Commission to refine the south elevation and reduce the amount of champagne color on the façade. The applicant did not respond to OHA's comments because they feel the projecting balconies serve to reduce the scale of the building, and did not believe angled floor plates had a negative effect on the design of the building.

Staff recommends approval of the proposed design because the applicant has responded to the comments made by the Planning Commission and the Design Review Committee. Staff further

believes the current balcony design is appropriate because it reduces the perceived bulk of the building.

RECOMMENDATION

Provide Direction to staff and the applicant regarding the design of the project.

Prepared by:

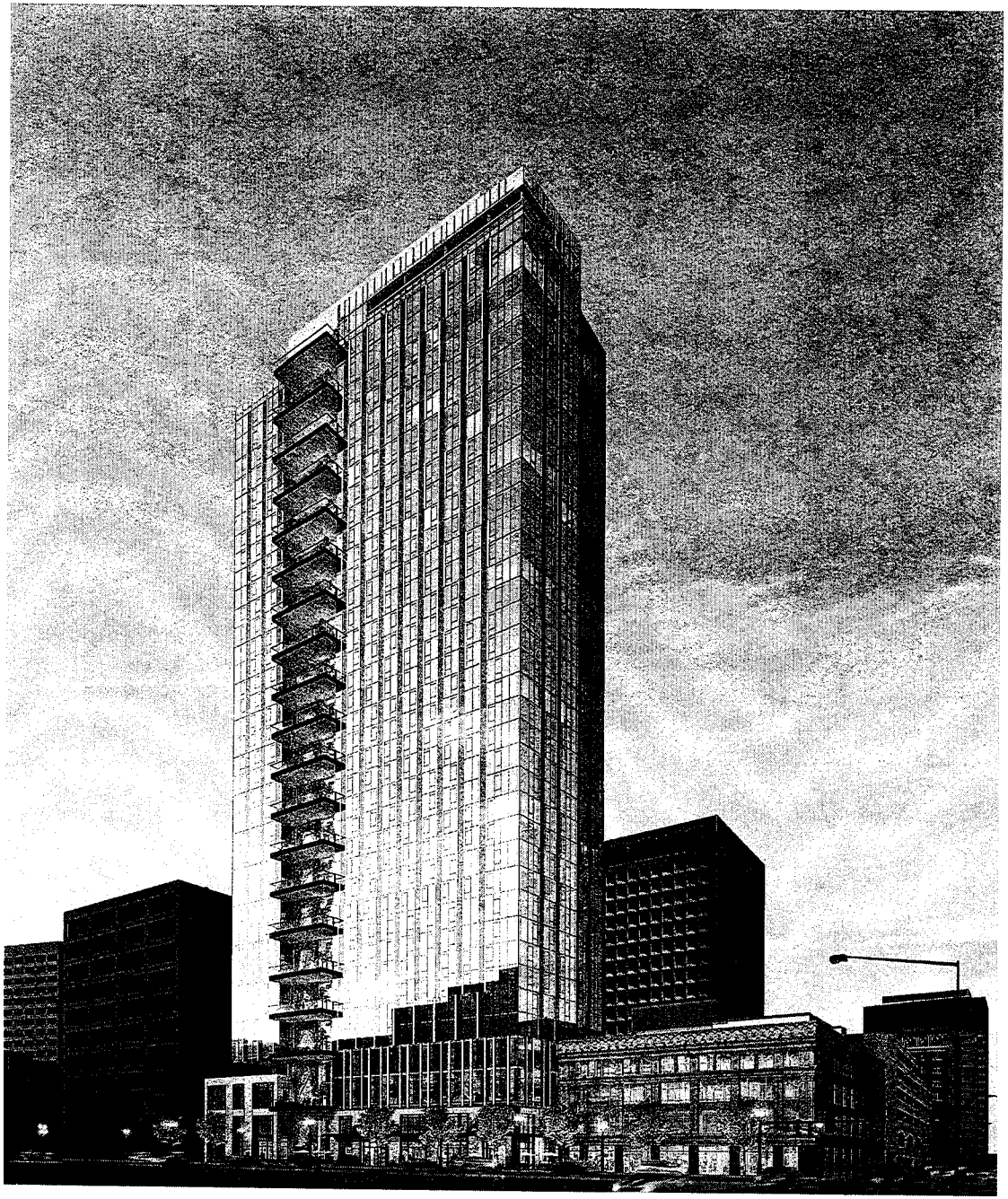
NEIL GRAY
Planner IV

Approved for forwarding to the Design Review Committee:

CATHERINE PAYNE
Acting Development Planning Manager

ATTACHMENTS:

A. Revised Project Plans
B. June 20, 2018 Planning Commission Staff Report



1900 Broadway

Oakland, CA

MIXED USE TOWER

DESIGN REVIEW COMMISSION
SUBMITTAL PACKAGE

2018.08.08

OWNER: 19TH & B'WAY ASSOCIATES, LLC
ARCHITECT: SOLOMON CORDWELL BUENZ

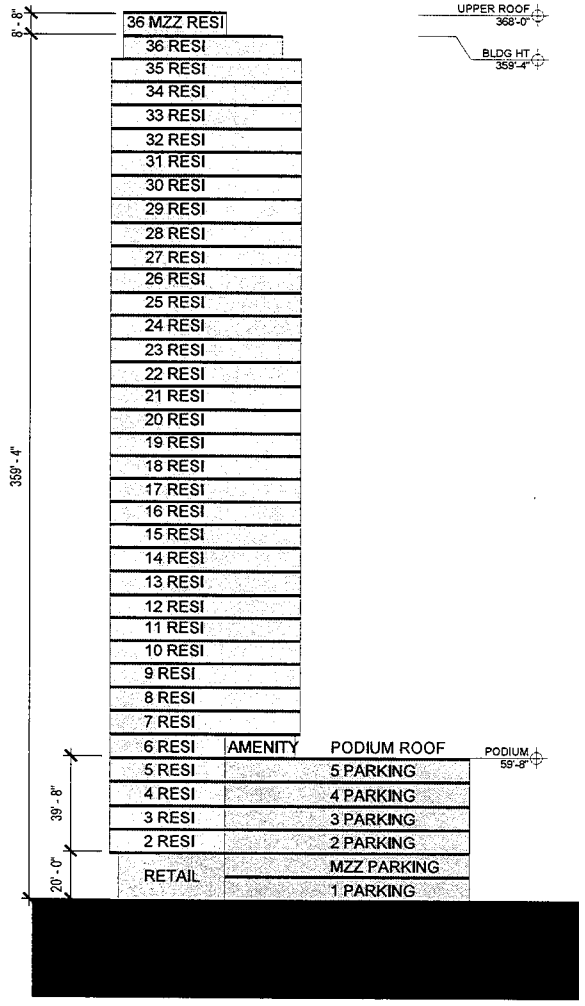
CASE FILE # PLN_15179 - R01

ATTACHMENT A

1900 BROADWAY TIMELINE

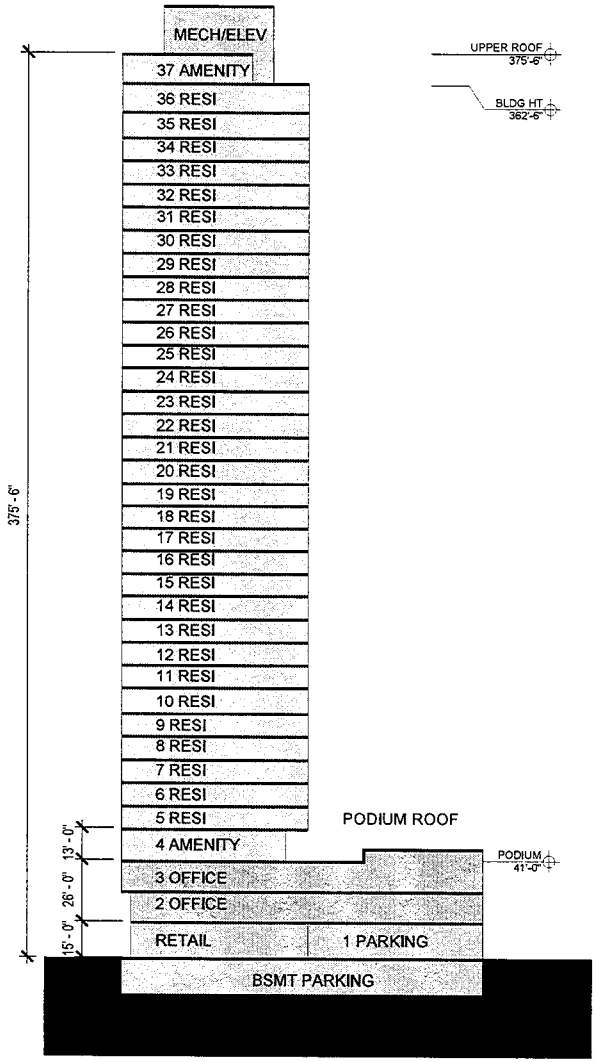
- 02.02.2018 - UPDATED DESIGN SUBMITTED TO DRC
- 02.29.2018 - DESIGN APPROVED AT DRC WITH COMMENTS
- 05.21.2018 - DESIGN REVISIONS SUBMITTED TO PLANNING
- 06.20.2018 - PLANNING COMMISSION HEARING TO OPTIMIZE DENSITY, ADDING 2 FLOORS
- OPTIMIZED PROJECT APPROVED. ADDITIONAL DRC HEARING REQUESTED TO MORE CLOSELY REVIEW ELEVATION FACING TAPSCOTT BUILDING
- 06.29.2018 - PROJECT SUBMITTED FOR BUILDING PERMIT (AWAITING FIRST ROUND OF COMMENTS)

DRC HEARING 02.29



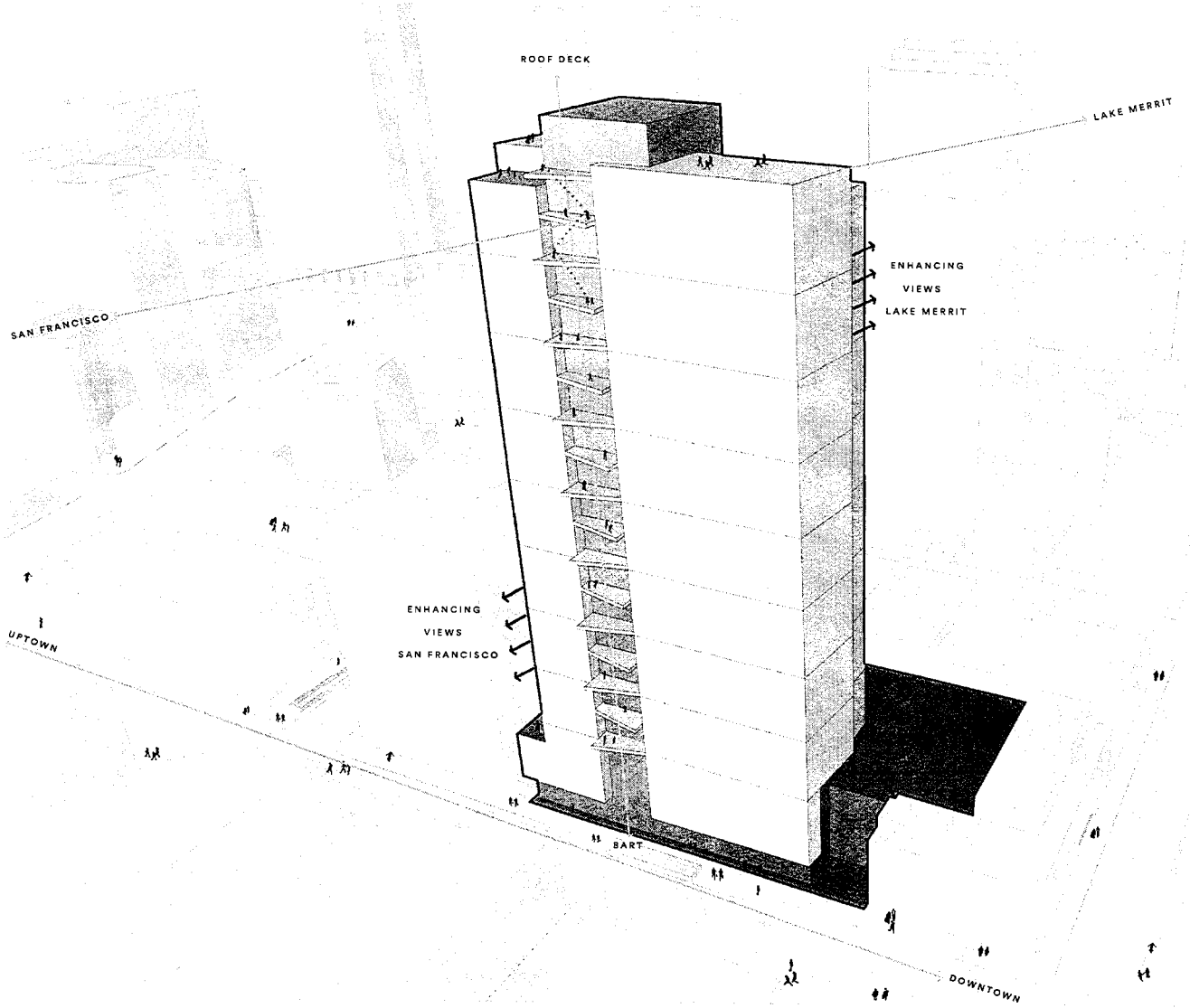
ENTITLED BLDG SECTION

2016



PROPOSED BLDG SECTION

2018



ZIPPER BUILDING

36 FLOORS (+ROOFTOP AMENITY)

3 STORY PODIUM

433 UNITS

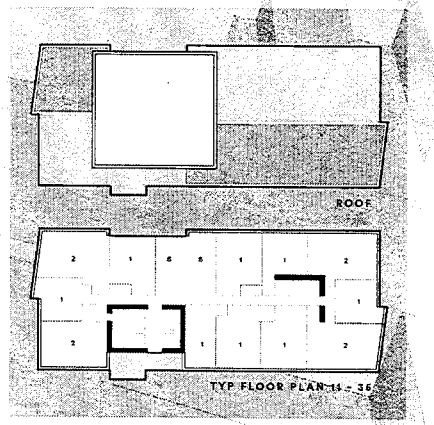
62 STUDIOS (14.3%)
239 1 BEDROOM (55.2%)
106 2 BEDROOM (24.5%)
2 3 BEDROOM (0.5%)
24 4 BEDROOM (5.5%)

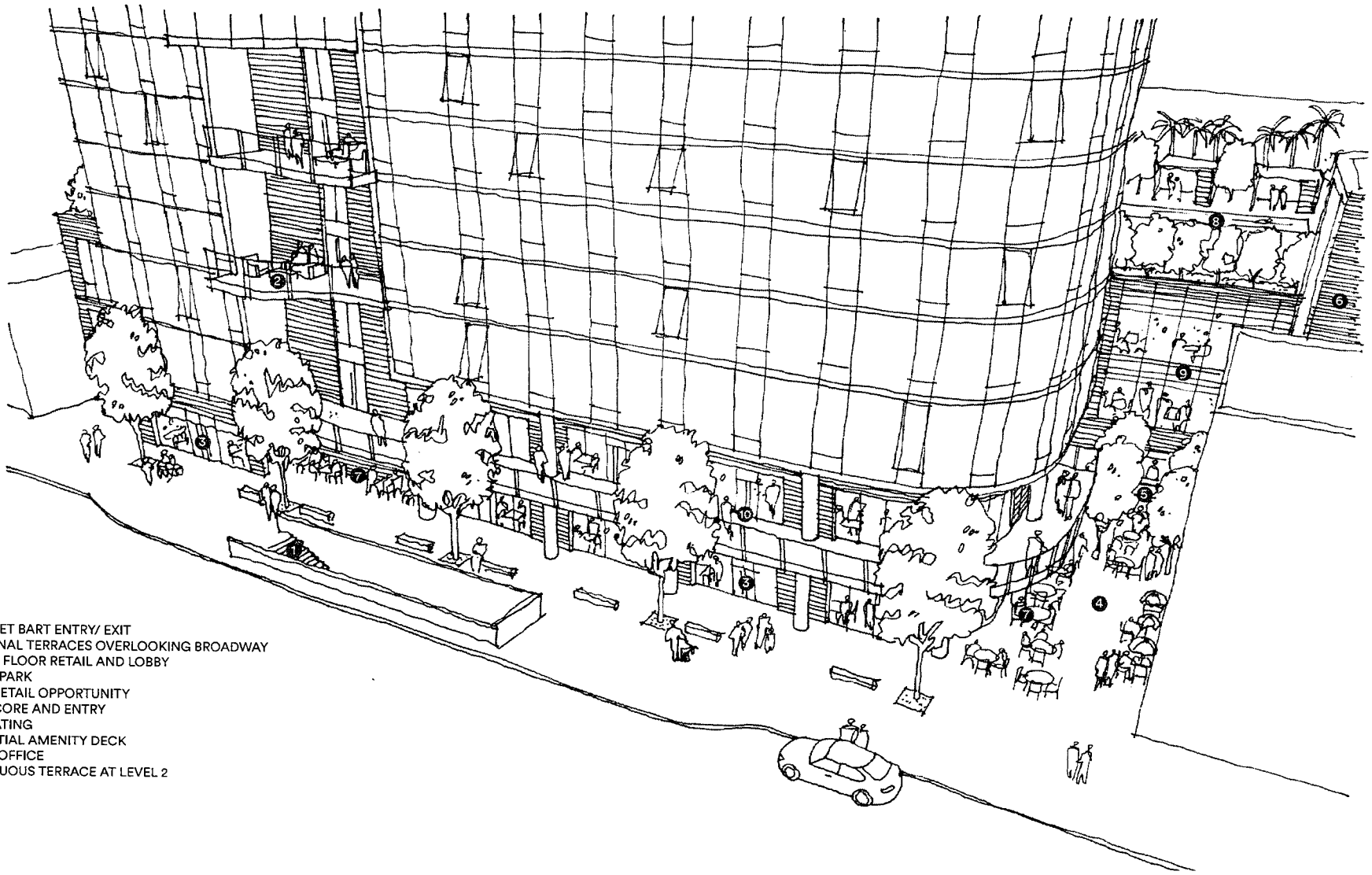
346,540 NSF RESID

171 PARKING SP

6,286 NSF RETAIL

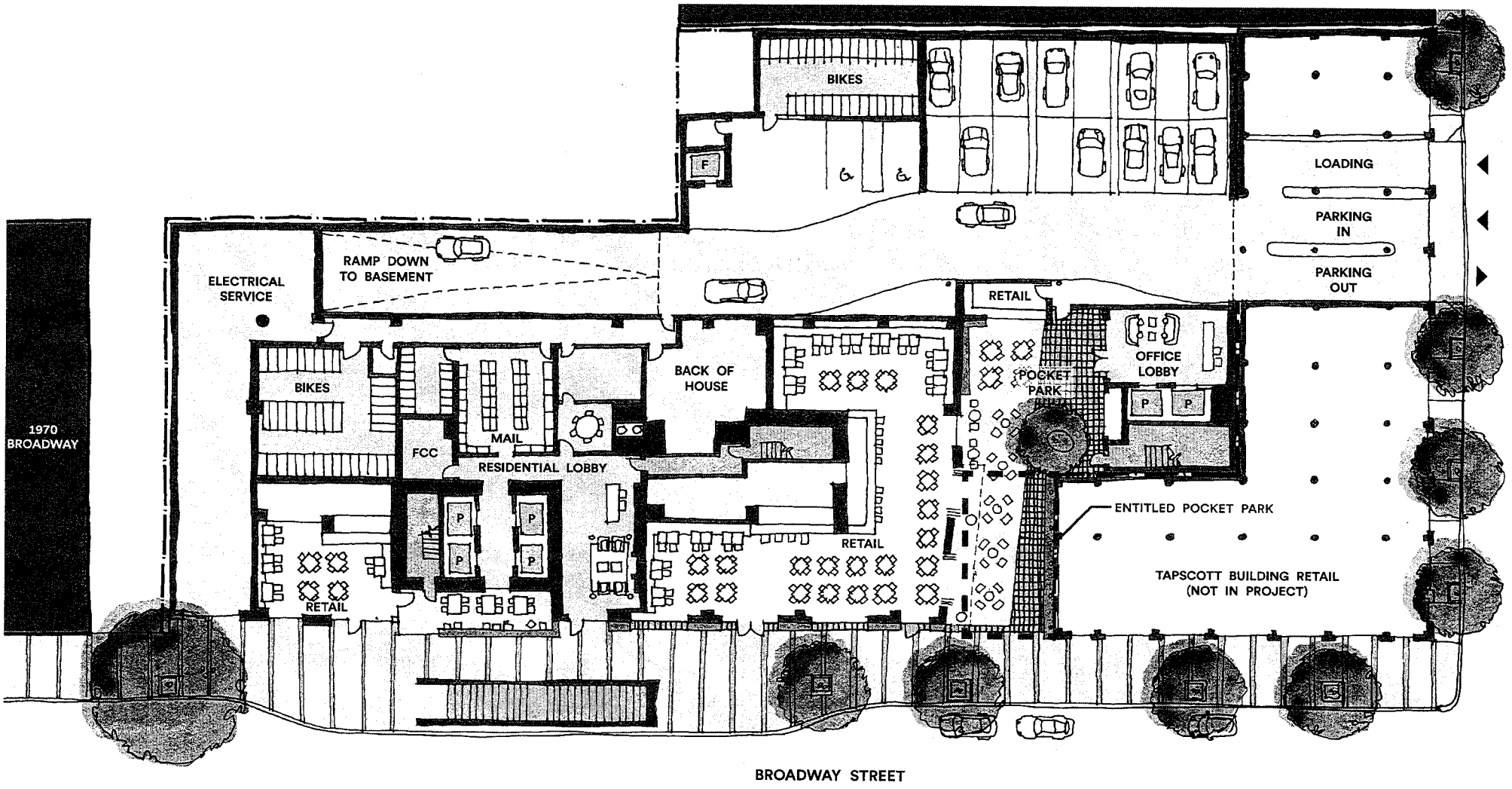
50,279 NSF OFFICE





1. 19th STREET BART ENTRY/ EXIT
2. COMMUNAL TERRACES OVERLOOKING BROADWAY
3. GROUND FLOOR RETAIL AND LOBBY
4. POCKET PARK
5. POP UP RETAIL OPPORTUNITY
6. OFFICE CORE AND ENTRY
7. CAFE SEATING
8. RESIDENTIAL AMENITY DECK
9. 2 STORY OFFICE
10. CONTINUOUS TERRACE AT LEVEL 2

