

Project Location: Assessor's Parcel Numbers:	1640 Broadway 008-0622-001-03; 008-0622-001-04; 008-0622-001-05.
Project Proposal:	Extend and Consider Modifications/Revisions to a previously approved project (File CMDV05118). Previous (2005) Approval: Construction of a 33-story (375 foot) high-rise building consisting of 254 residential units with approximately 4,710 square foot of retail space and nine-levels of parking, two of which are below grade for a total of 326 parking spaces. Current Proposal: Modifications/Revisions to the Previous Approval, involving construction of a 33-story (380 foot) high-rise building consisting of 254 residential units with approximately 5,000 square foot of retail space and four levels of parking above grade for a total of 232 parking spaces.
Project Applicant: Phone Number:	Lennar Multifamily Communities / Alex Waterbury (415) 975-4981
Property Owner:	1640 Broadway Association, LLC
Case File Number:	PLN15281
Planning Permits Required:	A) Request for a one-year extension of a previously approved development project, pursuant to condition of approval # 2. B) Modifications/Revisions to a previously approved project for the new construction of a residential and commercial facility that includes the following planning-related permits: 1) Major Conditional Use Permit for buildings over 200,000 square feet of new floor area in the CBD-P Zone; 2) Minor Conditional Use Permit for residential parking reduction; 3) Regular Design Review for new construction; 4) Minor Variance for residential loading berth space reduction (2 Required, 1 Proposed); and, 5) Vesting Tentative Parcel Map Subdivision for 254 new residential condominiums and 2 commercial condominiums.
General Plan:	Central Business District
Zoning District:	CBD-P / Central Business District – Pedestrian

Environmental Determination:	<p>A detailed CEQA Analysis was prepared for this project which concluded that the proposed project satisfies each of the following CEQA Guidelines: (1) 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning; (2) 15183.3- Qualified In-Fill Exemption; (3) 15164 - Addendum to the Approved and Certified 2000 EIR (ER00-002); and (4) 15168 and 15180 – Program EIRs and Redevelopment Projects. Each of the foregoing provides a separate and independent basis for CEQA compliance.</p> <p>The CEQA Analysis document may be reviewed at the Bureau of Planning offices, located at 250 Frank Ogawa Plaza, 2nd Floor or online.. The CEQA Analysis document for the Modified 1640 Broadway Mixed Use Development Project (including the 2000 EIR) can be viewed here:</p> <p>http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157;</p> <p>The Previous CEQA analyses relied upon in making the Environmental Determination and incorporated by reference within the CEQA Analysis document including the LUTE EIR, the Housing Element EIR/Addendum and the Central District Urban Renewal Plan EIR can be viewed here:</p> <p>http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009158</p>
Historic Status:	Non-Historic Property
Service Delivery District:	Downtown
City Council District:	3
Date Filed:	September 2, 2015
Action to be Taken:	Decision based on staff report
For Further Information:	Contact Project Case Planner: Mike Rivera at (510) 238-6417, or by email at mriviera@oaklandnet.com

CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: PLN15281

Applicant: Lennar Multifamily Communities / Alex Waterbury

Address: 1640 Broadway

Zone: CBD-P

PROJECT SUMMARY

The applicant is seeking two actions: (1) a one-year extension approval to a previously approved permit (Case File: CMDV05118) issued by the Planning Commission on May 4, 2005; and (2) modifications/revisions to the approved project (Case File: CMDV05118).

The approved project is a residential and commercial mixed-use development consisting of 33-stories, 375 feet in height (i.e., a high-rise building), 254 residential units, 4,700 square feet of ground-floor retail and a multi-level garage, including two below grade levels, with a total of 326 parking spaces. The staff report, findings, conditions of approval and approved design plans are included in **Attachment C**. The approved project received a series of permit extensions since 2005. The permit extensions were granted by the Zoning Manager, Planning Commission and City Council pursuant to the City-wide adoption of development permit extension. The most recent extension was granted until December 31, 2015 (see project background-history). On November 24, 2015, the applicant, as authorized under condition of approval #2 of its permit, submitted a request for an additional extension. Simultaneously, the applicant applied for a revision to the approved project. The submittal of the extension request is mainly to keep the entitlements active, pending modifications/revisions to the approved project or the current proposal is approved by the Planning Commission. As per the previous City Council city-wide development permit extension, the extension is conditioned upon the applicant being subject to, and agreeing to pay, any applicable development impact fees eventually adopted by the City Council, unless a vested right is obtained prior to the impact fee adoption date and such project is diligently pursued toward completion, as reasonably determined by the Planning Director or designee.

The current project (Case File: PLN15281) is a 33-story (approximately 380 foot) high-rise building consisting of 254 residential units, approximately 5,000 square foot of retail space and four levels of above grade parking for a total of 232 parking spaces. The current project including proposed modifications/revisions to the approved project's design plans are included in **Attachment D**. The current project includes a modification to and approval of the following Planning-related permits: a) Major Conditional Use Permit for buildings over 200,000 square feet of floor area; b) Minor Conditional Use Permit for residential parking reduction; c) Regular Design Review for building construction; d) Minor Variance for residential loading berth reduction; and e) Vesting Tentative Parcel Map Subdivision for 254 residential condominiums and 2 ground-floor commercial condominiums. Any approvals granted by the Planning Commission for the project modifications will expire within two years from the approval date.

The development site (Planning File PLN15281) is located to the southeast at the corner of Broadway and 17th Street in Downtown. Currently, the property is operated as an auto-free parking lot and will eventually terminate prior to the start of the project construction. The site does not have any buildings or structures to be demolished. Three London Plane street trees within the sidewalk exist along the Broadway frontage. A tree permit will be required for construction within 10 feet of the existing trees as well as a permit for tree removal if it becomes necessary to remove any of the trees as a result of construction activities.

The request for modifications to the approved project requires review and a decision by the Planning Commission.

PROJECT BACKGROUND-HISTORY

In 2000, the Planning Commission approved a mixed-use development application (CMDV0025) for the construction of a 33-story, 375 foot tall building for residential and office uses, including a draft and final Environmental Impact Report (ER00002). In 2001 and upon applicant's request, the

Planning Commission approved a modification/revision (REV01007) to the project to allow the construction of either the approved residential and office building with garage or to allow the construction of an all residential building with ground-floor retail space and garage.

In 2005, upon applicant's request, the Planning Commission re-approved a mixed-use development application (CMDV05118) to allow construction of a project with a) 254 residential units, b) 4,710 square feet of ground-floor commercial space and c) a 326 parking space garage. In 2008, the Planning Commission granted an extension of the approved development permit (CMDV05118) until 2009. Since that time, the City Council has passed a series of Resolutions (Nos. 81723, 83424, 83989, 84746, and 85305) to allow extensions of approved development permits upon request and payment of the applicable fee. The most recent Resolution (No. 85305) extended development permits until December 31, 2015. The project has taken advantage of these Resolutions extending the approved project's development permit until December 31, 2015.

On November 24, 2015, the applicant submitted a request, as entitled, for a one-year permit extension by the Planning Commission of the 2005 approved project.

PROJECT SITE AND SURROUNDINGS

The property consists of a 0.51 acre size square-shaped parcel (22,230 square foot), located at the corner of Broadway and 17th Street in downtown. The site contains an auto-fee parking lot that will be replaced by a new mixed-use development. The project site abuts commercial and utility buildings to the east and south that vary in height from four stories to 25-stories. The immediate properties located across Broadway and 17th Street are also a mix of commercial, civic and residential buildings that range from three to approximately 17 stories. The property is surrounded by a mix of two-lane (17th Street) and four-lane (Broadway) roads, and is in close proximity to the 12th and 19th Street BART Stations, AC transit bus lines, and the free "B" shuttle bus. The property is also close to commercial shops including amenities such as restaurants/cafes, bars, music venues, parks and Lake Merritt.

PROJECT DESCRIPTION FOR MODIFICATION/REVISIONS

The revised proposal maintains a 33-story high-rise building, but modifies the building design from an "L" shape to a rectangular shape, creating a five-story building base over the entire site, but a 33-story tower only over one-half of the site area. The five-story building base will include a ground-floor retail space with principal entries on Broadway and a residential lobby on 17th Street. A mail room, bicycle parking/lounge, trash/recycle area, driveway ramp/ loading berth, parking and utility rooms are also located within the five-story base.

The main residential entry will be on 17th Street near Broadway. The entry for the garage and loading dock will also be from 17th Street at the northeast corner of the building. The four-story garage over the podium will accommodate 232 parking spaces and will include tenant storage areas and other utility rooms. The 28-story tower will have 254 residential units comprised of one-bedroom, two-bedroom and three-bedroom units. Above the garage (level 6), the project contains a leasing office/co-working lounge, fitness center including a large roof terrace with a swimming pool/spa. The top floor of the residential tower (level 33) has a lounge/event area and a roof deck with glass railing and glass-wall windscreens with steel support. Above level 33, the tower will have a utility penthouse enclosed with aluminum panel walls. The project includes a mix of exterior building materials such as light color precast concrete and aluminum panel walls, clear and fritted glass for the storefront and windows, dark aluminum cladding with perforated openings for the garage walls and faux wood painted aluminum panel walls for the balconies.

A comparison of the current proposal and previous approval is included in the table below.

Project Standards	2005 Approved Project	2015 Proposed Modifications/Revisions
Building Height	375 feet	380 feet
Stories	33 stories	33 stories
Residential Units	254	254
Residential Floor Area	411,175 sq. ft.	310,000 sq. ft.
Retail-Commercial Floor Area	4,710 sq. ft.	5,000 sq. ft.
Residential Parking	326 spaces	232 spaces
Bicycle Parking	90 spaces	82 spaces

Key differences between the current proposal and the previous approval include the shape of the proposed tower, the exterior design, the garage floors and parking spaces, the ground-floor configuration, and the open space. The following is a summary comparing the two proposals.

Building Design-

Previous Approval: The approved high-rise is an “L” shaped tower. It has a more traditional design with a mix of masonry stone blocks, concrete, glass and metal.

Current Proposal: The current proposal is also a high-rise, but a rectangular shape with a defined building base, a large terrace above the base and a narrow tower. It has a contemporary design with a mix of exterior glazing, aluminum and precast materials.

Building Garage-

Previous Approval: The approved high-rise has nine levels of garage, two below grade and seven above grade, totaling 326 parking spaces.

Current Proposal: The current proposal has a smaller building area with four-levels of garage above the ground-floor, totaling 232 parking spaces.

Ground-Floor/Storefront-

Previous Approval: The approved ground-floor/storefront commercial area has a floor area of approximately 4,700 square feet and limited façade transparency.

Current Proposal: The current proposed ground-floor/storefront commercial area has a square footage of approximately 5,000 square feet and significant façade transparency at the ground floor with inward narrow façade angles and ceilings up to 17 feet high.

Open Space-

Previous Approval: The approved open space has a single garden terrace located on level eight with views looking south.

Current Proposal: The current proposed open space is provided on two different levels of the building. A larger roof terrace with a swimming pool, spa and cabana is provided

on level six of the building (above the garage), and a smaller roof deck is provided on level 33. Both open spaces have views of the south and west.

As part of the project modifications, the current proposal will add a new canopy to the neighboring AT&T building, located to the east at 1587 Franklin Street. The canopy will be mounted above the ground-level at the corner of the building, as studied in for the wind study analysis.

DESIGN REVIEW COMMITTEE

On September 30, 2015, the Design Review Committee held a public meeting to review the project design proposal. The Design Review Committee reviewed preliminary design plans for the construction of a 358 foot, 33-story high residential high-rise with ground-floor retail space including a four-level garage over the podium. The project was presented to the Design Review Committee for comments and direction to the applicant and staff. Overall, the Committee felt that the design concept was good, and recommended continued refinement of materials finishes and further development of the garage façade to create an interesting design and an architectural interaction with the entire building. The Committee also believed that less off-street residential parking would be adequate for this site, given the close proximity of major transit systems.

In the September 30, 2015 Staff Report, staff also recommended the following:

- i) Include other architectural features on the north and south sides of the tower to compliment the style of the building;
- ii) Provide design details to the top of the east side façade (above the adjacent AT&T building), so that is consistent with the architecture of the proposed building and create visual relief from public view;
- iii) Provide interesting design features and quality materials to enhance the north and west sides of the garage exterior walls; and,
- iv) Articulate the north and south sides of the tower crown.

Based on comments provided by the Committee and staff, the project design was further modified into the revised design plans that are being presented in this staff report. Staff believes the current proposal addresses the comments made by the Design Review Committee by selecting and executing quality materials and interesting architectural features. The proposal contains additional materials such as aluminum spandrel between the windows, Juliette balcony glass railing, recessed window trim, tall window walls, glass wall windscreen with steel supports and openings and angled aluminum panels on the tower crown. The building base has angled aluminum composite panels with horizontal trim, reveal-joints and perforated side openings for around the garage façade.

GENERAL PLAN ANALYSIS

The intent of the Central Business District is to encourage, support, and enhance Downtown areas as a high density mixed-use urban center of regional importance and a hub for business, communications, office, government, high technology, retail, entertainment and transportation. The desired character and uses include a mix of large-scale offices, commercial, urban high-rise residential, cultural, educational, arts, services, community facilities and visitor uses. The current proposal would meet the intent of the Central Business District classification for keeping with the goals and vision for urban growth, thus enhancing the identity of Downtown and its distinctive surrounding districts. The following are the General Plan Policies applicable to the current proposal. Development of the revised

project based on these policies and findings below should be consistent with the General Plan when a final determination on the current proposal is made by the Planning Commission:

Policy D1.1: Enhance the visual quality of downtown by preserving and improving existing housing stock and encouraging new, high quality design. New housing development in downtown will provide urban dwellers with expanded options for living in a revitalized inner city, near major transportation lines, employment centers.

The current proposal will replace a parking lot with a new contemporary high-rise with a quality design that will create new housing stock opportunity in Downtown. The current proposal will enhance the urban setting by attracting more residents and creating commercial opportunities to serve the general public in an area that is close to major transportation services, and will also provide new residents with short commuting access to nearby employment centers.

Policy D2.1: Downtown development should be visually interesting, harmonize with its surrounding, respect and enhance important views in and of the downtown, respect the character and pedestrian orientation of the downtown, and contribute to an attractive skyline.

The current proposal as a high-rise development with contemporary design and interesting architectural features will create and contribute to the visual urban character of downtown. The current proposal will fit to the urban setting where similar buildings exist along the core of Broadway, and will also enhance the City's skyline when viewed from streets and distant locations in the surrounding region.

Policy D5.1: Encouraging twenty-four hour activities and amenities that encourage pedestrian traffic during the work week as well as evenings and weekends should be promoted.

The current proposal as a mixed-use development will increase foot traffic from the new 254 residential units and the ground-floor retail space. The current proposal is located in the core of Downtown and future residents will patronize existing and future nearby businesses. The current proposal's ground-floor retail will also create amenities and attract customers, thus generating additional pedestrian traffic during day and night hours.

Policy D6.1: Developing new construction on vacant lots or replace surface parking lots should be encouraged throughout downtown.

The construction of current proposal and high-rise building replaces a surface auto-fee parking lot. The residential and commercial development will be by far a better use, creating new housing and commercial opportunities in Downtown.

Policy D9.1: Concentrating commercial development in the corridor around Broadway that encourage a pedestrian-friendly environment.

The current proposal includes the development of an approximately 5,000 square foot ground-floor retail space, located in downtown at the intersection of Broadway and 17th Street. The commercial facility is also within close proximity to two major BART stations, making it convenient and pedestrian-friendly to the general public.

Policy D10.1: Housing in the downtown should be encouraged as a vital component of a 24-hour community presence.

The current proposal creates high density residential development that will contribute to the urban setting by adding new residents, thus supporting the downtown functions that are vital components to the operation for a successful 24-hour community presence.

Policy D10.2: Housing location in downtown should be encouraged in identifiable districts, within walking distance of the 12th Street, 19th Street, City Center and the Lake Merritt BART stations to encourage transit use and in other locations where compatible with surrounding uses.

The current proposal is located in downtown in the Central Business District, within a block from the 12th Street and 19th Street BART stations, which will encourage new project residents to use these transit systems, and others in the Bay Area region.

Policy D10.3: Downtown residential areas should generally be within the urban density residential and Central Business District. The height and bulk should reflect existing and desired district character, the overall city skyline.

The current proposal is located in downtown in the Central Business District and is surrounded by existing medium-density, and recently approved high-density, residential facilities. The current proposals' building height and bulk reflect some of the existing surrounding buildings with a contemporary design that contributes to the urban setting of the City's skyline.

Policy D10.5: Housing in the downtown should be safe and attractive of high quality design and respect the downtown distinctive neighborhoods and its history.

The current proposal is a high-rise residential development that will meet required Building codes for safety. The building has interesting design features and uses quality materials to create an attractive and distinctive design, while respecting the character of nearby buildings.

ZONING ANALYSIS

The project is located in the CBD-P (Central Business District Pedestrian) Zone. 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, and for upper stories to be available for a wide range of office and residential uses. The project is located in the core of the City's Downtown where high density and intensity uses are essential and vital to the success of the existing commercial area and contribute to the support of local and regional transportation infrastructure and communication networks.

The current proposal meets the intent of the CBD-P Zone by creating a high density residential and commercial building that will contribute to a vibrant Downtown by adding new residential units along a major regional transit corridor with active commercial spaces to serve local and regional residents.

The current proposal is permitted as of right, complying with the Planning Code and locating residential units on upper floor levels and retail space on the ground-floor, facing Broadway and a portion of 17th Street. The current proposal requires the following five Planning permit approvals: (1) a Major Conditional Use Permit for new buildings in the CBD-P zone containing a floor area over 200,000 square feet; (2) a Minor Conditional Use Permit for parking reduction where 254 spaces are required and 232 spaces are proposed; (3) Regular Design Review for modifications to new construction on a vacant lot; (4) Minor Variance for residential loading berth reduction, where two berths are required and one berth is proposed in the building; and (5) a Subdivision Tentative Parcel Map for residential and commercial condominiums. The project proposal is subject to the General Criteria for Conditional Use Permit, Design Review, Minor Variance, and a Tentative Parcel Map

Subdivision. Staff has listed the applicable Findings in support of the project in **Attachment A** of this staff report.

The table summarizes the required standards and the project's proposal in the CBD-P zone:

Development Standards	Requirements	Proposed	Comments
Minimum Lot Area	4,000 sq. ft.	22,230 sq. ft.	Meets Code
Minimum Lot Width	25 ft.	150 ft.	Meets Code
Minimum Lot Frontage	25 ft.	150 ft.	Meets Code
Minimum / Maximum Building Setbacks:			
Minimum front	0 ft.	0 ft.	Meets Code
Maximum front/street side for the first story	5 ft.	0 ft. to 5 ft.	Meets Code
Maximum front/street side for the second & third stories or 35 ft. high whatever is lower	5 ft.	5ft. / 3 ft.	Meets Code
Minimum Interior Side	0 ft.	1 ft.	Meets Code
Minimum Corner Side	0 ft.	0 ft.	Meets Code
Rear	0 ft.	1 ft. +	Meets Code
Maximum Density (residential units)	254 residential units	254 units	Meets Code
Maximum Height	No height limit	357 ft.	Meets Code
Off-Street Parking	254 parking spaces	232 spaces	Meets Code with CUP
Residential Loading berth	2	1	Meets Code with Minor Variance
Open Space	19,050 sq. ft.	21,218 sf. ft.	Meets Code
Design Regulations			
Ground floor principal commercial facade transparency (along Broadway)	65 %	65+/- %	Meets Code
Minimum height of the ground floor	15 ft.	17 ft.	Meets Code

KEY ISSUES

Residential Parking Reduction-

The previous approval included 326 residential parking spaces. The revised proposal reduces off-street parking by 94 spaces, proposing 232 residential parking spaces. The Planning Code requires 254 residential parking spaces, which means the revised proposal has a shortfall of 22 residential parking spaces. However, residential parking demand based on technical analyses prepared is only 137 spaces, which is a surplus of 95 residential parking spaces. Commercial demand for parking spaces is 15 spaces, but the Planning Code does not require commercial parking spaces be provided, which results in a potential shortfall of 15 spaces.

Due to demographic changes, living style and building cost, the applicant believes a Conditional Use Permit for a parking reduction is warranted. Staff supports the revised proposal's reduced parking for residential uses given the property's location Downtown, close to major transportation systems. Its' location along Broadway, and in proximity to commercial amenities, make the revised proposal attractive

and livable to new residents without the need for a private vehicle. The reduction in parking spaces is also consistent with the City's Transit First Policy. A Transportation Demand Management (TDM) Plan has been prepared and required as part of the revised proposal, which will further reduce parking demand. (See Findings in the Conditional Use Permit section and TDM Plan in the CEQA Analysis.)

Residential Loading Berths Reduction-

The previous approval included two off-street loading berths. The revised proposal reduces the off-street loading by one, providing only one off-street loading berth. The Planning Code requires two loading berths, which means the revised proposal has a shortfall of one loading berth. Access to the loading berths would be from 17th Street, near the northeast corner of the building via a proposed shared driveway with the access ramp for the residential garage. Staff supports the revised proposal's reduced off-street loading berth because staff believes one residential loading berth would be sufficient to meet loading demands and prevents a larger curb cut and/or a reduction in ground-floor area that be better served for other services or amenity space. (See Findings in the Minor Variance Permit section.)

CEQA

A detailed CEQA Analysis was prepared for this project which concluded that the proposed project satisfies each of the following CEQA Guidelines : (1) 15183- Projects Consistent with a Community Plan, General Plan, or Zoning; (2) 15183.3- Qualified In-Fill Exemption ; (3) 15164 -Addendum to the Approved and Certified 2000 EIR (ER00-002); and (4) 15168 and 15180 –Program EIRs and Redevelopment Projects. Each of the foregoing provides a separate and independent basis for CEQA compliance. The CEQA Analysis Document was published and made publically available on Friday, December 18, 2015.

The document was provided under separate cover to the Planning Commission and is available to the public at 250 Frank Ogawa Plaza, Suite 3315, Oakland CA 94612 during normal business hours. The CEQA Analysis document for the Modified 1640 Broadway Mixed Use Development Project (including the 2000 EIR) can be viewed here (Current Environmental Review Documents #35):

<http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>

The Previous CEQA analyses relied upon in making the Environmental Determination and incorporated by reference within the CEQA Analysis document including the LUTE EIR, the Housing Element EIR/Addendum and the Central District Urban Renewal Plan EIR can be viewed here (Completed Environmental Review Documents: #30, #17, #29 and #25):

<http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009158>

CONCLUSION

Staff believes that the current proposal which modifies the previous approval meets the primary goal of providing new residential housing, ground-floor retail uses and an attractive design on an underutilized site that has been vacant for a long time. The current proposal conforms with the City's General Plan Policies and Central Business District Pedestrian Zone standards by creating and concentrating mixed-use facilities in Downtown and that that concentration is critical to the success of the high-density urban character. The requested Planning permits are warranted and are not anticipated to create adverse impacts.

Staff determines that the modifications to the previously approved project meet the required findings (See Attachment A), and recommends approval to the Planning Commission, subject to the Conditions of Approval. (See Attachment B)

RECOMMENDATIONS

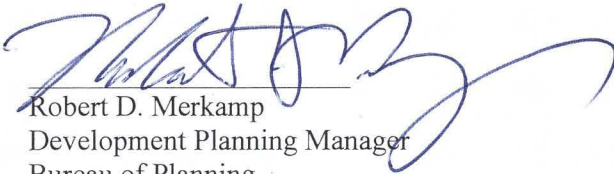
1. Grant the 1 year extension to the previous approvals;
2. Affirm staff's Environmental Determination and adopt the attached CEQA Findings; and
3. Approve the Modified/Revised Project, including Major Conditional Use Permit, Minor Conditional Use Permit, Regular Design Review, Minor Variance, Vesting Tentative Parcel Map and Transportation Demand Management Plan, subject to the attached findings and conditions (including the SCAMMRP).

Prepared by:



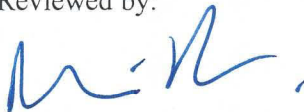
Mike Rivera
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Reviewed by:



Robert D. Merkamp
Development Planning Manager
Bureau of Planning

Reviewed by:



Darin Ranelletti, Deputy Director
Bureau of Planning

Approved for forwarding to the
City Planning Commission:



Rachel Flynn, Director
Planning and Building Department

ATTACHMENTS

- A. Project Findings and CEQA Findings
- B. Conditions of Approval
- B1. Standard Conditions of Approval Mitigation Monitoring & Reporting Program (SCAMMRP)
- C. Previous Planning Commission Approved Design and Staff Report, dated May 4, 2005
- D. Modified/Revised Design Plans, submitted on December 16, 2015
- E. City of Oakland Surveyor's Memorandum, dated December 22, 2015

ATTACHMENT A

Findings for Approval

The findings required for granting approval for this application for Conditional Use Permit, Regular Design Review, Minor Variance, Tentative Parcel Map Subdivision are (shown in normal type) found in Sections 17.134.050, 17.116.290, 17.136.050, 17.148.050, 16.08.030 and 16.24.040 and the reasons this proposal satisfies these findings (shown in **bold**), are as follows (Note: the Project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report and elsewhere in the record):

SECTION 17.134.050- GENERAL USE PERMIT (Major CUP for buildings over 200,000 square feet of new floor area in the CBD-P Zone and a Minor CUP for residential parking reduction)

- 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.

The proposal for a residential and commercial mixed-use development is outright permitted in the downtown district. The size of the 422,349 square foot building and design are in scale with the mix of surrounding high-rise buildings. While the building base covers the site, the location of the tower's narrow east and west elevations will reduce bulk to allow outdoor areas and views to the project residents. The transportation analysis prepared for this project shows no significant traffic impact in the surrounding area

The proposal for reducing off-street parking from the required 254 parking spaces to 232 parking spaces (a 9% reduction, where up to 50% is the maximum) will not adversely affect the livability of the abutting properties. The property is located in downtown, close to a mix of transit systems and along major corridors that would encourage residents to not use private automobiles. The Planning Code (17.116.290) gives the director the discretion to waive up to 50% of the required parking with a Conditional Use Permit when it can be determined that there won't likely be a significant parking impact on the neighborhood due to factors such as a Parking Demand Management Plan (which is included here) or other factors. The property's location at 17th and Broadway is in the heart of downtown and is almost literally on top of a BART station. Broadway itself is served by multiple local and regional bus lines and residents at this building would be able to navigate the City and greater Bay Area without a private vehicle easily. Granting this CUP conforms to the intent of this regulation, is consistent with several other recently entitled projects in the area and advances the City's Transit First Policy.

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

The project is located in the core of downtown, near transit system and shopping areas. The building design will provide functional living and working environment to the residents with amenities such as outdoor recreational areas, fitness center including shared working lounge.

FINDINGS

The reduction of off-street residential parking (22 spaces) will not be a significant impact in the surrounding area. The property is located in a high-density area, close to transportation, wide range of businesses and entertainment uses that make it convenient for living and working without having to depend on the use of private automobiles.

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

The high-rise building with 254 residential units and ground-floor retail space will increase activity in the surrounding area and increase the patronizing of existing and future commercial development. The project will also encourage the use and support public transportation such as BART, AC Transit and the free "B" shuttle bus that runs within the downtown area.

The proposal for residential parking reduction will encourage project residents to use public transportation and other types of transportation modes and not rely on private vehicle transportation. This will encourage patronization of businesses accessible by public transit, walking, bicycling or other types of transportation modes thereby enhancing business operations in the surrounding area.

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

The residential and commercial mixed-use development meets the Design Review Findings listed below in this report.

The proposal for residential parking reduction will not affect the design, but will reduce the number and size of the above grade multi-level garage above the podium. The reduction in size of the garage will make the podium and above grade parking garage smaller thereby improving the overall design.

- 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.

As discussed earlier in this report, the project conforms to the policies of the General Plan by providing residential and commercial development in high-density areas and along commercial corridors in the central business district. As described within this report, the project also conforms to the applicable design review criteria.

The proposal for residential parking reduction conforms to the policies of the General Plan that encourage residents to use major transit such as BART and AC Transit systems both of which are within walking distance from this project.

SECTION 17.136.050- 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 project includes a 5-story building base that relates to and is compatible in scale to the surrounding buildings. The 28-story tower above the 5-story podium base (total of 33 stories), provides a slender tower design that manages the building mass and creates a compatible scale of development that is similar to the surrounding tower structures. The project also contains interesting architectural features including inward narrow angled building footprint, recessed wall planes, floor to ceiling glazed storefront, articulated window pattern, partly recessed balconies, and a mix of colored materials all of which create an interesting design that relates to the materials and textures of the surrounding area.

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

The high-rise residential building with its contemporary architecture will enhance the streetscape of downtown by creating a transparent storefront with tall ceilings and prominent entries. The façade articulation and mix of materials and colors of the residential tower will encourage the development of high quality design, thus promoting desirable future neighborhood characteristics.

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

The property has a paved surface parking lot. Along Broadway, there are three street trees located within the sidewalk area that will be retained and preserved. New street trees will be planted along 17th Street.

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 on a hillside property.

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.

As discussed earlier in this report, the proposal conforms to the related policies of the General Plan by providing residential and commercial uses in high-density areas and along major corridors in the central business district. The project also conforms to the applicable design review criteria as discussed in the findings sections within this report.

B. For Nonresidential Facilities.

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.

The proposal will create a storefront with 17-foot high glazing surfaces and aluminum framing along Broadway, and sections of precast concrete panels along 17th Street. The storefront provides inward narrow angles and recessed entry doors with canopies to create a visual interest and façade articulation. In addition, the arrangement and use of various materials around the exterior of the parking podium will create interest and transition when seen from the surrounding area. The horizontal aluminum panels surrounding the parking podium will be mounted at an angle in sections to allow the vertical perforated aluminum panels to disperse light from the garage creating light and interest at the podium level. Horizontal aluminum recessed trims will also be placed between sections of the podium panels giving depth to the podium façade. Along the 17th Street, the parking podium uses a different cladding and design techniques such as angle precast concrete panel and glass panel on galvanized steel above the entry to create visual interest and depth.