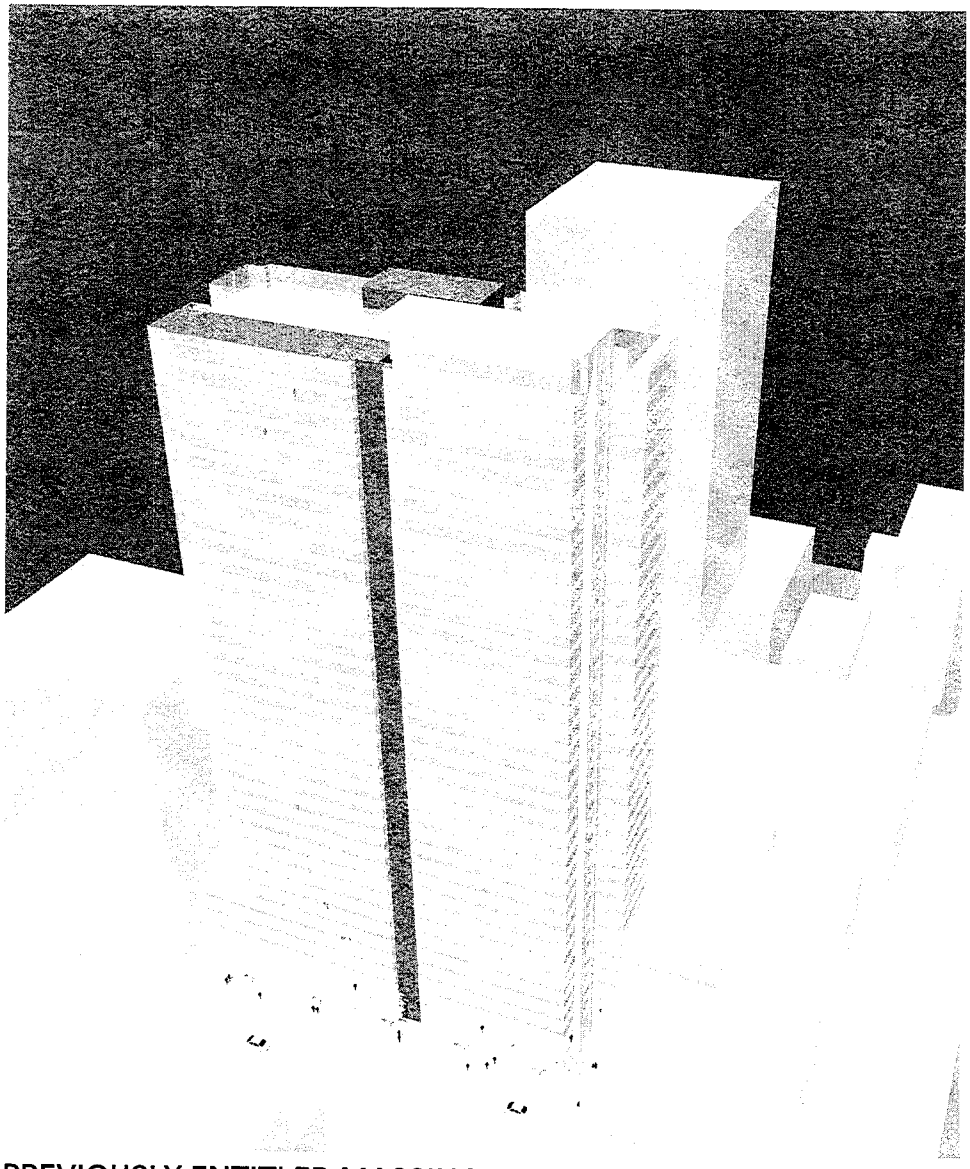
GROUND FLOOR EXPERIENCE



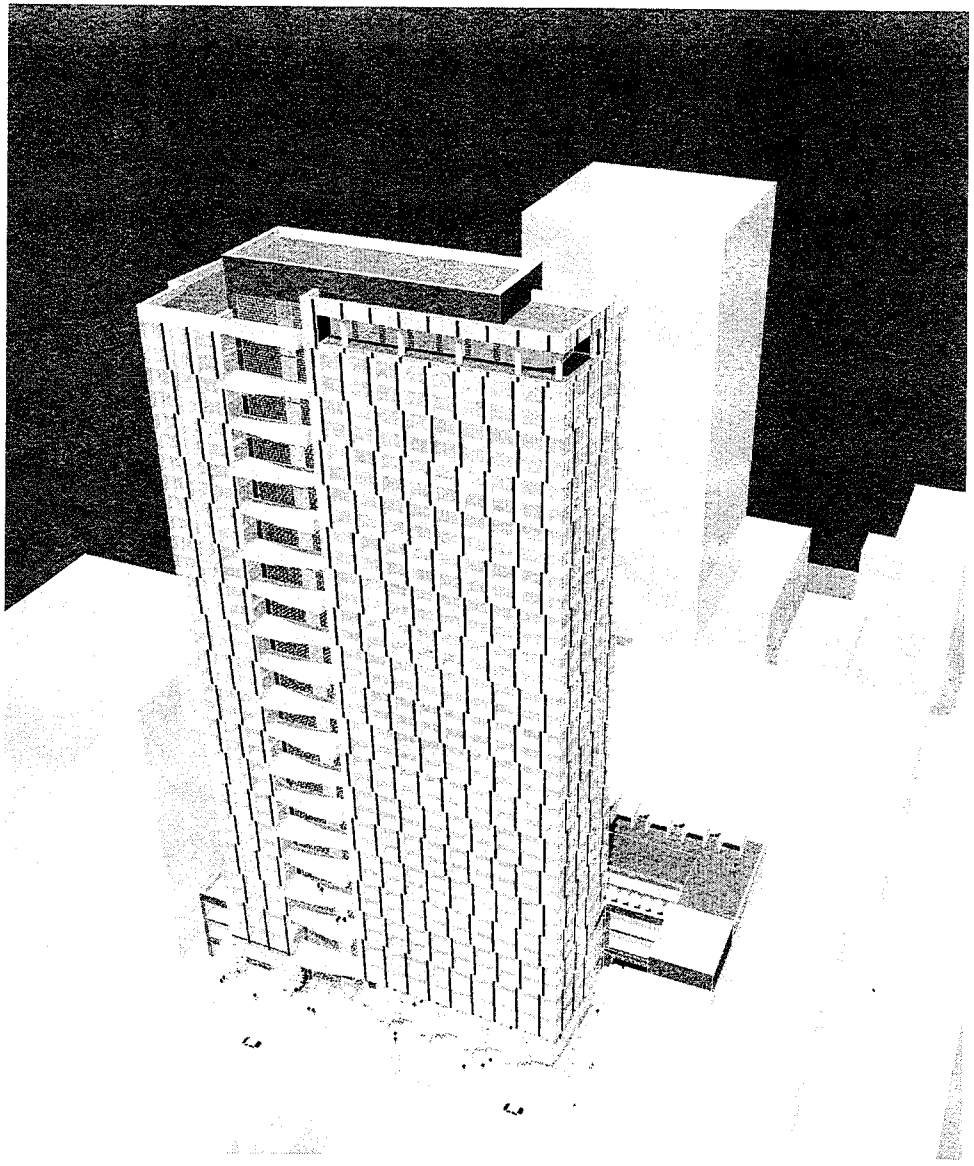
GROUND FLOOR PLAN

02.29.2018 DRC PACKAGE

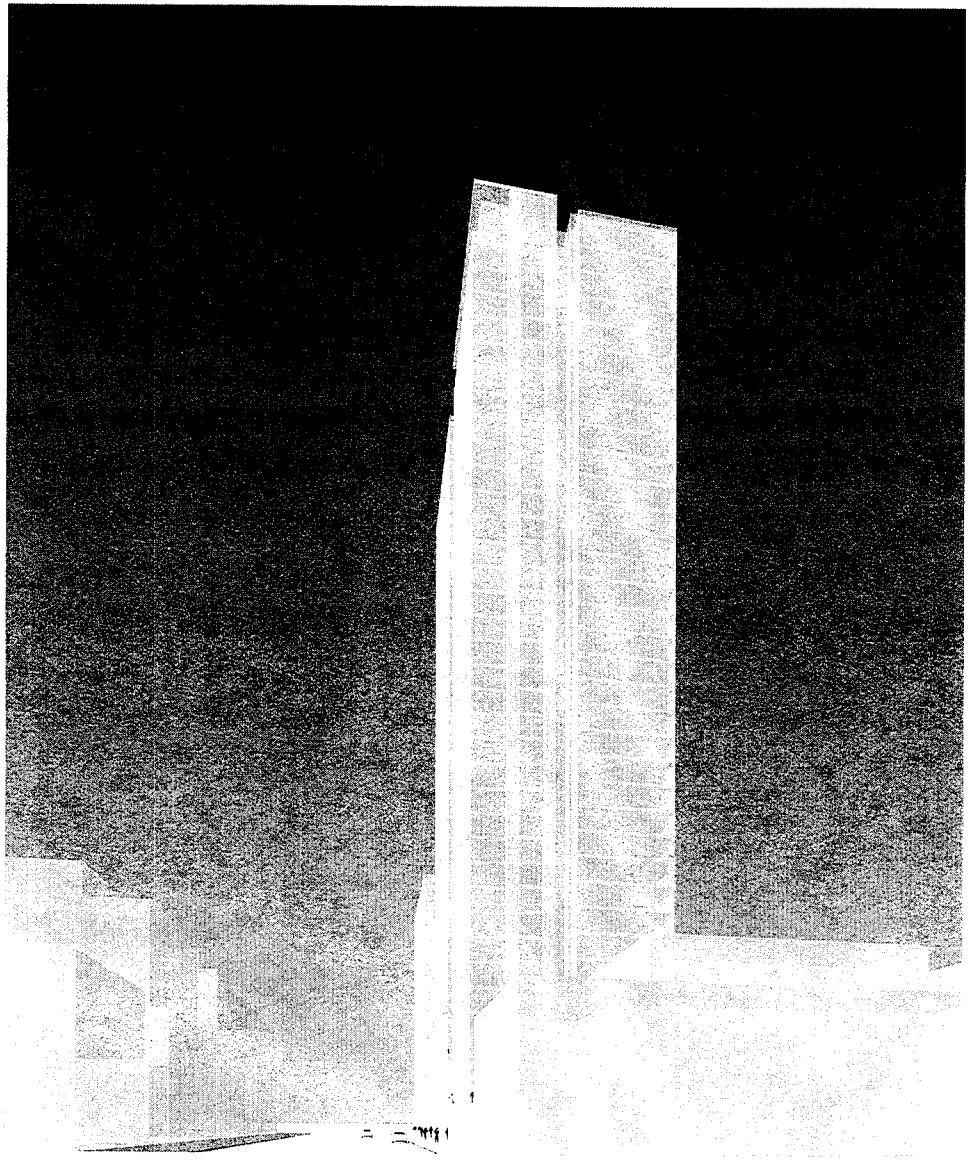
SCB



PREVIOUSLY ENTITLED MASSING



PROPOSED MASSING



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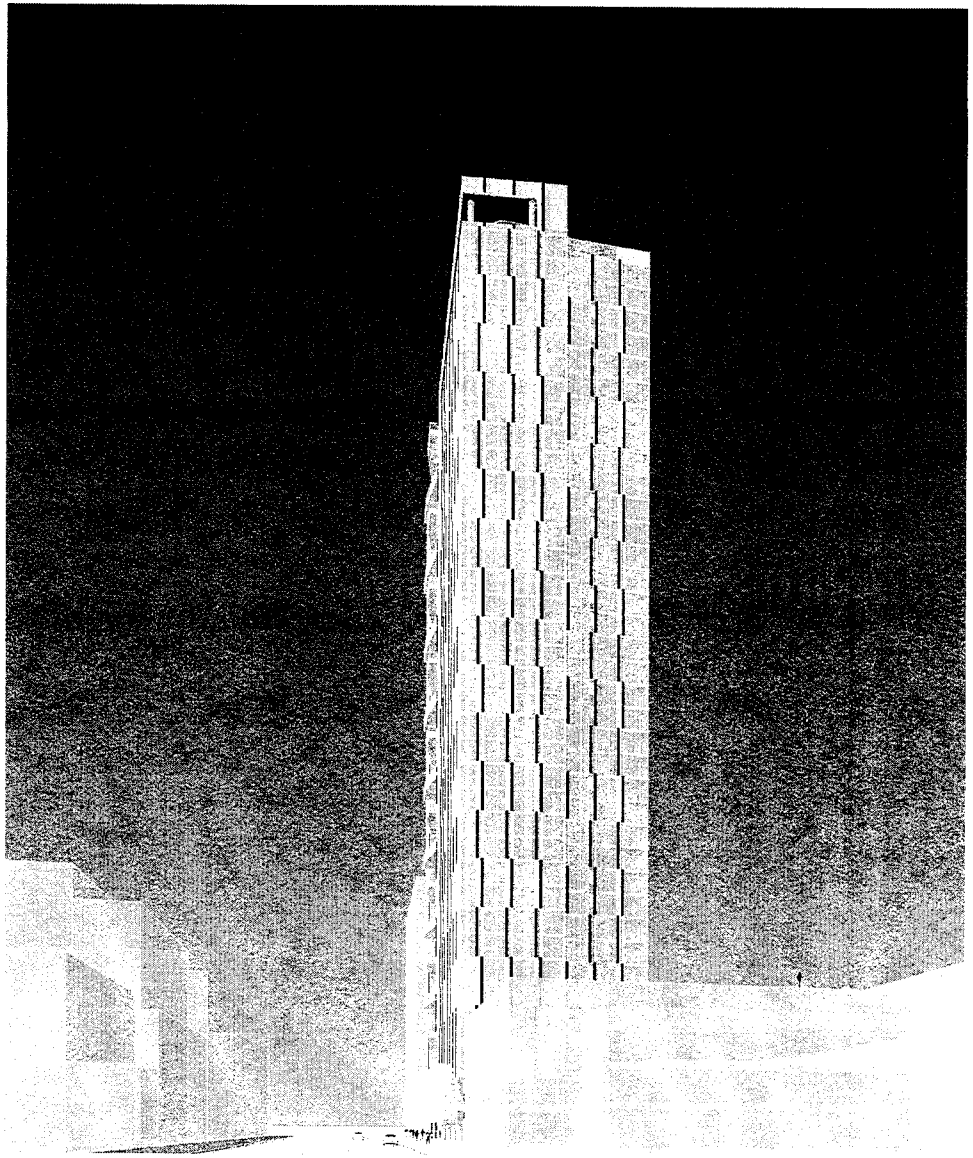


PROPOSEDMASSING

DRC COMMENTS

- CHAMPAGNE PATTERN APPEARS RELENTLESS. CONSIDER REDUCING AND REFINING PATTERN

- DEVELOP THE PATTERN AT THE PODIUM SO THAT THERE IS A STRONGER RELATIONSHIP BETWEEN THE PODIUM AND THE TAPSCOTT BUILDING

FORMAL RESPONSE ISSUED TO PLANNING ON 05.21.2018. EXCERPT BELOW:

ISSUES BROUGHT UP DURING DRC COMMITTEE HEARING, 2018.02.28:

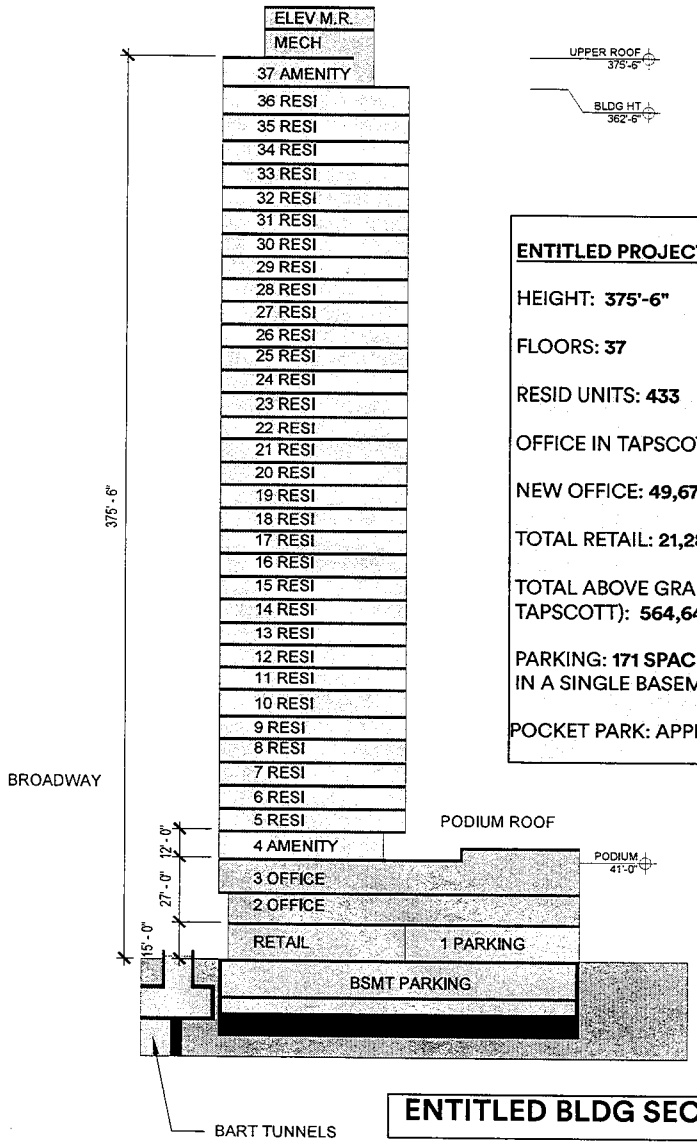
1. Comment brought up concerning the amount of the yellow/champagne color on the facade, that amount of the material was too much, and used "relentlessly".

RESPONSE: The thickness of the champagne bands at the typical tower floors has been reduced by nearly 50% by reducing the width of the elements, and stopping them short of building corners to allow for more vision glass. As a result, they no longer read as strong visual elements which immediately catch the eye, but more as complimentary pieces creating a rhythmic pattern.

2. Comment that there needs to be a stronger break to distinguish the building base/podium from the tower. The pattern of the curtain wall aligned with the Tapscott Building needs to change from the tower pattern vertically to create a more distinguishable horizontal.

RESPONSE: The difference in the visual patterning of the glass facade between floors 4 and 5, which coincides with the top of the Tapscott, has been accentuated. The amount of champagne panel in the base has been reduced, and completely offset from the curtain wall pattern above. This creates a more distinctive break from the tower when taken in tandem with the difference in lighting between office/retail/amenity spaces below the break and residential units above.

CURRENT DESIGN



ENTITLED PROJECT DATA:

HEIGHT: **375'-6"**

FLOORS: **37**

RESID UNITS: **433**

OFFICE IN TAPSCOTT: **25,000 SF**

NEW OFFICE: **49,679 SF**

TOTAL RETAIL: **21,286 SF**

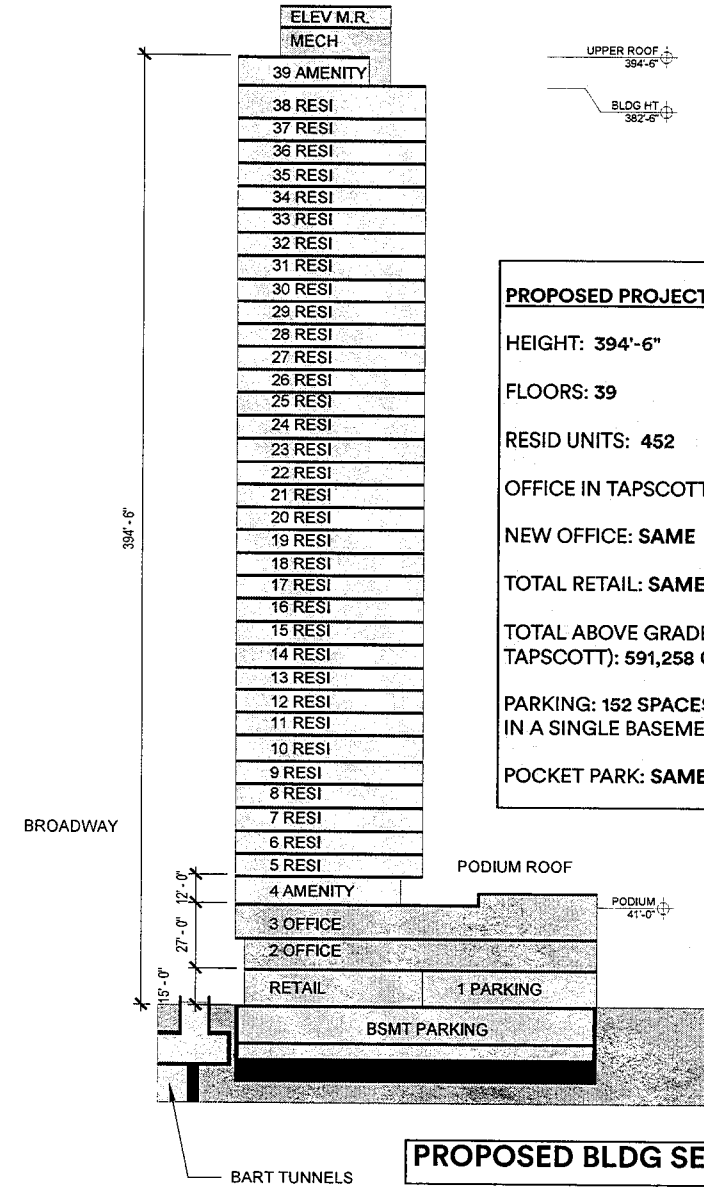
TOTAL ABOVE GRADE AREA (INCL TAPSCOTT): **564,644 GSF**

PARKING: **171 SPACES** (30 AT GRADE, 141 IN A SINGLE BASEMENT LEVEL)

POCKET PARK: APPROX. **2,350 SF**

ENTITLED BLDG SECTION

02.29.2018



PROPOSED PROJECT DATA:

HEIGHT: **394'-6"**

FLOORS: **39**

RESID UNITS: **452**

OFFICE IN TAPSCOTT: **SAME**

NEW OFFICE: **SAME**

TOTAL RETAIL: **SAME**

TOTAL ABOVE GRADE AREA (INCL TAPSCOTT): **591,258 GSF**

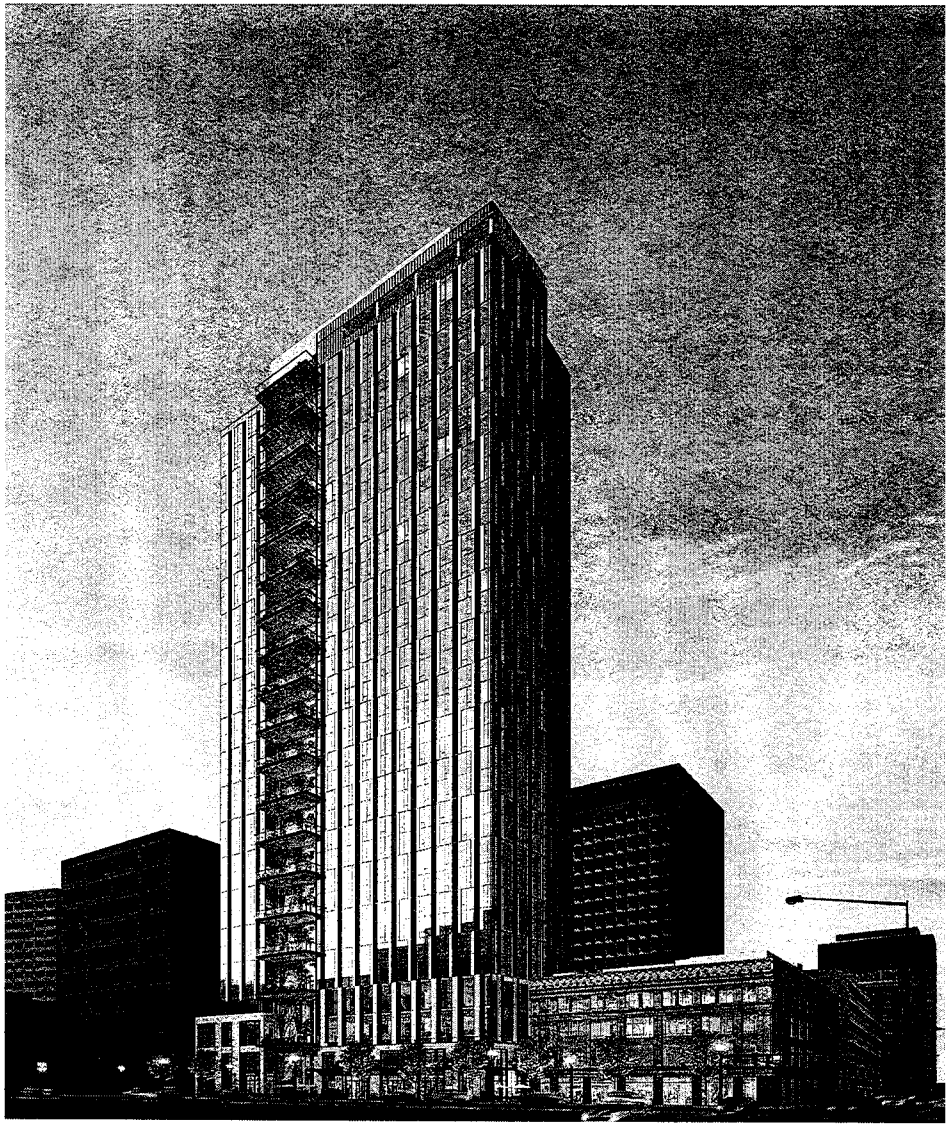
PARKING: **152 SPACES** (31 AT GRADE, 121 IN A SINGLE BASEMENT LEVEL)