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 ground-floor commercial space is of high quality and will be in character and harmony with surrounding retail/commercial uses and development. As designed, the project protects and increases the value of private and public investment Downtown by creating a high-quality mixed-use residential high-rise building with active ground floor uses.

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.

As discussed earlier in this report, the design proposal conforms to the General Plan by creating an attractive commercial space in downtown and conforms to the design review criteria discussed in the applicable design review findings.

SECTION 17.148.050 – MINOR VARIANCE FINDINGS

(For Reduction of Residential Loading Berths)

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

The proposal to reduce the residential loading berths from the required two spaces to the proposed one space in the ground-floor of the building would not result in a practical difficulty and but strict compliance with this requirement would preclude an effective design that would be improve operational efficiency. Due to seismic safety regulations, the proposed building base and tower needs to be a certain distance from the adjacent high-rise AT&T building, located to the east. This distance impacts the ability to locate the off-street parking vehicular entrance and off-street loading berth area. From both a traffic efficiency and aesthetic viewpoint, it is desirable to locate the parking entrance on 17th St as far from Broadway as possible and to have

FINDINGS

the off-street parking and loading share a single curb cut. To limit the size of the curb cut and provide efficient maneuverability within the off-street parking and loading area, a single off-street loading space is proposed. This was deemed reasonable and the project will have one off-street loading berth, which given the residential use is consistent with the move-in/move-out needs of the building. Delivery services will have access to other loading facilities available on the street and around the property.

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

The proposal for reducing residential loading berths where two are required and one is proposed would deprive the project applicant of privileges that other property owners have in the similar zoned property. Some of the existing surrounding residential buildings do not have loading berths within buildings, and a most recent approved high-rise project was granted a variance for a similar request. The project requires a reasonable balance between the need for loading berths and other necessary ground-floor programming. The provision of access ramps and utilities to serve the mixed-use building are more reasonably needed than an additional off-street loading berth. Strict compliance with the regulations would also impact the balanced architectural design at the ground floor and impact the ability for the project to achieve its design objectives.

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

The granting of a variance to reduce the required residential loading berths from two spaces to one space will not adversely affect the livability in the surrounding area or affect nearby properties. The project is a mixed-use residential facility. Move-ins/move-out would be the primary use of the off-street loading berth. Given the limited turnover of residential units, it would be unlikely for residents to regularly utilize the proposed loading berth. Moreover, loading facilities are available throughout the surrounding area. Staff recommends a condition that the project sponsor includes a requirement that residents be required to reserve the loading berth prior to moving in or out of the building either by the operators of the building or the homeowners association. See Condition of Approval #22.

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

The granting of the variance for reducing residential loading berths will not constitute a grant of special privilege given that some existing and/or recently approved residential buildings in similarly zoned properties do not meet the loading berth requirements. The project includes one loading space and additional loading ability around the streets would be consistent with other high-density properties in Downtown.

5. 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 design review criteria set forth in the design review procedure at Section 17.136.070.

The requested loading variance is not a building element, per se and the granting of the

FINDINGS

variance to reduce the residential loading berths will allow the architectural façade to have a narrow garage door, shorter curb cut along 17th Street, and provide off-street loading that is not visible from the street. The proposal meets the Design Review Criteria for residential development as described above.

6. 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 proposed project will be consistent with the General Plan, design guidelines and zoning.

7. For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or maximum floor area ratio, the proposal also conforms with at least one of the following additional criteria:
 - a. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or
 - b. Over sixty (60) percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.

Not applicable, as the project includes multi-family residential and commercial uses.

16.08.030 – VESTING TENTATIVE PARCEL MAP FINDINGS (Pursuant to California Government Code Section 66474, Chapter 4 of the Subdivision Map Act, the findings are presented as a basis for denial; thus, in order to approve the Project, none of the findings should be satisfied).

1. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

As discussed earlier in this report, the subdivision proposal for residential and commercial condominiums is consistent with the designated Central Business District Classification of the City's General Plan by encouraging urban (high-rise) residential development. The mix-use project would enhance the downtown area by creating 254 high-density residential condominium units, and two ground-floor commercial condominium units in downtown and along Broadway, a major transit corridor.

2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

FINDINGS

As discussed earlier in this report, the proposal for residential and commercial condominiums is consistent with the policy framework of the Central Business District for intensifying urban housing, and operating new businesses near major transportation systems.

3. That the site is not physically suitable for the type of development.

The site is physically suitable for residential and commercial condominium development because it will meet the zoning development standards, and will be meet the requirements from the City's Building, Fire and Public Work Divisions. The site will also contain available infrastructure such as utilities, and vehicular and pedestrian access from the existing streets. The property has current entitlements from a previously development permit approved in 2001-2005.

4. That the site is not physically suitable for the proposed density of development.

The subdivision proposal is located in the Central Business District-Pedestrian Zone, and on a level vacant lot in downtown. The project is suitable for the residential density because it is a flat site without unusual shape located in a high density district with existing supportive infrastructure already in existence. The property has current entitlements from a previously development permit approved in 2001-2005.

5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The site is developed with a commercial parking lot in an urbanized area and is not habitat for any wildlife, as detailed in the CEQA Analysis Document.

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

The subdivision proposal is not likely to cause any serious public health problems because the property does not contain any known environmental hazards such as contaminated soils or other toxic substances, as detailed in the CEQA Analysis Document. The proposal will be served by public water and sewer service.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

The proposal will be located on a site previously developed and based on plans submitted, there are no public access easements or use of property within the proposed subdivision. The City Engineer may place conditions as necessary prior to the approval of the final Map.

8. The design of the subdivision provides to the extent feasible for future passive or natural heating or cooling opportunities in the subdivision.

FINDINGS

The subdivision proposal for residential and commercial condominium development is designed to provide natural heating or cooling opportunities as required by building codes.

SECTION 16.24.040- LOT DESIGN STANDARDS

- A. No lot shall be created without frontage on a public street, as defined by Section 16.04.030, except:
1. Lots created in conjunction with approved private easements.
 2. A single lot with frontage on a public street by means of a vehicular access corridor provided that in all cases the corridor shall have a minimum width of twenty (20) feet and shall not exceed three hundred (300) feet in length. Provided further, the corridor shall be a portion of the lot it serves, except that its area (square footage) shall not be included in computing the minimum lot area requirements of the zoning district.

This finding is not applicable as the proposal will not create new lots but rather 254 condominium units.

- B. The side lines of lots shall run at right angles or radially to the street upon which the lot fronts, except where impractical by reason of unusual topography.

This finding is not applicable as the proposal will not create new lots, but rather 254 condominium units.

- C. All applicable requirements of the zoning regulations shall be met.

The subdivision proposal for condominium development will meet the zoning regulations of the Central Business District-Pedestrian Zone as discussed earlier in this staff report.

- D. Lots shall be equal or larger in measure than the prevalent size of existing lots in the surrounding area except:
1. Where the area is still considered acreage.
 2. Where a deliberate change in the character of the area has been initiated by the adoption of a specific plan, a change in zone, a development control map, or a planned unit development.

This finding is not applicable as the proposal will not create new lots but rather 254 condominium units.

- E. Lots shall be designed in a manner to preserve and enhance natural out-croppings of rock, specimen trees or group of trees, creeks or other amenities.

This finding is not applicable as the proposal will not create new lots, but rather 254 condominium units.

MODIFIED 1640 BROADWAY MIXED -USE PROJECT CEQA FINDINGS

I. Introduction

These findings are made pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et seq.; “CEQA”) and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.; “CEQA Guidelines”) by the City Planning Commission in connection with the environmental analysis of the effects of implementation of the Modified 1640 Broadway Mixed-use Project as more fully described elsewhere in this Staff Report and City Of Oakland (“City”) prepared CEQA Analysis document entitled “Modified 1640 Broadway Mixed Use Development Project CEQA Analysis” dated December, 2015 (“CEQA Analysis”) (the “Project”). The City is the lead agency for purposes of compliance with the requirements of CEQA. These CEQA findings are attached and incorporated by reference into each and every decision associated with approval of the Project and are based on substantial evidence in the entire administrative record.

II. Applicability/Adoption of Previous CEQA Documents

A. Certification of 1640 Broadway Mixed Use Project EIR: The City finds and determines that the Oakland Planning Commission certified the 1640 Broadway Mixed Use Development Project EIR (2000 EIR) on October 4, 2000. The 2000 EIR directly applies to the Modified 1640 Broadway Mixed-use Project.

B. Adoption of General Plan Land Use and Transportation Element (LUTE) and Certification of 1998 LUTE EIR: The City finds and determines that (a) the Oakland City Council on March 24, 1998 adopted Resolution No. 74129 C.M.S. which adopted the General Plan Land Use and Transportation Element, made appropriate CEQA findings, including certification of the 1998 LUTE Environmental Impact Report (“EIR”); and (b) the LUTE satisfies the description of “Community Plan” set out in Public Resources Code section 21083.3(e) and in CEQA Guidelines section 15183 as well the description of “Planning Level Document” set out in Public Resources Code section 21094.5 and in CEQA Guidelines section 15183.3. The City Council, in adopting the LUTE following a public hearing, approved applicable mitigation measures which are largely the same as those identified in the other Program EIRs prepared after the 1998 LUTE EIR, either as mitigation measures or as a part of newer Standard Conditions of Approval (“SCAs”) which constitute uniformly applied development policies or standards (together with other City development regulations) and determined that the mitigation measures set out in the 1998 LUTE EIR, would substantially mitigate the impacts of the LUTE and future projects thereunder. While approved after certification of the 1998 LUTE EIR, growth and potential effects of the development of 1640 Broadway would have been considered in the cumulative growth projections factored into the LUTE EIR analysis.

C. Adoption of Oakland Housing Element Update (2007-2014 and 2015-2025) and Certification of Oakland Housing Element Update EIR and Addendum: The City finds and determines that (a) the Oakland City Council on December 21, 2010, adopted Resolution No. 83194 C.M.S. which adopted the 2007-2014 Housing Element, made appropriate CEQA findings, including certification of the 2010 Environmental Impact Report (EIR); and (b) the Oakland City Council on November 20, 2014, adopted Resolution No. 85315 C.M.S. which adopted the 2015-2023 Housing Element, made appropriate CEQA findings, including certification of the 2014 Addendum to the 2010 EIR; and (c) the 2010 Housing Element Update EIR satisfies the designation of a “Program EIR” under CEQA Guidelines section 15183 as well the description of “Planning Level Document” set out in Public Resources Code section 21094.5 and in CEQA Guidelines section 15183.3. The City Council, in adopting the Oakland Housing Element Updates following a public hearing, approved applicable mitigation measures and standard conditions of

FINDINGS

approval and determined that the uniformly applicable development policies or standards, together with the mitigation measures set out in the 2010 Housing Element Update EIR would substantially mitigate the impacts of the Housing Element Update and future projects thereunder.

D. Adoption of the Central District Urban Renewal Plan and Amendments thereto and Certification of the Central District Urban Renewal Plan Amendments EIR (or “Redevelopment Plan Amendments EIR”): The City finds and determines that (a) the Oakland City Council on June 12, 1969 adopted Resolution No. 7987 C.M.S. which adopted the Central District Urban Renewal Plan for the Project Area; and (b) the Oakland City Council on March 20, 2012, adopted Resolution No. 83767 C.M.S. which adopted amendments to the Urban Renewal Plan and made appropriate CEQA findings including certification of the Central District Urban Renewal Plan Amendments EIR; and (c) the Redevelopment Plan Amendments EIR satisfies the designation of a “Program EIR” under CEQA guidelines Section 15180, as such subsequent activities are subject to requirements under CEQA Section 15168. The City Council, in adopting the Central District Urban Renewal Plan Amendments following a public hearing, approved applicable mitigation measures and standard conditions of approval and determined that the uniformly applicable development policies or standards, together with the mitigation measures set out in the Redevelopment Plan Amendments EIR would substantially mitigate the impacts of the Central District Urban Renewal Plan Amendments and future projects thereunder.

III. CEQA Analysis Document

The CEQA Analysis and all of its findings, determinations and information is hereby incorporated by reference as if fully set forth herein. The CEQA Analysis concluded that the Project satisfies each of the following CEQA provisions, qualifying the Project for two separate CEQA statutory exemptions and that the CEQA Analysis constitutes an addendum to the 2000 EIR and satisfies the requirements for Redevelopment Projects, as summarized below and provides substantial evidence to support the following findings.

The City hereby finds that as set forth below and in the checklist attached as part of the CEQA Analysis, the Project is exempt from any additional CEQA Analysis under the “Community Plan Exemption” of Public Resources Code section 21083.3 (CEQA Guidelines §15183) and/or the “Qualified Infill Exemption” under Public Resources section 21094.5 (CEQA Guidelines §15183.3) and/or the “Redevelopment Projects” under Public Resources Code section 21090 (CEQA Guidelines §15180) and that the CEQA Analysis also constitutes an Addendum to the 2000 EIR pursuant to Public Resources Code section 21166 (CEQA Guidelines §15162) and that such Addendum determines that none of the three events requiring subsequent or supplemental environmental analysis as stipulated in Public Resources Code section 21166 have occurred, thus no additional environmental analysis beyond the 2000 EIR and the CEQA Analysis is necessary. The specific statutory exemptions and the status of the CEQA Analysis as a Redevelopment Project and/or an Addendum are discussed below in more detail.

A. Community Plan Exemption; Public Resources Code Section 21083.3 (CEQA Guidelines §15183): The City finds and determines that, for the reasons set out below and in the CEQA Analysis, the Community Plan Exemption applies to the Project. Therefore, no further environmental analysis is required because all of the Project’s effects on the environment were adequately analyzed and mitigation measures provided in the 2010 Oakland Housing Element Update EIR and 2014 Addendum for the evaluation of the housing components of the Modified 1640 Broadway Mixed-use Project, and the 1998 LUTE EIR for the overall project (collectively called “Previous CEQA Documents”); there are no significant effects on the environment which are peculiar to the Project or to the parcel upon which it is located not addressed and mitigated in the Previous CEQA Documents; and there is no new information showing that any of the effects shall be more significant than described in the Previous CEQA Documents..

As set out in detail in Attachment C to the CEQA Analysis, the City finds that, pursuant to CEQA Guidelines section 15183 and Public Resources Code section 21083.3, the Project is consistent with the development density and that there are no environmental effects of the Project peculiar to the Project or the Project Site which were not analyzed as significant effects in the Previous CEQA Documents; nor are there potentially significant off-site impacts and cumulative impacts not discussed in the Previous CEQA Documents; nor are any of the previously identified significant effects which, as a result of substantial information not known at the time of certification of the Previous CEQA Documents, are now determined to present a more severe adverse impact than discussed in the Previous CEQA Documents. As such, no further analysis of the environmental effects of the Project is required.

B. Qualified Infill Exemption; Public Resources Code Section 21094.5 (CEQA Guidelines §15183.3): The City finds and determines that, for the reasons set forth below and in the CEQA Analysis, a Qualified Infill Exemption applies to the Project and no further environmental analysis is required since all the Project's effects on the environment were adequately analyzed and mitigation measures provided in the 1998 LUTE EIR, and for the residential components of the Modified 1640 Broadway Mixed-use Project only, the 2010 Housing Element Update EIR and its 2014 Addendum. ("Previous CEQA Documents"); the Project will cause no new specific effects not addressed in the Previous CEQA Documents that are specific to the Project or the Project Site; and there is no substantial new information showing that the adverse environmental effects of the Project are more significant than described in the Previous CEQA Documents. Moreover, even absent the Previous CEQA Documents, the City's SCA are adopted/enacted uniformly applicable development policies or standards that reduce one or more adverse environmental effects.

The City finds that, pursuant to CEQA Guidelines section 15183.3, the CEQA Analysis contains in Attachment D a written analysis consistent with Appendix M to the CEQA Guidelines examining whether the Project will cause any effects that require additional review under CEQA. The contents of Attachment D documents that the Project is located in an urban area satisfying the requirements of CEQA Guidelines section 15183.3 and satisfies the applicable performance standards set forth in Appendix M to the CEQA Guidelines. It also explains how the effects of the Project were analyzed in the Previous CEQA Documents; and indicates that the Project incorporates all applicable mitigation measures and SCAs from the Previous CEQA Documents. Attachment D also determines that the Project will cause no new specific effects not analyzed in the Previous CEQA Documents; determines that there is no substantial new information showing that the adverse environmental effects of the Project are more significant than described in the Previous CEQA Documents; and determines that the Project will not cause new specific effects or more significant effects, and documents how uniformly applicable development policies or standards (including, without limitation, the SCAs) will mitigate environmental effects of the Project. Based upon the CEQA Analysis and other substantial evidence in the record, the City finds and determines that no further environmental analysis of the effects of the Project is required.

C. CEQA Analysis Constitutes an Addendum; Public Resources Code Section 21166 (CEQA Guidelines §15162 and §15164): The City finds and determines that the CEQA Analysis constitutes an Addendum to the 2000 EIR and that no additional environmental analysis of the Project beyond that contained in the 2000 EIR is necessary. The City further finds that no substantial changes are proposed in the Project that would require major revisions to the 2000 EIR because of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; no substantial changes occur with respect to the circumstances under which the Project will be undertaken which will require major revisions of the 2000 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and there is no new information of substantial importance not known and which could not have been known with the exercise of reasonable diligence as of the time of certification of the 2000 EIR showing that the Project will have one or more significant effects not discussed in the 2000 EIR; significant effects previously examined will

be substantially more severe than shown in the 2000 EIR, mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project; or mitigation measures or alternatives which are considerably different from those analyzed in the 2000 EIR would substantially reduce one or more significant effects on the environment.

Based on these findings and determinations, the City further finds that no Subsequent or Supplemental EIR or additional environmental analysis shall be required because of the Project. The City has considered the CEQA Analysis along with the 2000 EIR prior to making its decision on the Project and a discussion is set out in the CEQA Analysis explaining the City's decision not to prepare a Subsequent or Supplemental EIR pursuant to Guidelines sections 15162 and/or 15163.

D. Program EIRs and Redevelopment Projects (CEQA Guidelines §15168 and § 15180): The City finds and determines that for the reasons set forth below and in the CEQA Analysis, that the 2011 Redevelopment Plan Amendments EIR applies to the Project and no further environmental analysis is required since all the Project's effects on the environment were adequately analyzed and mitigation measures provided in the 2011 Redevelopment Plan Amendments EIR; the Project will cause no new specific effects not addressed in the 2011 Redevelopment Plan Amendments EIR that are specific to the Project or the Project Site; and there is no substantial new information showing that the adverse environmental effects of the Project are more significant than described in the 2011 Redevelopment Plan Amendments EIR .

IV. Severability

The City finds that all four CEQA provisions discussed and determined to be applicable in Section III above are separately and independently applicable to the consideration of the Project and should any of the four be determined not to be so applicable, such determinations shall have no effect on the validity of these findings and the approval of the Project on any of the other grounds.

V. Incorporation by Reference of Statement of Overriding Considerations

Each of the previous CEQA documents identified significant and unavoidable impacts: (1) the 2000 EIR identified one area of environmental effects (unmet parking demand) of the original 1640 Broadway Mixed Use Project that presented significant and unavoidable impacts, which is no longer identified as a CEQA impact, and, in any event, would be less than significant; (2) the 1998 LUTE EIR identified six areas of environmental effects of the LUTE that presented significant and unavoidable impacts; (3) the 2010 Oakland Housing Element Update EIR and 2014 Addendum identified two areas of environmental effects of the Housing Element Update that presented significant and unavoidable impacts; and (4) the Redevelopment Plan Amendments EIR identified three areas of environmental effects of the Redevelopment Plan Amendments that presented significant and unavoidable impacts. However, none of the previously identified significant and unavoidable impacts would be present with the Project. Even assuming, however, the Project may (conservatively) contribute to some significant and unavoidable impacts identified above, because a Subsequent and/or Supplemental EIR is not required in accordance with CEQA Guidelines sections 15162-15164, 15183 and/or 15183.3, a Statement of Overriding Considerations is not legally required. Nevertheless, in the interest of being conservative, the Statements of Overriding Considerations for all the aforementioned previous CEQA documents are hereby incorporated by reference as if fully set forth herein.

ATTACHMENT B

CONDITIONS OF APPROVAL

The proposal is hereby approved subject to the following Conditions of Approval:

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and the approved plans, submitted to the City on December 16, 2015, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

2. Effective Date, Expiration, Extensions and Extinguishment

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire two-years from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this 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, Public Works Department and Bay Area Rapid Transit District (BART). 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.

CONDITIONS OF APPROVAL

5. Compliance with Conditions of Approval

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant’s expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City’s Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

6. Signed Copy of the Approval/Conditions

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

7. Blight/Nuisances

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

8. Indemnification

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called “City”) from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys’ fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called “Action”) against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys’ fees.
- b. Within ten (10) calendar days of service to the City 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

CONDITIONS OF APPROVAL

obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. Severability

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

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

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

11. Public Improvements

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

12. Compliance Matrix

The project applicant shall submit a Compliance Matrix, in both written and electronic form, for review and approval by the Bureau of Planning and the Bureau of Building that lists each Condition of Approval (including each mitigation measure if applicable) in a sortable spreadsheet. The Compliance Matrix shall contain, at a minimum, each required Condition of Approval, when compliance with the Condition is required, and the status of compliance with each Condition. For multi-phased projects, the Compliance Matrix shall indicate which Condition applies to each phase. The project applicant shall submit the initial Compliance Matrix prior to the issuance of the first construction-related permit and shall submit an updated matrix upon request by the City.

13. Construction Management Plan

Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the

CONDITIONS OF APPROVAL

Fire Department and the Public Works Department as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management (see applicable Conditions below). The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

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

- a. All mitigation measures identified in the 2000 EIR and 2015 **CEQA Analysis for 1640 Broadway Project** are included in the Standard Condition of Approval / Mitigation Monitoring and Reporting Program (SCAMMRP) which is included in these Conditions of Approval as **Attachment B-1** and are incorporated herein by reference, as Conditions of Approval of the project. The Standard Conditions of Approval identified in the 2015 **CEQA Analysis for 1640 Broadway Project** are also included in the SCAMMRP, and are, therefore, incorporated into these Conditions by reference but are not repeated in these Conditions. To the extent that there is any inconsistency between the SCAMMRP and these Conditions, the more restrictive Conditions shall govern. In the event a Standard Condition of Approval or mitigation measure recommended in the 2000 EIR and/or 2015 **CEQA ANALYSIS for 1640 Broadway** has been inadvertently omitted from the SCAMMRP, that Standard Condition of Approval or mitigation measure is adopted and incorporated from the 2000 EIR and/or 2015 **CEQA ANALYSIS for 1640 Broadway** into the SCAMMRP by reference, and adopted as a Condition of Approval. The project applicant and property owner shall be responsible for compliance with the requirements of any submitted and approved technical reports, all applicable mitigation measures adopted, and with all Conditions of Approval set forth herein at his/her sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or Condition of Approval, and subject to the review and approval by the City of Oakland. The SCAMMRP identifies the timeframe and responsible party for implementation and monitoring for each Standard Condition of Approval and mitigation measure. Monitoring of compliance with the Standard Conditions of Approval and mitigation measures will be the responsibility of the Bureau of Planning and the Bureau of Building, with overall authority concerning compliance residing with the Environmental Review Officer. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in section 21081.6 of CEQA.
- b. Prior to the issuance of the first construction-related permit, the project applicant shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

CONDITIONS OF APPROVAL

15. 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, Army Corps of Engineers and BART 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

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

CONDITIONS OF APPROVAL

17. Tree Removal During Bird Breeding Season

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

When Required: Prior to removal of trees

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

18. Tree Permit

a. *Tree Permit Required*

Requirement: Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit.

When Required: Prior to approval of construction-related permit

Initial Approval: Permit approval by Public Works Department, Tree Division; evidence of approval submitted to Bureau of Building

Monitoring/Inspection: Bureau of Building

b. *Tree Protection During Construction*

Requirement: Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:

- i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project's consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.
- ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.

CONDITIONS OF APPROVAL

- iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
- iv. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
- v. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.
- vi. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

When Required: During construction

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

c. ***Tree Replacement Plantings***

Requirement: Replacement plantings shall be required for tree removals for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade, in accordance with the following criteria:

- i. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
- ii. Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica* (California Buckeye), *Umbellularia californica* (California Bay Laurel), or other tree species acceptable to the Tree Division.
- iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
- iv. Minimum planting areas must be available on site as follows:
 - For *Sequoia sempervirens*, three hundred fifteen (315) square feet per tree;
 - For other species listed, seven hundred (700) square feet per tree.
- v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City's Master Fee Schedule may be

CONDITIONS OF APPROVAL

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

- vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant's expense.

When Required: Prior to building permit final

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

19. Seismic Hazards Zone (Landslide/Liquefaction)

Requirement: The project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. 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

PROJECT SPECIFIC CONDITIONS:

20. Public Art for Private Development Condition of Approval

Prior to issuance of Final Certificate of Occupancy for the first unit and Ongoing

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. The contribution requirement can be met through the commission or acquisition and installation of publicly accessible art fund, or satisfaction of alternative compliance methods described in the Ordinance. The applicant shall provide proof of full payment of the in-lieu contribution, or provide proof of installation of artwork on the development site prior to the City's issuance of a final certificate of occupancy for each phase unless a separate, legal binding instrument is executed ensuring compliance within a timely manner subject to City approval. On-site art installation shall be designed by independent artists, or artists working in conjunction with arts or community organizations that are verified by the City to either hold a valid Oakland business license and/or be an Oakland-based 501(c) (3) tax designated organization in good standing.

21. Development Impact Fees

The project shall be subject to, and Applicant shall agree to pay, any applicable development impact fees adopted by the City Council unless a vested right is obtained prior to the impact fee

CONDITIONS OF APPROVAL

adoption date and such project is diligently pursued toward completion, as reasonably determined by the Planning Director or designee. .

22. Management of the Residential Loading Berth

Prior to the issuance of a building permit, the applicant shall submit a Property Management or Homeowners Association document to the City requiring residents to reserve the residential loading berth prior to moving in or out of the building. The applicant shall also submit as part of the construction plans a plan that shows a vehicle turning template for an SU-30 truck that pulls the truck toward the driveway on 17th Street and backs into the loading area.

23. City of Oakland-City Surveyor Memorandum for Vesting Tentative Parcel Map

Prior to submittal of the Final Map to the City.

The applicant shall revise the Final Map and/or submit all other related documentation per the Conditions of Approval listed in the City Surveyor's Memorandum, dated December 22, 2015.

SPECIFIC PROJECT CONDITIONS / Previous approved project (May 4, 2005)

24. Covenants, Conditions and Restrictions & Homeowner's Association (formerly 2005 Conditions of Approval #1)

If the condominium units are offered for immediate sale, within one year after issuance of the first certificate of occupancy. If not, prior to the first sale of a condominium unit.

When the condominium units created are offered for sale, the Covenants, Conditions and Restrictions (CC&Rs) for the approved units shall be submitted to the Planning and Zoning Division for review. The CC&Rs shall provide for the establishment of a non-profit homeowners association to maintenance and operation of all common landscaping, driveways, and other facilities, in accordance with approved plans. Membership in the association shall be made a condition of ownership. The developer shall be a member of such association until all units are sold.

25. Review of Utility Meter Design (formerly 2005 Conditions of Approval #2)

Prior to submittal of Final Map.

Plans shall be submitted to the Planning Department showing the location and architectural treatment of all utility meters which affect the exterior appearance of the building caused by the separate metering of utilities.

26. Exterior Lighting (formerly 2005 Conditions of Approval #3)

Prior to issuance of a building permit

All exterior lighting shall be integrated into the architecture design. Overall lighting levels shall be comparable with the surrounding ambient light levels. Area lighting shall be predominately down directed and designed so there is no light directed off-site. Plans submitted for a building permit shall include all exterior lighting. Manufacturer's specification sheets for all exterior lighting shall be provided and approved by the Zoning Administrator prior to installation.

27. Building Signage (formerly 2005 Conditions of Approval #6)

Prior to installation of Building and/or Tenant Signage.

No signs are approved with this permit. All signs are subject to Section 17.86.110 of the Zoning Regulations (S-8 Urban Street Combining Zone Design Review) and general limitations are set

CONDITIONS OF APPROVAL

forth in Section 17.104). The project applicant shall submit a master signage plan for review per the Planning and Zoning regulations, including but not limited to location, dimensions, materials and colors. All signs shall be reviewed and approved by the Zoning Administrator prior to installation.

28. Street Lighting (formerly from 2005 Conditions of Approval (#7) (CMDV05118)

Prior to Approval of Final Tract Map.

The applicant shall provide street lighting improvements or replacements in-kind along 17th Street and Broadway. The scope of these improvements shall be subject to review and approval by Public Works Agency, Electrical Services Division.

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: _____

CONDITIONS OF APPROVAL

ATTACHMENT B-1: STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM (SCAMMRP)

This Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) is based on the CEQA Analysis prepared for the Modified Project.

This SCAMMRP is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The SCAMMRP lists mitigation measures recommended in the 2000 EIR. The SCAMMRP also includes the City’s Standard Conditions of Approval (“SCAs”) imposed by the City on all projects with locational or other characteristics shared by the Modified Project; the City’s intent in imposing these Standard Conditions of Approval is to minimize potential adverse effects that could result from implementation of the Project and to ensure the conditions are implemented and monitored. The SCAMMRP also identifies the mitigation monitoring requirements for each mitigation measure and SCA.