POCKET PARK: **SAME**

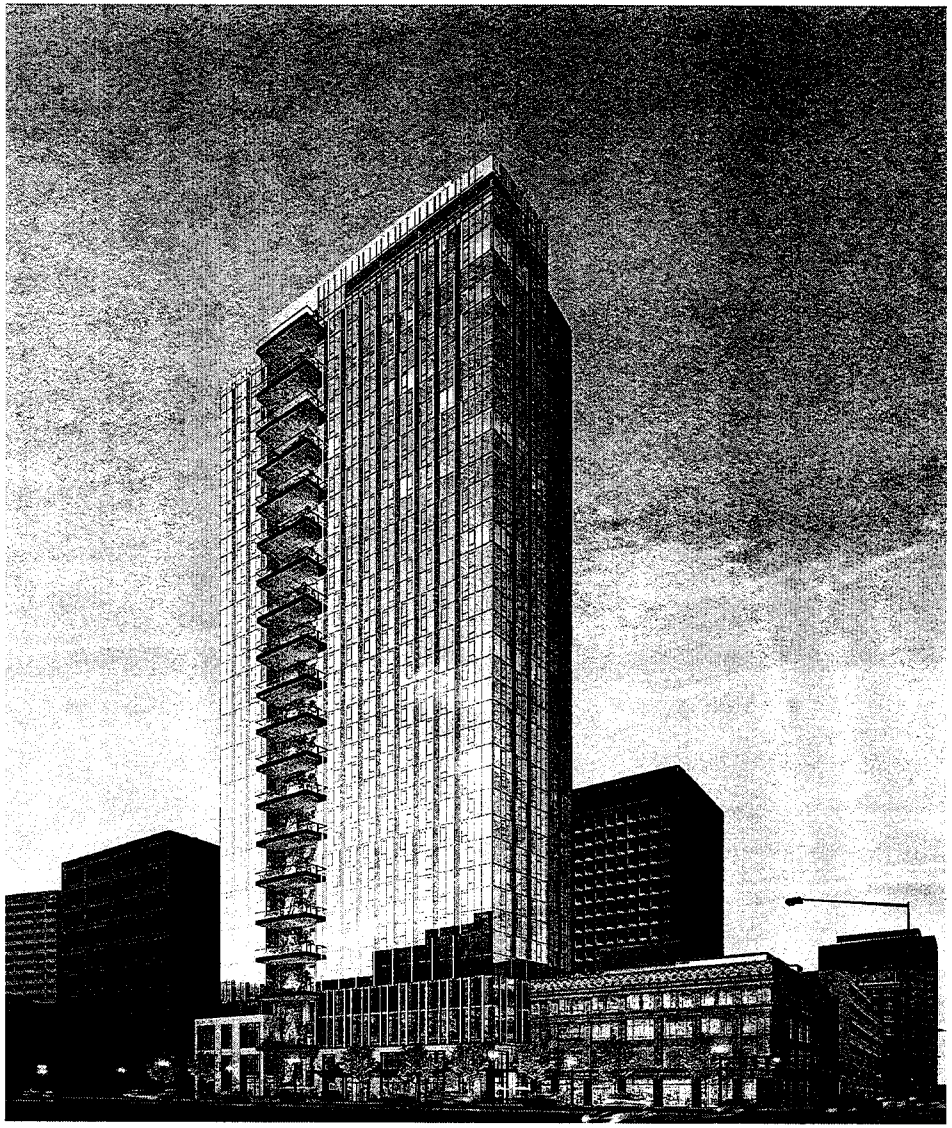
PROPOSED BLDG SECTION

06.20.2018

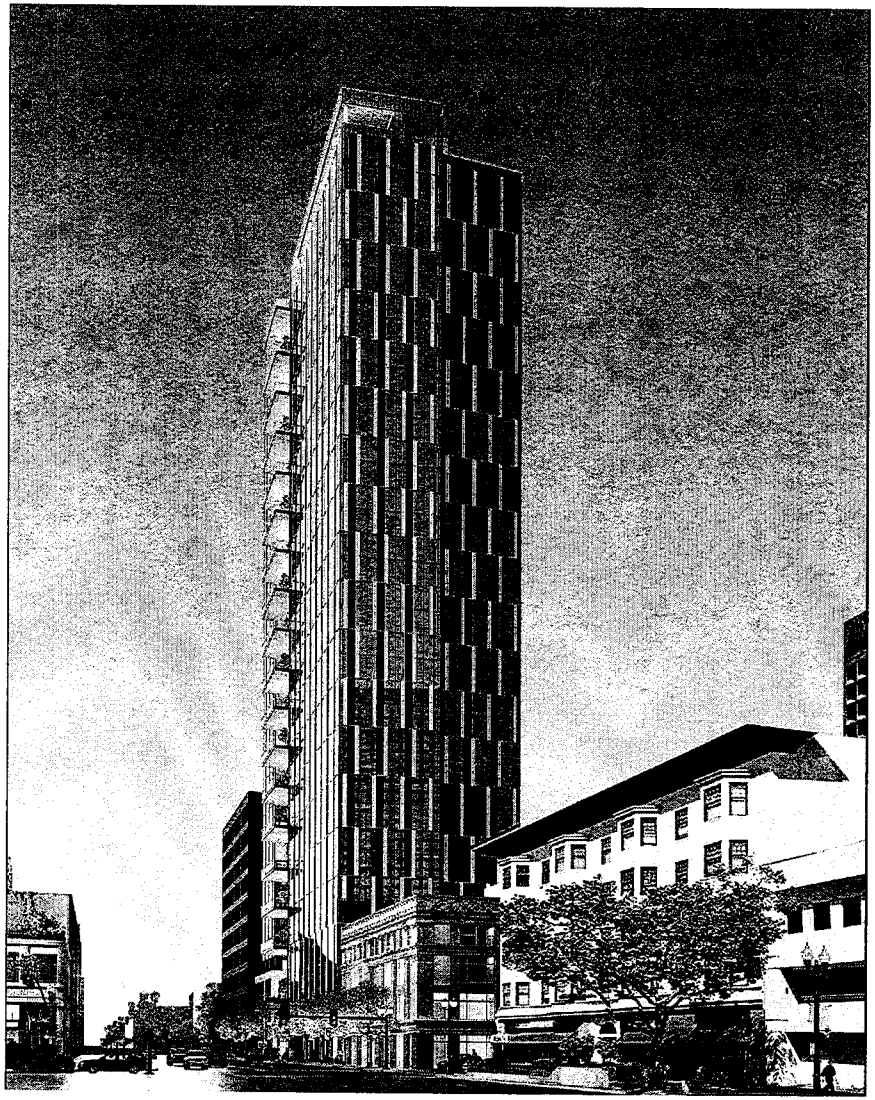
1900 BROADWAY



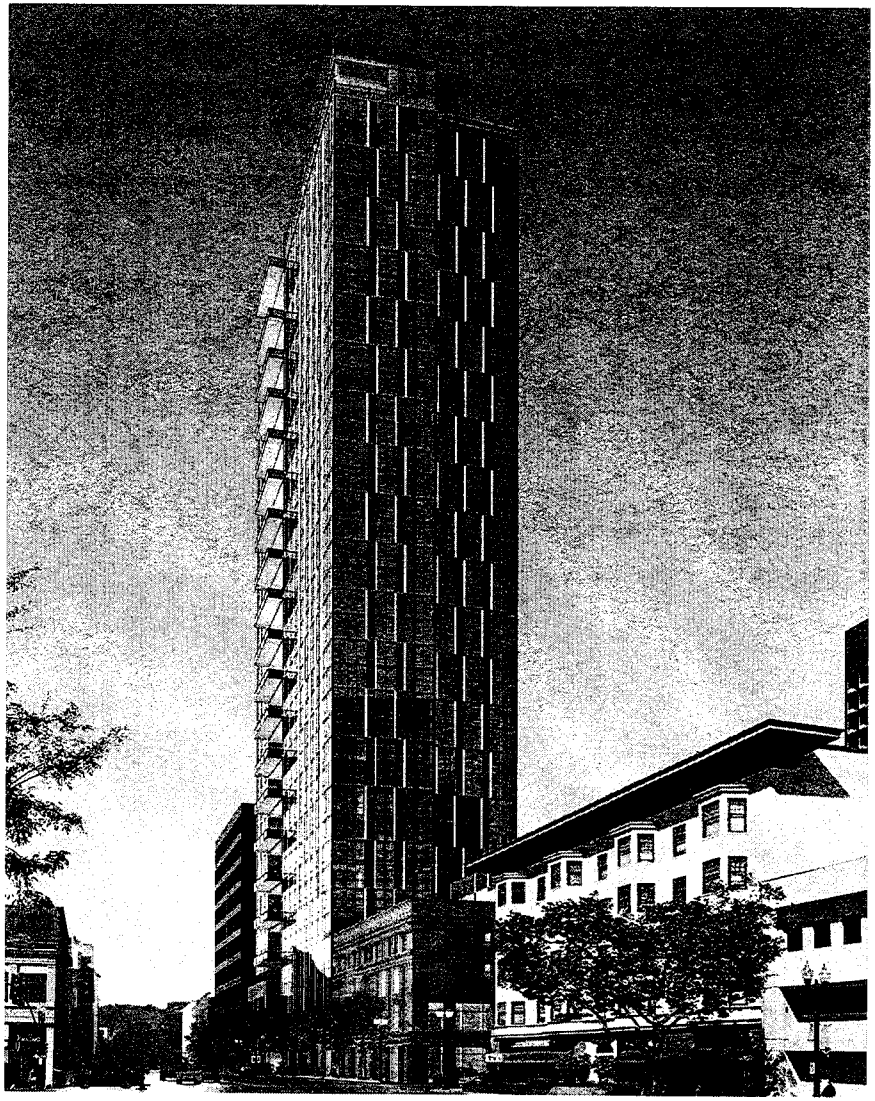
02.29.2018 - BROADWAY PERSPECTIVE



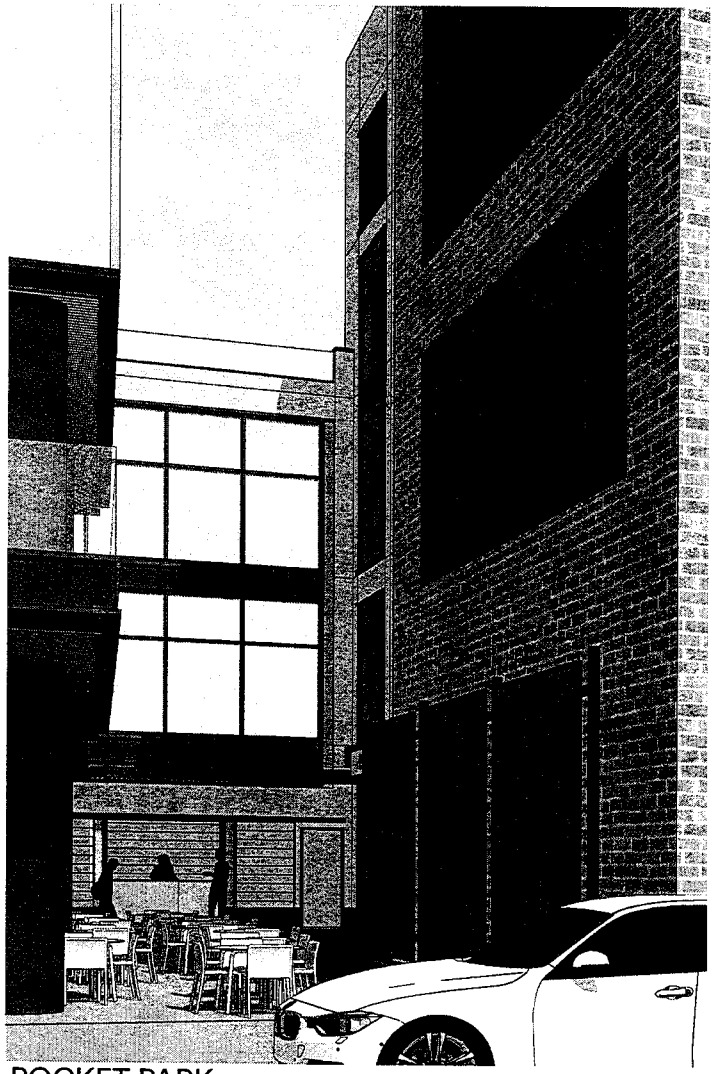
CURRENT - BROADWAY PERSPECTIVE - REFINED PANEL DESIGN



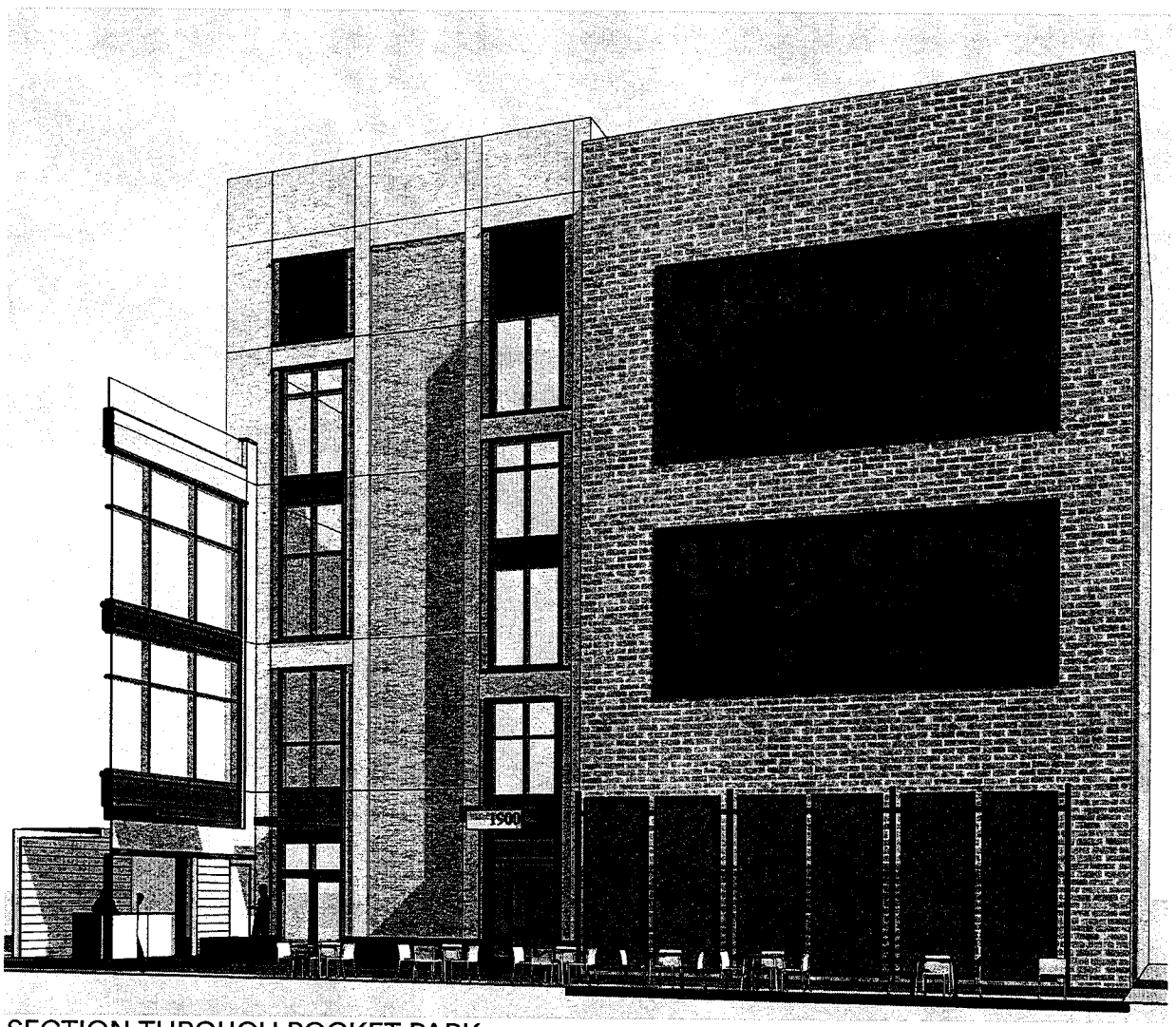
02.29 - BROADWAY PERSPECTIVE



CURRENT - BROADWAY PERSPECTIVE - REFINED PANEL DESIGN

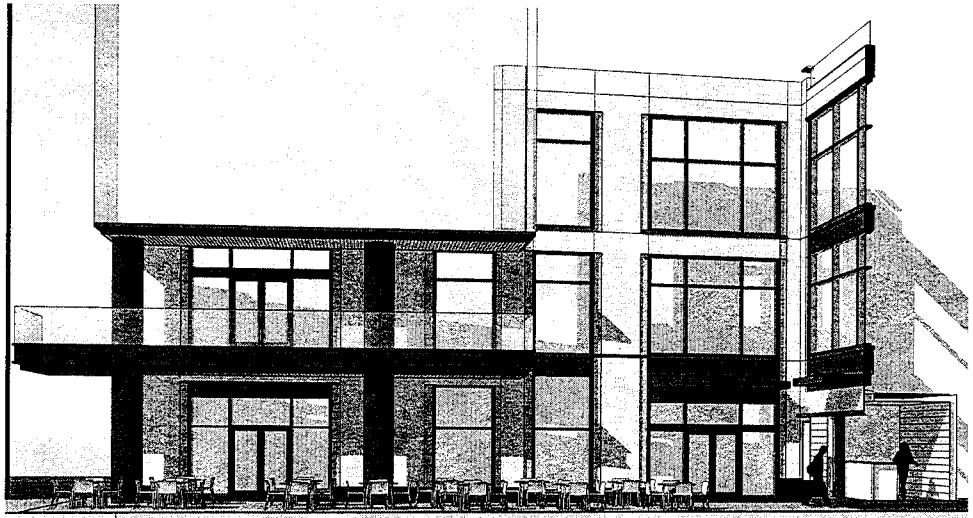


POCKET PARK



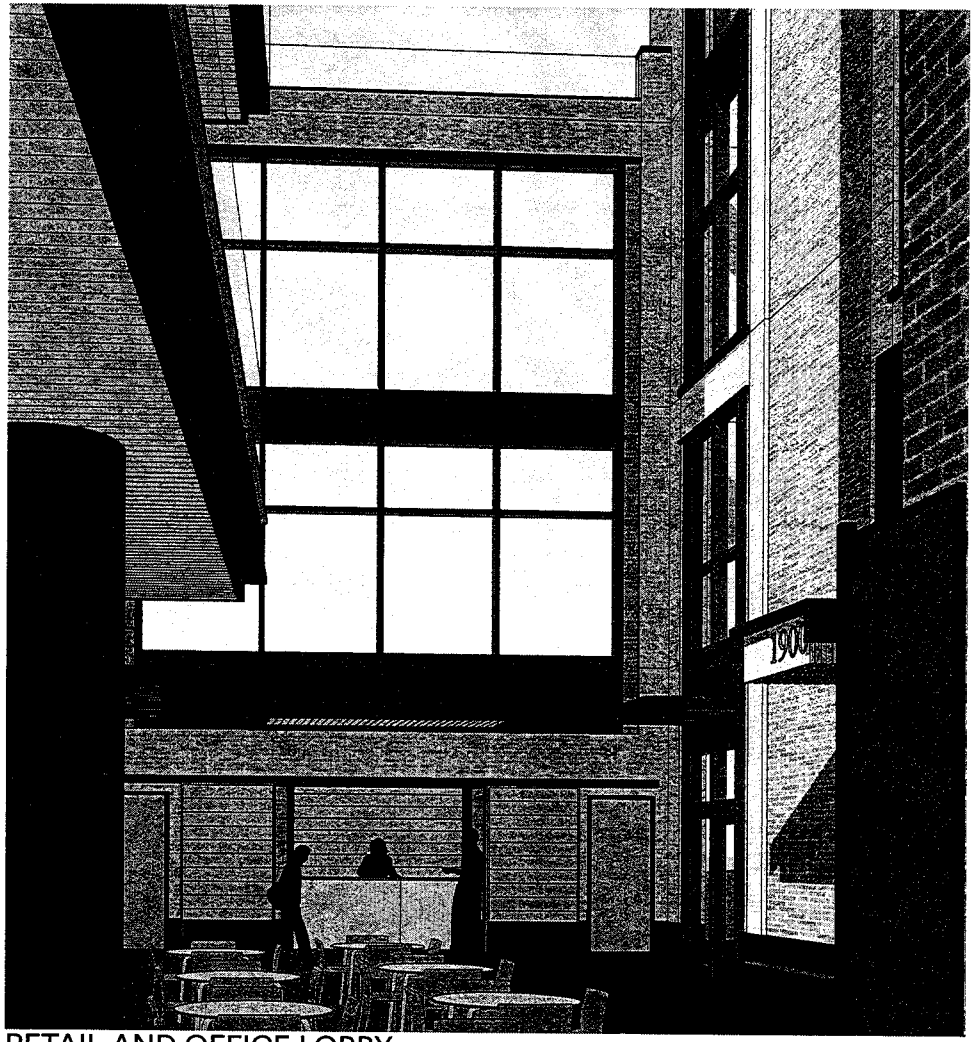
SECTION THROUGH POCKET PARK

1900 BROADWAY



SECTION THROUGH POCKET PARK

VIEW OUT FROM OFFICE



RETAIL AND OFFICE LOBBY

1900 BROADWAY

02.29 - GROUND FLOOR

CURRENT - GROUND FLOOR - REFINED PODIUM DESIGN

Location:	1900-1944 Broadway (APNs: 008-0638-005-00; 008-0638-006-03; 008-0638-007-10). **(See map on reverse)**
Proposal:	Revision of a proposed new tower. The revision would result in a new 38-story building (plus rooftop amenities) with 452 residential units and approximately 96,300 square feet of office and retail space. The project also includes reconditioning an existing four story, historically-rated (Cb+1+) building and demolishing a one story commercial building that has no historic rating.
Applicant/Owner:	Seth Hamalian, 19th and Bway Associates, LLC
Planning Permits Required:	Design Review for new construction in a CBD zone; Major Conditional Use Permit for new construction over 250 feet in height or 200,000 square feet in floor area; Minor Conditional Use Permits for a reduction of the parking requirement in the CBD zone and a reduction in the size of a loading berth; and a Minor Variance for a reduction of the number of loading berths from two to one.
General Plan:	Central Business District
Zoning:	CBD-P Central Business District Pedestrian Retail Commercial Zone and CBD-C Central Business District General Commercial Zone. Height Area 7 (no height limit).
Environmental Determination:	Exempt, State CEQA Guidelines Sections 15332 – In-fill projects and 15183 - Projects consistent with a community plan, general plan, or zoning.
Historic Status:	Existing building at the corner of 19th Street and Broadway is rated Cb+1+ and the site is within the Uptown Commercial Area of Primary Importance. This building will be refurbished as part of this project.
City Council District:	3
Status:	Previously approved and revision proposed
Action to be Taken:	Review proposed changes to project and direct staff
For Further Information:	Contact case planner **Neil Gray** at **510-238-3878** or ngray@oaklandnet.com

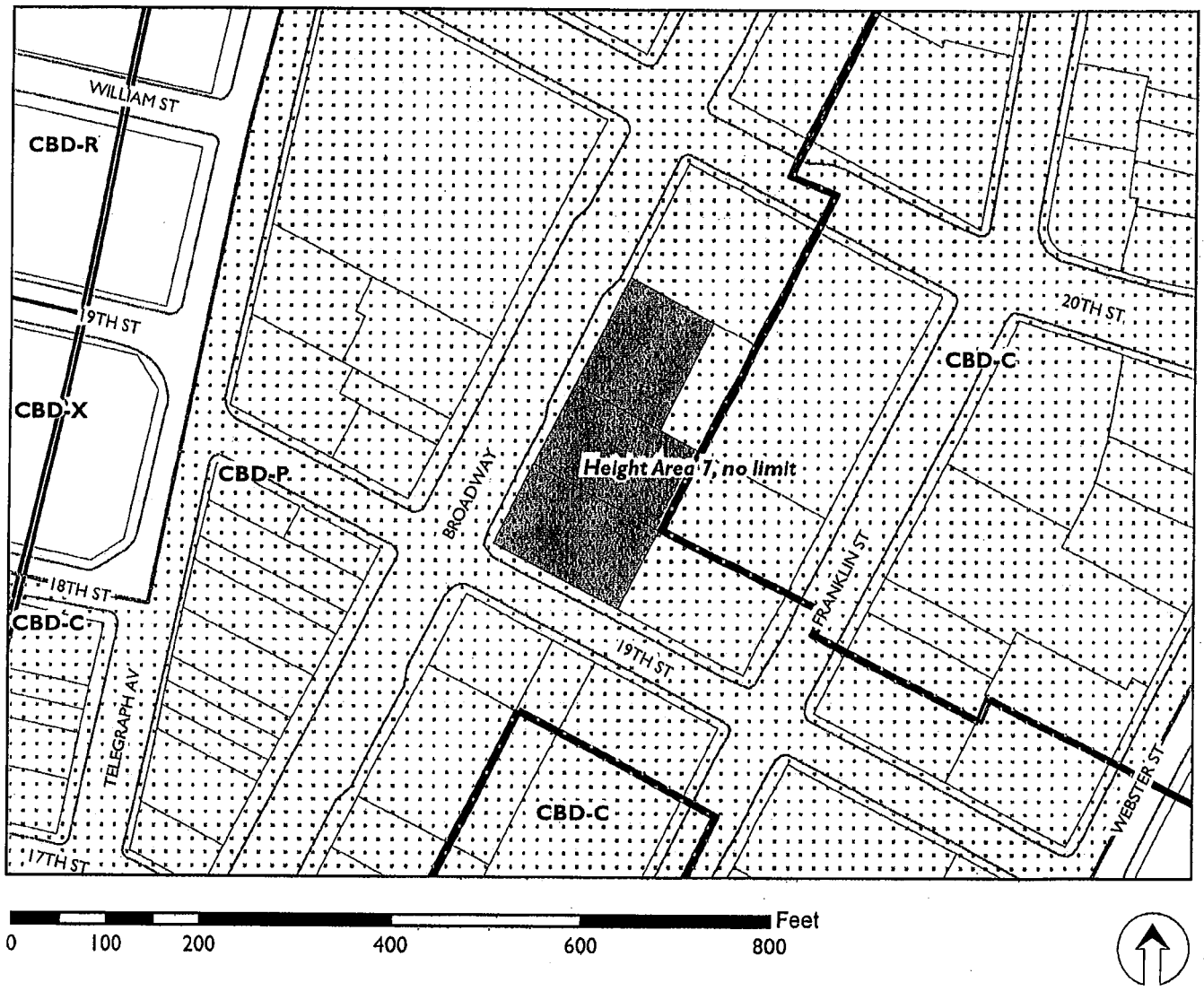
SUMMARY

The proposal is a revision to a project that includes the renovation of the Tapscott Building, a highly rated historic structure, and the construction of a tower that includes ground floor commercial, office space, and dwelling units. The currently approved height of the tower is 379'-6" and number of dwelling units is 433. Staff recommends approval of the currently proposed increased height of 394'-6" feet and 352 dwelling units because it is consistent with General Plan, regional, and state policies encouraging development intensity near transit and in downtown. The proposed design is also consistent with the input provided by the Design Review Committee and the additional height will contribute to the downtown skyline.

#5

Attachment B

CITY OF OAKLAND PLANNING COMMISSION



Case File:	PLN15179-R02
Applicant:	Seth Hamalian, 19th and Bway Associates, LLC
Address:	1900-1944 Broadway
Zone:	CBD-P
Height Area:	7 (no height limit)

BACKGROUND AND PROPOSAL

This project was originally approved at the August 5, 2015 City Planning Commission meeting (see Attachment B for the staff report). The approval included the construction of a new 33-story tower with 345 residential units, approximately 10,000 square feet of commercial space, and the reconditioning an existing four story, highly rated historic structure, known as the Tapscott Building (rated Cb+1+ and considered a contributor to the Uptown Historic District by the Office of Cultural Heritage Survey). The plans for the reconditioning of the Tapscott Building are contained in Attachment B.

Staff administratively approved a revision to the proposal on March 25, 2016 that increased the scope of the project as described in Table 1:

TABLE 1

	8/5/15 Planning Commission Approval	**3/25/16 First Revision** (administratively approved)	**Difference**
Height (ft)	330	368	+38 ft
Stories	33 plus rooftop amenities	36 plus rooftop amenities	+3 stories
Residential Units	345	451	+106 dwelling units
Office Space (sf)	0	25,000	+25,000 sf
Retail Space (sf)	10,000	25,000	+15,000 sf
Parking Spaces	338	338	No Change

Other than the additional height, the revision did not include any substantial changes to the exterior of the tower and included the same renovation of the Tapscott Building. The revision was approved administratively after noticing the neighborhood and the completion of a detailed environmental analysis.

On February 6, 2018, the applicant submitted another set of revised plans that showed the additional changes to the tower shown in the table below. This revision generally consisted of reducing parking, placing parking underground, and using the newly available floor area to provide additional office and retail space.

TABLE 2

	3/25/16 First Revision (administratively approved)	2/6/18 Second Revision (administratively approved after presented to the DRC)	Difference
Height (ft)	368	379'-6"	+11'-6" sf
Stories	36 plus rooftop amenities	37 plus rooftop amenities	+1 story
Residential Units	451	433	-18 dwelling units
Office Space (sf)	25,000 (all in the Tapscott Building)	74,649 (25,000 in the Tapscott Building)	+49,679 sf
Retail Space (sf)	25,000	21,286	-3,714 sf
Parking Spaces	338 (above grade)	171 (141 below grade)	-167 sf

This change was brought to the Design Review Committee (DRC) on February 28, 2018 due to substantial changes to the façade of the building. The DRC voted 3-0 to recommend that staff approve the revision. Part of the motion included agendizing an item for a Planning Commission meeting to discuss when revisions should be considered "major" and be brought to the Planning Commission and when revisions could be approved administratively. Commissioner Myres expressed concern that the first revision (see above) should have been considered "major" and require Commission approval. In the motion, Commissioner Manus requested a reduction in the use of champaign colors and materials on the building and better distinguish the base of the building from the upper stories. See Attachments B and C for the DRC and Planning Commission staff reports, respectively. Attachment D describes the applicant's architectural response to the comments from Commissioner Manus.

On May 21, 2018, the applicant submitted further revisions that are the subject of this report. The revisions would increase the height of the building and the number of units proposed (see Attachment A for plans). The increased height is a result of taller floors, and the increased number of units maximizes those allowed in Height Area 7 in the Central Business District. Table 3, below, summarizes each version of the project:

TABLE 3

	8/5/15 Planning Commission Approval	3/25/16 First Revision (administratively approved)	2/6/18 Second Revision (administratively approved after presented to the DRC)	Current (Third) Revision
Height (ft)	330	368	379'-6"	**394'-6"**
Stories	33	36 plus rooftop amenity	37	**38 plus rooftop amenity**
Residential Units	345	451	433	**452**
Office Space (sf)	25,000 (all in the Tapscott Building)	25,000	74,649 (25,000 in the Tapscott Building)	**78,802 (27,000 in the Tapscott Building)**
Retail Space (sf)	10,000	25,000	21,286	**23,417 (17,500 in the Tapscott Building)**
Parking Spaces	338 (all above grade)	338	171 (141 below grade)	**153 (122 below grade)**

PROPERTY DESCRIPTION

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

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

NEIGHBORHOOD DESCRIPTION

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

PROJECT DESCRIPTION

Site Plan

The site plan is unchanged from the iteration of the plans presented to the DRC (see Attachment C for the DRC Staff Report). The high-rise tower would sit atop a three-story podium building, and a 20-foot wide outdoor plaza would be placed between the new construction and the Tapscott Building to create outdoor seating for a restaurant, provide a visual separation between the two buildings, and expose historic advertising art on the Tapscott Building's north façade.

The ground floor of the tower would contain two retail spaces, a lobby, a leasing office and amenities. A ramp to the underground parking, 30 mechanical parking spaces, and bike storage would be behind the commercial spaces and the lobby. Vehicular and loading access into the site would be from 19th Street, which allows Broadway, the site's primary pedestrian frontage, to be free of curb cuts and potential conflicts between pedestrians, bikes, and cars. Two stories of office space would be between the retail space and the apartments above. An open space podium deck that includes landscaping, outdoor furniture, and a pool with views to the bay would be located where the base of the tower and top of the podium meet. The positioning of the tower's narrow north and south elevations will preserve views of the Oakland Hills and the Jack London Square area from Broadway.

Building Design

The building design is similar to that presented to the DRC (see Attachment C for the DRC Staff Report). The main changes are the increase in height from 375'-6" to 394'-6" and the responses to Commissioner Manus' input at the DRC meeting.

The upper stories of the tower will contain a proposed curtain wall with narrow, vertical mechanical louvres at their edge. According to applicant, the bands beneath each window have been narrowed 50 percent in response the Commissioner Manus' request to reduce the amount of champaign color on the façade. On the Broadway elevation, a vertical element is provided through group balconies that separate the building into two distinct volumes. The facade behind the balconies would be brick to relate to the Tapscott Building. The northern elevation contains a similar vertical feature, except it contains windows instead of balconies.

The 15-foot ground floor creates a prominent storefront and matches the height of the ground floor of the Tapscott Building. The storefront includes a floor to ceiling glass window wall system vertically separated by a balcony/awning feature. The ground floor is recessed behind a catwalk, and vertical brick columns separate the storefront windows. In response to Commissioner Manus' input at the DRC meeting, aluminum vertical elements between the 4th and 5th floors have been added to provide a greater differentiation between the base and upper stories of the tower.

The building would have a rooftop community room with an open deck with views to the Bay and San Francisco. This feature creates a top for the Broadway side of the building that would be lit up at night to create a lantern affect.

GENERAL PLAN ANALYSIS

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

The revision is consistent with this intent by providing additional development intensity to a high-rise residential development in the City's development and transit center. The prominence of the

proposed residential tower and ground floor commercial space will contribute to the regional importance of Downtown Oakland and the vision contained in the General Plan for a vibrant, 24-hour downtown.

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

Land Use and Transportation Element of the General Plan

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

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

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

Policy D6.1 Developing Vacant Lots: Construction on vacant land or to replace surface parking should be encouraged throughout the downtown, where possible. **The tower is proposed to be built on underutilized lots.**

Policy D10.1 Encouraging Housing: Housing in the downtown should be encouraged as a vital component of a 24-hour community presence. **The proposal and revision include high density housing in a high-rise tower, bringing many residents downtown who will contribute to a 24-hour presence.**

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

Policy D10.6 Creating Infill Housing: Infill housing that respects surrounding development and the streetscape should be encouraged in the downtown to strengthen district districts. **As**

described in this report, the project will have a high quality design that relates to the surrounding buildings. The project will also extend the existing retail storefronts on Broadway.

Policy D11.1 Promoting Mixed-Use Developments: Mixed use developments should be encouraged in the downtown for such purposes as to promote its diverse character, provide for needed goods and services, support local art and culture, and give incentive to reuse existing vacant or underutilized structures. **The revised proposal is for a mixed-use development with approximately 75,000 square feet of commercial space and 352 residential units.**

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

Historic Preservation Element of the General Plan

Policy 3.5: Historic Preservation and Discretionary Permit Approvals: For additions or alteration to Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: 1) the design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or 2) the proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or 3) the existing design is undistinguished and does not warrant retention and the purposed design is compatible with the character of the neighborhood. **The proposal will restore the Tapscott Building with compatible exterior features.**

ZONING ANALYSIS

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

Zoning Intent

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

Development Standards

The following describes development standards for CBD-P zone, Height Area 7.

	Standard	Proposed	Complies?
Minimum/Maximum Setbacks			
Minimum front	0 ft	0 ft	Yes
Maximum front and street side	5 ft	4 ft	Yes
Minimum interior side	0 ft	0 ft	Yes
Minimum corner side	0 ft	0 ft	Yes
Rear	0 ft	0 ft	Yes
Design Regulations			
Ground floor primary commercial facade transparency	65%	80%	Yes
Minimum height of the ground floor	15 ft	23'-3"	Yes
Maximum Density[1] (square feet of lot area required per unit)	90	90	Yes
Floor Area Ratio[1]	20.0	13.9	Yes
Maximum height[1]	No height limit	394'-6" feet	Yes
Open Space	75 square feet per unit	111 sf per unit	Yes
Parking	No parking required	153 spaces, 122 below ground	Yes
Loading Berths	Two	One	No[2]

Notes:

1. These are regulations that apply to Height Area 7, where the site is located.
2. At their August 5, 2015 meeting, the Planning Commission granted the proposal a Variance for quantity of loading berths.

ENVIRONMENTAL DETERMINATION

The information presented in Attachment E supports the determination that the project meets all requirements under CEQA Guidelines Sections 15183 and 15332 and does not trigger conditions in CEQA Guidelines Section 15300.2. As a result, the Project qualifies for CEQA exemptions under CEQA Guidelines 15183 and 15332.

KEY ISSUES AND IMPACTS

Staff recommends approval of the revisions because adding three stories and 19 dwelling units in the tower is consistent with General Plan, regional, and state policies encouraging development intensity near transit and in downtown. The proposed design is consistent with the input provided by the Design Review Committee and the additional height will contribute to the downtown skyline.

RECOMMENDATION

1. Affirm staff's environmental determination.
2. Approve the revisions subject to the attached findings and conditions.

Prepared by:

NEIL GRAY
Planner IV

Approved by:

ROBERT MERKAMP
Acting Zoning Manager

Approved for forwarding to the
City Planning Commission:

ED MANASSE, Acting Deputy Director
Bureau of Planning

ATTACHMENTS:

A. Project Plans
B. 8/5/15 Planning Commission Staff Report
C. 3/20/18 Design Review Committee Staff Report
D. Applicant response to DRC comments
E. CEQA Analysis

FINDINGS FOR APPROVAL

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

Section 17.136.050 Regular design review criteria.

A. For Residential Facilities.

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

   The neighborhood consists of a mix of older commercial buildings, midrise historic buildings, and glass high rise structures. The proposal relates to the neighborhood in the following ways:

   - *The renovation of the Tapscott Building will preserve a highly rated historic building that relates to several historic buildings in the neighborhood;*
   - *The massing of the tower is articulated as two smaller elements that breaks down its scale to be similar to other buildings in the neighborhood;*
   - *A public plaza built between the tower and the Tapscott Building will create a clear distinction between the historic structure and the new tower.*
   - *The proposed curtain wall will relate to more recently building high rise buildings in the neighborhood; and*
   - *When viewed along Broadway, the tower has a distinct base whose height and brick facade reference the scale and material of the Tapscott building.*

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

   The proposal meets this finding in the following ways:

   - *The renovation of the Tapscott Building preserves an important and prominent historic structure in the neighborhood;*
   - *High density development near the 19th Street BART Station and AC Transit bus lines enhances the transit oriented character of the neighborhood;*
   - *The public plaza between the Tapscott Building and the tower will provide a valuable amenity to pedestrians and activate the street; and*
   - *Double height commercial spaces, outdoor seating, and attractive commercial bays will enhance the ground floor storefront character on Broadway.*

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

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

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

The site is not situated on a hill.

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

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

B. For Nonresidential Facilities and Signs.

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

   This finding is met in the following manner:

   - *The ground floor commercial facilities will enhance the storefront character on Broadway using double height floors, columns, outdoor seating, high quality and durable materials, and prominent bases;*
   - *The restoration of the Tapscott Building with office uses will enhance the historic character of Downtown;*
   - *A public plaza built between the tower and the Tapscott Building will create a clear distinction between the historic structure and the new tower and be an amenity for pedestrians;*
   - *Light colored curtain walls will relate to nearby glass buildings and provide an attractive façade along Broadway;*
   - *The scale of the building is reduced through a 30-story vertical element with materials that relate to the Tapscott Building;*
   - *The narrow north and south facades will preserve views of the Oakland Hills and the Bay;*
   - *The façades and torch element at the top of the tower will provide an attractive addition to the City's skyline.*

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

   The proposal will protect the value of investments in the area by providing attractive commercial spaces to Broadway and bring customers to Downtown businesses.

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

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

17.134.050 General Use Permit criteria.

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

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

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

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

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

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

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

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

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

See Design Review Findings, above.

E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.

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

17.148.050 Variance Findings required.

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

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

A loading berth on Broadway is inappropriate because it is the principal pedestrian street adjacent to the site. Placing a curb cut there to accommodate a loading berth would interrupt the pedestrian flow and create conflicts between trucks and bicycles and pedestrians. An additional loading berth on 19th Street would also be problematic. There are currently 38 feet of curb cut required for the entrances to the proposed parking structure and loading berth on 19th Street. In addition, there are existing driveways on 19th Street just east of the property that serve the adjacent Kaiser parking garage that require approximately 70 feet of curb cuts. Adding an additional 15-foot curb cut for a loading birth would create a total of approximately 123 feet of curb cut along the 300 feet of frontage on 19th Street. This amount of curb cut would create a hazardous pedestrian environment. Further, additional curb cuts on 19th Street would adversely affect the historic façade of the Tapscott Building and reduce the amount of valuable retail space along 19th Street.

B. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a

minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.

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

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

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

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

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

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

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

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

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

1. **Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, staff report and the approved plans [identify final approved plans by date of plans and/or date plans received], as amended by the following conditions of approval and mitigation measures, if applicable ("Conditions of Approval" or "Conditions").

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

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten (10) calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire June 20, 2020 from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Bureau of Building and diligently pursued towards completion, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. **Compliance with Other Requirements**

The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Bureau of Building, Fire Marshal, Department of Transportation, and Public Works Department. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.

4. **Minor and Major Changes**

a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning.

b. Major changes to the approved project, plans, Conditions, facilities, or use shall be reviewed by the Director of City Planning to determine whether such changes require submittal and approval of a revision to the Approval by the original approving body or a new independent permit/approval. Major revisions shall be reviewed in accordance with the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

5. **Compliance with Conditions of Approval**

   a. The project applicant and property owner, including successors, (collectively referred to hereafter as the "project applicant" or "applicant") shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.

   b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant's expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.

   c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

6. **Signed Copy of the Approval/Conditions**

   A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times.

7. **Blight/Nuisances**

   The project site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within sixty (60) days of approval, unless an earlier date is specified elsewhere.

8. **Indemnification**

   a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to

participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

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

9. **Severability**

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

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

The project applicant may be required to cover the full costs of independent third-party technical review and City monitoring and inspection, including without limitation, special inspector(s)/inspection(s) during times of extensive or specialized plan-check review or construction, and inspections of potential violations of the Conditions of Approval. The project applicant shall establish a deposit with Engineering Services and/or the Bureau of Building, if directed by the Director of Public Works, Building Official, Director of City Planning, Director of Transportation, or designee, prior to the issuance of a construction-related permit and on an ongoing as-needed basis.

11. **Public Improvements**

The project applicant shall obtain all necessary permits/approvals, such as encroachment permits, obstruction permits, curb/gutter/sidewalk permits, and public improvement ("p-job") permits from the City for work in the public right-of-way, including but not limited to, streets, curbs, gutters, sidewalks, utilities, and fire hydrants. Prior to any work in the public right-of-way, the applicant shall submit plans for review and approval by the Bureau of Planning, the Bureau of Building, Engineering Services, Department of Transportation, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City.

12. **Compliance Matrix**

The project applicant shall submit a Compliance Matrix, in both written and electronic form, for review and approval by the Bureau of Planning and the Bureau of Building that lists each Condition of Approval (including each mitigation measure if applicable) in a sortable spreadsheet. The Compliance Matrix shall contain, at a minimum, each required Condition of Approval, when compliance with the Condition is required, and the status of compliance

with each Condition. For multi-phased projects, the Compliance Matrix shall indicate which Condition applies to each phase. The project applicant shall submit the initial Compliance Matrix prior to the issuance of the first construction-related permit and shall submit an updated matrix upon request by the City.

13. **Construction Management Plan**

Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department, Department of Transportation, and the Public Works Department as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management (see applicable Conditions below). The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

GENERAL

14. **Regulatory Permits and Authorizations from Other Agencies**

Requirement: The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.

When Required: Prior to activity requiring permit/authorization from regulatory agency

Initial Approval: Approval by applicable regulatory agency with jurisdiction; evidence of approval submitted to Bureau of Planning

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

AESTHETICS

15. **Trash and Blight Removal**

Requirement: The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and

multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

16. Graffiti Control

Requirement:

a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
   i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
   ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
   iii. Use of paint with anti-graffiti coating.
   iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
   v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.

b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
   i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
   ii. Covering with new paint to match the color of the surrounding surface.
   iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

17. Landscape Plan

a. ***Landscape Plan Required***

- Requirement: The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf and

http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf, respectively), and with any applicable streetscape plan.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. ***Landscape Installation***

Requirement: The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of $2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

c. ***Landscape Maintenance***

Requirement: All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

18. **Lighting**

Requirement: Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

1. **Public Art for Private Development**

Requirement: The project is subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). The public art contribution requirements are equivalent to one-half percent (0.5%) for the "residential" building development costs, and one percent (1.0%) for the "non-residential" building development costs.

FINDINGS

The contribution requirement can be met through: 1) the installation of freely accessible art at the site; 2) the installation of freely accessible art within one-quarter mile of the site; or 3) satisfaction of alternative compliance methods described in the Ordinance, including, but not limited to, payment of an in-lieu fee contribution. The applicant shall provide proof of full payment of the in-lieu contribution and/or provide plans, for review and approval by the Planning Director, showing the installation or improvements required by the Ordinance prior to issuance of a building permit.

Proof of installation of artwork, or other alternative requirement, is required prior to the City's issuance of a final certificate of occupancy for each phase of a project unless a separate, legal binding instrument is executed ensuring compliance within a timely manner subject to City approval.

When Required: Payment of in-lieu fees and/or plans showing fulfillment of public art requirement – Prior to Issuance of Building permit

Installation of art/cultural space – Prior to Issuance of a Certificate of Occupancy.

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

AIR QUALITY

2. Dust Controls – Construction Related

Requirement: The project applicant shall implement all of the following applicable dust control measures during construction of the project:

a) Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.

b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).

c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

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

e) All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.

f) All trucks and equipment, including tires, shall be washed off prior to leaving the site.

g) Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

[The following condition applies to all projects involving construction activities.]

3. **Criteria Air Pollutant Controls - Construction Related**

Requirement: The project applicant shall implement all of the following applicable basic control measures for criteria air pollutants during construction of the project as applicable:

a) Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.

b) Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").

c) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.

d) Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.

e) Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.

f) All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.

g) Criteria Air Pollutant Reduction Measures

Requirement: The project applicant shall retain a qualified air quality consultant to identify criteria air pollutant reduction measures to reduce the project's average daily emissions below 54 pounds per day of ROG, NOx, or PM2.5 or 82 pounds per day of PM10. Quantified emissions and identified reduction measures shall be submitted to the City (and the Air District if specifically requested) for review and approval prior to the issuance of building permits and the approved criteria air pollutant reduction measures shall be implemented during construction.

h) Construction Emissions Minimization Plan

Requirement: The project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified criteria air pollutant reduction measures. The Emissions Plan shall be submitted to the City (and the Air District

if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following:

i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all Verified Diesel Emissions Control Strategies (VDECS), the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.

ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.

When Required: Prior to issuance of a construction related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

4. **Diesel Particulate Matter Controls-Construction Related**

a. Diesel Particulate Matter Reduction Measures

Requirement: The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) from construction emissions. The project applicant shall choose **one** of the following methods:

i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment to determine the health risk to sensitive receptors exposed to DPM from project construction emissions. The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then DPM reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, DPM reduction measures shall be identified to reduce the health risk to acceptable levels as set forth under subsection b below. Identified DPM reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM reduction measures shall be implemented during construction.

-or-

ii. All off-road diesel equipment shall be equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through an equipment inventory submittal and Certification Statement that the Contractor agrees to

compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract.

When Required: Prior to issuance of a construction related permit (i), during construction (ii)

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

b. Construction Emissions Minimization Plan (if required by a above)

Requirement: The project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified DPM reduction measures (if any). The Emissions Plan shall be submitted to the City (and the Bay Area Air Quality District if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following:

i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.

ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.

When Required: Prior to issuance of a construction related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

5. Stationary Sources of Air Pollution (Toxic Air Contaminants)

Requirement: The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants. The project applicant shall choose **one** of the following methods:

a. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk associated with proposed stationary sources of pollution in the project. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City.

- or -

b. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be

included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:

i. Installation of non-diesel fueled generators, if feasible, or;

ii. Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy, if feasible.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

6. Asbestos in Structures

Requirement: The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.

When Required: Prior to approval of construction-related permit

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

BIOLOGICAL RESOURCES

7. Bird Collision Reduction Measures

Requirement: The project applicant shall submit a Bird Collision Reduction Plan for City review and approval to reduce potential bird collisions to the maximum feasible extent. The Plan shall include all of the following mandatory measures, as well as applicable and specific project Best Management Practice (BMP) strategies to reduce bird strike impacts to the maximum feasible extent. The project applicant shall implement the approved Plan. Mandatory measures include all of the following:

i. For large buildings subject to federal aviation safety regulations, install minimum intensity white strobe lighting with three second flash instead of solid red or rotating lights.

ii. Minimize the number of and co-locate rooftop-antennas and other rooftop structures.

iii. Monopole structures or antennas shall not include guy wires.

iv. Avoid the use of mirrors in landscape design.

v. Avoid placement of bird-friendly attractants (i.e., landscaped areas, vegetated roofs, water features) near glass unless shielded by architectural features taller than the attractant that incorporate bird friendly treatments no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule), as explained below.

vi. Apply bird-friendly glazing treatments to no less than 90 percent of all windows and glass between the ground and 60 feet above ground or to the height of existing adjacent landscape or the height of the proposed landscape. Examples of bird-friendly glazing treatments include the following:

- Use opaque glass in window panes instead of reflective glass.
- Uniformly cover the interior or exterior of clear glass surface with patterns (e.g., dots, stripes, decals, images, abstract patterns). Patterns can be etched, fritted, or on films and shall have a density of no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule).
- Install paned glass with fenestration patterns with vertical and horizontal mullions no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule).
- Install external screens over non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects.
- Install UV-pattern reflective glass, laminated glass with a patterned UV-reflective coating, or UV-absorbing and UV-reflecting film on the glass since most birds can see ultraviolet light, which is invisible to humans.
- Install decorative grilles, screens, netting, or louvers, with openings no more than two inches horizontally, four inches vertically, or both (the "two-by-four" rule).
- Install awnings, overhangs, sunshades, or light shelves directly adjacent to clear glass which is recessed on all sides.
- Install opaque window film or window film with a pattern/design which also adheres to the "two-by-four" rule for coverage.

vi. Reduce light pollution. Examples include the following:

- Extinguish night-time architectural illumination treatments during bird migration season (February 15 to May 15 and August 15 to November 30).
- Install time switch control devices or occupancy sensors on non-emergency interior lights that can be programmed to turn off during non-work hours and between 11:00 p.m. and sunrise.
- Reduce perimeter lighting whenever possible.
- Install full cut-off, shielded, or directional lighting to minimize light spillage, glare, or light trespass.
- Do not use beams of lights during the spring (February 15 to May 15) or fall (August 15 to November 30) migration.

vii. Develop and implement a building operation and management manual that promotes bird safety. Example measures in the manual include the following:

- Donation of discovered dead bird specimens to an authorized bird conservation organization or museums (e.g., UC Berkeley Museum of Vertebrate Zoology) to aid in species identification and to benefit scientific study, as per all federal, state and local laws.
- Distribution of educational materials on bird-safe practices for the building occupants. Contact Golden Gate Audubon Society or American Bird Conservancy for materials.

FINDINGS

- Asking employees to turn off task lighting at their work stations and draw office blinds, shades, curtains, or other window coverings at end of work day.
- Install interior blinds, shades, or other window coverings in windows above the ground floor visible from the exterior as part of the construction contract, lease agreement, or CC&Rs.
- Schedule nightly maintenance during the day or to conclude before 11 p.m., if possible.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

8. Tree Removal During Bird Breeding Season

Requirement: To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

When Required: Prior to removal of trees

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

CULTURAL RESOURCES

9. Archaeological and Paleontological Resources – Discovery During Construction

Requirement: Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance

measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.

In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.

In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

10. Human Remains – Discovery During Construction

Requirement: Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. 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 and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

GEOLOGY AND SOILS

11. Construction-Related Permit(s)

Requirement: The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

12. Soils Report

Requirement: The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

HAZARDS AND HAZARDOUS MATERIALS

13. Hazardous Materials Related to Construction

Requirement: The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:

a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;
b. Avoid overtopping construction equipment fuel gas tanks;
c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
d. Properly dispose of discarded containers of fuels and other chemicals;
e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and

f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

14. Hazardous Building Materials and Site Contamination

a. ***Hazardous Building Materials Assessment***

Requirement: The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.

When Required: Prior to approval of demolition, grading, or building permits

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. ***Environmental Site Assessment Required***

Requirement: The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.

When Required: Prior to approval of construction-related permit.

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

FINDINGS

c. ***Health and Safety Plan Required***
Requirement: The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

d. ***Best Management Practices (BMPs) Required for Contaminated Sites***
Requirement: The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:

i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.

ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

HYDROLOGY AND WATER QUALITY

15. Erosion and Sedimentation Control Measures for Construction

Requirement: The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

16. NPDES C.3 Stormwater Requirements for Regulated Projects

a. ***Post-Construction Stormwater Management Plan Required***

Requirement: The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:

i. Location and size of new and replaced impervious surface;
ii. Directional surface flow of stormwater runoff;
iii. Location of proposed on-site storm drain lines;
iv. Site design measures to reduce the amount of impervious surface area;
v. Source control measures to limit stormwater pollution;
vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and
vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.

When Required: Prior to approval of construction-related permit
Initial Approval: Bureau of Planning; Bureau of Building
Monitoring/Inspection: Bureau of Building

b. ***Maintenance Agreement Required***

Requirement: The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:

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

The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

NOISE

17. Construction Days/Hours

FINDINGS

Requirement: The project applicant shall comply with the following restrictions concerning construction days and hours:

a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.

b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.

c. No construction is allowed on Sunday or federal holidays.

Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

18. Construction Noise

Requirement: The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:

a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible.

b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter

procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.

c. Applicant shall use temporary power poles instead of generators where feasible.

d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.

e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

19. Extreme Construction Noise

a. ***Construction Noise Management Plan Required***

Requirement: Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:

i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;

ii. Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;

iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;

iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and

v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. ***Public Notification Required***

Requirement: The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall

submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.