This CEQA Analysis is also based on the analysis in the following Program EIRs that apply to the Modified Project: Oakland’s 1998 General Plan Land Use and Transportation Element (LUTE) EIR, the 2010 General Plan Housing Element Update EIR and 2014 Addendum, and the 2011 Central District Urban Renewal Plan Amendments EIR (or “Redevelopment Plan EIR”). However, none of the mitigation measures or SCAs from these is included in this SCAMMRP because an updated and equally effective mitigation measure or SCA, is identified in the 2000 EIR or in this CEQA Analysis for the Modified Project. Thus, the revised /current SCAs are designed to and will reduce impacts to less than significant levels. To the extent that there is any inconsistency between any mitigation measures and/or SCAs, the more restrictive conditions shall govern; to the extent any mitigation measure and/or SCA identified in the CEQA Analysis were inadvertently omitted, they are automatically incorporated herein by reference.

- The first column of the SCAMMRP table identifies the mitigation measure from the 2000 EIR that continues to apply to the Project or the Standard Condition of Approval (SCA) that is applicable to the Project pursuant to City of Oakland policy. While a mitigation measure or SCA can apply to more than one topic, it is listed in its entirety only under its primary topic where it first appears. The SCAs are identified by a number that is consistent with the most recent update or revision to the City’s *Standard Conditions of Approval and Uniformly Applied Development Standards* document.¹
- The second column identifies the monitoring schedule or timing applicable the Project.
- The third column names the party responsible for monitoring the required action for the Project.

The Project sponsor is responsible for compliance with any recommendations identified in City-approved technical reports and with all SCAs set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Bureau of Planning or the Bureau of Building. Prior to the issuance of a demolition, grading, and/or construction permit, the Project sponsor shall pay the applicable mitigation and monitoring fee to the City in accordance with the City’s Master Fee Schedule.

¹ Standard Conditions Of Approval, Department Of Planning and Building, Bureau of Planning, Adopted by the Oakland City Council on 11/03/08 (Ordinance No. 12899 C.M.S.) Revised July 22, 2015.

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Aesthetics, Shadow and Wind		
AES-1 (SCA-17, Landscape Plan)		
<p><i>a) Landscape Plan Required</i></p> <p>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.</p>	Prior to approval of construction-related permit.	City of Oakland Bureau of Planning
<p><i>b) Landscape Installation</i></p> <p>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.</p>	Prior to building permit final.	City of Oakland Bureau of Planning
<p><i>c) Landscape Maintenance</i></p> <p>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.</p>	Ongoing	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
AES-2 (SCA-18, Lighting Plan) 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. .	Prior to building permit final.	City of Oakland Bureau of Building
Air Quality		
SCA AIR-1 (SCA-19, Construction-Related Air Pollution Controls, Dust and Equipment Emissions; (Replaces Mitigation Measure C.1 from the 2000 EIR)) The project applicant shall implement all of the following applicable air pollution control measures during construction of the project: <ol style="list-style-type: none"> 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 possible. 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). 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. Pave all roadways, driveways, sidewalks, etc. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible unless seeding or soil binders are used. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). Limit vehicle speeds on unpaved roads to 15 miles per hour. 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 five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code 	During construction.	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.</p> <p>h) 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 five minutes and fleet operators must develop a written idling policy as required by Title 13, Section 2449 of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").</p> <p>i) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>j) Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.</p> <p>k) All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.</p> <p>l) All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.</p> <p>m) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</p> <p>n) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).</p> <p>o) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.</p> <p>p) Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize windblown dust. Wind breaks must have a maximum 50 percent air porosity.</p> <p>q) Vegetative ground cover (e.g., fast-germinating native grass</p>		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.</p> <p>r) Activities such as excavation, grading, and other ground-disturbing construction activities shall be phased to minimize the amount of disturbed surface area at any one time.</p> <p>s) All trucks and equipment, including tires, shall be washed off prior to leaving the site.</p> <p>t) 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.</p> <p>u) All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") must meet emissions and performance requirements one year in advance of any fleet deadlines. Upon request by the City, the project applicant shall provide written documentation that fleet requirements have been met.</p> <p>v) Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).</p> <p>w) All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NO_x and PM.</p> <p>x) Off-road heavy diesel engines shall meet the California Air Resources Board's most recent certification standard.</p> <p>y) Post a publicly-visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.</p>		
<p>SCA AIR-2 (SCA-20, Exposure to Air Pollution (Toxic Air Contaminants))</p> <p>a) Health Risk Reduction Measures</p> <p>The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air</p>	<p>Note: Health Risk Assessment has been prepared; see</p>	<p>City of Oakland Bureau of Planning</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>contaminants. The project applicant shall choose one of the following methods:</p> <p>i. 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 of exposure of project residents/occupants/users to air pollutants. 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 that 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.</p> <p>- or -</p> <p>ii. 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:</p> <ul style="list-style-type: none"> • Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required. • Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph). • Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible. • The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and 	<p>Appendix 1b to this CEQA document.</p> <p>Thus, this SCA has been satisfied.</p>	

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.</p> <ul style="list-style-type: none"> • Sensitive receptors shall be located on the upper floors of buildings, if feasible. • Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (<i>Pinus nigra</i> var. <i>maritima</i>), Cypress (<i>X Cupressocyparis leylandii</i>), Hybrid poplar (<i>Populus deltoids X trichocarpa</i>), and Redwood (<i>Sequoia sempervirens</i>). • Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible. • Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible. • Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible: <ul style="list-style-type: none"> o Installing electrical hook-ups for diesel trucks at loading docks. o Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards. o Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels. o Prohibiting trucks from idling for more than two minutes. o Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented. <p>b. Maintenance of Health Risk Reduction Measures</p> <p>The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building</p>	On Going	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.		
<p>SCA AIR-3 (SCA-21, Stationary Sources of Air Pollution (Toxic Air Contaminants))</p> <p>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:</p> <p>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.</p> <p>- or -</p> <p>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:</p> <p>i. Installation of non-diesel fueled generators, if feasible, or;</p> <p>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.</p>	<p>Note: Health Risk Assessment has been prepared; see Appendix 1 to this CEQA document. Thus, this SCA has been satisfied.</p>	<p>City of Oakland Bureau of Planning</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>SCA AIR-4 (SCA-22, Truck-Related Risk Reduction Measures (Toxic Air Contaminants))</p> <p>a. Truck Loading Docks</p> <p>The project applicant shall locate proposed truck loading docks as far from nearby sensitive receptors as feasible.</p> <p>b. Truck Fleet Emission Standards</p> <p>The project applicant shall comply with all applicable California Air Resources Board (CARB) requirements to control emissions from diesel engines and demonstrate compliance to the satisfaction of the City. Methods to comply include, but are not limited to, new clean diesel trucks, lower-tier diesel engine trucks with added Particulate Matter (PM) filters, hybrid trucks, alternative energy trucks, or other methods that achieve the applicable CARB emission standard. Compliance with this requirement shall be verified through CARB's Verification Procedures for In-Use Strategies to Control Emissions from Diesel Engines.</p>	<p>Prior approval of construction-related permit</p> <p>Prior to building permit final; ongoing</p>	<p>City of Oakland Bureau of Planning (Initial Approval);</p> <p>Bureau of Building (Monitoring & Inspections)</p>
Biological Resources		
SCA GEO-1 (SCA-34, Soils Report (See <i>Geology, Soils and Geohazards</i>, below))	See Below	See Below
SCA HAZ-1 (SCA-39, Hazardous Materials Related to Construction (See <i>Hazards and Hazardous Materials</i>, below))	See Below	See Below
<p>SCA HYD-1 (SCA-46, State Construction General Permit (See <i>Hydrology and Water Quality</i>, below))</p> <p>SCA HYD-2 (SCA-48, Site Design Measures to Reduce Stormwater Runoff (See <i>Hydrology and Water Quality</i>, below))</p> <p>SCA HYD-3 (SCA-44, Erosion and Sedimentation Control Measures for Construction (See <i>Hydrology and Water Quality</i>, below))</p>	See Below	See Below
Cultural Resources		
SCA CUL-1 (SCA-29, Archaeological and Paleontological	During	City of Oakland

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>Resources – Discovery During Construction)</p> <p>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.</p> <p>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 Modified 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</p>	construction	Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>project applicant shall implement the ARDTP at his/her expense.</p> <p>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.</p>		
<p>SCA CUL-2 (SCA-31, Human Remains – Discovery During Construction)</p> <p>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.</p>	During construction	City of Oakland Bureau of Building
Geology, Soils and Geohazards		
<p>SCA GEO-1 (SCA-34, Soils Report)</p> <p>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</p>	Prior to approval of construction-related permit	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
implement the recommendations contained in the approved report during project design and construction.		
SCA GEO-2 (SCA-33, Construction-Related Permit(s)) 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.	Prior to approval of construction-related permit	City of Oakland Bureau of Building
Greenhouse Gases and Climate Change		
None Required		
Hazards and Hazardous Materials		
SCA HAZ-1 (SCA-39, Hazardous Materials Related to Construction) 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: <ol style="list-style-type: none"> Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction; Avoid overtopping construction equipment fuel gas tanks; During routine maintenance of construction equipment, properly contain and remove grease and oils; Properly dispose of discarded containers of fuels and other chemicals; 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 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, 	During construction	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
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.		
<p>SCA HAZ-2 (SCA-40, Site Contamination)</p> <p><i>a. Environmental Site Assessment Required</i></p> <p>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.</p> <p><i>Health and Safety Plan Required</i></p> <p>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.</p> <p><i>Best Management Practices (BMPs) Required for Contaminated Sites</i></p> <p>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:</p> <p>i) Soil generated by construction activities shall be</p>	<p>Prior to approval of construction-related permit</p> <p>Prior to approval of construction-related permit</p> <p>During Construction</p>	<p>Oakland Fire Department (initial approval)</p> <p>Oakland Fire Department (monitoring/inspection)</p> <p>City of Oakland Bureau of Building</p> <p>City of Oakland Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>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.</p> <p>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.</p>		
Hydrology and Water Quality		
<p>SCA HYD-1 (SCA-46, State Construction General Permit)</p> <p>The project applicant shall comply with the requirements of the Construction General Permit issued by the State Water Resources Control Board (SWRCB). The project applicant shall submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and other required Permit Registration Documents to SWRCB. The project applicant shall submit evidence of compliance with Permit requirements to the City.</p>	Prior to approval of construction-related permit	State Water Resources Control Board; evidence of compliance submitted to Bureau of Building
<p>SCA HYD-2 (SCA-48, Site Design Measures to Reduce Stormwater Runoff)</p> <p>Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate site design measures into the project to reduce the amount of stormwater runoff. These measures may include, but are not limited to, the following:</p> <ol style="list-style-type: none"> Minimize impervious surfaces, especially directly connected impervious surfaces and surface parking areas; Utilize permeable paving in place of impervious paving where appropriate; 	Ongoing	N/A

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<ul style="list-style-type: none"> c. Cluster structures; d. Direct roof runoff to vegetated areas; e. Preserve quality open space; and f. Establish vegetated buffer areas. 		
<p>SCA HYD-3 (SCA-49, Source Control Measures to Limit Stormwater Pollution)</p> <p>Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate source control measures to limit pollution in stormwater runoff. These measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> a. Stencil storm drain inlets "No Dumping – Drains to Bay;" b. Minimize the use of pesticides and fertilizers; c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas; d. Cover trash, food waste, and compactor enclosures; and e. Plumb the following discharges to the sanitary sewer system, subject to City approval: f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants; g. Dumpster drips from covered trash, food waste, and compactor enclosures; h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories; i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and j. Fire sprinkler test water, if discharge to on-site vegetated areas is not feasible. 	Ongoing	N/A
<p>SCA HYD-4 (SCA-50, NPDES C.3 Stormwater Requirements for Regulated Projects)</p> <p>a. Post-Construction Stormwater Management Plan</p> <p>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</p>	Prior to approval of construction-related permit	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>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:</p> <ul style="list-style-type: none"> 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. <p>b. Maintenance Agreement Required</p> <p>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:</p> <ul style="list-style-type: none"> 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. 	<p>Prior to building permit final</p>	<p>City of Oakland Bureau of Building</p>
Also SCA GEO-1 and SCA GEO-2 . See <i>Geology, Soils</i> above.		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
Noise		
<p>SCA NOI-1 (SCA-58, Construction Days/Hours <i>(Note: This SCA replaces Mitigation Measure D.1a from the 2000 EIR)</i>)</p> <p>The project applicant shall comply with the following restrictions concerning construction days and hours:</p> <ul style="list-style-type: none"> 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. <p>Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.</p> <p>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.</p>	During construction	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>SCA NOI-2 (SCA-59, Construction Noise <i>(Note: This SCA replaces Mitigation Measure D1.b from the 2000 EIR)</i></p> <p>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:</p> <ul style="list-style-type: none"> 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. 	During construction	City of Oakland Bureau of Building
<p>SCA NOI-3 (SCA-60, Extreme Construction Noise <i>(Note: This SCA replaces Mitigation Measure D1.c from the 2000 EIR)</i></p> <p>a. Construction Noise Management Plan Required</p> <p>Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities</p>	Prior to approval of	City of Oakland

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
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:	construction-related permit	Bureau of Building
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.		
b. Public Notification Required 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.	During construction	City of Oakland Bureau of Building
SCA NOI-4, (SCA-61, Project-Specific Construction Noise	Prior to	City of Oakland

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>Reduction Measures)</p> <p>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. The project applicant shall implement the approved Plan during construction.</p>	approval of construction-related permit	Bureau of Building
<p>SCA NOI-5 (SCA-62, Construction Noise Complaints <i>(Note: This SCA replaces Mitigation Measure NOI D.1d from the 2000 EIR)</i></p> <p><u>Requirement:</u> 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:</p> <ul style="list-style-type: none"> 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. 	Prior to approval of construction-related permit	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian detours, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The project applicant shall implement the approved Plan during construction.</p> <p>c. Repair of City Streets</p> <p>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.</p>	<p>approval of construction-related permit</p> <p>Initial Approval: Public Works Department</p> <p>Prior to building permit final</p>	<p>Services Division</p> <p>Monitoring: City of Oakland Bureau of Building</p>
<p>SCA TRA-2 (SCA-69, Bicycle Parking <i>(Note: this SCA replaces Mitigation Measure B.5 from the 2000 EIR)</i></p> <p>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.</p>	<p>Prior to approval of construction-related permit</p>	
<p>SCA TRA-3 (SCA-71, Transportation and Parking Demand Management) <i>Note: this SCA replaces Mitigation Measure B.3 from the 2000 EIR.</i></p> <p>a. Transportation and Parking Demand Management (TDM) Plan Required</p> <p>The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City.</p> <p>i. The goals of the TDM Plan shall be the following:</p> <ul style="list-style-type: none"> Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable, consistent with the potential traffic and parking impacts of the project. 	<p>Note: A TDM Plan has already been prepared (Appendix 3). If adopted, this SCA would be satisfied; however, there will be ongoing monitoring to confirm compliance.</p>	<p>City of Oakland Bureau of Planning</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<ul style="list-style-type: none"> • Achieve the following project vehicle trip reductions (VTR): <ul style="list-style-type: none"> ○ 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. <p>ii. TDM strategies to consider include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • 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 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 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). 		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<ul style="list-style-type: none"> • 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. • 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; 		

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>allowing employees to work from home two days per week).</p> <ul style="list-style-type: none"> • 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. <p>b. TDM Implementation – Physical Improvements</p> <p>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.</p> <p>c. TDM Implementation – Operational Strategies</p> <p>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</p>	<p>Prior to building permit final</p> <p>Ongoing</p>	<p>City of Oakland Bureau of Building</p>

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
TDM Plan is implemented but the VTR goal is not achieved.		
Utilities and Service Systems		
<p>SCA UTIL-1 (SCA-74, Construction and Demolition Waste Reduction and Recycling)</p> <p>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.</p>	Prior to issuance of construction-related permit	City of Oakland Public Works Department, Environmental Services Division (Initial approval and monitoring & inspection)
<p>SCA UTIL-2 (SCA-75, Underground Utilities)</p> <p>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.</p>	During construction	City of Oakland Bureau of Building
<p>SCA UTIL-3 (SCA-76, Recycling Collection and Storage Space)</p> <p>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</p>	Prior to approval of construction-related permit	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
and storage areas in compliance with the Ordinance. For residential projects, at least two cubic feet of storage and collection space per residential unit is required, with a minimum of ten cubic feet. For nonresidential projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet.		
<p>SCA UTIL-4 (SCA-77, Green Building Requirements)</p> <p>a. Compliance with Green Building Requirements During Plan-Check</p> <p>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).</p> <p>i. The following information shall be submitted to the City for review and approval with the application for a building permit:</p> <ul style="list-style-type: none"> • 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 	Prior to approval of construction-related permit	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>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.</p> <ul style="list-style-type: none"> Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance. <p>ii. The set of plans in subsection (i) shall demonstrate compliance with the following:</p> <ul style="list-style-type: none"> CALGreen mandatory measures. All pre-requisites per the green building checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit. 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. <p>b. Compliance with Green Building Requirements During Construction</p> <p>The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project.</p> <p>The following information shall be submitted to the City for review and approval:</p> <p>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.</p> <p>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.</p> <p>iii. Other documentation as deemed necessary by the City to</p>	During construction	City of Oakland Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
<p>demonstrate compliance with the Green Building Ordinance.</p> <p>c. Compliance with Green Building Requirements After Construction</p> <p>Within sixty (60) days of the final inspection of the building permit for the project, the Green Building Certifier shall submit the appropriate documentation to [INSERT: Build It Green or Green Building Certification Institute] and attain the minimum required certification/point level. Within one year of the final inspection of the building permit for the project, the applicant shall submit to the Bureau of Planning the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.</p>	After project completion, as specified	Bureau of Planning (initial approval)
<p>SCA UTIL-5 (SCA-79, Sanitary Sewer System)</p> <p>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.</p>	Prior to approval of construction-related permit	Public Works Department, Department of Engineering and Construction
<p>SCA UTIL-6 (SCA-80, Storm Drain System)</p> <p>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.</p>	Prior to approval of construction-related permit	City of Oakland Bureau of Building
<p>SCA UTIL-7 (SCA-81, Recycled Water)</p> <p>Pursuant to section 16.08.030 of the Oakland Municipal Code, the project applicant shall provide for the use of recycled water in the project for landscape irrigation purposes unless the City determines that there is a higher and better use for the recycled water, the use of recycled water is not</p>	Prior to approval of construction-related permit	City of Oakland Bureau of Planning; Monitoring by Bureau of Building

Standard Conditions of Approval/Mitigation Measures	Mitigation Implementation/ Monitoring	
	Schedule	Responsibility
economically justified for the project, or the use of recycled water is not financially or technically feasible for the project. The project applicant shall contact the New Business Office of the East Bay Municipal Utility District (EBMUD) for a recycled water feasibility assessment by the Office of Water Recycling. If recycled water is to be provided in the project, the project drawings submitted for construction-related permits shall include the proposed recycled water system and the project applicant shall install the recycled water system during construction.		

Location:	1640 Broadway (Northeast Corner) (see map on the reverse)
Assessors Parcel Number:	(APN:00 8-0622-001-03; 008-0622-001-04; 008-0622-001-05)
Proposal:	Re-approval of a previous Conditional Use Permit (Case File CMDV04-249 & REV01-007) to allow construction of a 254-unit residential high-rise building with approximately 4,710 square feet of ground floor commercial space and 326 parking spaces.
Applicant:	Margaret Cafarelli / (510) 594-8811
Owners:	1640 Broadway Associates
Planning Permits Required:	Re-approval of the Interim Conditional Use Permit to allow density pursuant to the guidelines for General Plan Conformity and a Minor Variance for the rear yard setback.
General Plan:	Central Business District
Zoning:	C-55 Central Core Commercial Zone S-8 Urban Street Combining Zone
Environmental Determination:	A Final Environmental Impact Report was certified on October 4, 2000 for a mixed-use project containing 146 residential units; commercial office space; and approximately 4,710 square feet of ground floor retail. The project was revised as an all residential project and on October 3, 2001, the Planning Commission found that no further environmental review was required. Staff reviewed an updated traffic study and determined that the no further environmental review is required for the re-approval of the all residential project.
Historic Status:	Non-historic property (NHP); survey rating N/A
Service Delivery District:	I-Downtown Metro
City Council district	3
Date Filed:	May 15, 2005
Staff Recommendation	Decision based on staff report
Finality of Decision:	Appealable to City Council within 10 days
For further information:	Contact case planner Heather Klein at 510 238-3659 or by e-mail at hklein@oaklandnet.com.

SUMMARY

The Planning Commission approved the interim conditional use permit, minor variance and design review application (CMDV00-25) and certified a final environmental impact report (ER00-02) for the 1640 Broadway Mixed-use Project on October 4, 2000. The project sponsor submitted an application (REV01-007) to modify that approval to allow construction of either the approved office/residential project or, alternately, to allow construction of an all-residential building with ground floor retail. This revision was approved by the Planning Commission on October 3, 2001.

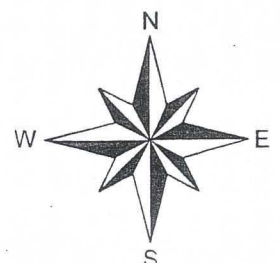
According to Condition of Approval #2, the permit expired on October 3, 2003. The applicant did request a one-year extension for the approvals which was granted by the Zoning Administrator on October 10, 2003. Per the conditions, additional extensions would be subject to approval by the Planning Commission. However, the applicant did not request this extension before the permit expired. The report is to re-

ATTACHMENT C

CITY OF OAKLAND PLANNING COMMISSION



Case File: CMDV05-118
Applicant: 1640 Broadway Associates
Address: 1640 Broadway
Zone: C-55 / S-8



Conditional Use Permit to exceed the density permitted by zoning but consistent with the General Plan and a Minor Variance for the rear setback.

The one significant and unavoidable long-term impact from the mixed-use project was on existing and cumulative parking demand conditions. The EIR determined that the project could result in a parking deficit of approximately 292 off-street public parking spaces. This remained a significant unavoidable impact for the residential only project approved in 2001, but the deficit was reduced to 75 off-street public parking spaces. Other impacts that could be mitigated to less than significant levels include impacts on traffic circulation, dust during construction, and noise. Since the certification of the EIR, the Court of Appeal has held that parking is not part of the permanent physical environment, that parking conditions change over time as people change their travel patterns, and that unmet parking demand created by a project need not be considered a significant environmental impact under CEQA unless it would cause significant secondary effects. Additionally, the City has revised its Thresholds of Significance to state that the loss of existing public parking is not a significant impact. The absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, shuttles, taxis, bicycles or travel by foot), may induce drivers to shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service, in particular, would be in keeping with the City's "Transit First" policy. The project site is located near BART and several AC Transit lines and majority of people using the existing parking are expected to use transit in the future or utilize other parking facilities in the area. On August 18, 2004 the City of Oakland approved the 17th Street Garage which would provide a total of 107 parking spaces to the general public. Furthermore, the proposed project would be providing more than their required spaces to cover the parking demand related to high-end residential condominiums. As a result, impacts related to parking are no longer considered to be Significant and Unavoidable and staff did not include findings for a Statement of Overriding Considerations.

Although no significant traffic impacts were found at any of the intersections previously studied, staff required that the applicant submit an updated traffic study since nearly five years has passed the previous traffic studies were conducted. The updated traffic study found no significant impacts at the eight study intersections surrounding the project site.

Since the project has no impacts that are more severe than those analyzed in the previous EIR and no new impacts are forthcoming, the previously certified EIR applies to this project and no further environmental review is required. Staff recommends that the Planning Commission re-approve the all-residential project.

PROJECT SITE AND SURROUNDING AREA

The project site is 22,210 square feet with approximately 150-foot frontage on both Broadway and 17th Street. The lot is currently used as a surface public parking lot for approximately 75 cars. The site is fully paved and contains no landscaping, though street trees existing in the public sidewalk along the Broadway and 17th St. frontages of the site.

The site is located in the central Downtown core and along Broadway, the primary Downtown thoroughfare. A mix of commercial uses and buildings of varying age, style and height surround the site. A portion of the approximately 277-foot Pacific Bell building is located directly east of the project site, and its blank rear wall currently faces Broadway and abuts the project site. A four-story commercial building, commonly known as the Irene Sergeant Building abuts the project site on the south. The rear portion of this Irene Sergeant Building has twelve fixed glass-block windows located at the property line, and the proposed project will cover these areas. However, the building includes a mix of medical and general offices and no residential uses. Across 17th Street from the site are commercial office buildings varying in style and height and most of which are primarily vacant or under leased, including the historic

Wakefield Building. Directly across Broadway from the site is a block (16th to 17th Streets) of 3- and 4-story commercial buildings and the 13-story historic Cathedral Building.

PROJECT DESCRIPTION

The project submitted would allow construction of the same 33-story, 375-foot tall building as approved in October 2001. The project will be located at the northeast corner of 17th Street and Broadway in Downtown Oakland. The project consists of 254 market-rate residential units and approximately 4,710 square feet of ground floor retail space fronting onto Broadway. The building would include 326 parking spaces on nine levels of parking, two of which are below grade, and 90 bicycle spaces. If constructed as proposed, the building would be taller than any existing building in Downtown Oakland.

The project is proposing two residential entrances, one on Broadway, and one on 17th Street. The proposed ground floor retail space is comprised of two large spaces (2,600 sq. ft. and 2,111 sq. ft.) that are 45 feet deep, and that can be modified to accommodate additional smaller spaces (four retail entrances are located on the Broadway street level). The main residential entry lobby is located between the two retail spaces and is centered on the Broadway side of the building. The residential units are located on floors 8-33 of the building with approximately 10 units per floor. The units range from one to three bedrooms and vary in size from approximately 1,000 square feet to 2,100 square feet. Four outdoor roof terraces are proposed to provide group and private open space for the project. An open space terrace and outdoor pavilion, located on the first residential floor (8th floor), create a "notch" in the southeast corner of the building to provide open light and air to the residential floors and to provide usable open space for the residents. On the 32nd floor 2,093 square feet of group open space and 2,078 square feet of private open space for 10 units is provided. On the mezzanine at the 33rd floor, 2,623 square feet of group open space and 1,600 square feet of private open space for 2 units are provided. Group open space totaling 5,384 sf on the roof is also shown in the project plans.

GENERAL PLAN ANALYSIS

The site of the proposed project is designated as Central Business District by the General Plan Land Use Diagram. This designation is intended "to encourage, support, and enhance the Downtown area as a high density mixed-use urban center of regional importance." The desired character and uses include large-scale offices, commercial, urban (high-rise) residential, institutional, open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses. The General Plan states that the maximum residential density shall not exceed 500 units per net acre. With a lot area of 22,210 square feet, the site will support a residential development of 255 units, thus the proposal of 254 units is within the allowed density.

General Plan Policies and Objectives

The project site is also located within the Downtown Showcase District and a Transit-Oriented District at the 19th Street BART as identified in the City Structure Diagram of the Land Use and Transportation Element. The General Plan contains numerous policies that pertain to the approved residential project. The project supports the vision and goals for the Downtown Showcase District, particularly by promoting the role of Downtown as a mixture of vibrant and unique districts, increasing both the daytime and nighttime population of Downtown through new housing opportunities and encouraging housing that is located within walking distance of BART and other transit facilities. The project is consistent in all significant aspects with numerous policies of the General Plan. The proposed project is also consistent with the goals, objectives and policies of the Bicycle Master by providing secure and conveniently located bicycle parking on site (Policy 5), and by proposing a project design that reflects the needs of resident bicyclists (Policy 8).

ZONING ANALYSIS

The project site is located in the C-55 Central Core Commercial Zone and the S-8 Urban Street Combining Zone. The intent of the C-55 zone is "to preserve and enhance a very high-intensity regional center of employment, shopping, culture, and recreation...appropriate to the core of the central district." The maximum permitted residential density in the C-55 Zone is prescribed by the R-90 Downtown Apartment Residential Zone and allows one unit per 150 square feet of lot area or 148 units on the site. The proposed density exceeds the allowable density of the R-90 zone, thus pursuant to the Guidelines for Determining General Plan Conformity, the project requires approval of an Interim Conditional Use Permit to allow a proposed density that exceeds the maximum Zoning Code allowances but conforms to the General Plan allowances. Findings for an Interim Conditional Use Permit are included in this report.

Both the mixed-use project and the all-residential project received Design Review approval pursuant to the S-8 Urban Street Combining Zone, therefore, the previous design review approval applies to the re-approval of the project.

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

Zoning Regulation Comparison Table

Criteria	Requirement C-55	Proposed	Comment/ Degree of Variance
Yard – Front	0'	0'	Meets the C-55 requirements.
Yard – Interior Lot Line	0'	0'	Meets the C-55 requirements.
Yard – Rear	15'	0'	Does not meet the C-55 zone requirements. A minor variance is needed for the 15' rear setback.
Height	N/A	375'	Meets the C-55 requirements.
Usable Group Open Space	75 sf of open space / unit = 19,050 sf	19,584 sf	Meets the C-55 requirements.
Parking	1 space / unit = 254 spaces	326	Meets the C-55 requirements.
Residential Density	1 unit / 150 sf or 148 units for the project site	254 units	Does not meet the C-55 zone requirements, but is permitted with approval of an Interim Conditional Use Permit per consistency with the General Plan land use designation.

The criteria for review and approval of this facility at this location includes the special use permit criteria in Section 17.01.100B; the general use permit criteria in Section 17.134.050; and the criteria for Variances in Section 17.148.050. The proposed project is consistent with all zoning regulations, per approval of the Conditional Use Permits and Variance findings.

KEY ISSUES

Environmental Determination and Environmental Findings

An Environmental Impact Report was certified by the Planning Commission as the Lead Agency on October 4, 2000 for 146 market-rate residential loft condominium units; commercial office space; and approximately 4,710 square feet of ground floor retail on Broadway. The previously certified EIR is available to the public at the Planning Department office. After an EIR has been prepared and certified for a project, later project approvals or changes must be evaluated to determine whether the circumstances requiring preparation of a subsequent or supplemental EIR are present, as specified in Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163. Absent one or more of the circumstances requiring a subsequent or supplemental EIR, no further CEQA actions are required. As detailed in the findings section of this report, none of the circumstances requiring preparation of a subsequent or supplemental EIR are present and the project can rely on previously certified EIR.

Other previously-identified impacts that can be mitigated through implementation of adopted mitigation measures include impacts on traffic circulation, dust during construction, and noise impacts. These mitigation measures are included within the attached Conditions of Approval/Mitigation Monitoring Plan.

Loss of Parking is No Longer Considered to be a Significant, Unavoidable Impact

A significant, unavoidable impact for the loss of existing public parking identified in the previously certified EIR is no longer considered significant and unavoidable. Since the certification of the EIR, the Court of Appeal has held that parking is not part of the permanent physical environment, that parking conditions change over time as people change their travel patterns, and that unmet parking demand created by a project need not be considered a significant environmental impact under CEQA unless it would cause significant secondary effects. Additionally, the City has revised its Thresholds of Significance to state that the loss of existing public parking is not a significant impact. The absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, shuttles, taxis, bicycles or travel by foot), may induce drivers to shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service, in particular, would be in keeping with the City's "Transit First" policy. As a result, impacts related to parking are no longer considered to be Significant and Unavoidable and staff did not include findings for a Statement of Overriding Considerations.

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

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

IMPACT B.6: (page IV-32) Project construction could result in temporary circulation impacts in the project vicinity. (Mitigation: Submittal of a construction-period traffic and parking plan.)

IMPACT C.1: (page IV-40 of the DEIR) Fugitive dust generated by construction activities would be substantial and would temporarily increase PM₁₀ concentrations in the immediate project vicinity. (Mitigation: institute a dust abatement program.)

IMPACT D.1: (page IV-52 through IV-53 of the DEIR) Construction activities would temporarily generate noise levels above existing ambient levels in the project vicinity. (Mitigation: Limit construction hours; Track complaints; Locate noise sources away from sensitive receptors; and Site-specific noise attenuation measures shall be completed under the supervision of a qualified noise consultant.)

CONCLUSION

In summary, based on the analysis contained within this report; the certified EIR; and the updated traffic analysis, staff believes that re-approval of the proposed project to allow construction of a 254-unit residential building with ground floor retail at this location in an appropriate and attractively designed urban in-fill project will further the overall objectives of the General Plan. Specifically the construction of the project will help revitalize Downtown with activity throughout the day and evening hours, provide new quality urban housing in the Downtown, and achieve a high density development near transit.

RECOMMENDATIONS:

1. Adopt Environmental Determination Findings pursuant to CEQA Section 21166 and CEQA Guidelines Section 15162 and 15163 that none of the circumstances requiring preparation of a subsequent or supplemental EIR are present and that no further environmental review is required;
2. Re-approve the project and the Interim Conditional Use Permit, and Minor Variance subject to the Conditions of Approval, Mitigation Measures, and based on the attached Findings.

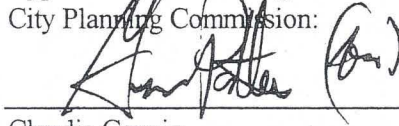
Prepared by:



Heather Klein

Planner II, Major Projects

Approved for forwarding to the
City Planning Commission:



Claudia Cappio
Development Director

ATTACHMENTS:

- A. Plans, Elevations, and Perspectives
- B. Traffic Study Update: Dowling Associates dated April 5, 2005
- C. Draft and Final EIR are available for review free of charge at the Planning Department; 250 Frank H. Ogawa Plaza, Suite 3315; Oakland (and have been provided to Planning Commission)

FINDINGS FOR APPROVAL

This proposal meets the required findings under Section 17.134.050 (General Use Permit Findings) and Section 17.01.100B (Interim Conditional Use Permit Pursuant to the Guidelines for Determining General Plan Conformity); Section 17.148.050 (Variances findings); and Section 17.136.070.A (Residential Design Review findings) as set forth below. Required findings are shown in bold type; explanations as to why these findings can be made are in normal type. The project's conformance with the following findings is not limited to the discussion below, but include all discussions in the report, the EIR, and elsewhere in the record.

Section 17.134.050 (Conditional Use Permit Criteria for Density which Exceeds Zoning Regulations):

- 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.**

The location, size, design, and operating characteristics of the proposed project will be compatible with the surrounding neighborhood, which contains several buildings of similar scale and bulk. In addition, because the project site is located on an urban in-fill area, utilities and service systems are available to serve the proposed project. The project is attractively designed and the density is consistent with the General Plan. A revised traffic analysis was completed that confirmed that construction of the project will not result in a significant traffic impact at the surrounding 8 intersections.

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

The location, design, and site planning of the proposed project will provide for shopping and living in the Downtown area within immediate proximity to public transit facilities. The residential use and attractive design of the proposed project is appropriate for the project location and will contribute to creating a convenient and functional living and working environment in the Downtown. In addition, the proposed project provides ground level retail activities in an effort to vitalize the pedestrian level of the development.

- 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 project will greatly enhance the successful operation of the surrounding area by providing housing and shopping opportunities in the Downtown area. The project will also generate new revenues for the City and create the potential for secondary economic benefits to the surrounding businesses within the area.

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

The proposed project conforms to all applicable design review criteria because the exterior design of the building is the same that was approved previously and was found, with that approval, to comply with the applicable design review criteria.

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

The proposed project conforms in all significant respects with the "Central Business District" General Plan land use designation as well as with many General Plan policies as previously stated in this report. However, the density of the project does not conform to the Zoning Regulations, which therefore requires an Interim Conditional Use Permit.

Section 17.134 (Interim Conditional Use Permit Pursuant to the Guidelines for Determining General Plan Conformity) Because the project conforms with the General Plan but not with the Zoning Regulations, the following three special findings from the Guidelines for Determining General Plan Conformity must also be made:

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

The use and intensity of the proposed project are clearly appropriate for the "Central Business District" General Plan land use designation which allows the most intensive development in the City. Characteristics of the proposed project are compatible to existing buildings along the Broadway corridor and the central urban area and are appropriate for Downtown Oakland. Therefore the proposed design is well related to those characteristics of the surrounding area.

2. **That the proposal is clearly consistent with the intent and desired character of the relevant Land Use Classification or Classifications of the General Plan and any associated policies.**

The proposed project is clearly consistent with the intent and desired character of the "Central Business District" General Plan land use designation which is intended "to encourage, support, and enhance the Downtown area as a high density mixed-use urban center of regional importance." In addition, several General Plan policies promote large-scale residential development in close proximity to public transit facilities and encourage the development of housing in the Downtown.

3. **That the proposal will clearly promote implementation of the General Plan.**

The proposed project will clearly be consistent with the intensity allowed in the "Central Business District" General Plan land use designation and with many General Plan policies including promoting the Downtown, providing housing near transit, and increasing the day and nighttime population of Downtown.

Section 17.148.050(A) Minor Variance Findings

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

The rear property line of the project site abuts a 55' retail building. Strict compliance with the zoning regulations would produce a large, awkward gap and interrupt the continuous street front on Broadway, the city's main commercial street. This would affect the appearance of the pedestrian scale and street front. Furthermore, strict compliance would reduce the total number of units by approximately 1/5th which is inconsistent with the Downtown objectives of the General Plan.

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

The basic intent of this regulation is to provide adequate light and air for the residents, as well as providing open space in this area. This setback regulation is at odds with the objective and policies for the Downtown as well as the permitted residential density and FAR which is the most intensive in the city. Since the project is not proposing windows on the rear property line, adequate light and air will not be an issue for the units. Unfortunately, the adjacent building has windows along their property line that would be covered by the project. It is City policy to not approve windows on the property line and that any windows at a property line must be setback 3'. The covering of these adjacent windows is typical for buildings located in an urban high-rise situation. In addition, open space is being provided at various levels on the building, including the roof. The amount of open space in the rear yard would be impractical to accommodate 254 units and would be practically unusable considering the overall height of the proposed and adjacent building.

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

Granting a variance for the width of the rear setback will not adversely affect the character or the livability of the adjacent 55' tall retail building. The project plans show that no windows are proposed for the units on that side that would be affected if the adjacent property were to be redeveloped. The adjacent building has windows along their property line that would be covered by the project. It is City policy to not approve windows on the property line and that any windows at a property line must be setback 3'. The covering of these adjacent windows is typical for buildings located in an urban high-rise situation. The project will not be detrimental to the public or any adopted plans. On the contrary, the project, with the variance will provide housing downtown, encourage 24 hour activity, and promote pedestrian friendly-scale which are all policies of the General Plan in the Downtown.

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

The project meets the intent of the zoning regulations by supporting an appropriate layout that is well-suited to the surrounding properties in mass, scale, height, materials, and setbacks. This compatibility will

enhance and benefit the surrounding neighborhood. The variance can be supported and meet the general intent of the zoning regulations. Should the adjacent property be redeveloped, the rear setback will not affect the adjacent property should that be redeveloped. Compliance with the rear setback would adversely affect the appearance of Broadway by providing an awkward gap in the pedestrian scale and commercial street front.

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

The Final EIR for 1640 Broadway was properly certified by the City of Oakland as the Lead Agency on October 4, 2000. That Final EIR contained an all-residential alternative that was nearly identical to the all-residential project previously approved and re-submitted. The project has been reviewed in light of the FEIR and the Commission hereby makes the following findings under CEQA Section 15162:

1. Re-approval of the project would not require major revisions to the previously certified FEIR. The project is substantially the same as the 255 residential unit studied in the EIR and the exactly the same as project approved pursuant to adopted Environmental Determination Findings, CEQA Section 21166, and CEQA Guidelines Section 15162 and 15163. The EIR had identified one significant and unavoidable long-term impact on existing and cumulative parking demand conditions. The EIR determined that the mixed-use project could result in a parking deficit of approximately 292 off-street public parking spaces. This remained a significant unavoidable impact for the residential only project approved in 2001, but the deficit was reduced to 75 off-street public parking spaces but no deficit of parking for the residential uses. Since the certification of the EIR, the Court of Appeal has held that parking is not part of the permanent physical environment, that parking conditions change over time as people change their travel patterns, and that unmet parking demand created by a project need not be considered a significant environmental impact under CEQA unless it would cause significant secondary effects. Additionally, the City has revised its Thresholds of Significance to state that the loss of existing public parking is not a significant impact. The absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, shuttles, taxis, bicycles or travel by foot), may induce drivers to shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service, in particular, would be in keeping with the City's "Transit First" policy. As a result, impacts related to parking are no longer considered to be Significant and Unavoidable and staff did not include findings for a Statement of Overriding Considerations.

Since the project is located near transit, the City has approved a public parking garage in the vicinity, and the project is providing adequate parking to meet the residential demand impacts related to parking will not be Significant and Unavoidable. The certified EIR identified significant construction noise related impacts from the project (p.IV-51). As outlined in the Draft EIR Mitigation Measure D.1.b and in the Final EIR (p.46 Response 3 and p.48, Response 7), the project sponsor, under the direction of a qualified noise consultant, shall provide for a set of site-specific measures in an effort to reduce the impact and contain noise from pile driving. Staff understands that the recommended measures will be further specified as more detailed information about the structural system foundation design and the actual site conditions and constraints are identified to ensure that the most fully effective measures are implemented. In this way, the noise attenuation measures used will be site specific and be informed by the actual foundation and pile system prescribed for the building. Also, the project sponsor shall also notify all property owners, businesses and residents within a minimum radius of 300 feet from the project site at least 30 days prior to pile driving activities as well as establish a public response and tracking system for public concerns related to construction noise. Subsequent to the approval of the mixed-use project in October, 2000, the City Council approved, in January 2001, criteria for reducing construction noise and general construction

impacts. Compliance with these criteria will be incorporated as a condition of approval.

2. No new significant impacts will result from the project and no impacts previously identified as significant will be made more severe. The proposed project has the same use as the residential alternative previously analyzed through an EIR and is exactly the same as the project approved pursuant to adopted Environmental Determination Findings, CEQA Section 21166, and CEQA Guidelines Section 15162 and 15163. Since nearly five years has passed since the previous traffic studies were conducted, staff required that the applicant submit an updated traffic study. The updated traffic study found no significant impacts at the eight study intersections surrounding the project site with or without the proposed project.
3. There have been no substantial changes that have occurred with respect to the circumstances under which the project is undertaken that will require major revisions to the EIR. The October 2000 EIR included a 255 all residential alternative and the exact same project was approved pursuant to adopted Environmental Determination Findings, CEQA Section 21166, and CEQA Guidelines Section 15162 and 15162. The proposed project's location, use and massing are essentially the same as that analyzed in the EIR. Comparatively the project is a reduction in use, size, and scale. Therefore, it can be determined that the EIR analyzed the same project as what is proposed. Although no significant traffic impacts were found at any of the intersections previously studied, staff required that the applicant submit an updated traffic study since nearly five years has passed the previous traffic studies were conducted. The updated traffic study found no significant impacts at the eight study intersections surrounding the project site.
4. No new information of substantial importance (as specified in the CEQA Guidelines section 15162 (a) (3)) that was not known or could not reasonably have been known at the time the EIR was certified shows any evidence that (1) the project will have one or more significant effects not discussed in the EIR; (b) significant effects previously examined will be substantially more severe than shown in the EIR; (c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project but are declined by the project proponent; or (d) mitigation measures or alternatives that are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects of the project but are declined by the project proponent. No new information has been presented that would require a subsequent EIR to be prepared.

CUSTODIAN OF RECORDS

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

MITIGATION MONITORING

The monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the attached Mitigation Monitoring Program. Adoption of this Program, as conditions of project approval, will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the efforts of the City of Oakland or other identified public agencies of responsibility.

Section 17.136.070A (Residential Facilities Design Review Findings)

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

The proposed high-rise building design reflects the urban character of Downtown and particularly the area along Broadway that includes the downtown and Uptown Historic Districts. The building combines poured in place concrete, glass, and metal. The building's strong columnar form is countered by the district horizontal cornices and multi-story glass panels that are recessed two feet into the building and located on the upper façade of the building. These recesses avoid a curtain wall effect of building along Broadway.

The building design mixes formal elements, such as a strong central entryway, with more informal or modern elements such as varying proportions and a mix of colors. The building designed has three distinctive vertical sections: a base, middle, and a top. The treatment, of the three sections, vary in color and materials. The street levels entails large scale masonry stone blocks of deep color and hearty texture, and the colors and textures gradually become finer and more muted on the upper sections of the building. The proposed design is compatible with many classic styles in the area and introduces a relative modern, urban style. The street level of the building is primarily a glass retail frontage that will include pedestrian scale elements, such as overhead elements, differentiated coloring, and detailed patterns and lighting elements to reinforce a pedestrian-friendly high-rise experience. The proposed building is approximately 389' in height and would be taller than any existing structure in the immediate vicinity. The building would introduce a major new element to the Oakland skyline, and the design of the building's cap offers varying shapes created by cut-outs of the building as well as glass facades that contrast with concrete building material.

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

The use of quality materials and construction methods on the proposed project will ensure the marketability of the proposed dwelling units. The proposed residential units will be urban style condominium lofts with 20' clear heights with mezzanines and offer a distinct living experience for the downtown neighborhood. Therefore, the project will work to protect the neighborhood's goal of attractive, compatible, quality development.

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

The proposed project site is flat and with no notable landscaping. Therefore the project will have no affect on the existing topography or landscape.

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

See response #3

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

The proposed project is consistent with the General Plan land use designation for the site, with Conditional Use Permit findings, and with the Design Review Criteria for Urban Street Combining Zone as discussed below and in more detail in the previous sections of the report.

CONDITIONS OF APPROVAL**STANDARD CONDITIONS****1. Approved Use.****a. Ongoing.**

The project shall be constructed and operated in accordance with the authorized use as described in this staff report and the plans dated May 22, 2001 and as amended by the following conditions. Any additional uses other than those approved with this permit, as described in the project description, will require a separate application and approval.

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

This permit shall become effective upon satisfactory compliance with these conditions. **This permit shall expire on May 4, 2007** unless actual construction or alteration, or actual commencement of the authorized activities in the case of a permit not involving construction or alteration, has begun under necessary permits by this date. Upon written request and payment of appropriate fees, the Zoning Administrator may grant a one-year extension of this date, with additional extensions subject to approval by the City Planning Commission.

3. Scope of This Approval; Major and Minor Changes**a. Ongoing.**

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

4. Modification of Conditions or Revocation**a. Ongoing.**

The City reserves the right, after notice and public hearing, to alter Conditions of Approval or revoke this conditional use permit if it is found that the approved use or facility is violating any of the Conditions of Approval, any applicable codes, requirements, regulation, guideline or causing a public nuisance.

5. Recording of Conditions of Approval**a. Prior to issuance of building permit or commencement of activity.**

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

6. Reproduction of Conditions on Building Plans**a. Prior to issuance of building permit.**

These conditions of approval shall be reproduced on page one of any plans submitted for a building permit for this project.

7. Indemnification**a. Ongoing.**

The applicant shall defend, indemnify, and hold harmless the City of Oakland, its agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees)

Conditions of Approval

against the City of Oakland, its agents, officers or employees to attack, set aside, void or annul, an approval by the City of Oakland, the Office of Planning and Zoning Division, Planning Commission, or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

8. Waste Reduction and Recycling

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

Prior to issuance of any building permits including the grading and/or demolition permit the project applicant will submit a demolition/construction waste diversion plan and operational waste reduction plan for review and approval by the Public Works Agency. The plan will specify the methods by which the development will make a good faith effort to divert 50% of the demolition/construction waste generated by the proposed project from landfill disposal. After approval of the plan, the project applicant will implement the plan. The operational diversion plan will specify the methods by which the development will make a good faith effort to divert 50% of the solid waste generated by operation of the proposed project from landfill disposal. After approval of the plan, the project applicant will implement the plan.

9. Litter Control

a. Prior to issuance of building permit

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

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

10. Electrical Facilities

a. Prior to installation.

All new electric and telephone facilities, fire alarm conduits, streetlight wiring, and similar facilities shall be placed underground. Electric and telephone facilities shall be installed in accordance with standard specifications of the servicing utilities. Street lighting and fire alarm facilities shall be installed in accordance with the standard specifications of the Building Services Department.

11. Improvements in the Public Right-of-Way

a. Prior to issuance of building permit for work in the public right-of-way

The applicant shall submit Public Improvement Plans for adjacent public rights-of-way showing all proposed improvements and compliance with conditions of approval and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications locations of facilities required by the East Bay Municipal Utility District (EBMUD), and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this approval. Encroachment permits shall be obtained as necessary for any applicable improvements.

12. Exterior Pay Telephones.**a. Ongoing.**

There shall be no exterior pay telephones.

SPECIFIC PROJECT CONDITIONS**1. Covenants, Conditions and Restrictions & Homeowner's Association.****a. Within one year after issuance of the first certificate of occupancy.**

The Covenants, Conditions and Restrictions (CC&Rs) for the approved units shall be submitted to the Planning and Zoning Division for review. The CC&Rs shall provide for the establishment of a non-profit homeowners association to maintenance and operation of all common landscaping, driveways, and other facilities, in accordance with approved plans. Membership in the association shall be made a condition of ownership. The developer shall be a member of such association until all units are sold.

2. Review of Utility Meter Design**a. Prior to submittal of Final Map.**

Plans shall be submitted to the Planning Department showing the location and architectural treatment of all utility meters which affect the exterior appearance of the building caused by the separate metering of utilities.

3. Exterior Lighting.**a. Prior to issuance of a building permit**

All exterior lighting shall be integrated into the architecture design. Overall lighting levels shall be comparable with the surrounding ambient light levels. Area lighting shall be predominately down directed and designed so there is no light directed off-site. Plans submitted for a building permit shall include all exterior lighting. Manufacturer's specification sheets for all exterior lighting shall be provided and approved by the Zoning Administrator prior to installation.

4. Street Trees**a. Prior to installation of Street Trees.**

The applicant shall replace any existing street trees damaged during construction with trees of like size and species, where practical. Also, the applicant shall provide additional trees along the street as permitted by the City's street tree standards. All trees shall be planted and maintained in accordance with the City of Oakland Parks and Recreation standards.

5. Irrigation Plan and landscape maintenance**a. Prior to issuance of building permit**

An irrigation plan shall be prepared by a licensed landscape architect or other qualified person and submitted in conjunction with the building permit submittal. All landscape and irrigation shall be installed prior to final building permit inspection.

b. Ongoing

All project landscaping shall be permanently maintained in a neat, safe, and healthy condition.

6. Building Signage**a. Prior to installation of Building and/or Tenant Signage.**

No signs are approved with this permit. All signs are subject to Section 17.86.110 of the Zoning Regulations (S-8 Urban Street Combining Zone Design Review) and general limitations are set forth in Section 17.104). The project applicant shall submit a master signage plan for review per the Planning and Zoning regulations, including but not limited to location, dimensions, materials

and colors. All signs shall be reviewed and approved by the Zoning Administrator prior to installation.

7. Street Lighting.

a. Prior to Approval of Final Tract Map.

The applicant shall provide street lighting improvements or replacements in-kind along 17th Street and Broadway. The scope of these improvements shall be subject to review and approval by Public Works Agency, Electrical Services Division.

8. Final Design Specifications.

a. Prior to the issuance of building permits.

The facility's final design, including all exterior design details, proposed signs, and the final selection of exterior materials, colors and textures shall be submitted to and approved by the Zoning Administrator.

9. Telecommunication Facilities

a. Ongoing

Any proposed telecommunication facilities will require review and approval from the Planning Department, pursuant to the telecommunication regulations (Chapter 17.128 of the Zoning Regulations), before issuance of building permits for the project or for the telecommunication facilities.

10. Wastewater Improvement Plan.

a. Prior to issuance of a building permit.

As set forth in the Draft EIR, the applicant shall prepare and submit to the Zoning Administrator for review and approval, prior to application for a building permit, a final utility and improvements plan that demonstrates compliance with all applicable provisions of the East Bay Municipal Utilities District (EBMUD) Wastewater Control Ordinance No. 311, and confirmed by EBMUD. The improvements plan shall include, but not be limited to:

1. Projections pertaining to average daily and peak wet weather wastewater flows for the project;
2. Confirm that the wet weather waste water treatment flow are within the established flow allocation for the applicable sub-basin or that an alternative means of conveyance has been incorporated into the utility and improvement plans for the project, as approved by the Oakland Public Works Department.

11. Water Conservation Measures and the Potential for Non-Potable Water Usage.

a. Ongoing.

The applicant shall make a good faith effort to coordinate with EBMUD to incorporate water conservation measures into the project and to explore the feasibility of using non-potable water for non-domestic purposes.

12. Parking Program. Applies to REV01-07, the All-Residential Project

a. Prior to 75 percent occupancy of the building and throughout the operation of the project, as appropriate.

1. The applicant shall maintain all parking spaces in the project for residential parking purposes at all times.
2. The required parking provided in the project shall be restricted for use by residents, tenants and visitors of the building; no parking spaces shall be leased to any other party; and the

Conditions of Approval

project sponsor shall not lease or convert any portion of the parking to a public paid parking facility.

13. Bicycle Parking Design.

a. Prior to issuance of a building permit.

The applicant shall submit detailed plans showing the on-site location and configuration of on-site or off-site bicycle parking, or proof of submittal of appropriate in-lieu fees as required by Mitigation B.5 to the Director of Public Works and the Zoning Administrator.

14. Mitigation Monitoring and Reporting Program

a. Ongoing.

The following mitigation measures shall be incorporated into the project. The measures are taken from the environmental impact report and have been revised to provide more specificity and reflect current City policy. For each measure, this Mitigation Monitoring and Reporting Program (MMRP) indicates the entity (generally, an agency or department within the City of Oakland) that is responsible for carrying out the measure ("Responsible Implementing Entity"); the actions necessary to ensure compliance with the applicable measure ("Monitoring Action(s)") and the entity responsible for monitoring this compliance ("Monitoring Responsibility"); and the time frame during which monitoring must occur ("Monitoring Timeframe"). Changes from the original Mitigation Monitoring and Reporting Program are indicated in underlined type.

A. TRAFFIC, CIRCULATION AND PARKING

IMPACT B.3: The project could result in a parking deficit of approximately 75 off-street public parking spaces at project build out. As previously discussed this is not a significant and unavoidable impact.

MITIGATION MEASURE B.3: Under existing and cumulative conditions, the all-residential project will meet its parking demand, as calculated using ITE adjusted parking demand rates, but will result in the loss of 75 public parking spaces with the removal of the existing surface parking lot. Given that it is desirable to encourage residents and employees to use transit rather than personal automobiles, the mitigation measure should not include adding more parking, but should instead consist of encouraging residents to use transit, bicycles, or to travel on foot. The project's mitigation measures for this impact should be the following:

- Inform residents that there is only metered, time-limited parking on-street for several blocks around the project location, and indicate that they are therefore strongly discouraged from owning more than one automobile that they might wish to park at or near the project.
- Provide current transit information to residents, either by direct delivery (e.g., via U.S. Mail) or at a convenient location, such as a kiosk near the elevators.

The mitigation measures associated with resident parking should be accomplished via the usual sales documentation (e.g., "CCR's" or homeowner's association contracts) for the units.

MONITORING RESPONSIBILITY: City of Oakland, Community and Economic Development Agency, Planning Division and Building Services Division; City of Oakland Public Works Agency, Traffic Engineering Division.

Monitoring Timeframe: Implementation will occur prior to issuance of any building permits and throughout the operation of the project.

IMPACT B.6: Project construction could result in temporary circulation impacts in the project vicinity. This would be a significant impact.

MITIGATION MEASURE B.6: Prior to the start of excavation or construction, the project sponsor would submit to the City Traffic Engineering Division for review and approval a plan for managing construction-period traffic and parking. This plan would include information on routing of construction traffic, provision of off-street parking for construction workers, and off-street equipment staging.

The plan shall include at least the following items and requirements:

- a. Hold a pre-construction meeting with the job inspectors and the general contractor/on-site project manager, to confirm that noise mitigation measures and practices are completed prior to the issuance of a building permit (including construction hours, notification of nearby property owners, businesses and residents, posted signs, etc.)
- b. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. In addition, the information shall include a construction-staging plan for any right-of-way.
- c. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours and lane closures will occur.
- d. Provision for accommodation of pedestrian flow.
- e. Provisions for monitoring surface streets used for haul routes so that any damage to the street paving and debris attributable to the haul trucks can be identified and corrected.
- f. A temporary construction fence to contain debris and material and to secure the site.
- g. Provisions for removal of trash generated by project construction activity. The applicant shall ensure that debris and garbage is collected and removed from the site daily.
- h. At least one copy of the approved above referenced plans that include the Approval Letter and the Conditions of approval for this project shall be available for review at the job at all times.
- i. All work shall apply the "Best Management Practices" (BMPs) for the construction industry, including BMPs for dust, erosion, and sedimentation abatement per Section 15.04 of the Oakland Municipal Code, as well as all specific construction-related conditions of approval attached to this project.
- j. A process for responding to, and tracking, complaints pertaining to construction activity, including the identification of an on-site complaint manager. Identify an on-site complaint and enforcement manager to respond to and track construction-related complaints. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. The Planning and Zoning Division shall be informed who the Manager is prior to the issuance of the grading permit.

k. The location of signs to be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site and a day and evening contact number for the City in the event of problems.

Implementation of this measure would reduce the anticipated impact to less-than-significant levels.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency, Planning Division and Building Services Division; City of Oakland Public Works Agency, Traffic Engineering Division.

Monitoring Timeframe: Implementation will occur prior to issuance of any building permits and throughout the operation of the project.

B. AIR QUALITY

IMPACT C.1: Fugitive dust generated by construction activities would be substantial and would temporarily increase PM₁₀ concentrations in the immediate project vicinity. This would be a significant impact.

MITIGATION MEASURE C.1: The project sponsor shall require the construction contractor to implement a dust abatement program. Implementation of this measure would reduce the anticipated impact to less-than-significant levels. The measures shall include:

- a. Watering all active construction areas as necessary to control dust;
- b. Covering stockpiles of debris, soils or other material if blown by the wind;
- c. Sweeping adjacent public rights of way and streets daily if visible soil material or debris is carried onto these areas.
- d. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
- e. Apply non-toxic soil stabilizers to inactive construction areas;
- f. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
- g. Install sandbags or other erosion control measures to prevent silt runoff onto public roadways; and

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

Monitoring Timeframe: Implementation will occur throughout the duration of all construction and grading activities on the site.

C. NOISE

IMPACT D.1: Construction activities would temporarily generate noise levels above existing ambient levels in the project vicinity. This would be a significant impact.

Mitigation Measure D.1a: Construction activities shall be limited to 7:00 AM to 7:00 PM, Monday through Friday. Pile driving activity shall be as consistent with the Criteria for Construction Activities

approved by City Council in January, 2001. Non-noise generating activity may be permitted during weekends once the building has been closed in and with the express authorization of the City Planning and Building Divisions and then only within the interior of the building with the doors and windows closed. Saturday construction activity prior to the building being enclosed shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a survey of resident's preferences for whether Saturday activity is acceptable if the overall duration of construction is shortened. No construction activity shall take place on Sundays or Federal holidays. Implementation of this measure would reduce the anticipated impact to less-than-significant levels.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency, Planning Department and Building Services Division.

Monitoring Timeframe: Implementation shall occur throughout the duration of all construction and grading activities on the site.

Mitigation Measure D.1b: Prior to pile driving, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified noise consultant. These measures may include attenuation shields or blankets around the site, pre-drilling of piles, the use of more than one pile driver, if feasible to lessen the total time required for driving piles, and other measures. A specific schedule shall also be confirmed with the Building Divisions and all property owners, businesses and residents within a minimum radius of 300 feet shall be notified in writing at least 30 days prior to pile driving activities. Implementation of this measure would reduce the anticipated impact to less-than-significant levels.

Pile driving or other extreme noise generating activity (90 dBA or above) are limited to the hours of 8:00 am to 4:00 pm, Monday through Friday, with no pile driving or other extreme noise generating activity permitted between 12:30 and 1:30 pm., or other mid-day hour as established and noticed. Pile driving or other extreme noise generating activity are prohibited on Sundays and holidays. Pile driving on Saturdays will be evaluated on a case by case basis, with criteria including the proximity of residential uses and a survey of residents and businesses preferences for whether Saturday activity is acceptable if the overall duration of the pile driving is shortened.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency, Planning Department and Building Services Division.