When Required: During construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

20. Project-Specific Construction Noise Reduction Measures

Requirement: The project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction noise impacts on 1770 Broadway. The project applicant shall implement the approved Plan during construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

21. Construction Noise Complaints

Requirement: The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:

a. Designation of an on-site construction complaint and enforcement manager for the project;
b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit;
c. Protocols for receiving, responding to, and tracking received complaints; and
d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

22. Operational Noise

Requirement: Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.

When Required: Ongoing

FINDINGS

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

23. Exposure to Vibration

Requirement: The project applicant shall submit a Vibration Reduction Plan prepared by a qualified acoustical consultant for City review and approval that contains vibration reduction measures to reduce groundborne vibration to acceptable levels per Federal Transit Administration (FTA) standards. The applicant shall implement the approved Plan during construction. Potential vibration reduction measures include, but are not limited to, the following:

a. Isolation of foundation and footings using resilient elements such as rubber bearing pads or springs, such as a "spring isolation" system that consists of resilient spring supports that can support the podium or residential foundations. The specific system shall be selected so that it can properly support the structural loads, and provide adequate filtering of groundborne vibration to the residences above.

b. Trenching, which involves excavating soil between the railway and the project so that the vibration path is interrupted, thereby reducing the vibration levels before they enter the project's structures. Since the reduction in vibration level is based on a ratio between trench depth and vibration wavelength, additional measurements shall be conducted to determine the vibration wavelengths affecting the project. Based on the resulting measurement findings, an adequate trench depth and, if required, suitable fill shall be identified (such as foamed styrene packing pellets [i.e., Styrofoam] or low-density polyethylene).

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

24. Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities

Requirement: The project applicant shall submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structure and/or substantially interfere with activities located at 1900 Broadway (The Tapscott Building). The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The applicant shall implement the recommendations during construction.

When Required: Prior to construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

POPULATION AND HOUSING

25. Jobs/Housing Impact Fee

FINDINGS

Requirement: The project applicant shall comply with the requirements of the City of Oakland Jobs/Housing Impact Fee Ordinance (chapter 15.68 of the Oakland Municipal Code).

When Required: Prior to issuance of building permit; subsequent milestones pursuant to ordinance

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

26. Affordable Housing Impact Fee

Requirement: The project applicant shall comply with the requirements of the City of Oakland Affordable Housing Impact Fee Ordinance (chapter 15.72 of the Oakland Municipal Code).

When Required: Prior to issuance of building permit; subsequent milestones pursuant to ordinance

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

PUBLIC SERVICES

27. Capital Improvements Impact Fee

Requirement: The project applicant shall comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

TRANSPORTATION/TRAFFIC

28. Construction Activity in the Public Right-of-Way

a. ***Obstruction Permit Required***

Requirement: The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops.

When Required: Prior to approval of construction-related permit

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

b. ***Traffic Control Plan Required***

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit

evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

c. ***Repair of City Streets***

Requirement: The project applicant shall repair any damage to the public right-of way, including streets and sidewalks, caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Department of Transportation

29. Bicycle Parking

Requirement: The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

30. Transportation and Parking Demand Management

a. Transportation and Parking Demand Management (TDM) Plan Required

Requirement: The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City.

i. The goals of the TDM Plan shall be the following:

- Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable.
- Achieve the following project vehicle trip reductions (VTR):
  - Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR
  - Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR

- Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate.
- Enhance the City's transportation system, consistent with City policies and programs.

ii. The TDM Plan should include the following:

- Baseline existing conditions of parking and curbside regulations within the surrounding neighborhood that could affect the effectiveness of TDM strategies, including inventory of parking spaces and occupancy if applicable.
- Proposed TDM strategies to achieve VTR goals (see below).

iii. For employers with 100 or more employees at the subject site, the TDM Plan shall also comply with the requirements of Oakland Municipal Code Chapter 10.68 Employer-Based Trip Reduction Program.

iv. The following TDM strategies **must** be incorporated into a TDM Plan based on a project location or other characteristics. When required, these mandatory strategies should be identified as a credit toward a project's VTR.

Improvement	Required by code or when…
Bus boarding bulbs or islands	• A bus boarding bulb or island does not already exist and a bus stop is located along the project frontage; and/or • A bus stop along the project frontage serves a route with 15 minutes or better peak hour service and has a shared bus-bike lane curb
Bus shelter	• A stop with no shelter is located within the project frontage, or • The project is located within 0.10 miles of a flag stop with 25 or more boardings per day
Concrete bus pad	• A bus stop is located along the project frontage and a concrete bus pad does not already exist
Curb extensions or bulb-outs	• Identified as an improvement within site analysis
Implementation of a corridor-level bikeway improvement	• A buffered Class II or Class IV bikeway facility is in a local or county adopted plan within 0.10 miles of the project location; and • The project would generate 500 or more daily bicycle trips
Implementation of a corridor-level transit capital improvement	• A high-quality transit facility is in a local or county adopted plan within 0.25 miles of the project location; and

Improvement	Required by code or when…
	• The project would generate 400 or more peak period transit trips
Installation of amenities such as lighting; pedestrian-oriented green infrastructure, trees, or other greening landscape; and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.	• Always required
Installation of safety improvements identified in the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.)	• When improvements are identified in the Pedestrian Master Plan along project frontage or at an adjacent intersection
In-street bicycle corral	• A project includes more than 10,000 square feet of ground floor retail, is located along a Tier 1 bikeway, and on-street vehicle parking is provided along the project frontages.
Intersection improvements[1]	• Identified as an improvement within site analysis
New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards	• Always required
No monthly permits and establish minimum price floor for public parking[2]	• If proposed parking ratio exceeds 1:1000 sf. (commercial)
Parking garage is designed with retrofit capability	• Optional if proposed parking ratio exceeds 1:1.25 (residential) or 1:1000 sf. (commercial)
Parking space reserved for car share	• If a project is providing parking and a project is located within downtown. One car share space reserved for buildings between 50 – 200 units, then one car share space per 200 units.
Paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street section	• Typically required

[1] Including but not limited to visibility improvements, shortening corner radii, pedestrian safety islands, accounting for pedestrian desire lines.

[2] May also provide a cash incentive or transit pass alternative to a free parking space in commercial properties.

Improvement	Required by code or when…
Pedestrian crossing improvements	• Identified as an improvement within site analysis
Pedestrian-supportive signal changes[3]	• Identified as an improvement within operations analysis
Real-time transit information system	• A project frontage block includes a bus stop or BART station and is along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better
Relocating bus stops to far side	• A project is located within 0.10 mile of any active bus stop that is currently near-side
Signal upgrades[4]	• Project size exceeds 100 residential units, 80,000 sf. of retail, or 100,000 sf. of commercial; and • Project frontage abuts an intersection with signal infrastructure older than 15 years
Transit queue jumps	• Identified as a needed improvement within operations analysis of a project with frontage along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better
Trenching and placement of conduit for providing traffic signal interconnect	• Project size exceeds 100 units, 80,000 sf. of retail, or 100,000 sf. of commercial; and • Project frontage block is identified for signal interconnect improvements as part of a planned ITS improvement; and • A major transit improvement is identified within operations analysis requiring traffic signal interconnect
Transit Pass subsidy for residents	• Required per Section 17.116.105 of the Planning Code.
Unbundled parking	• Required per Section 17.116.310 of the Planning Code.

v. Other TDM strategies to consider include, but are not limited to, the following:

- Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and

[3] Including but not limited to reducing signal cycle lengths to less than 90 seconds to avoid pedestrian crossings against the signal, providing a leading pedestrian interval, provide a "scramble" signal phase where appropriate.
[4] Including typical traffic lights, pedestrian signals, bike actuated signals, transit-only signals

shower and locker facilities in commercial developments that exceed the requirement.

- Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping.
- Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project.

- Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan, the Master Street Tree List and Tree Planting Guidelines (which can be viewed at http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf and http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf, respectively)

  and any applicable streetscape plan.

- Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.
- Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency).
- Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes.
- Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3).
- Guaranteed ride home program for employees, either through 511.org or through separate program.
- Pre-tax commuter benefits (commuter checks) for employees.
- Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants.
- On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools.
- Distribution of information concerning alternative transportation options.
- Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties.

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- Parking management strategies including attendant/valet parking and shared parking spaces.
- Requiring tenants to provide opportunities and the ability to work off-site.
- Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week).
- Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours.

The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines where feasible. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report.

When Required: Prior to approval of planning application.

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. TDM Implementation – Physical Improvements

Requirement: For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project.

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

c. TDM Implementation – Operational Strategies

Requirement: For projects that generate 100 or more net new a.m. or p.m. peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.

When Required: Ongoing

Initial Approval: Department of Transportation

FINDINGS

Monitoring/Inspection: Department of Transportation

31. Transportation Impact Fee

Requirement: The project applicant shall comply with the requirements of the City of Oakland Transportation Impact Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

32. Plug-In Electric Vehicle (PEV) Charging Infrastructure

a. ***PEV-Ready Parking Spaces***

Requirement: The applicant shall submit, for review and approval of the Building Official and the Zoning Manager, plans that show the location of parking spaces equipped with full electrical circuits designated for future PEV charging (i.e. "PEV-Ready) per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-Ready parking spaces.

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. ***PEV-Capable Parking Spaces***

Requirement: The applicant shall submit, for review and approval of the Building Official, plans that show the location of inaccessible conduit to supply PEV-capable parking spaces per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-capable parking spaces.

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

c. ***ADA-Accessible Spaces***

Requirement: The applicant shall submit, for review and approval of the Building Official, plans that show the location of future accessible EV parking spaces as required under Title 24 Chapter 11B Table 11B-228.3.2.1, and specify plans to construct all future accessible EV parking spaces with appropriate grade, vertical clearance, and accessible path of travel to allow installation of accessible EV charging station(s).

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

FINDINGS

UTILITY AND SERVICE SYSTEMS

33. Construction and Demolition Waste Reduction and Recycling

Requirement: The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of $50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

34. Underground Utilities

Requirement: The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

35. Recycling Collection and Storage Space

Requirement: The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two (2) cubic feet of storage and collection space per residential unit is required, with a minimum of ten (10) cubic feet. For nonresidential projects, at least two (2) cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten (10) cubic feet.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning
Monitoring/Inspection: Bureau of Building

36. Green Building Requirements

d. ***Compliance with Green Building Requirements During Plan-Check***
Requirement: The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).

i. The following information shall be submitted to the City for review and approval with the application for a building permit:
- Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.
- Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.
- Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
- Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.
- Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
- Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
- Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

ii. The set of plans in subsection (i) shall demonstrate compliance with the following:
- CALGreen mandatory measures.
- The project shall meet the green building point level/certification requirement per the appropriate checklist approved during the Planning entitlement process.
- All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.
- The required green building point minimums in the appropriate credit categories.

When Required: Prior to approval of construction-related permit
Initial Approval: Bureau of Building
Monitoring/Inspection: N/A

e. ***Compliance with Green Building Requirements During Construction***

FINDINGS

Requirement: The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project.

The following information shall be submitted to the City for review and approval:

i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.

ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.

iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

f. ***Compliance with Green Building Requirements After Construction***
Requirement: Prior to the finaling the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.

When Required: Prior to Final Approval

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

37. Sanitary Sewer System

Requirement: The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Department of Engineering and Construction

Monitoring/Inspection: N/A

38. Storm Drain System

Requirement: The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

FINDINGS

39. Employee Rights

Requirement: The project applicant and business owners in the project shall comply with all state and federal laws regarding employees' right to organize and bargain collectively with employers and shall comply with the City of Oakland Minimum Wage Ordinance (chapter 5.92 of the Oakland Municipal Code).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

40. Neighborhood Retail Survey

Requirement: The project applicant shall conduct a survey of community members located within one-half mile of the project site to identify neighborhood needs and preferences for the proposed commercial space. The City strongly encourages the project applicant to seek tenants for the proposed commercial space that meet the needs and preferences of local community members. Please refer to the City's Survey Guidelines for more information (contained in a separate document and available from the Oakland Planning Bureau).

When Required: Prior to commercial operations

Initial Approval: N/A

Monitoring/Inspection: N/A

41. Loading Berth

Ongoing

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

Applicant Statement

I have read and accept responsibility for the Conditions of Approval. I agree to abide by and conform to the Conditions of Approval, as well as to all provisions of the Oakland Planning Code and Oakland Municipal Code pertaining to the project.

_____

Name of Project Applicant

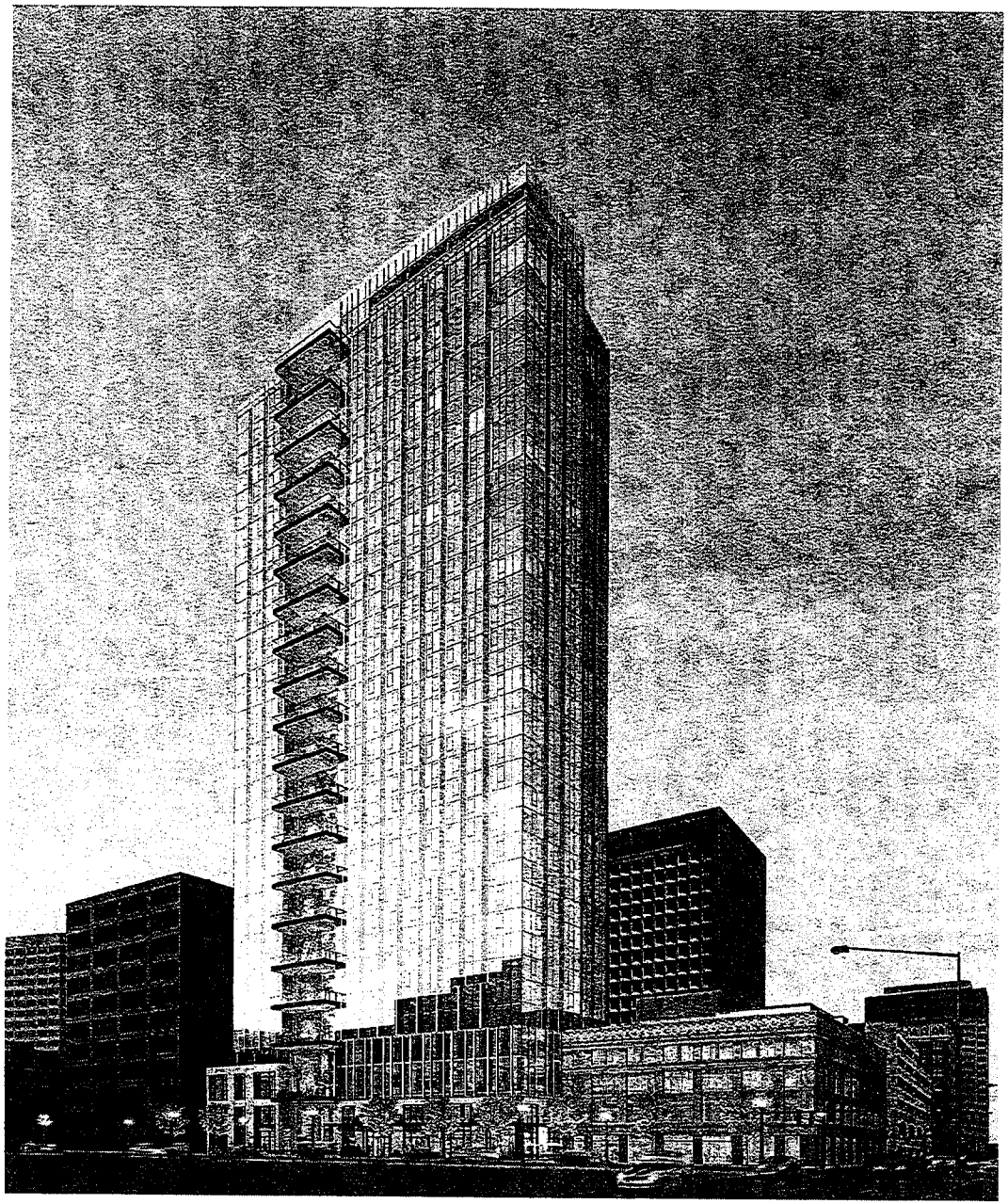
_____

Signature of Project Applicant

_____

Date

FINDINGS



1900 Broadway

Oakland, CA

MIXED USE TOWER

ENTITLEMENTS REVISED PROPOSAL CONCEPT:
MAXIMUM RESID DENSITY 452 UNITS / 39 FLRS

05 - 21 - 2018

OWNER: 19TH & B'WAY ASSOCIATES, LLC

ARCHITECT: SOLOMON CORDWELL BUENZ

CASE FILE # PLN15 - 179

APNS
008-0638-005-00
008-0638-006-03
008-0638-007-10

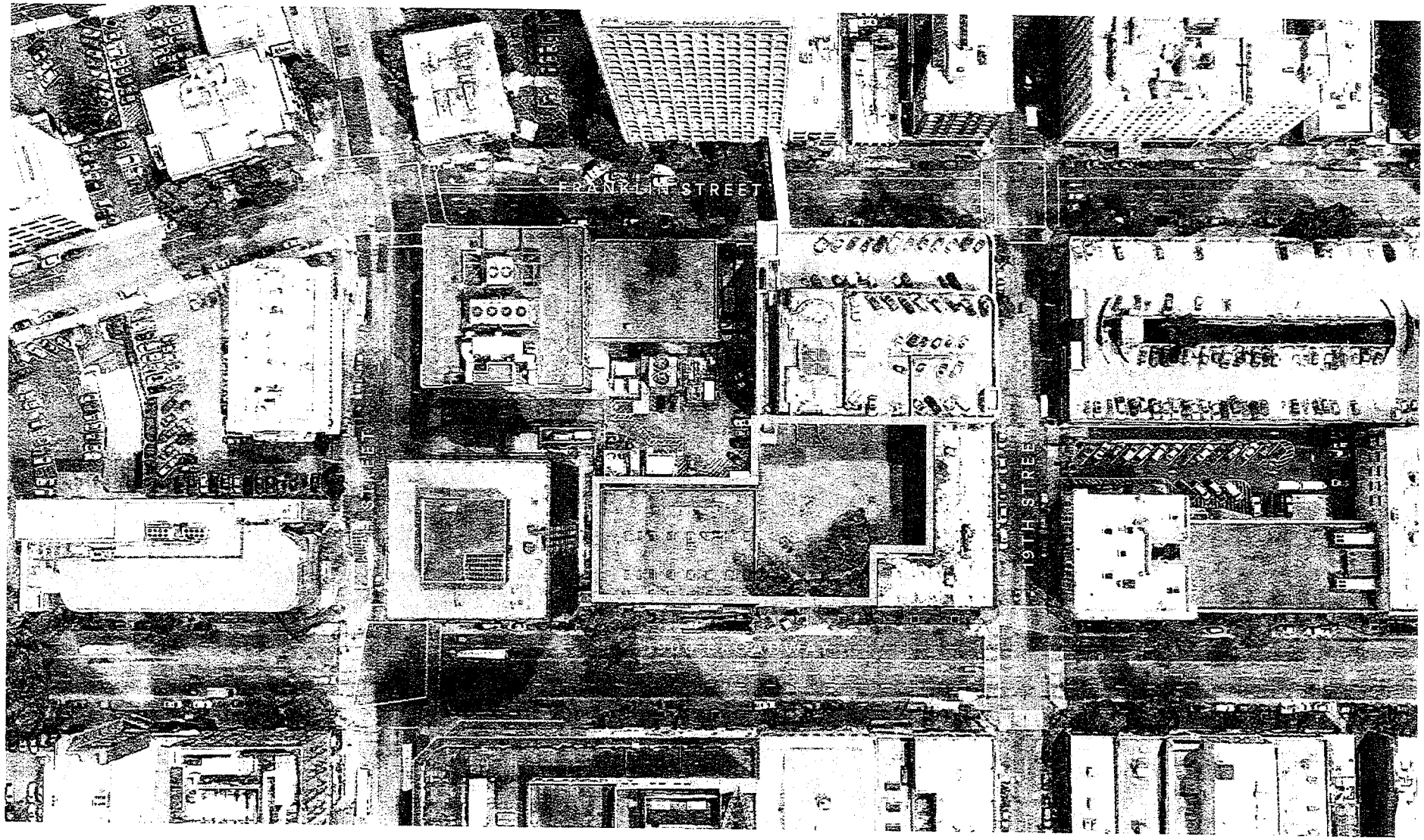
ATTACHMENT A

PLANNING/ENTITLEMENT COMPARISON*

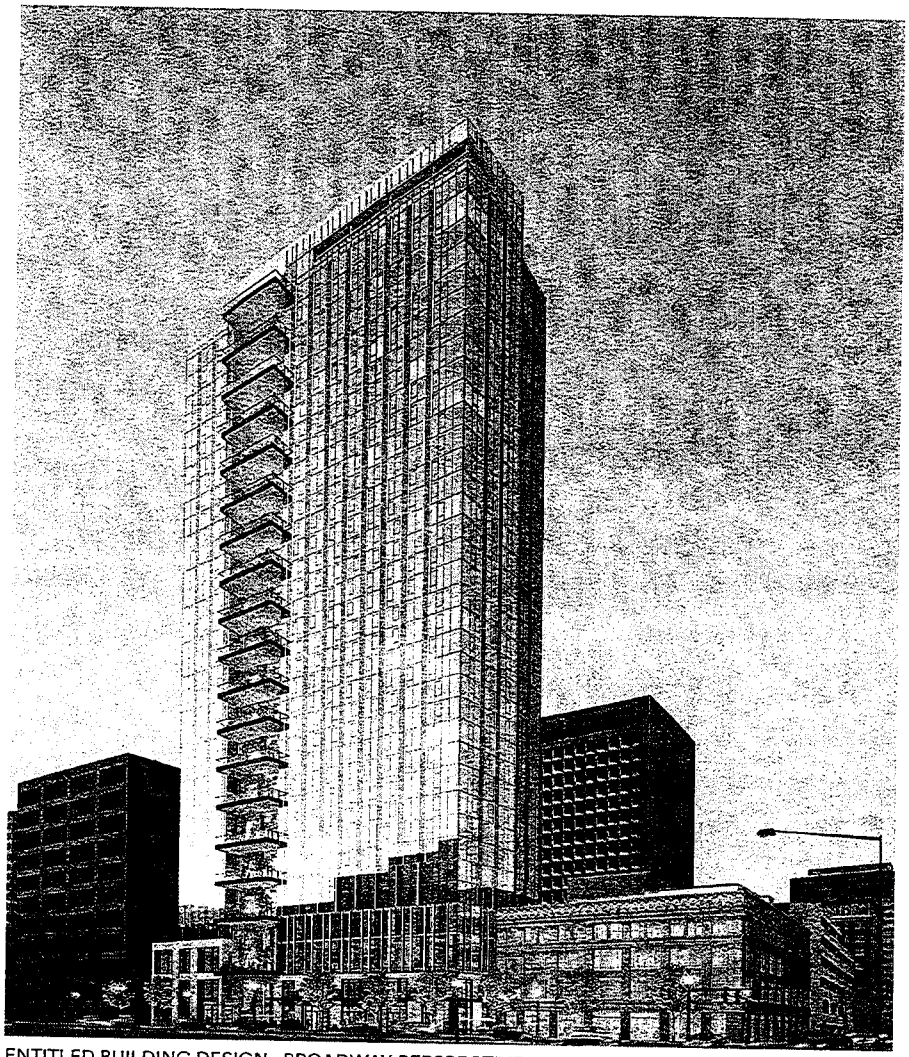
	APPROVED 2018 ENTITLEMENT	TAPSCOTT	PROPOSED 2018 UPDATE	TAPSCOTT
HEIGHT**	363'-6" (to upper flr) 375'-6" (to upper roof)	-	382'-6" (to upper flr) 394'-6" (to upper roof)	-
STORIES	36 + rooftop amenity level (3 level podium)	-	38 + rooftop amenity level (3 level podium)	-
RESIDENTIAL UNITS	433 (as-of-right 90 sf/unit = 452)	0	452 (as-of-right 90 sf/unit = 452)	0
OFFICE SPACE	51,802 SF	27,000 SF	SAME	SAME
RETAIL SPACES	5,917 SF	17,500 SF (incl. 8,765 sf bsmnt retail)	SAME	SAME
PARKING	153 spaces (31 at grade, 122 below)	2,000 sf	SAME	-
TYPICAL TOWER FLOORPLATE	13,307 SF	-	SAME	-
MAX. TOWER LENGTH/DIAGONAL	185'-4" L / 192'-7" DIAG.	-	SAME	-

* Previous 2016 approvals include Tapscott; current approval bifurcates + separates site
** Previous 2016 approvals measured to floor of highest habitable level.
Typ. zoning methodology shown to upper roof of highest habitable level - both shown for clarification

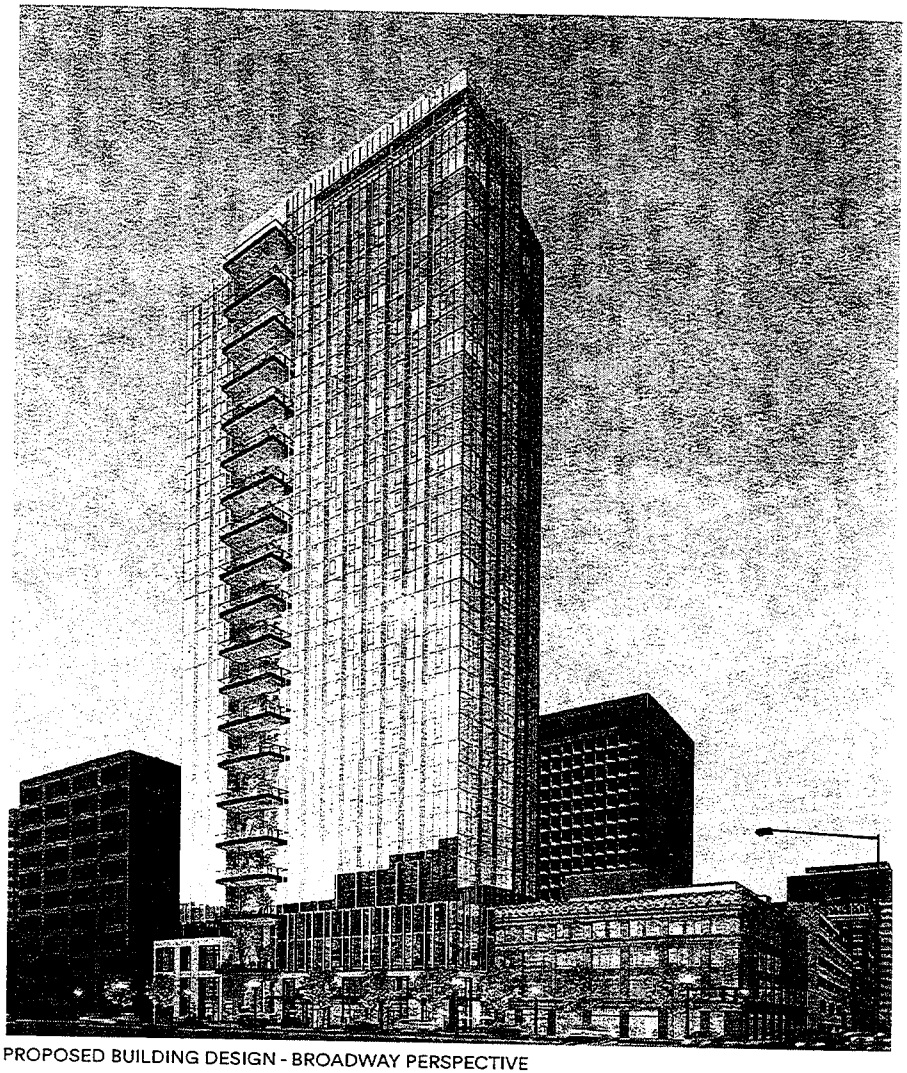
TOTAL GSF TOWARD FAR	**515,892 GSF (NEW) + 35,377 GSF (EXIST) = 551,269 GSF**	**542,506 GSF (NEW) = 35,377 GSF (EXIST) = 577,883 GSF**
TOTAL ABOVE GRADE GSF	**529,267 GSF (NEW) + 35,377 GSF (EXIST) = 564,644 GSF**	**555,881 GSF (NEW) + 35,377 GSF (EXIST) = 591,258 GSF**



SITE AERIAL



ENTITLED BUILDING DESIGN - BROADWAY PERSPECTIVE



PROPOSED BUILDING DESIGN - BROADWAY PERSPECTIVE

OAKLAND HERITAGE ALLIANCE

June 12, 2018

(By electronic transmission)

Mr. Neil Gray
City of Oakland
Bureau of Planning/Zoning Division
250 Frank H. Ogawa Plaza, 2nd Floor
Oakland, California 94612

Subject: PLN15179 - -Proposed building at 1900 Broadway - -Revised plans dated 5-21-18

Dear Mr. Gray,

Oakland Heritage Alliance has compared the May 21, 2018 submittal to the plans considered by the City Planning Commission on August 5, 2015 and February 7, 2018. The latest design has several problematic features that were not present in the August 5, 2015 and February 7, 2018 submittals.

These features include:

1. **Redesign of the Broadway (west) elevation so that it now reads as a single building with a relatively uniform surface treatment.** The previous design (see image on next page) read as two vertical buildings with contrasting surface treatments and was more successful. The contrasting treatments reduced the building's visual bulk and emphasized verticality, which made it a less intrusive element relative to the adjacent Uptown Area of Primary Importance (API). The revised building creates a horizontal wall on Broadway, which overshadows the API. The east elevation has similarly been revised, increasing its visual bulk.

   By breaking up the massing, the structure would better match the scale of the Tapscott building and others in the district, and thus better integrate with the API. This newest revision goes in the opposite direction. Taken together with the proposal for another massive façade along Broadway by Lane Partners at 21st (replacing three structures with one), we are at risk of creating a wall of very broad buildings in place of narrower, more human-scale, differentiated structures. We should not line Broadway with a series of monoliths.

2. **The west elevation's projecting balconies.** The balconies are a visually aggressive feature that intensify the west elevation's visual bulk and add a conflicting horizontal element. .

446 17th Street, Suite 301, Oakland, California 94612 • (510) 763-9218 • info@oaklandheritage.org
Web Site: www.oaklandheritage.org

Attachment C

3. **Angled floor plates and wall planes on the north and south elevations.** These features promote a sense of visual disorder, which further intensifies the 5-21-18 design's intrusiveness.

Note: Pages 2, 4, 5, and 6 of the latest submittal compare the latest design to what is referred to as the "Entitled Building Design". However, we can find no indication that the Entitled Building Design was ever approved.

Thank you for the opportunity to comment. Please contact Christopher Buckley at (510) 523–0411 or cbuckleyaicp@att.net or Naomi Schiff at (510) 835–1819 or Naomi@17th.com if you would like to discuss these comments.

Sincerely,

Tom Debley

President

By electronic transmission:
cc: William Gilchrist, Robert Merkamp, Catherine Payne, Pete Vollmann, and Betty Marvin, Bureau of Planning/Zoning

1900 Broadway

Oakland, CA

MIXED USE TOWER

DESIGN REVIEW COMMISSION
SUBMITTAL PACKAGE

2018.08.08

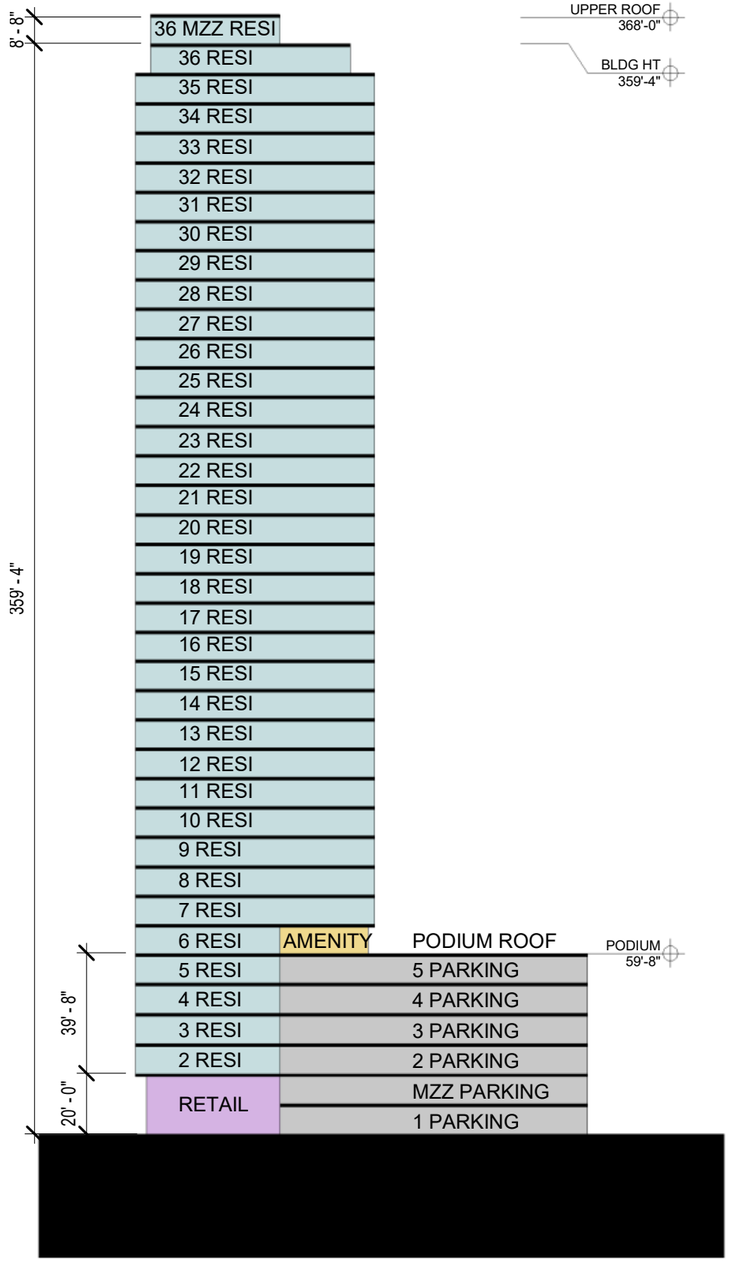
OWNER: 19TH & B'WAY ASSOCIATES, LLC
ARCHITECT: SOLOMON CORDWELL BUENZ

CASE FILE # PLN_15179 - R01

1900 BROADWAY TIMELINE

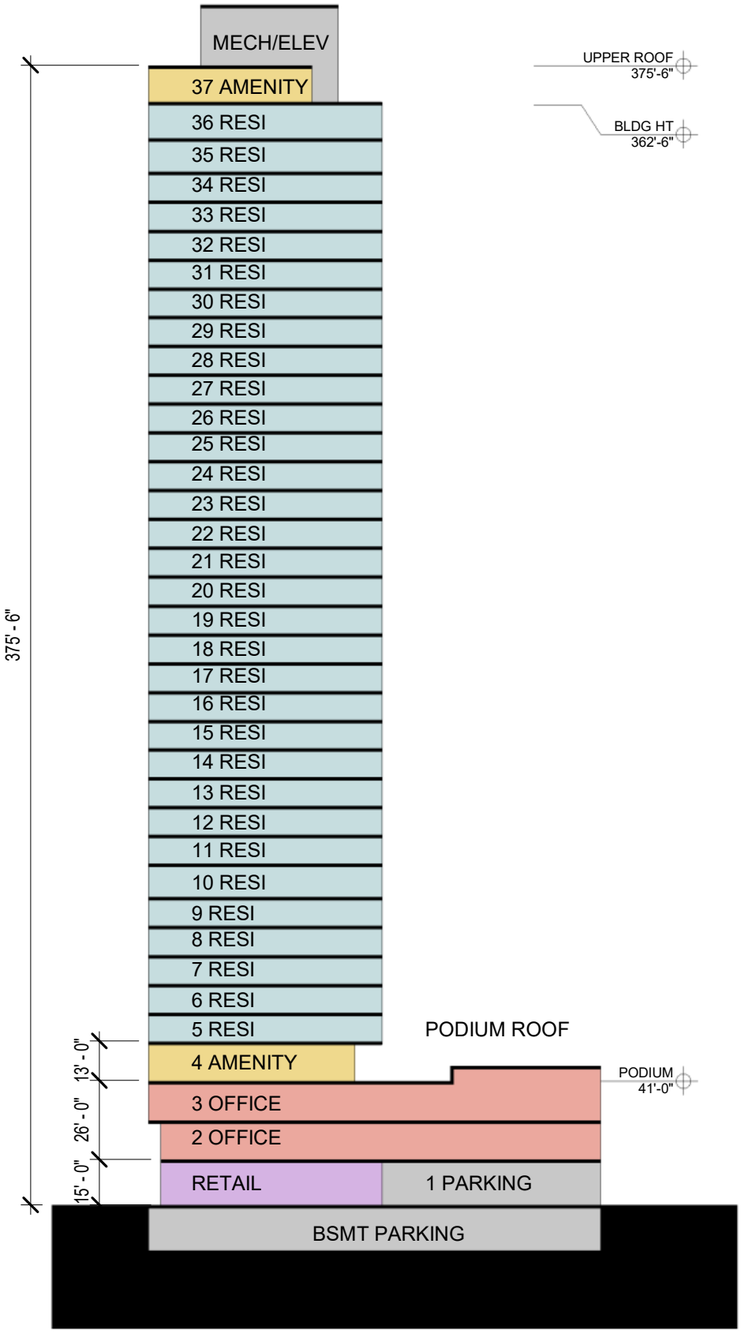
- 02.02.2018 - UPDATED DESIGN SUBMITTED TO DRC
- 02.29.2018 - DESIGN APPROVED AT DRC WITH COMMENTS
- 05.21.2018 - DESIGN REVISIONS SUBMITTED TO PLANNING
- 06.20.2018 - PLANNING COMMISSION HEARING TO OPTIMIZE DENSITY, ADDING 2 FLOORS
- OPTIMIZED PROJECT APPROVED. ADDITIONAL DRC HEARING REQUESTED TO MORE CLOSELY REVIEW ELEVATION FACING TAPSCOTT BUILDING
- 06.29.2018 - PROJECT SUBMITTED FOR BUILDING PERMIT (AWAITING FIRST ROUND OF COMMENTS)