Monitoring Timeframe: Plans and schedules shall be confirmed prior to issuance of a building and/or grading permit for the project; implementation shall occur throughout the duration of all construction and grading activities on the site.

Mitigation Measure D.1c: All stationary noise sources, to the greatest extent practical, should be located as far away as possible from sensitive receptors (i.e., residential uses). Implementation of this measure would reduce the anticipated impact to less-than-significant levels.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency, Planning Department and Building Services Division.

Monitoring Timeframe: Implementation will be confirmed prior to issuance of a building and/or grading permit for the project; implementation shall occur throughout the duration of all construction and grading activities on the site; and throughout operation of the project.

Mitigation Measure D.1.d: Prior to the issuance of a building and grading permit, the project applicant shall establish a process for responding to and tracking complaints pertaining to construction activity, including for noise complaints, with at least the following components:

- A procedure for notifying City Building Division staff and Oakland Police Department;

Mitigation and Monitoring Program

- A listing of telephone numbers (during regular construction hours and off-hours);
- A plan for posting signs on site pertaining to complaint procedures and who to notify in the event of a problem; and
- The designation of a construction complaint manager for the project.

Implementation of these measures would reduce the anticipated impact to less-than-significant levels.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency, Planning Department and Building Services Division; Oakland Police Department.

Monitoring Timeframe: Implementation will occur prior to issuance of a building and/or grading permit for the project; throughout the duration of all construction and grading activities on the site; and throughout operation of the project.

1640 BROADWAY

OAKLAND, CALIFORNIA
1640 BROADWAY ASSOCIATES

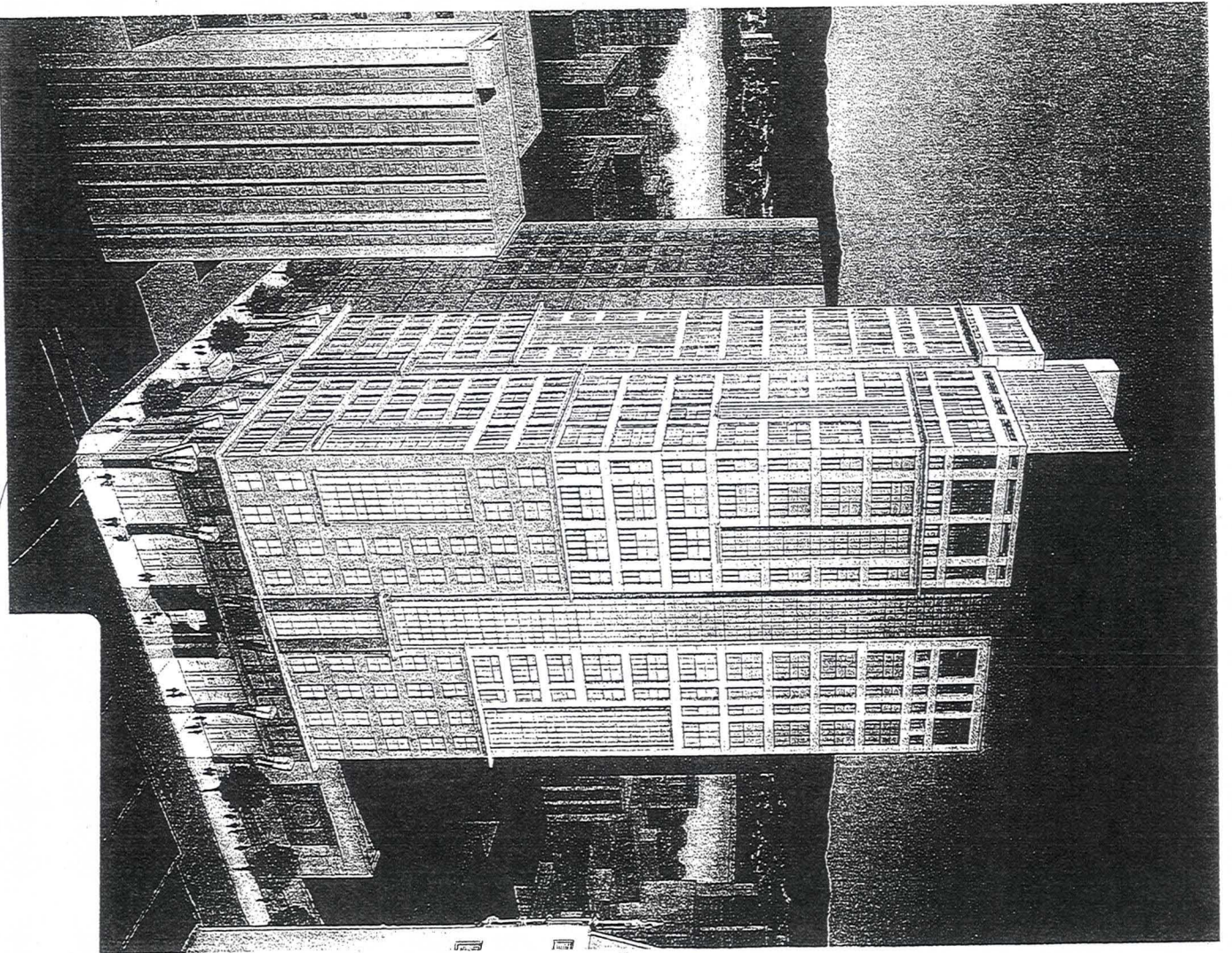
prepared by Sandy & Babcock International, Architecture & Planning

Reapproved 5/4/05

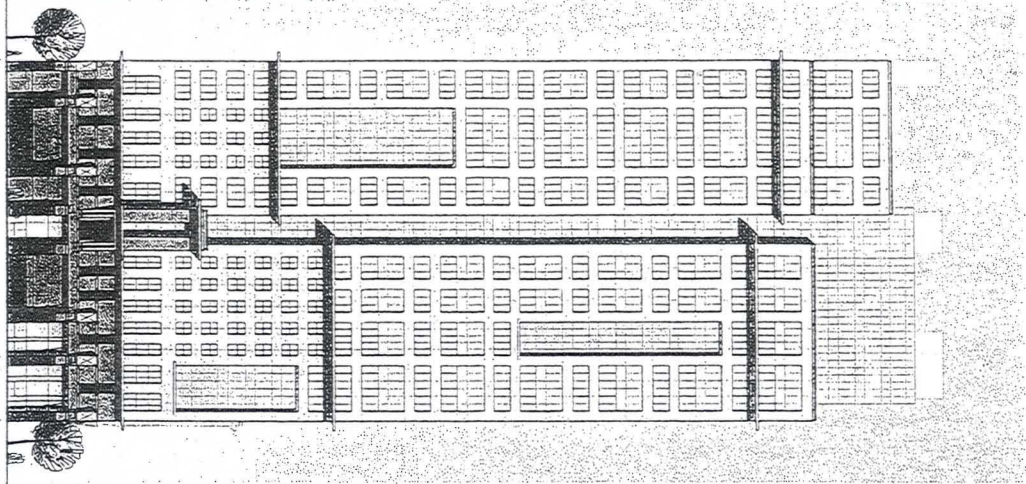
Approved 10.3.01

at artist's sketch showing
4 or 5 space frames.

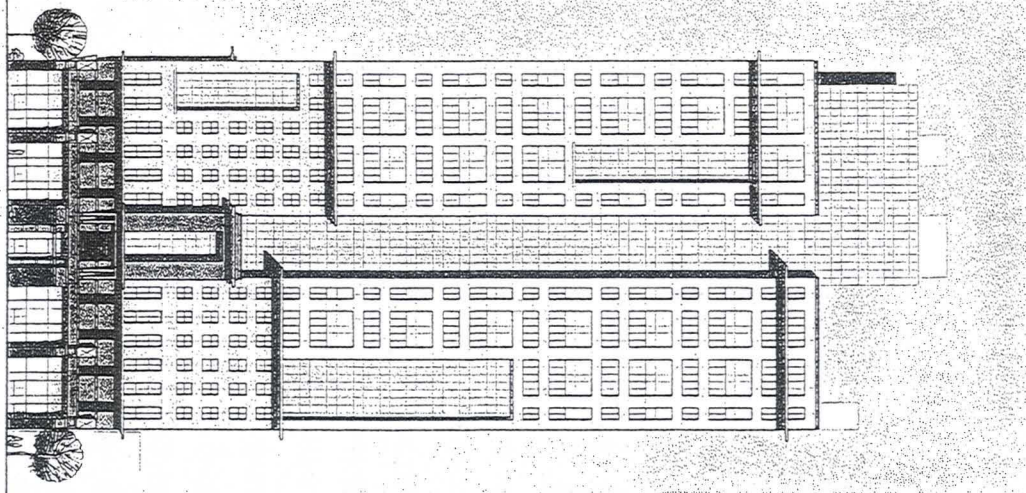
File



7th STR. ELEVATION



BROADWAY ELEVATION



**SAND & BARCOCK
INTERNATIONAL**

ARCHITECTS
PLANNING
CONSULTING
1515 LASH STREET
SAN FRANCISCO, CA 94109
415.398.1111
WWW.SANDBARCOCK.COM

**All Residential
Alternative**

DOWNTOWN OAKLAND MIXED USE PROJECT

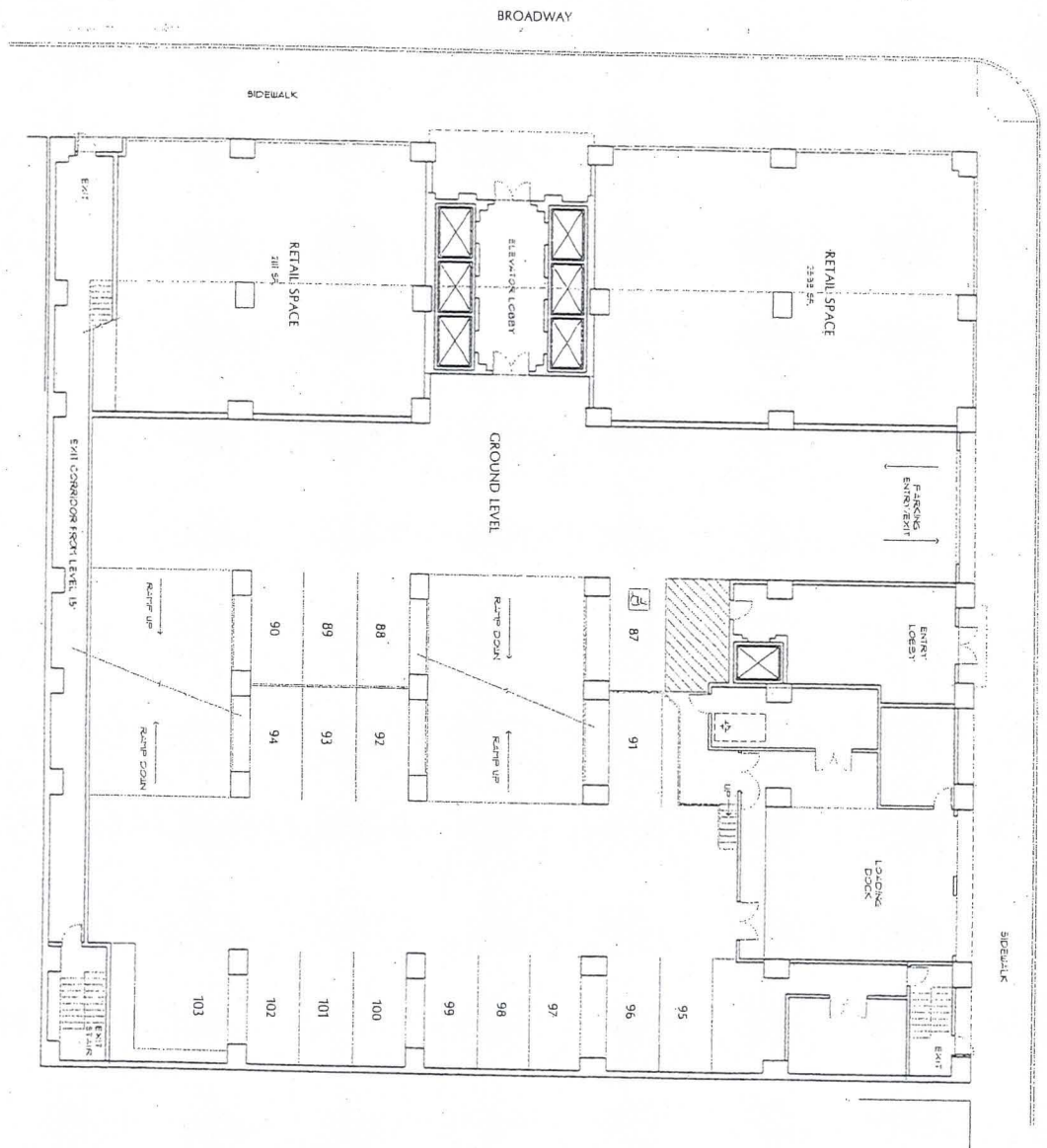
Oakland, California

1640 Broadway Associates

ELEVATIONS

DATE 12.04.04
PROJECT NAME 1640
LOCATION 1640
SCALE 1/8" = 1'-0"
NO. 1640-0000-0000-0000

A302



BROADWAY

SIDEWALK

17TH STREET

SIDEWALK

GROUND LEVEL

RETAIL SPACE
2532 SQ. FT.

RETAIL SPACE
288 SQ. FT.

ELEVATOR LOBBY

EXISTING
ENTRY EXIT

ENTRY
LOBBY

LOADING
DOCK

EXIT

EXIT CORRIDOR FROM LEVEL 15

EXIT

RAMP DOWN

RAMP UP

RAMP UP

RAMP DOWN

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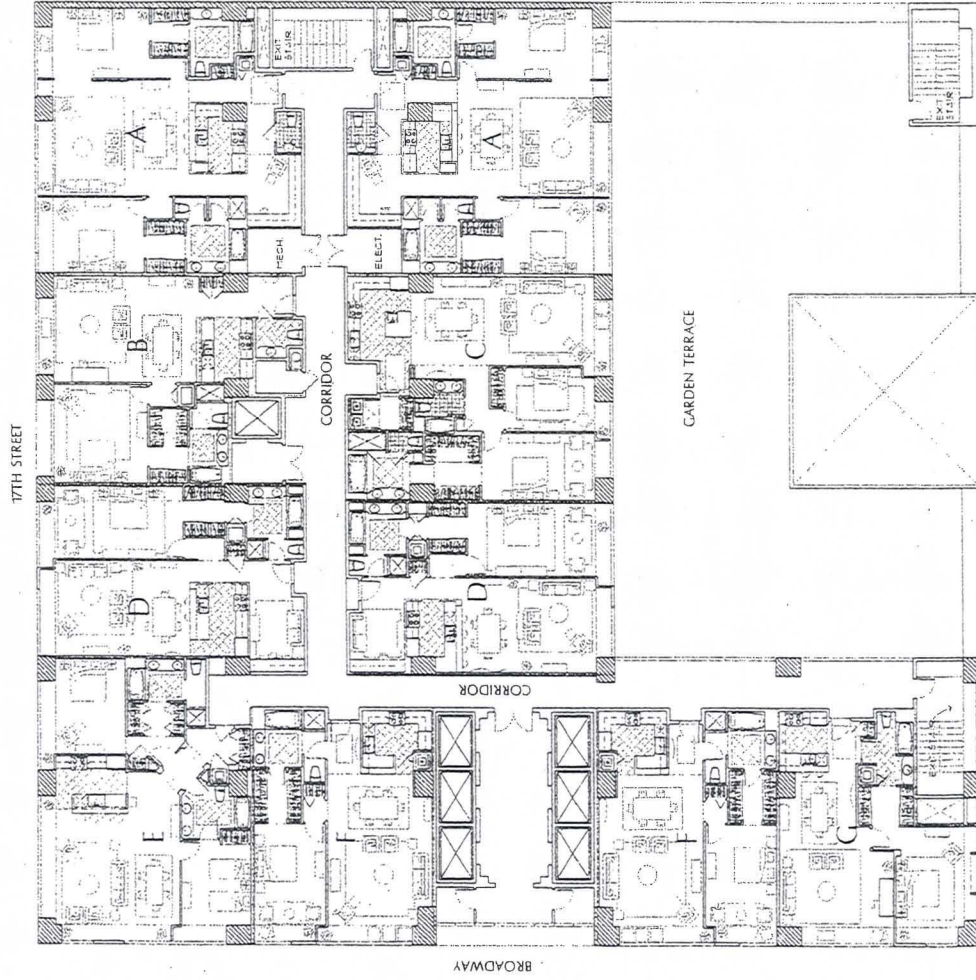
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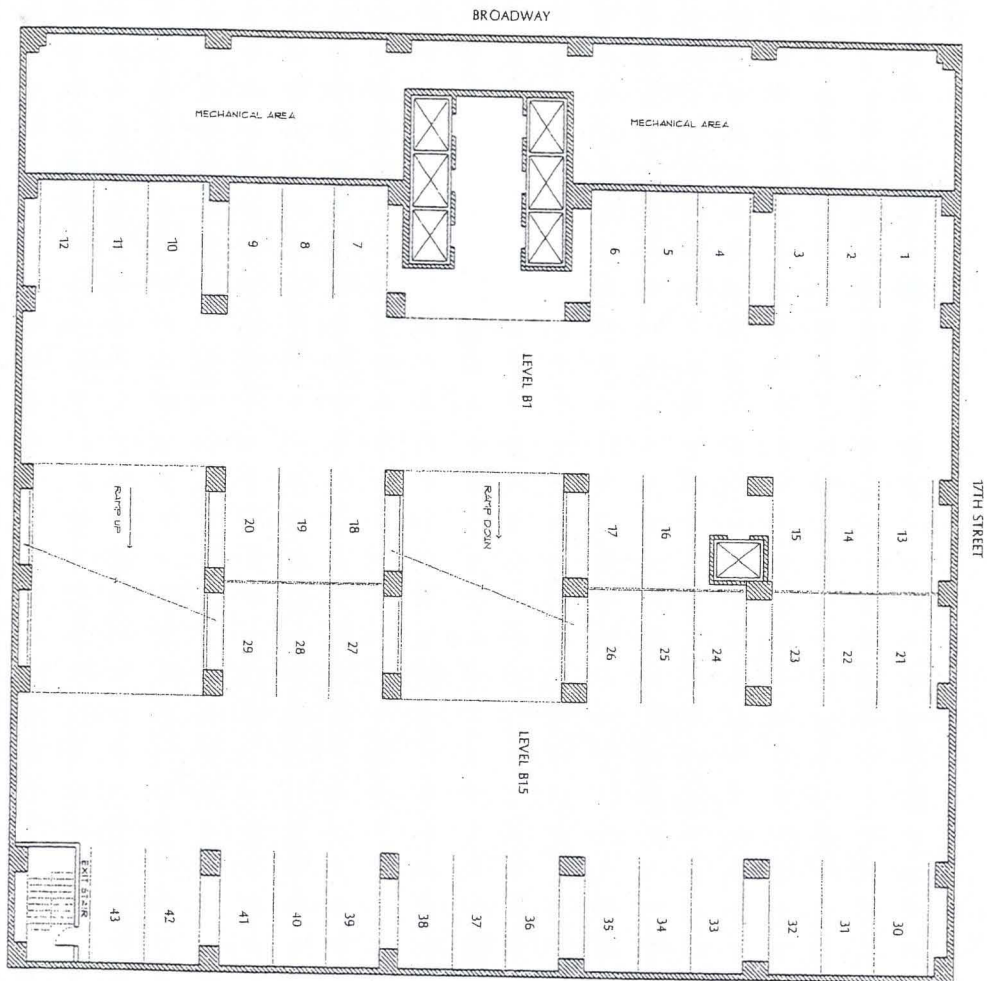
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**SANDY & BARCOCK
INTERNATIONAL**

**All Residential
Alternative**

**DOWNTOWN OAKLAND
MIXED USE PROJECT**

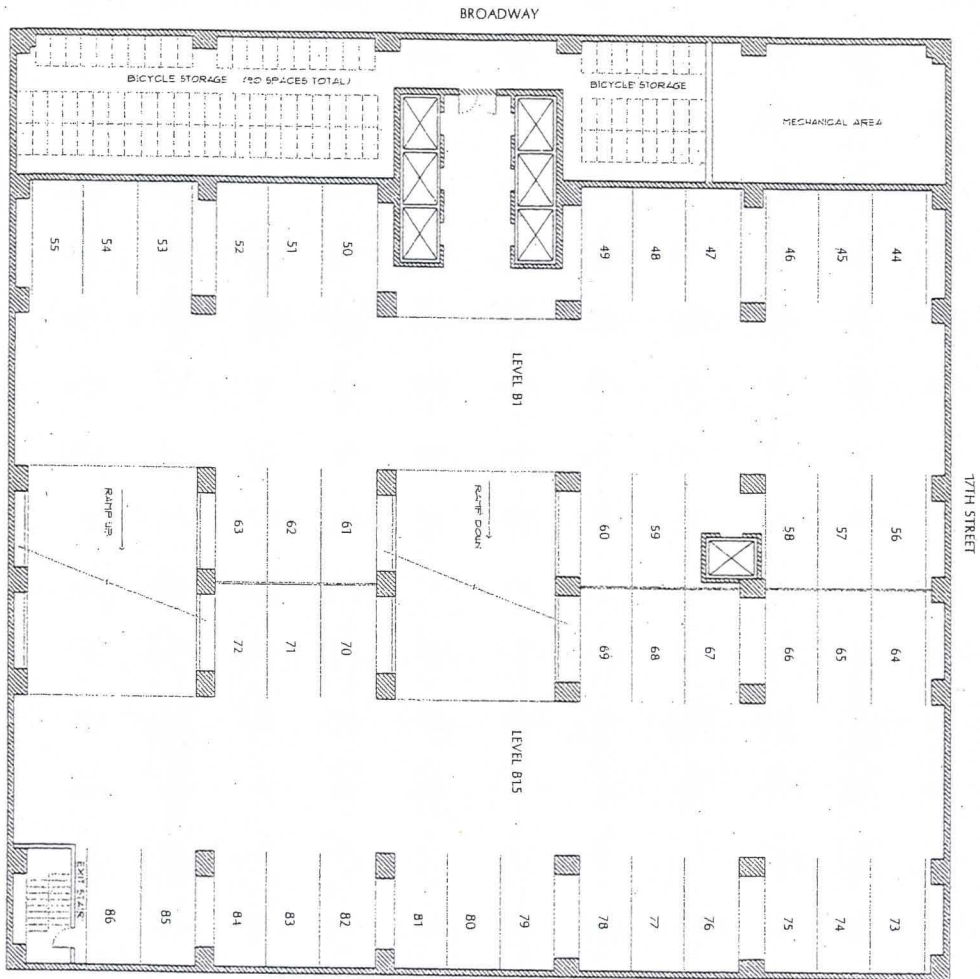
Oakland, California

1640 Broadway Associates

**LEVEL B2
UNDERGROUND
PARKING**

DATE: 12/14/2010
PROJECT: DOWNTOWN OAKLAND
DRAWN BY: [blank]
CHECKED BY: [blank]
NO. OF REVISIONS: 0
DATE: [blank]

A202



DOWNTOWN OAKLAND MIXED USE PROJECT

Oakland, California
1640 Broadway Associates

All Residential
Alternative

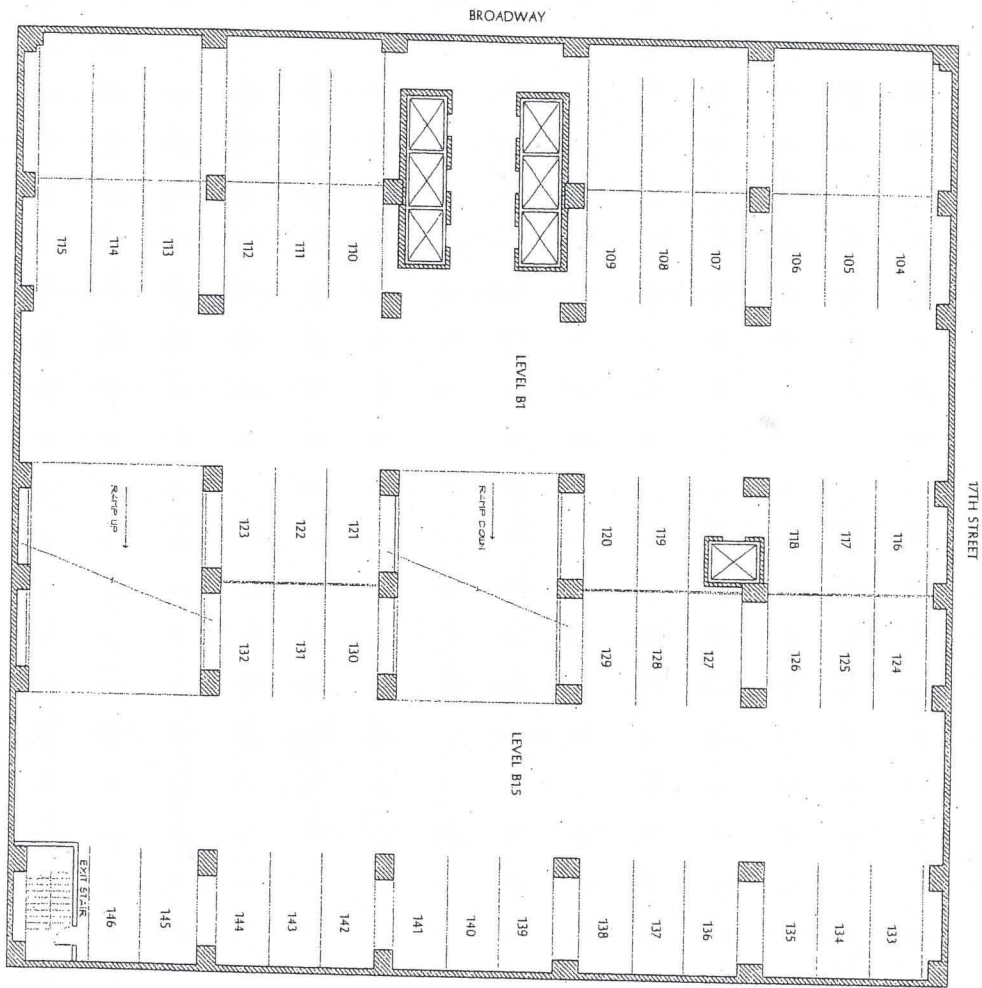
**SANDY & BABCOCK
INTERNATIONAL**

ARCHITECTS
Planning
ARCHITECTS
1501 KALAMAZOO
SUITE 200
ANN ARBOR, MI 48106
734.769.1234
WWW.SANDY&BABCOCK.COM

**LEVEL B1
UNDERGROUND
PARKING**

DATE: 12 JAN 2008
PROJECT: DOWNTOWN OAKLAND
DRAWN BY: J. B. BROWN
CHECKED BY: J. B. BROWN
SCALE: AS SHOWN
SHEET: 1 OF 1
PROJECT NUMBER: A2022

A2022



SANDY & BABCOCK
INTERNATIONAL

Architects
Planning

2400 CALIFORNIA AVENUE, SUITE 200
OAKLAND, CALIFORNIA 94612
TEL: (415) 778-1000
FAX: (415) 778-1001
WWW.SANDY&BABCOCK.COM

All Residential
Alternative

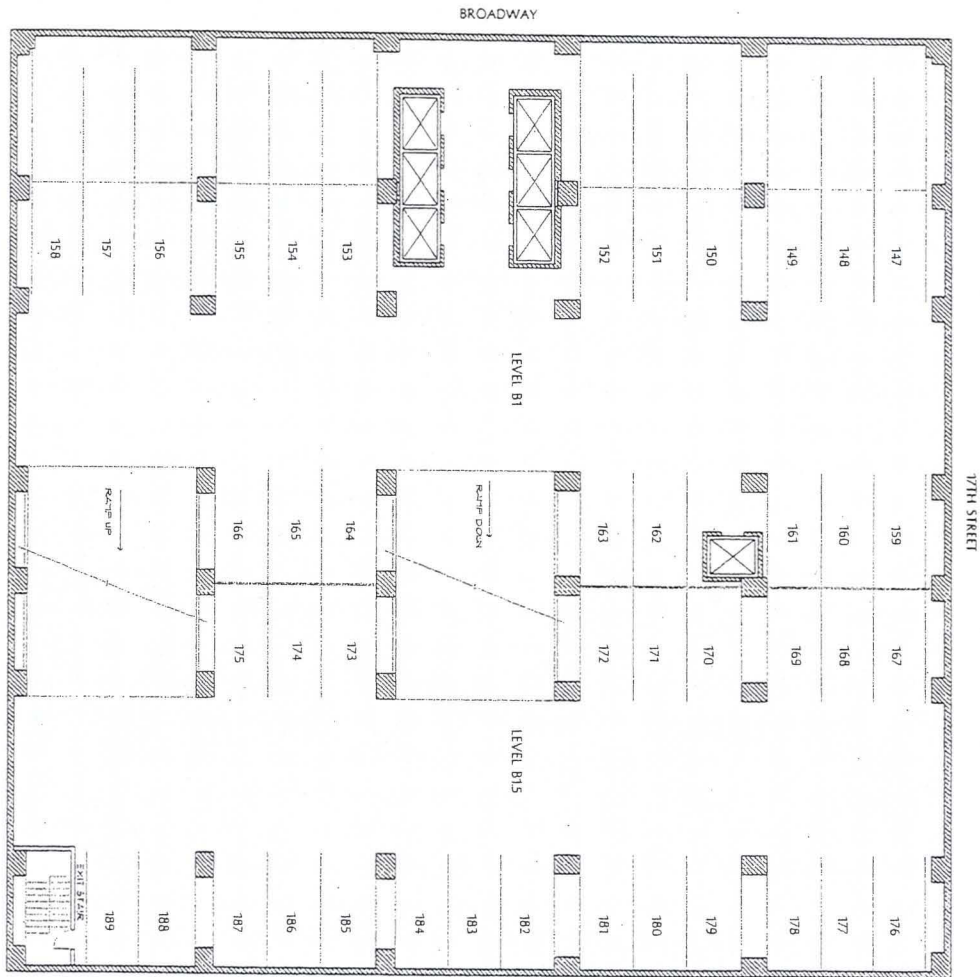
**DOWNTOWN OAKLAND
MIXED USE PROJECT**

Oakland, California
1640 Broadway Associates

LEVEL 2
UPPER PARKING

A203

DATE: 11/11/2011
DRAWN BY: [illegible]
CHECKED BY: [illegible]
NO. 11/11/2011
BY: [illegible]
DATE: 11/11/2011



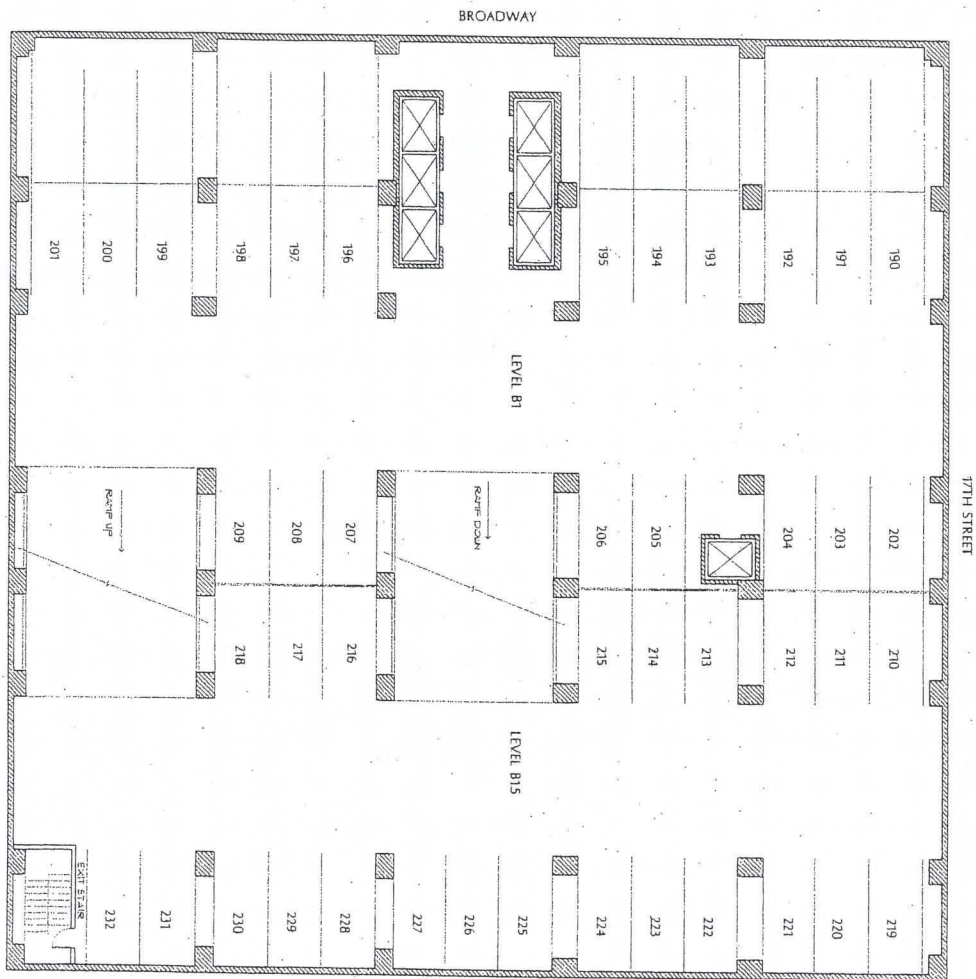
SANDY & BARCOCK
INTERNATIONAL
Architects
Planning
1000 17th Street
Oakland, CA 94612
Tel: (415) 778-1200
Fax: (415) 778-1201
www.sandybarcock.com

All Residential
Alternative

**DOWNTOWN OAKLAND
MIXED USE PROJECT**
Oakland, California
1640 Broadway Associates

LEVEL 3
UPPER PARKING

A2032



SANDY & BARCOCK
INTERNATIONAL

Architects
Planning

1000 BROADWAY
SUITE 200
OAKLAND, CA 94612
TEL: (415) 398-1100
FAX: (415) 398-1101
WWW.SANDYBARCOCK.COM

All Residential
Alternative

**DOWNTOWN OAKLAND
MIXED USE PROJECT**

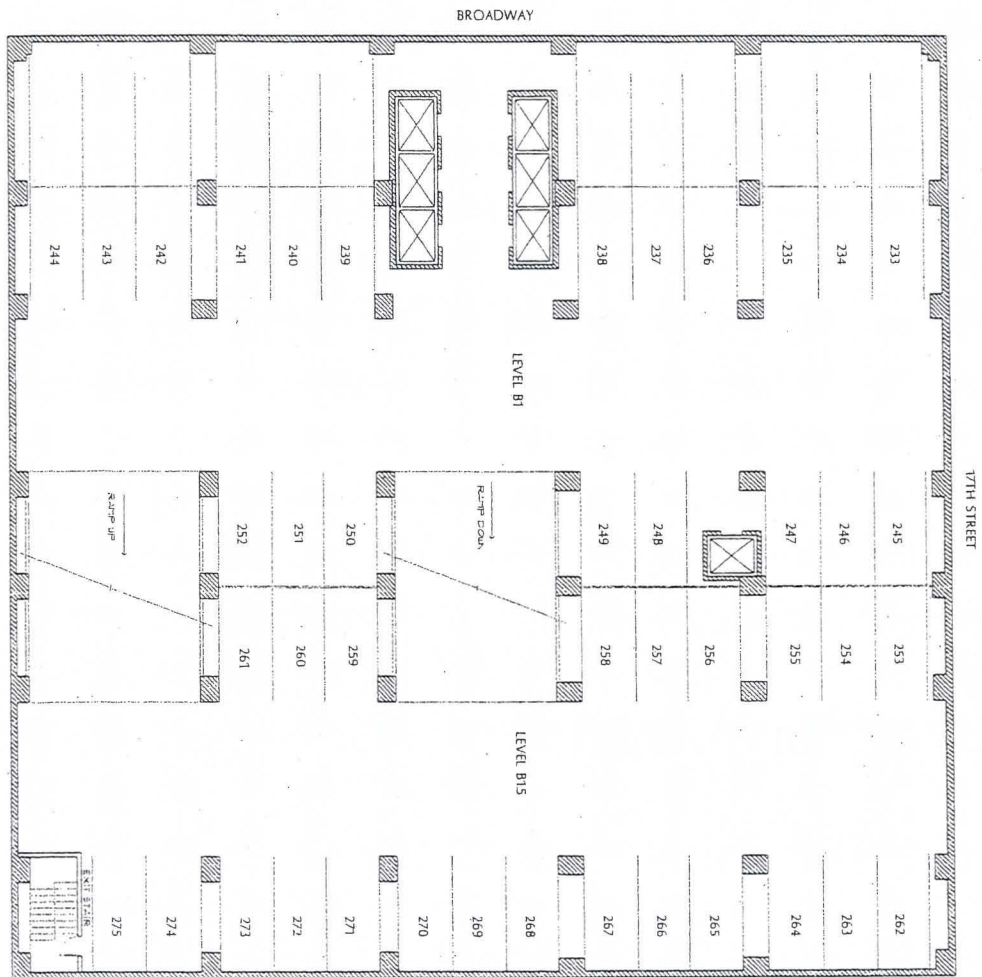
Oakland, California

1640 Broadway Associates

LEVEL 4
UPPER PARKING

A2.033

DATE: 11/11/2009
PROJECT: DOWNTOWN OAKLAND MIXED USE PROJECT
SHEET: 11 OF 12
DRAWN BY: J. B. BARKER
CHECKED BY: J. B. BARKER
DATE: 11/11/2009



BROADWAY

17TH STREET

LEVEL B1

LEVEL B15

DOWNTOWN OAKLAND MIXED USE PROJECT

Oakland, California

1640 Broadway Associates

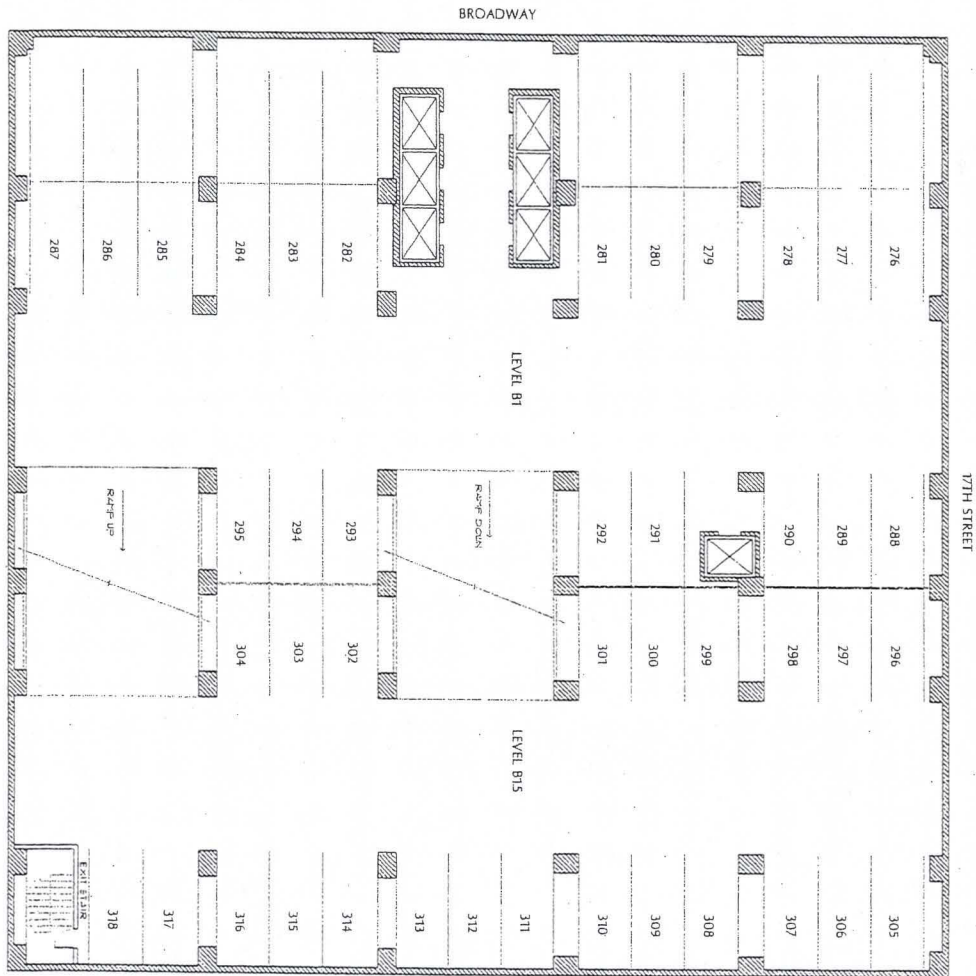
All Residential
Alternative

**SANDY & BABCOCK
INTERNATIONAL**

Architect
Planning
1500 KALAMAZOO AVENUE
SUITE 200
ANN ARBOR, MI 48106-1000
TEL: 734/769-1234
FAX: 734/769-1235
WWW.SANDYBABCOCK.COM

LEVEL 5
UPPER PARKING

DATE: 12 JAN 2010
PROJECT NUMBER: 934
DRAWN BY: J. B. B. / J. B. B.
CHECKED BY: J. B. B. / J. B. B.
DATE: 12 JAN 2010
SHEET NUMBER: A203.4



DOWNTOWN OAKLAND MIXED USE PROJECT

Oakland, California

1640 Broadway Associates

All Residential
Alternative

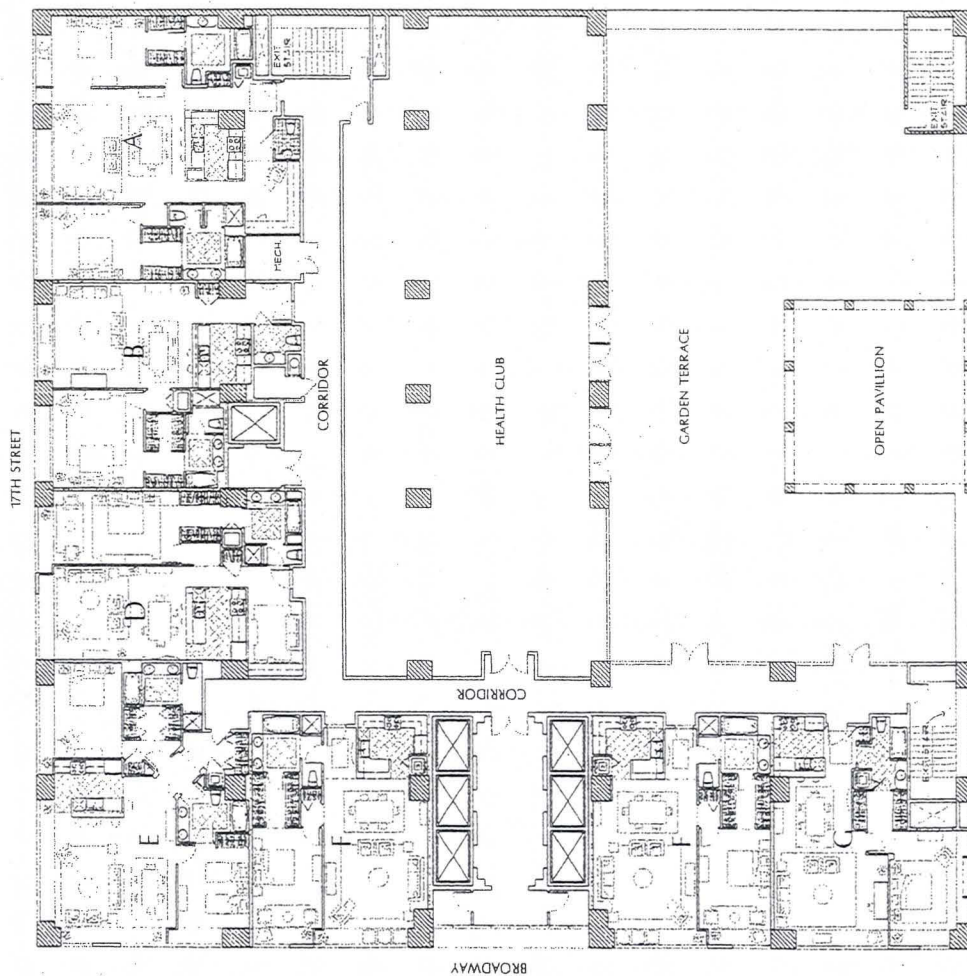
SANDY & BARCOCK
INTERNATIONAL

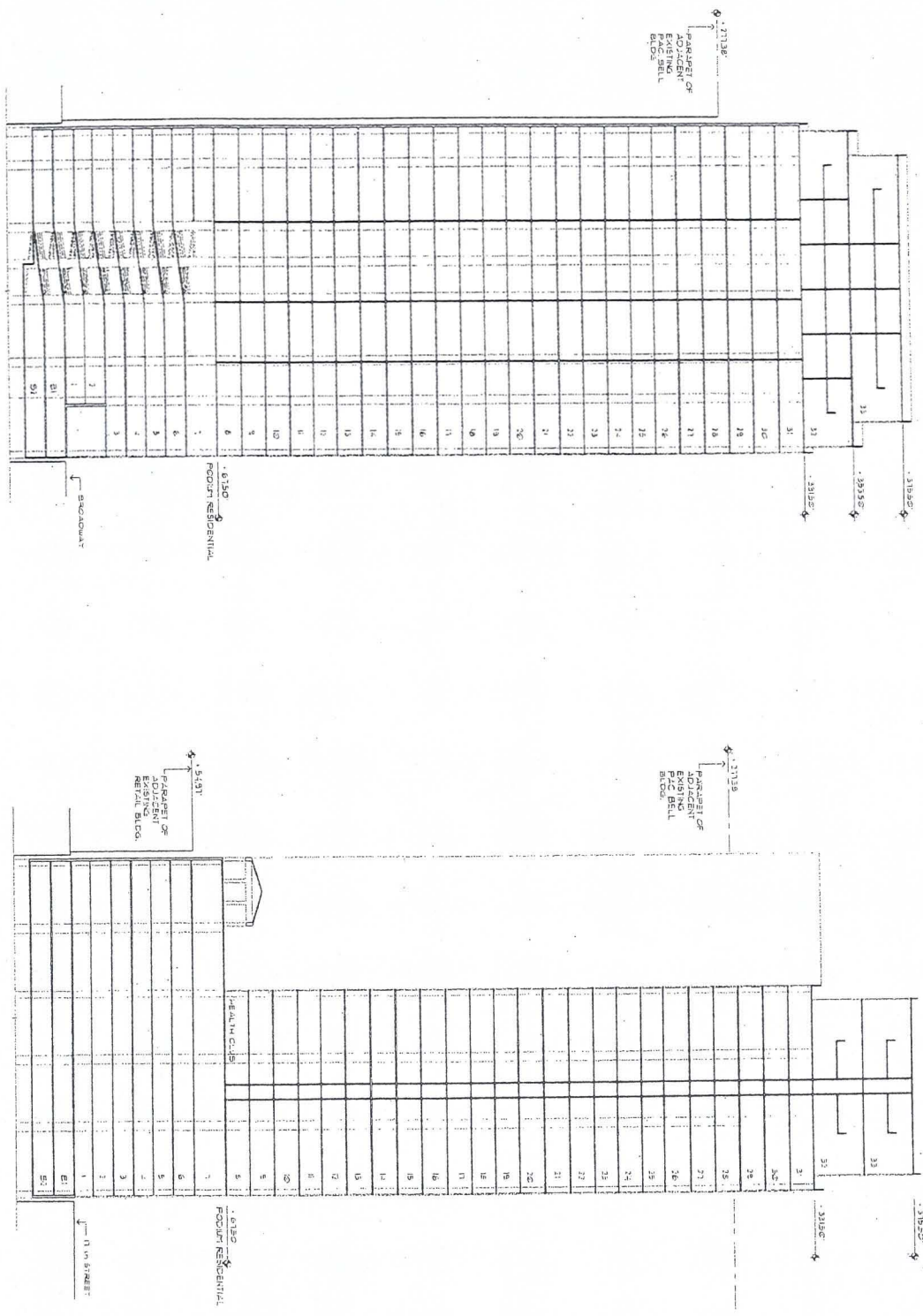
ARCHITECTS
PLANNING
ARCHITECTURAL CONSULTANTS
INTERIOR DESIGN
SCULPTURE & ART
LANDSCAPE ARCHITECTURE
LIGHTING DESIGN
ENVIRONMENTAL ANALYSIS
HISTORIC PRESERVATION

LEVEL 6
UPPER PARKING

A2035

DATE: 12/21/2011
PROJECT NUMBER: 1640
DRAWN BY: J. BARCOCK
CHECKED BY: J. BARCOCK
DATE: 12/21/2011
PROJECT NUMBER: 1640
DRAWN BY: J. BARCOCK
CHECKED BY: J. BARCOCK
DATE: 12/21/2011





SANDY & BARCOCK
INTERNATIONAL
Architects
Planning
1000 LANSING STREET
SUITE 1000
ANN ARBOR, MI 48106
734.769.1000
WWW.SANDYBARCOCK.COM

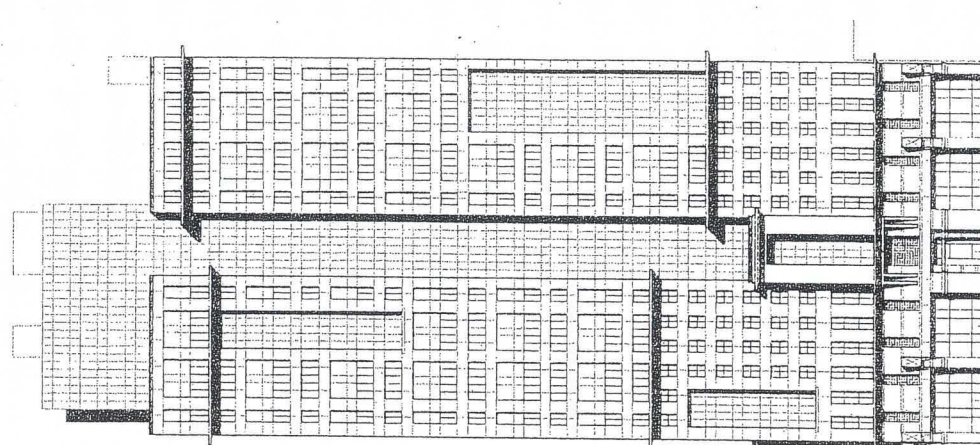
All Residential
Alternative

DOWNTOWN OAKLAND
MIXED USE PROJECT
Oakland, California
1640 Broadway Associates

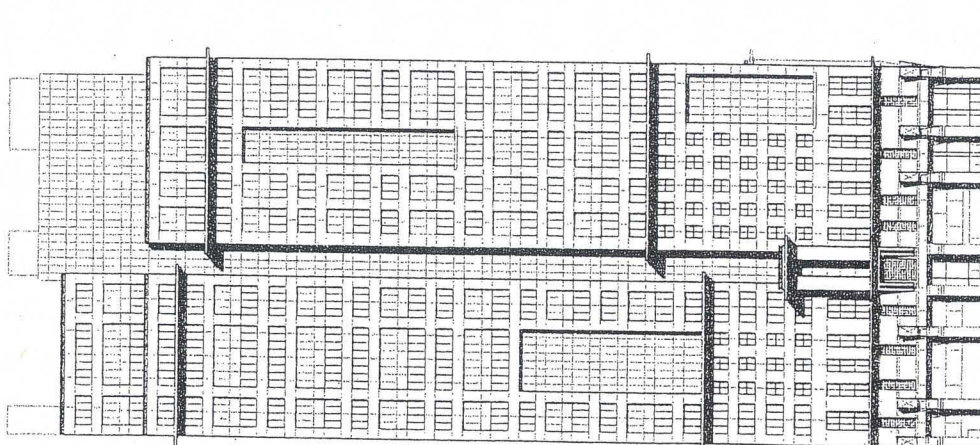
BUILDING SECTION

DATE: 12 MAY 2001
PROJECT NUMBER: 011
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CHECKED BY: [illegible]
SCALE: 1/8" = 1'-0"
SHEET NO. 1 OF 1

A301

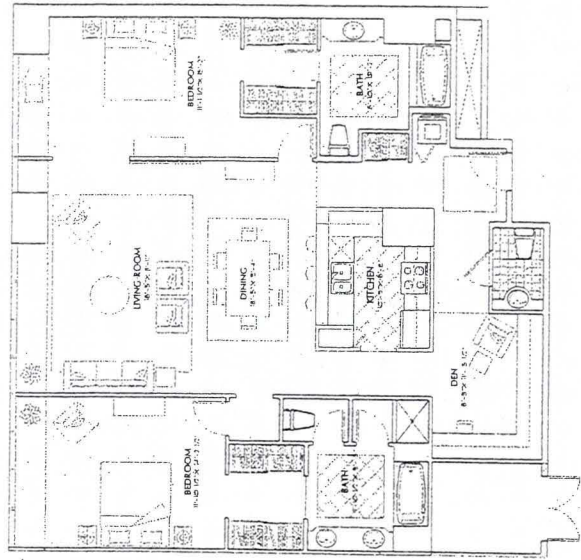


BROADWAY ELEVATION

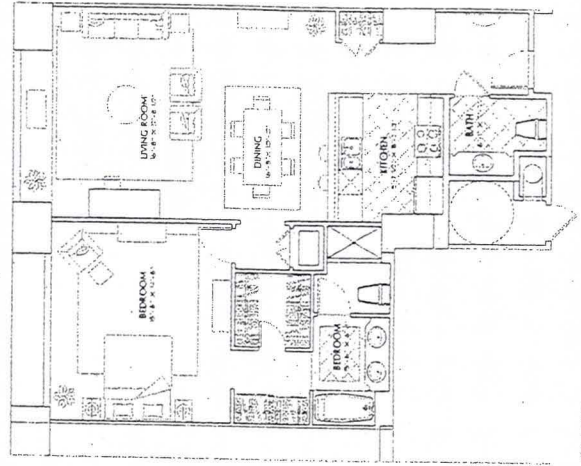


17th STR. ELEVATION

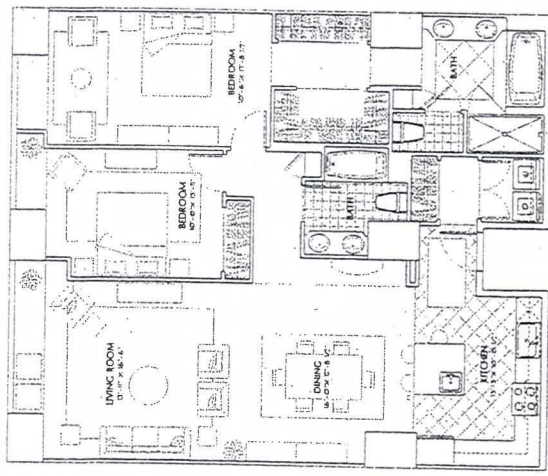
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PROJECT NUMBER	1000000000
OWNER	City of Oakland
SCALE	1/8" = 1'-0"
NO.	100
REV.	100



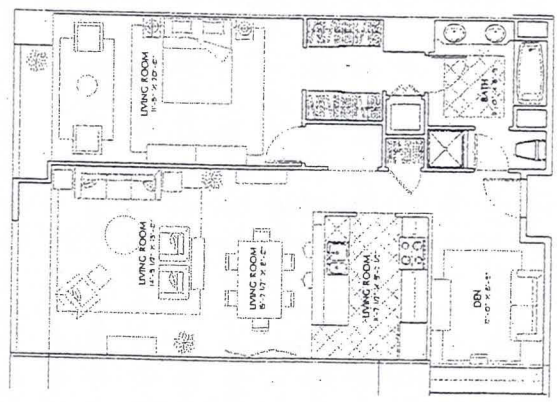
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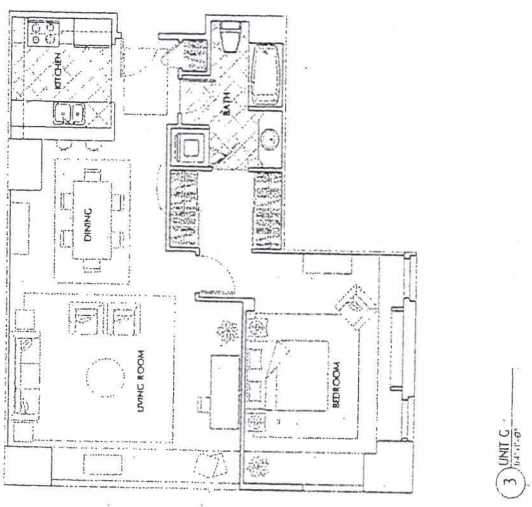
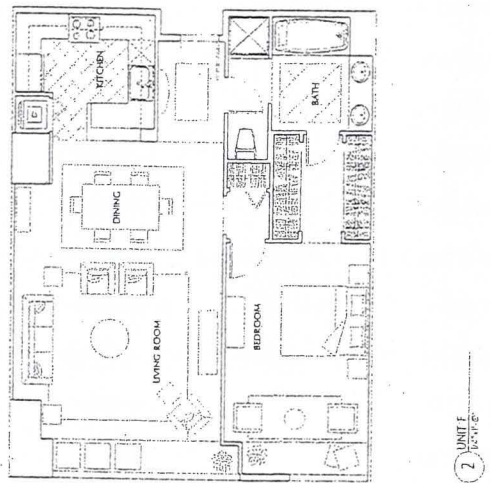
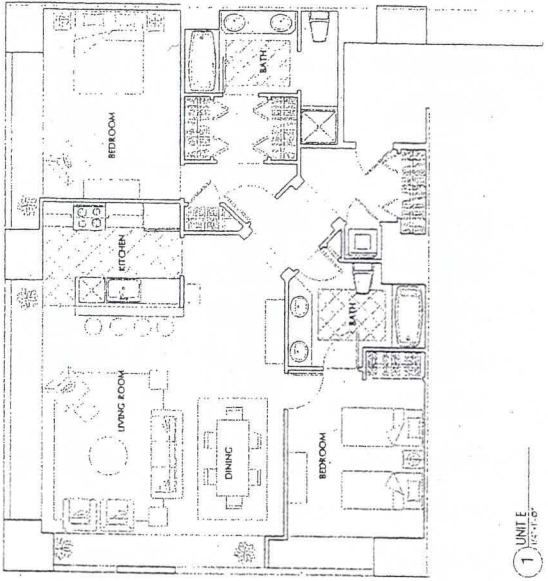
2 UNIT B
 10'-0" x 11'-0"



3 UNIT C
 10'-0" x 11'-0"



4 UNIT D
 10'-0" x 11'-0"

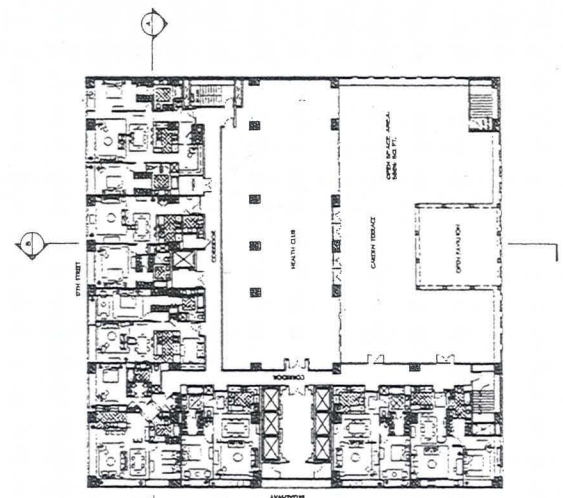


NAME: _____ Block: _____ Section: _____

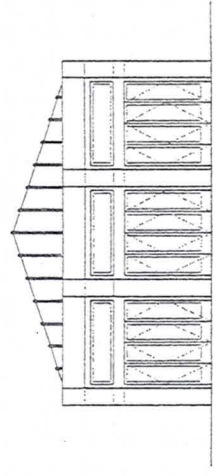
PRELIMINARY SUBMISSION
PRESENTED BY
SANDY AND BABCOCK INTERNATIONAL
21 SEPTEMBER 2001