DRC HEARING 02.29



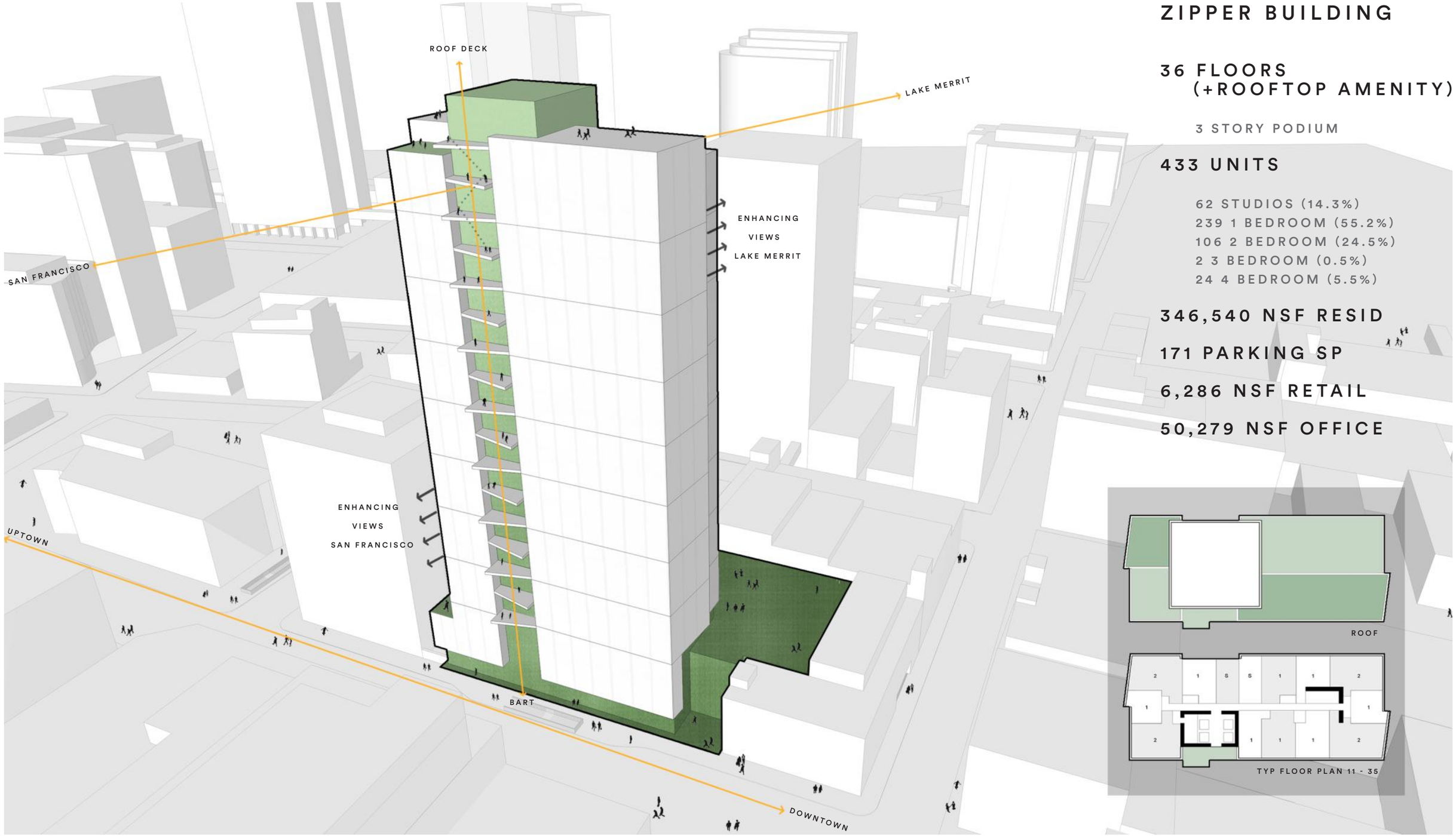
ENTITLED BLDG SECTION

2016



PROPOSED BLDG SECTION

2018



ZIPPER BUILDING

36 FLOORS (+ROOFTOP AMENITY)

3 STORY PODIUM

433 UNITS

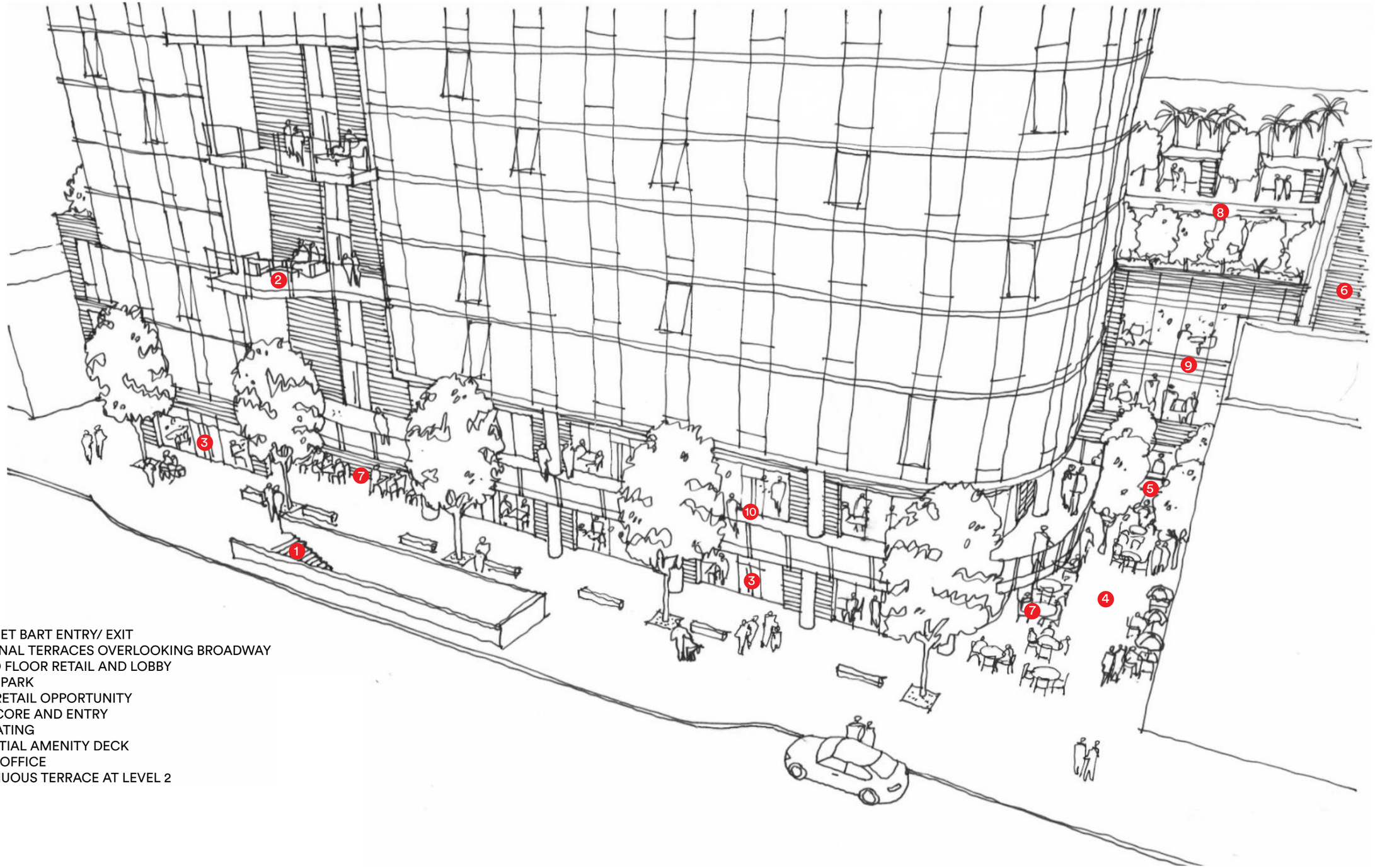
62 STUDIOS (14.3%)
239 1 BEDROOM (55.2%)
106 2 BEDROOM (24.5%)
2 3 BEDROOM (0.5%)
24 4 BEDROOM (5.5%)

346,540 NSF RESID

171 PARKING SP

6,286 NSF RETAIL

50,279 NSF OFFICE



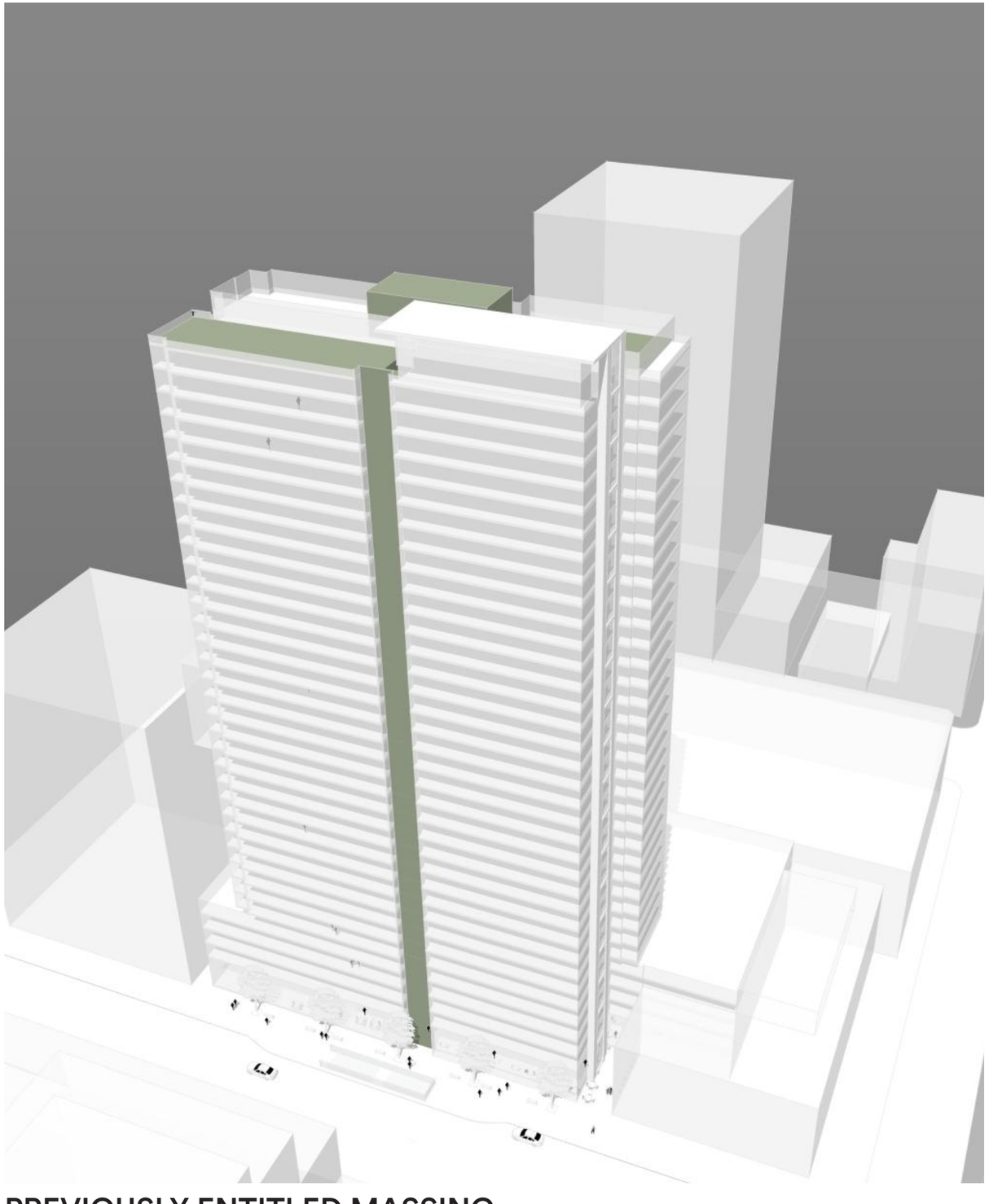
1. 19th STREET BART ENTRY/ EXIT
2. COMMUNAL TERRACES OVERLOOKING BROADWAY
3. GROUND FLOOR RETAIL AND LOBBY
4. POCKET PARK
5. POP UP RETAIL OPPORTUNITY
6. OFFICE CORE AND ENTRY
7. CAFE SEATING
8. RESIDENTIAL AMENITY DECK
9. 2 STORY OFFICE
10. CONTINUOUS TERRACE AT LEVEL 2

GROUND FLOOR EXPERIENCE

GROUND FLOOR PLAN

02.29.2018 DRC PACKAGE

SCB



PREVIOUSLY ENTITLED MASSING

PROPOSED MASSING

PREVIOUSLY ENTITLED MASSING

PROPOSEDMASSING

DRC COMMENTS

- CHAMPAGNE PATTERN APPEARS RELENTLESS. CONSIDER REDUCING AND REFINING PATTERN
- DEVELOP THE PATTERN AT THE PODIUM SO THAT THERE IS A STRONGER RELATIONSHIP BETWEEN THE PODIUM AND THE TAPSCOTT BUILDING

FORMAL RESPONSE ISSUED TO PLANNING ON 05.21.2018. EXCERPT BELOW:

ISSUES BROUGHT UP DURING DRC COMMITTEE HEARING, 2018.02.28:

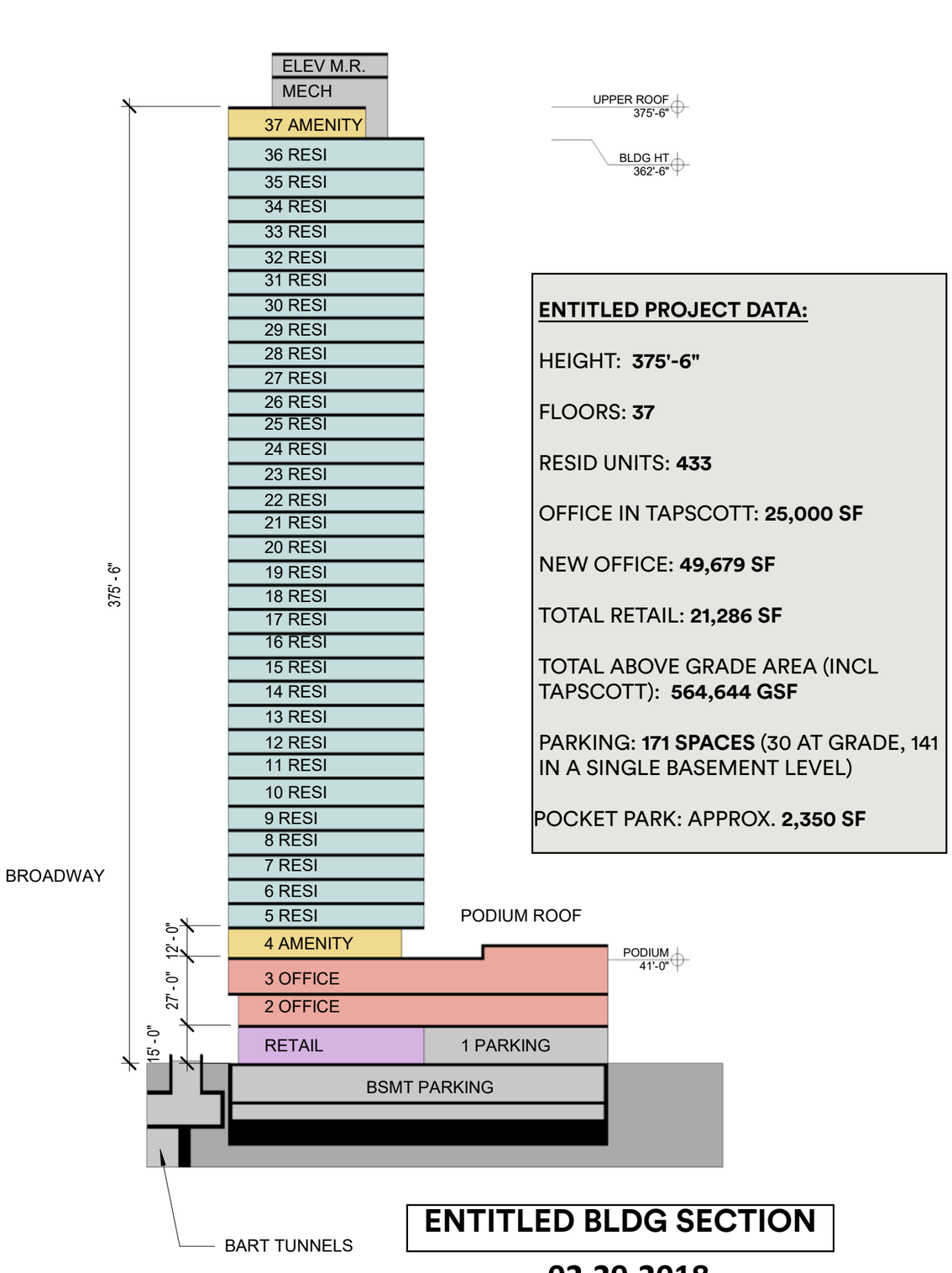
1. Comment brought up concerning the amount of the yellow/champagne color on the facade, that amount of the material was too much, and used "relentlessly".

RESPONSE: The thickness of the champagne bands at the typical tower floors has been reduced by nearly 50% by reducing the width of the elements, and stopping them short of building corners to allow for more vision glass. As a result, they no longer read as strong visual elements which immediately catch the eye, but more as complimentary pieces creating a rhythmic pattern.

2. Comment that there needs to be a stronger break to distinguish the building base/podium from the tower. The pattern of the curtain wall aligned with the Tapscott Building needs to change from the tower pattern vertically to create a more distinguishable horizontal.

RESPONSE: The difference in the visual patterning of the glass facade between floors 4 and 5, which coincides with the top of the Tapscott, has been accentuated. The amount of champagne panel in the base has been reduced, and completely offset from the curtain wall pattern above. This creates a more distinctive break from the tower when taken in tandem with the difference in lighting between office/retail/amenity spaces below the break and residential units above.

CURRENT DESIGN



ENTITLED PROJECT DATA:

HEIGHT: **375'-6"**

FLOORS: **37**

RESID UNITS: **433**

OFFICE IN TAPSCOTT: **25,000 SF**

NEW OFFICE: **49,679 SF**

TOTAL RETAIL: **21,286 SF**

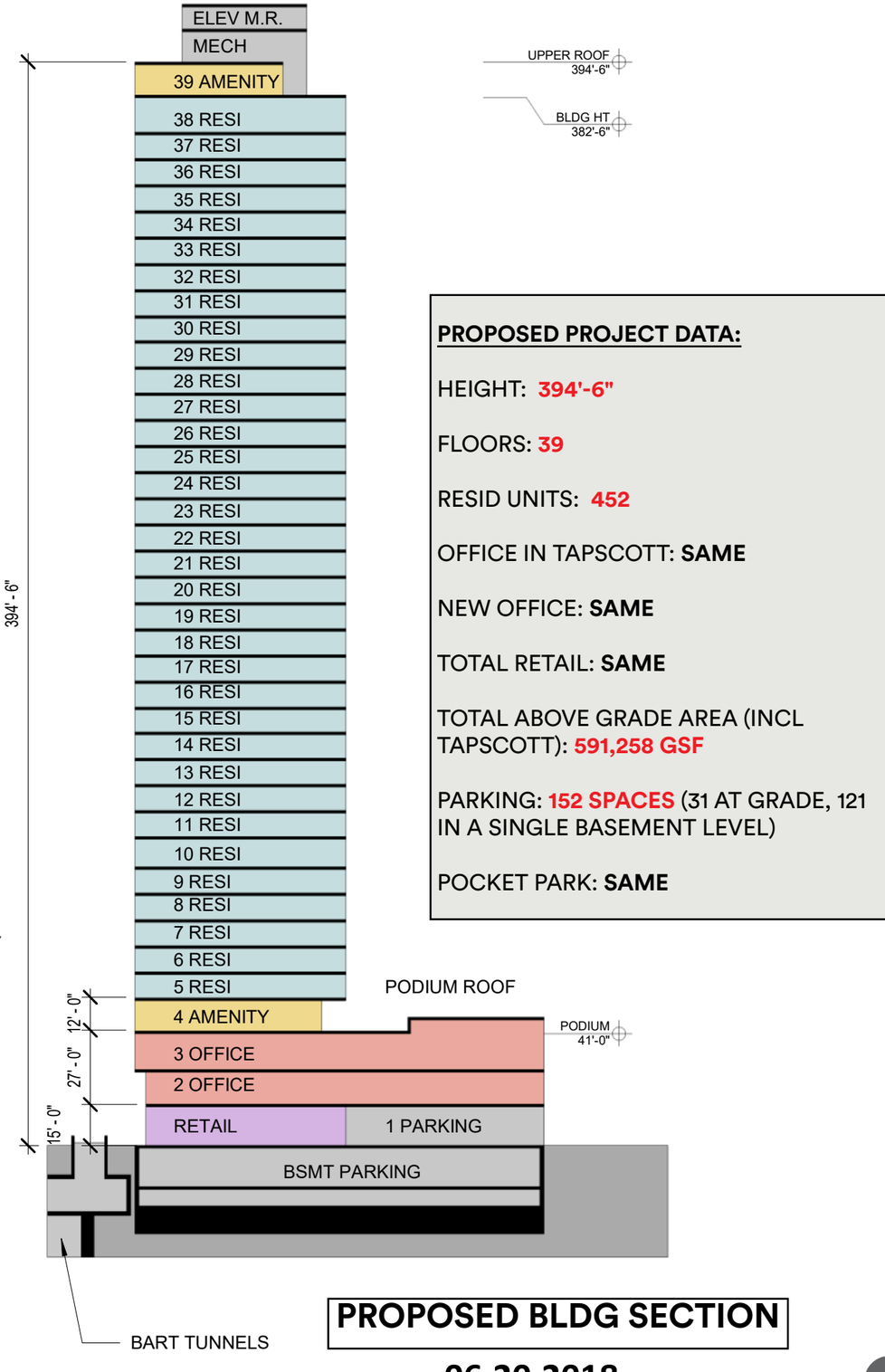
TOTAL ABOVE GRADE AREA (INCL TAPSCOTT): **564,644 GSF**

PARKING: **171 SPACES** (30 AT GRADE, 141 IN A SINGLE BASEMENT LEVEL)

POCKET PARK: APPROX. **2,350 SF**

ENTITLED BLDG SECTION

02.29.2018



PROPOSED PROJECT DATA:

HEIGHT: **394'-6"**

FLOORS: **39**

RESID UNITS: **452**

OFFICE IN TAPSCOTT: **SAME**

NEW OFFICE: **SAME**

TOTAL RETAIL: **SAME**

TOTAL ABOVE GRADE AREA (INCL TAPSCOTT): **591,258 GSF**

PARKING: **152 SPACES** (31 AT GRADE, 121 IN A SINGLE BASEMENT LEVEL)

POCKET PARK: **SAME**

PROPOSED BLDG SECTION

06.20.2018

02.29.2018 - BROADWAY PERSPECTIVE

CURRENT - BROADWAY PERSPECTIVE - REFINED PANEL DESIGN

02.29 - BROADWAY PERSPECTIVE

CURRENT - BROADWAY PERSPECTIVE - REFINED PANEL DESIGN

POCKET PARK

SECTION THROUGH POCKET PARK

SECTION THROUGH POCKET PARK

VIEW OUT FROM OFFICE

RETAIL AND OFFICE LOBBY

02.29 - GROUND FLOOR

CURRENT - GROUND FLOOR - REFINED PODIUM DESIGN