Approved 10.3.01
Full set growing
4 ferns

DATE	10/10/2014
BY	W. J. J.
CHECKED BY	W. J. J.
SCALE	AS SHOWN
NO.	100-000000

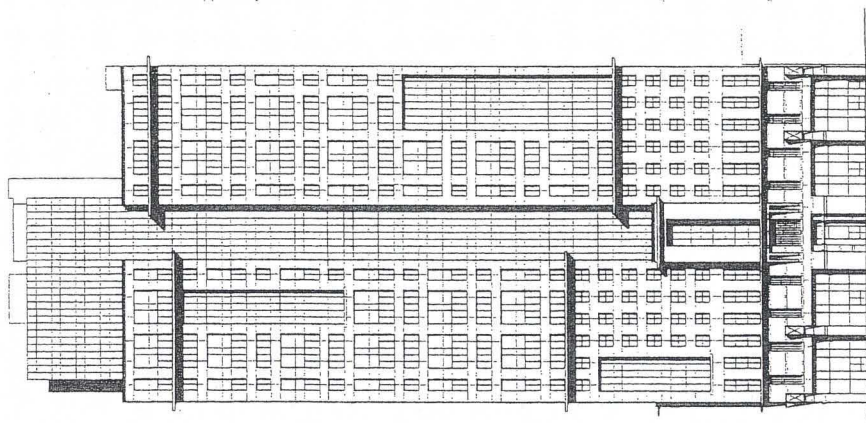


1 PODIUM LEVEL PLAN (LEVEL 8)
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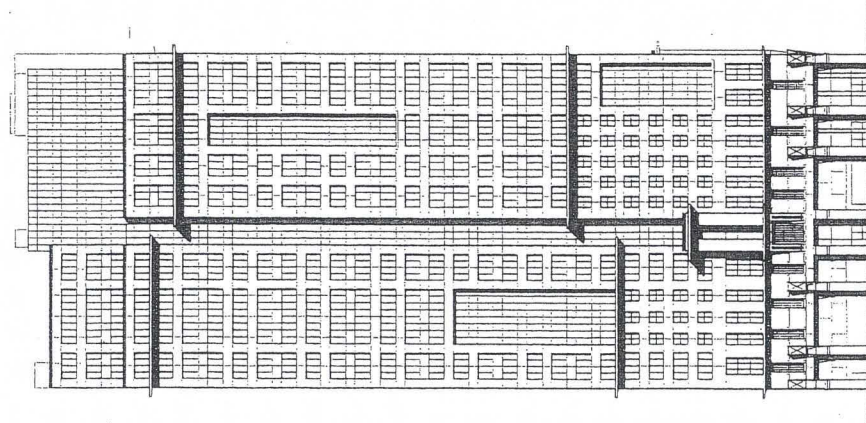


2 PAVILION
 1/8" = 1'-0"

| אֲנִי הָיִיתִי מִלְּפָנֶיךָ יְיָ אֱלֹהֵי אֲבֹתֵינוּ |
 | מִלְּפָנֶיךָ יְיָ אֱלֹהֵי אֲבֹתֵינוּ |

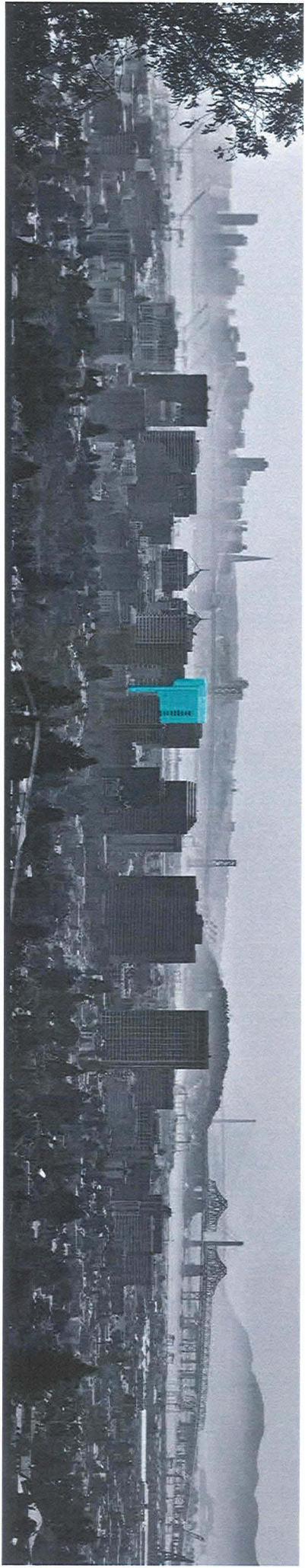


BROADWAY ELEVATION



17th ST. ELEVATION

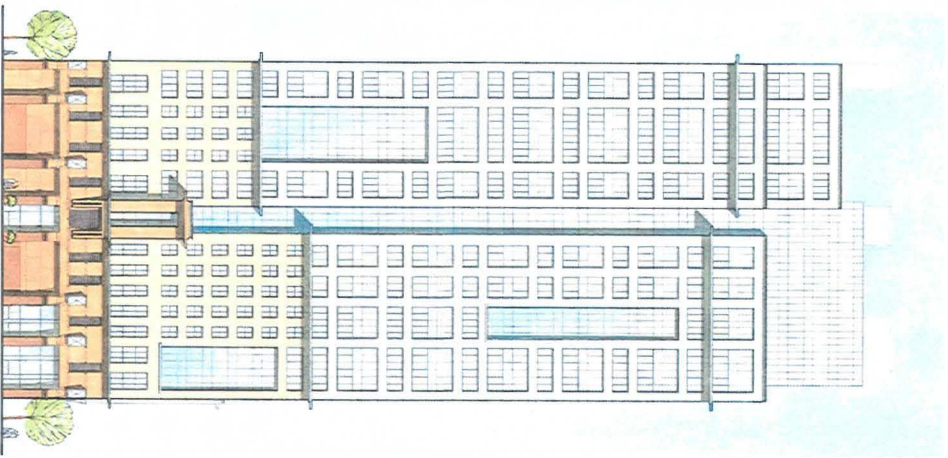
RECEIVED
DEC 16 2015
City of Oakland
Planning & Zoning Division
- PN15281 -



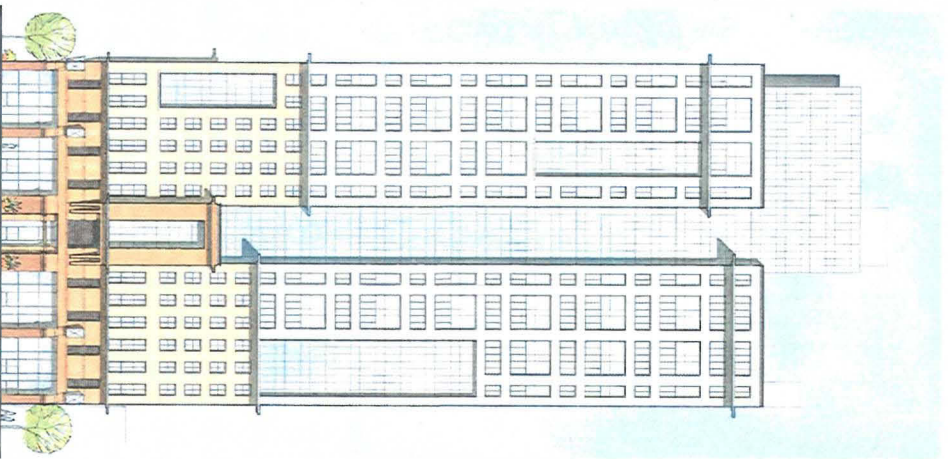
SHEET INDEX

Formerly Approved Elevations and Perspective	3
Formerly Approved Plans and Sections	4-7
Proposed Elevations and Perspective	8
Renderings	9-17
Site Photographs	18-20
Drone Images	21-23
Areas and Counts	24
Area Tabulation	25
Site Survey	26
Site Plan	27 (A1.01)
Landscape Sheets	28-30
Ground Floor Plan	31 (A2.01)
Floor 2 Parking Plan	32 (A2.02)
Floor 3 Parking Plan	33 (A2.03A)
Floor 4 Parking Plan	34 (A2.03B)
Floor 5 Parking Plan	35 (A2.04)
Floor 6 Plan (Amenity Plan)	36 (A2.05)
Typical Tower Floor Plans	37 (A2.08)
Roof Plans	38 (A2.09)
Building Elevations	39-40 (A3.01-A3.02)
Building Sections	41 (A3.10)
Materials Board	42
Enlarged Podium Elevations	43-44
Metal Panel at Parking Podium	45-46 (A3.50-A3.51)

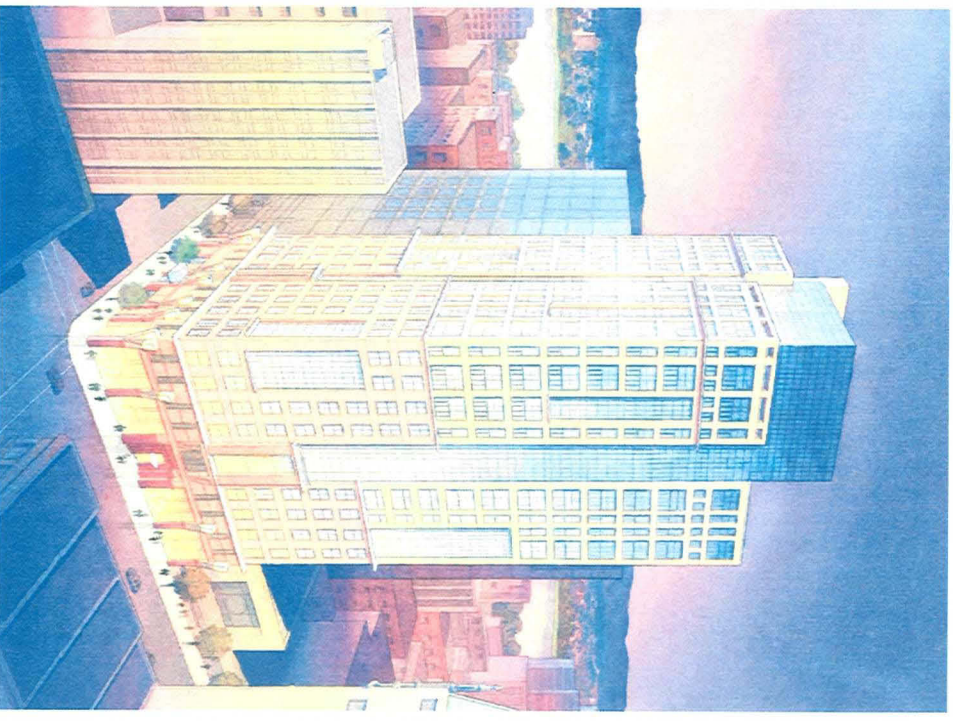
SHEET INDEX



17TH ELEVATION



BROADWAY ELEVATION



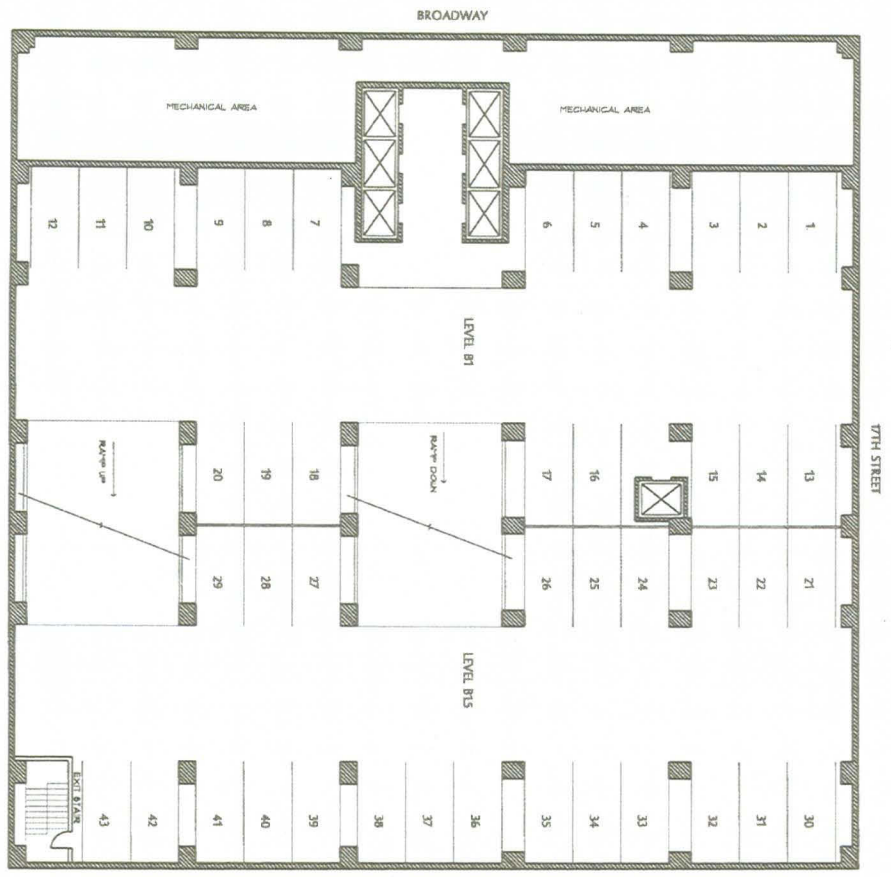
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FORMERLY APPROVED ELEVATIONS AND PERSPECTIVE - NOT BY SCB

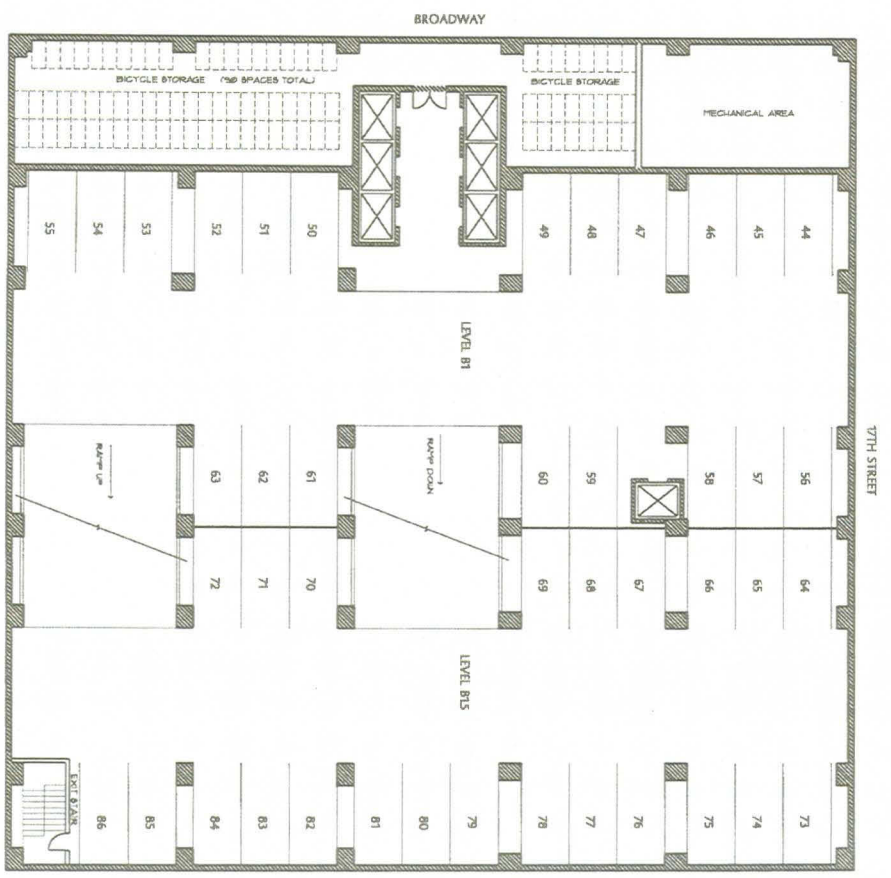
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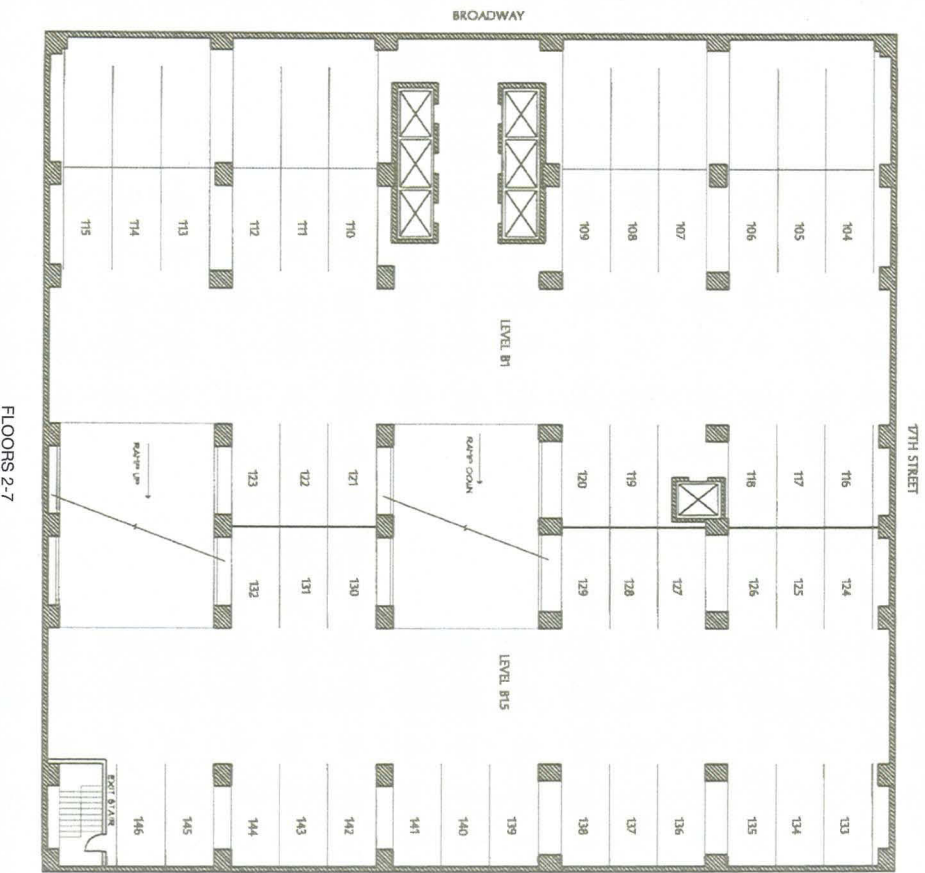
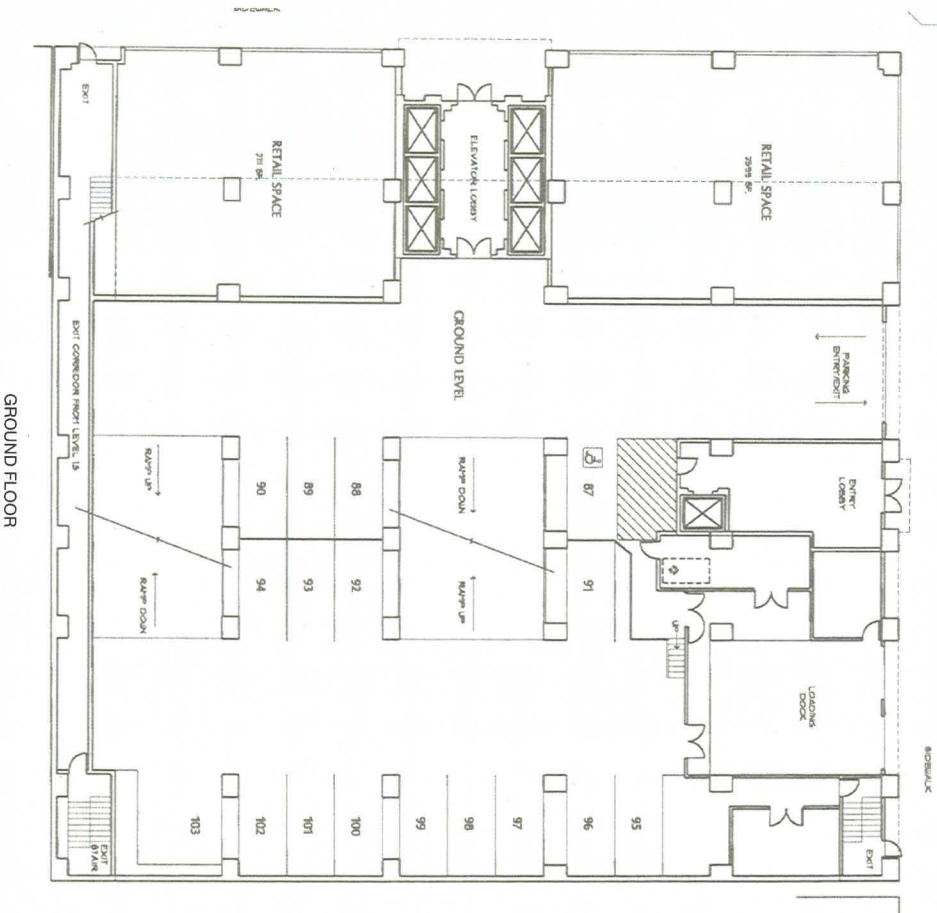
FORMERLY APPROVED PLANS - NOT BY SCB

FLOOR B2



FLOOR B1

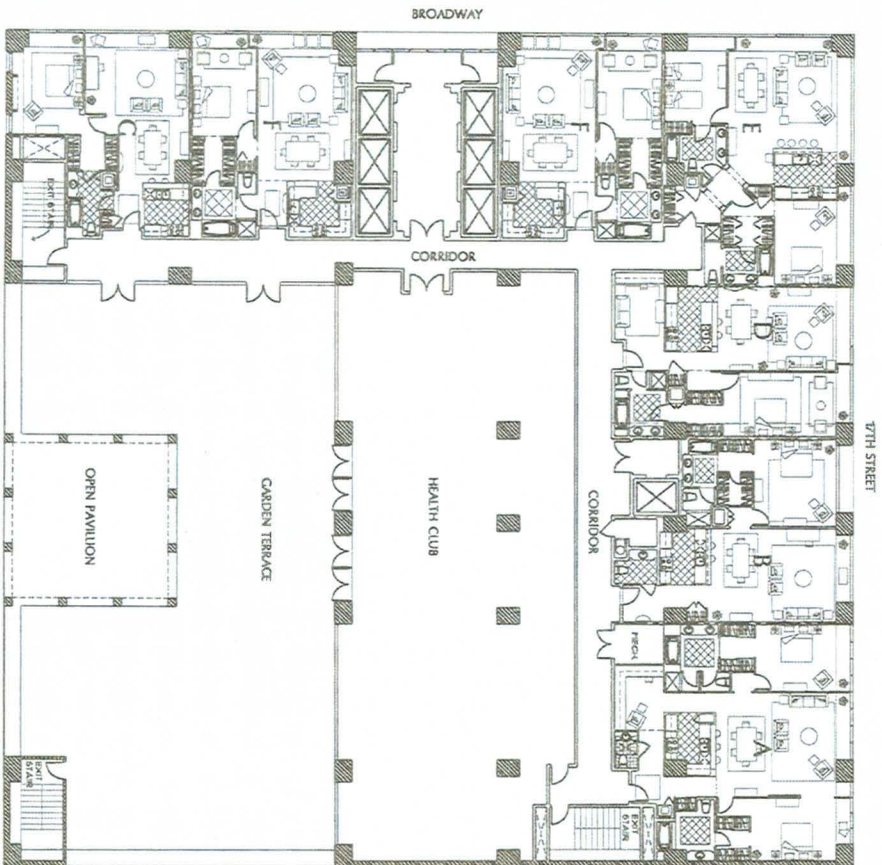




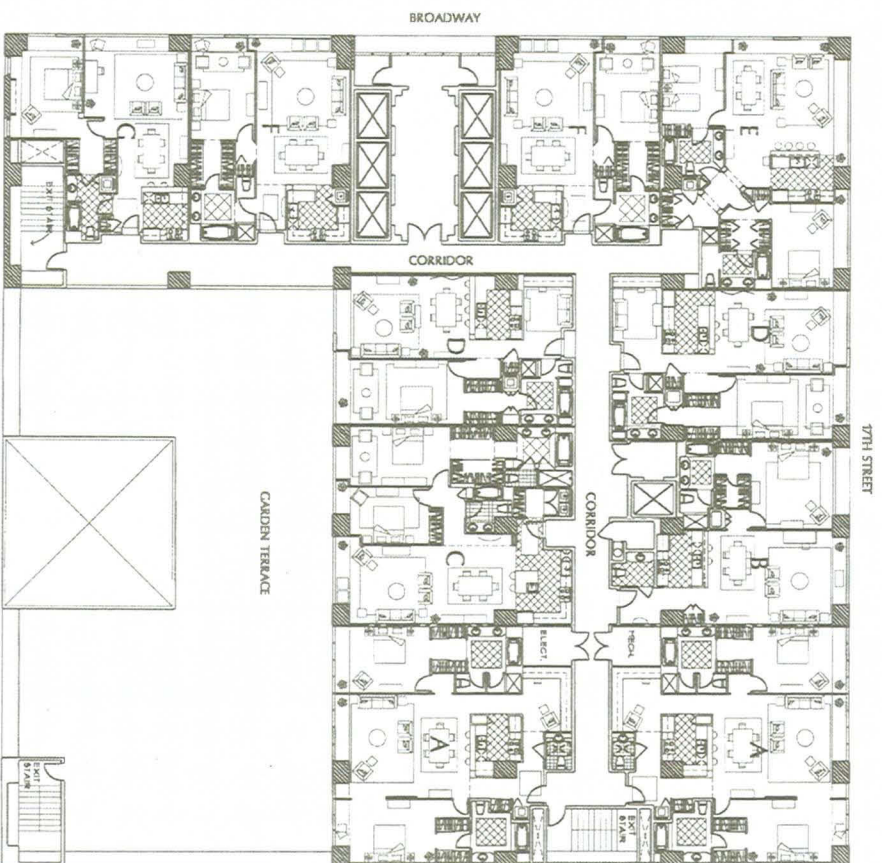
FORMERLY APPROVED PLANS - NOT BY SCB

MODIFIED 1640 BROADWAY - PLANNING COMMISSION - DESIGN SET
01.06.2016

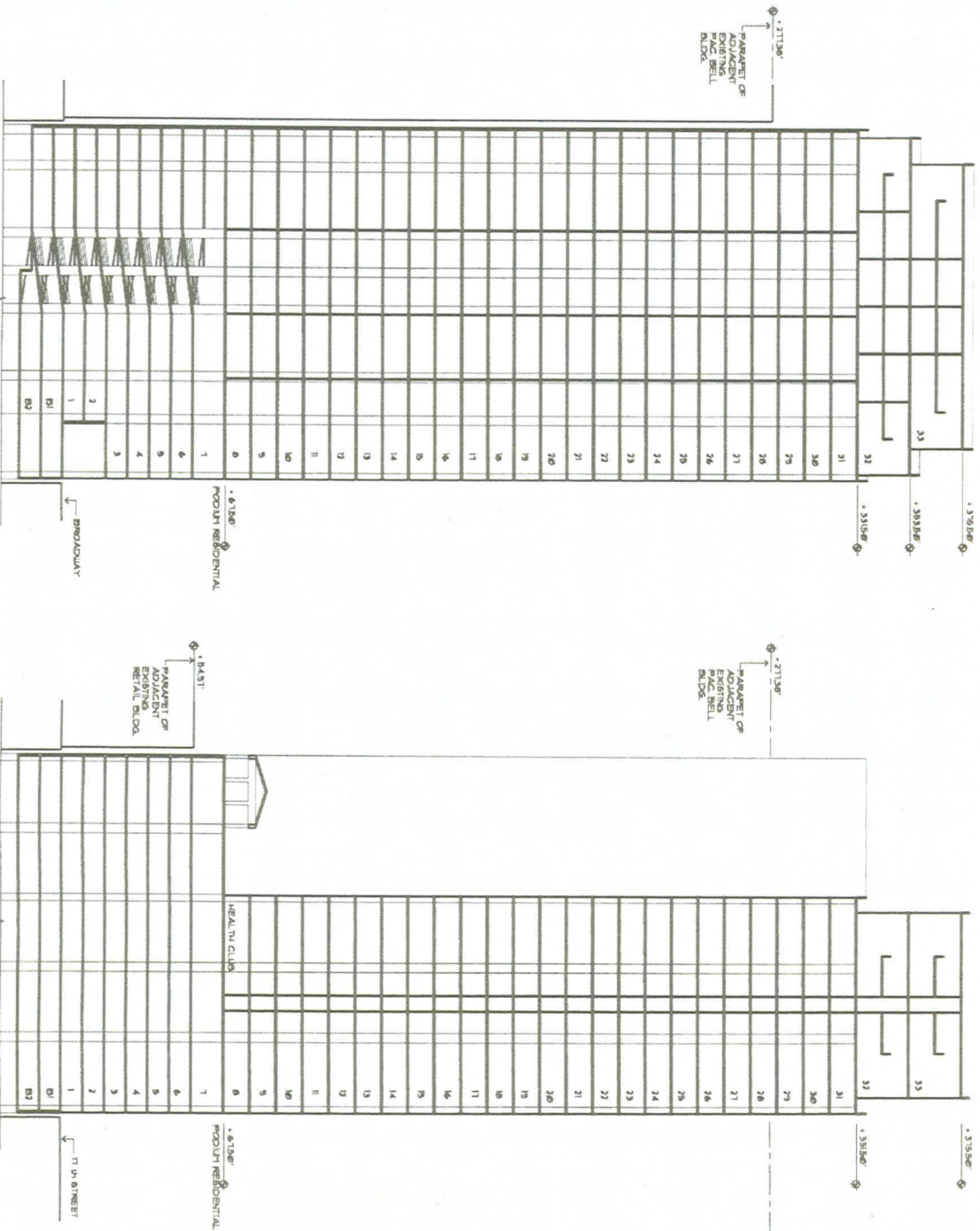
FLOOR 8 AMENITY



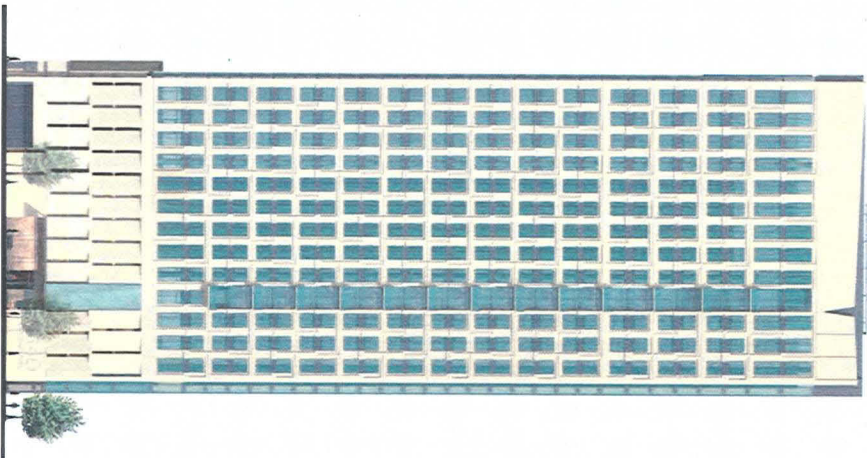
FLOORS 9-31 TYPICAL TOWER



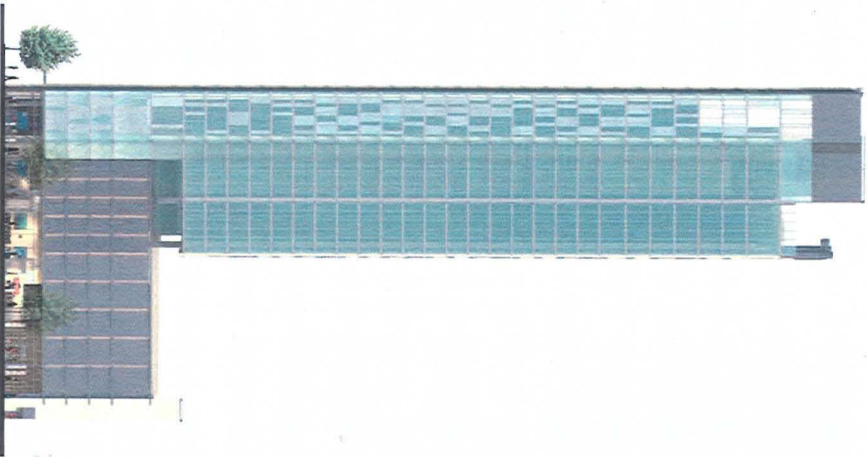
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FORMERLY APPROVED SECTIONS - NOT BY SCB



17TH ELEVATION



BROADWAY ELEVATION



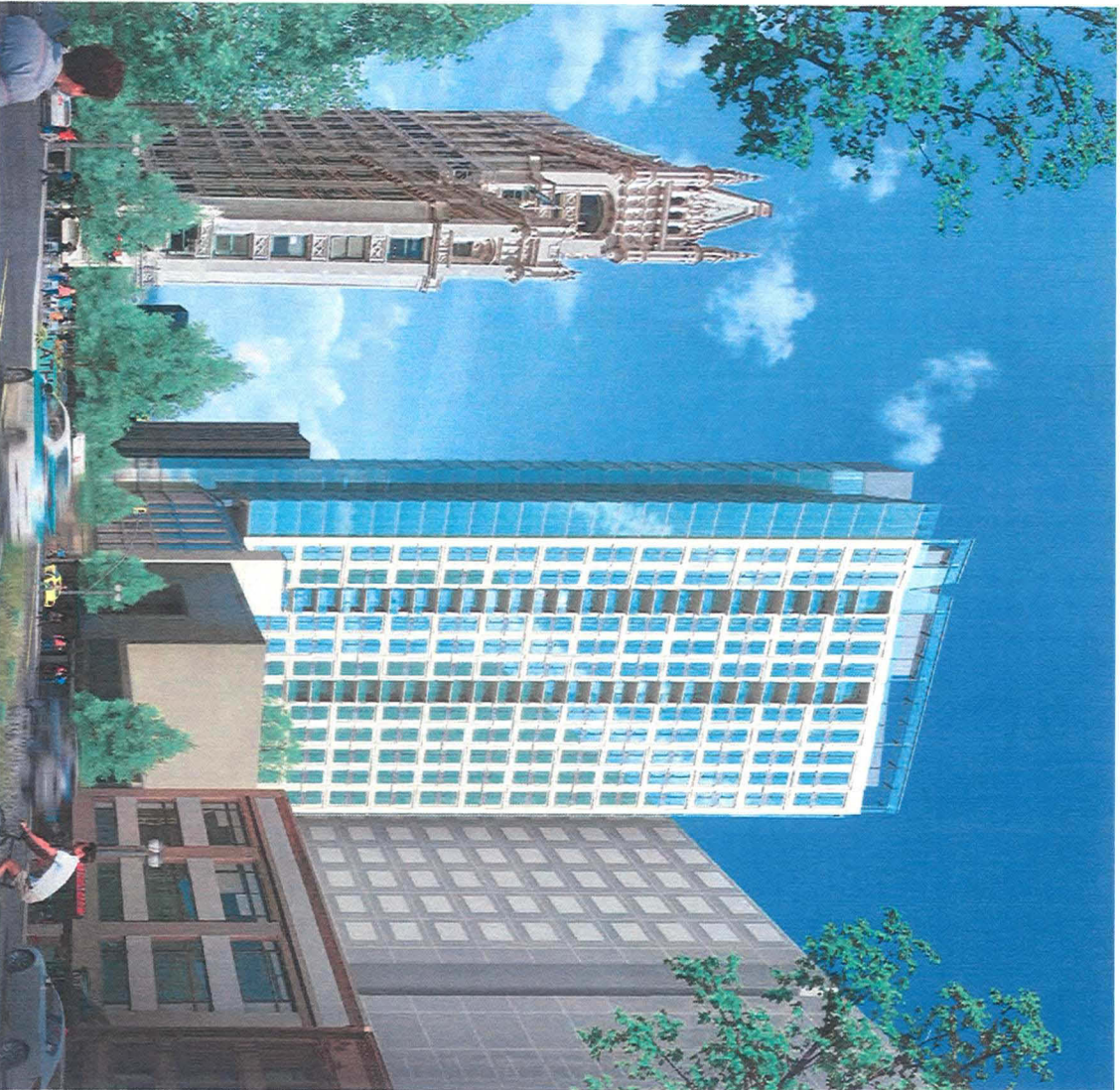
PERSPECTIVE

PROPOSED ELEVATIONS AND PERSPECTIVE





VIEW SOUTH FROM BROADWAY



VIEW NORTH FROM BROADWAY

MODIFIED 1640 BROADWAY - PLANNING COMMISSION - DESIGN SET
01.06.2016



NORTH CROWN



SOUTH CROWN



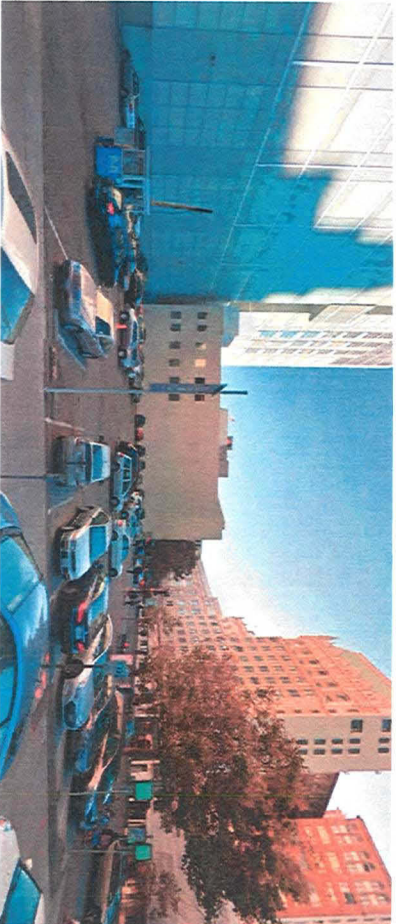


VIEW OF LEVEL 6 AMENITY DECK

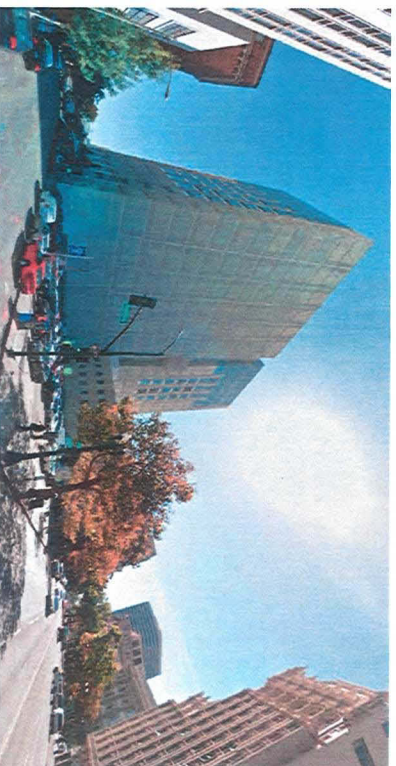


VIEW OF ROOF AMENITY DECK





17TH ST



BROADWAY & 17TH

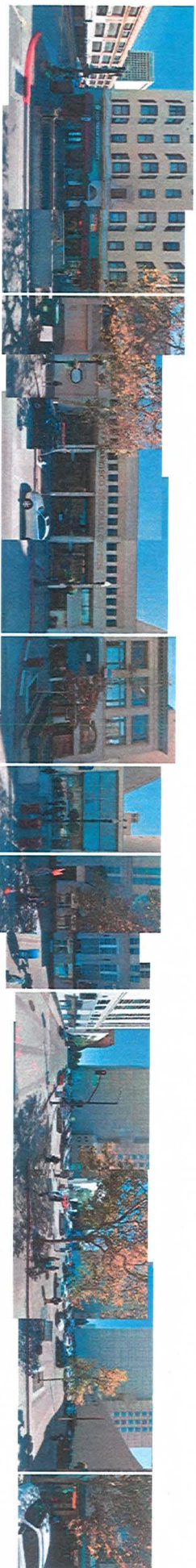


REAR



BROADWAY

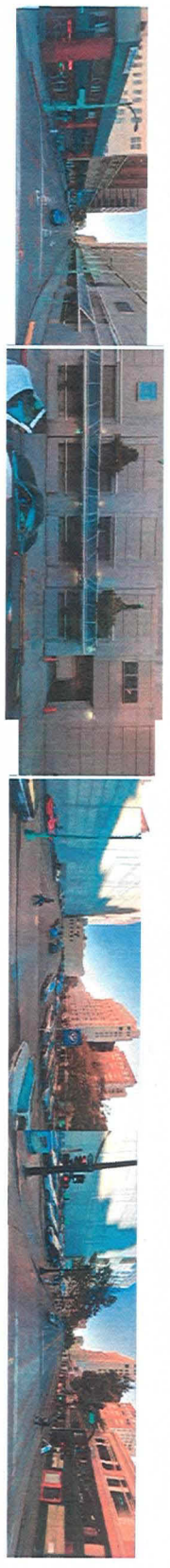
SITE PHOTOGRAPHS



SITE PHOTOGRAPHS - BROADWAY



389-393 17TH ST ————— WEBSTER ST ————— 351-371 17TH ST ————— 381-395 17TH ST —————



FRANKLIN ST ————— 1587 FRANKLIN ST ————— 1640 BROADWAY ————— BROADWAY —————



1644 TELEGRAPH AVE ————— TELEGRAPH AVE ————— 505 17TH ST ————— 519 17TH ST ————— 519 17TH ST —————



519 17TH ST ————— SAN PABLO AVE ————— 1633 SAN PABLO ————— CLAY ST —————

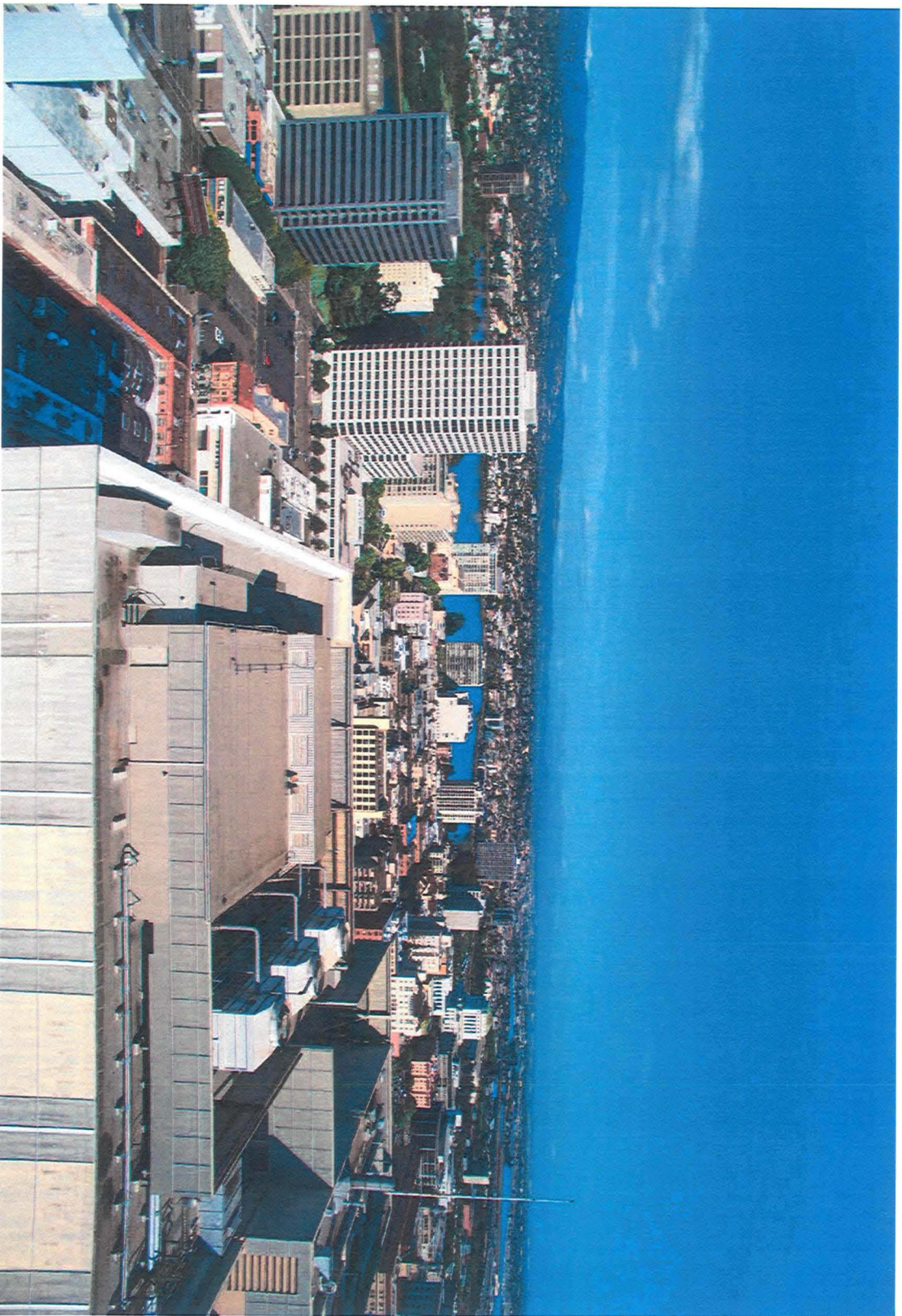
SITE PHOTOGRAPHS - 17TH ST FACING SOUTH



SITE VIEWS FROM 300' - SW



SITE VIEWS FROM 300' - NE



SITE VIEWS FROM 300' - E

MODIFIED 1640 BROADWAY - PLANNING COMMISSION - DESIGN SET



Zoning Information		
Zoning Designation	CBD-P (Central Business District, Pedestrian)	
Height Limit	Height Area 7	
Max building base height	120'	
Liquor/Hazard Zone	Liquor/Hazard Area 2	
Ground floor Commercial	Min 70% facade transparency (80% along Broadway for commercial uses)	
Open Space	75 sf per unit, 19,050 sf required	
Private Open Space	Min. 10ft in dimension if on ground floor, no min. elsewhere.	
Public Open Space	Min. 15ft dimension at rooftop or courtyard.	
Parking	1 space/unit, 254 spaces required, 232 spaces provided.	
Off Street Loading Zones	None required for retail	
Bike Parking	Two berths for 150,000-299,999sf residential Berth size - 12'W x 14'1" x 33' D 1 long term bike parking space per 4 units 1 short term bike parking space per 20 units 1 bike space per 2000 sf restaurants and food sales 1 bike space per 5000 sf other retail	

GROSS BUILDING AREA

AREA SCHEDULE (GROSS BUILDING)			
Level	Area	No. of floors	Total
LEVEL 01	12076 SF	1	12076 SF
LEVEL 02 (TYP PARKING)	20964 SF	4	83852 SF
LEVEL 03 (ROOF AMENITY)	11082 SF	1	11082 SF
LEVEL 04 (TYP LOWER STATION)	11207 SF	25	280167 SF
LEVEL 05	11207 SF	6	67242 SF
LEVEL 06 (ROOF AMENITY)	7131 SF	1	7131 SF
LEVEL 07 (MECH PENTHOUSE)	7191 SF	1	7191 SF
Grand total			477468 SF

PARKING COUNT

REQUIRED PARKING COUNT		
Type	Total	
1 / dwelling unit	1 * 254 units	254
ADA		
Compad	7	
Intermediate	12	
Regular	118	
Grand total		137

BIKE PARKING COUNT

REQUIRED BIKE PARKING		
Type	Count	
Long-term	1 space / 4 dwelling units	254 / 4
Short-term	1 space / 20 dwelling units	254 / 20
Grand total		13

TENANT STORAGE COUNT

TENANT STORAGE (LOCKER COUNT)		
Level	Count	
LEVEL 02 (TYP PARKING)	105	
LEVEL 03	77	
LEVEL 04	79	
Grand total		261

OPEN SPACE AREA

REQUIRED OPEN SPACE		
75 sf / dwelling unit	75 sf * 254 units	19,050 sf

PROVIDED OPEN SPACE			
Name	Area	Count	Multiplier for Private Total Area
BALCONY 1	59 SF	24	2
BALCONY 2	80 SF	24	2
BALCONY 3	80 SF	24	2
ROOF DECK	4111 SF	1	1
TERRACE	9973 SF	1	1
Grand total			21219 SF

TRASH & RECYCLING

REQUIRED TRASH & RECYCLING		
Residential Recycling: 2 cf Storage / Collection space per residential unit, min 10 cf	2 cf * 254 units	508 cf
Residential Trash: 4.3 cf Storage / Collection space per residential unit, min 10 cf	4.3 cf * 254 units	1092.2 cf
Commercial Recycling: 2 cf Storage / Collection space per 1,000CSF, min 10 cf	2 cf * 480	10 cf
Commercial Trash: Varies based on the type and operation of the facility		

PROVIDED TRASH & RECYCLING		
Residential Recycling: Projected to be 810 cf / week. Compacted to 162 cf. Collection 2 times / week.	54 cf * 2 hrs * 126 collection	126
Residential Trash: Projected to be 1056 cf / week. Compacted to 205.2 cf. Collection 2 times / week.	54 cf * 3 hrs * 126 collection	126
Residential Compost: Projected to be 81 cf / week. Collected in loose 96 gal carts. Collection 2 times / week.	12.8 cf * 3 hrs * 126 collection	126
Commercial Recycling: Projected to be 300.8 cf / week. Collected 3 times / week.	54 cf * 2 hrs * 126 collection	126
Commercial Trash: Projected to be 27.8 cf / week. Collected in loose 96 gal carts. Collection 2 times / week.	12.8 cf * 3 hrs * 126 collection	126
Commercial Compost: Projected to be 27.8 cf / week. Collected in loose 96 gal carts. Collection 2 times / week.	12.8 cf * 3 hrs * 126 collection	126

MODIFIED 1640 BROADWAY - PLANNING COMMISSION - DESIGN SET

AREA TABULATION

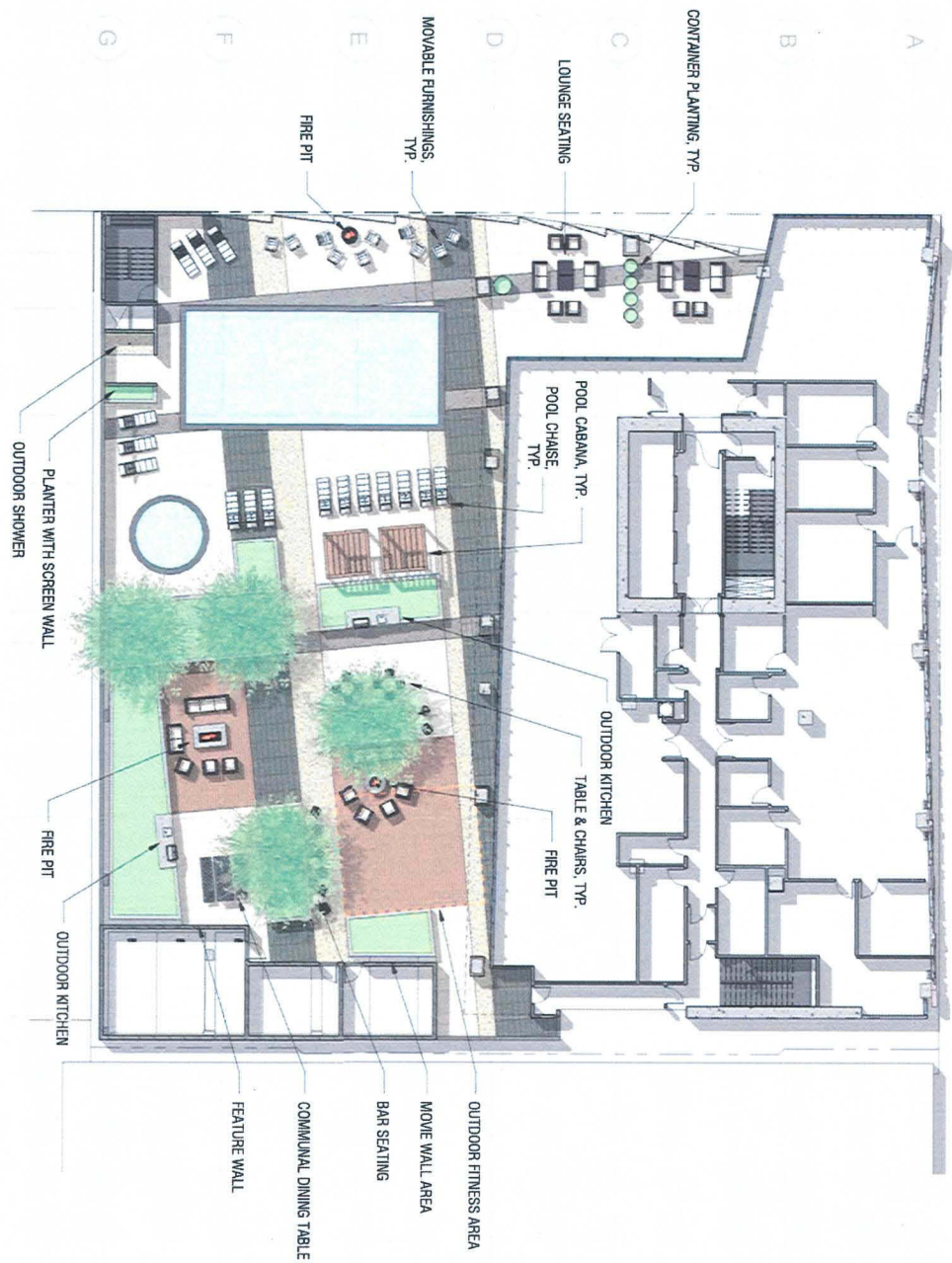
										RESIDENTIAL										AMENITY		PARKING/LOADING				RETAIL	
height	f/y	flr	function		JR 1	1B	1B+	2B	2B+	3B	3B+	3B+	units / floor	resid net	amenity gsf	eff	resid gsf	parking gsf	parking spaces	retail gsf	TOTAL GSF						
387.17	19,500	35	Elevators	-		657	804	1,078	1,240	1,388	-	-	-	-	-	-	-	-	-	-	-						
367.67	10,667	34	Mechanical	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-						
357.00	10,667	33	Amenity	-	-	-	-	-	-	-	-	-	-	-	5,459	-	-	-	-	-	6,817						
342.34	14,667	32	Residential	-	-	1	2	4	1	1	-	-	9	9,118	-	81.6%	11,207	-	-	-	7,131						
327.67	10,667	31	Residential	-	-	1	2	4	1	1	-	-	9	9,118	-	81.6%	11,207	-	-	-	11,207						
306.34	10,667	30	Residential	-	-	1	2	4	1	1	-	-	9	9,118	-	81.6%	11,207	-	-	-	11,207						
295.67	10,667	29	Residential	-	-	1	2	4	1	1	-	-	9	9,118	-	81.6%	11,207	-	-	-	11,207						
285.00	10,667	28	Residential	-	-	1	2	4	1	1	-	-	9	9,118	-	81.6%	11,207	-	-	-	11,207						
274.34	10,667	27	Residential	-	-	1	2	4	1	1	-	-	9	9,118	-	81.6%	11,207	-	-	-	11,207						
262.67	11,667	26	Residential	-	-	4	1	4	-	1	-	-	10	9,118	-	81.6%	11,207	-	-	-	11,207						
253.00	9,667	25	Residential	-	-	4	1	4	-	1	-	-	10	9,118	-	81.6%	11,207	-	-	-	11,207						
243.33	9,667	24	Residential	-	-	4	1	4	-	1	-	-	10	9,118	-	81.6%	11,207	-	-	-	11,207						
233.67	9,667	23	Residential	-	-	4	1	4	-	1	-	-	10	9,118	-	81.6%	11,207	-	-	-	11,207						
224.00	9,667	22	Residential	-	-	4	1	4	-	1	-	-	10	9,118	-	81.6%	11,207	-	-	-	11,207						
214.33	9,667	21	Residential	-	-	4	1	4	-	1	-	-	10	9,118	-	81.6%	11,207	-	-	-	11,207						
204.67	9,667	20	Residential	-	-	4	1	4	-	1	-	-	10	9,118	-	81.6%	11,207	-	-	-	11,207						
195.00	9,667	19	Residential	-	-	4	1	4	-	1	-	-	10	9,118	-	81.6%	11,207	-	-	-	11,207						
185.33	9,667	18	Residential	-	-	4	1	4	-	1	-	-	10	9,118	-	81.6%	11,207	-	-	-	11,207						
175.67	9,667	17	Residential	-	-	4	1	4	-	1	-	-	10	9,118	-	81.6%	11,207	-	-	-	11,207						
166.00	9,667	16	Residential	-	-	4	1	4	-	1	-	-	10	9,118	-	81.6%	11,207	-	-	-	11,207						
156.33	9,667	15	Residential	-	-	4	1	4	-	1	-	-	10	9,118	-	81.6%	11,207	-	-	-	11,207						
146.67	9,667	14	Residential	-	-	4	1	4	-	1	-	-	10	9,118	-	81.6%	11,207	-	-	-	11,207						
137.00	9,667	13	Residential	-	-	4	1	4	-	1	-	-	10	9,118	-	81.6%	11,207	-	-	-	11,207						
127.33	9,667	12	Residential	-	-	4	1	4	-	1	-	-	10	9,118	-	81.6%	11,207	-	-	-	11,207						
117.67	9,667	11	Residential	-	-	4	1	4	-	1	-	-	10	9,118	-	81.6%	11,207	-	-	-	11,207						
108.00	9,667	10	Residential	-	-	4	1	4	-	1	-	-	10	9,118	-	81.6%	11,207	-	-	-	11,207						
98.33	9,667	9	Residential	-	-	4	1	4	-	1	-	-	10	9,118	-	81.6%	11,207	-	-	-	11,207						
88.67	9,667	8	Residential	-	-	4	1	4	-	1	-	-	10	9,118	-	81.6%	11,207	-	-	-	11,207						
79.00	9,667	7	Residential	-	-	4	1	4	-	1	-	-	10	9,118	-	81.6%	11,207	-	-	-	11,207						
64.33	14,667	6	Amenity	-	-	-	-	-	-	-	-	-	-	-	6,893	-	-	-	-	-	10,855						
48.00	16,333	5	Parking	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	21,024						
38.00	10,000	4	Parking	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	21,011						
28.00	10,000	3	Parking	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	21,000						
18.00	10,000	2	Parking	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20,986						
0.00	18,000	6	bobby/loading	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	22,143						
TOTAL				-	JR 1	86	32	104	6	26	-	-	254	237,068	12,352	77.9%	304,186	88,508	232	4,852	423,348						
				-	JR 1	18	18+	28	28+	38	38+	-	933	average net	amenity gsf	eff.	resid gsf	parking gsf	spaces	retail gsf	GSF						
				-	0.0%	33.3%	12.5%	40.5%	2.4%	10.2%	0.0%	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
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				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-	0.0%	46.5%	43.3%	10.2%	-	-	-	-	-	-	-	-	-	-	-	-	-						
				-																							

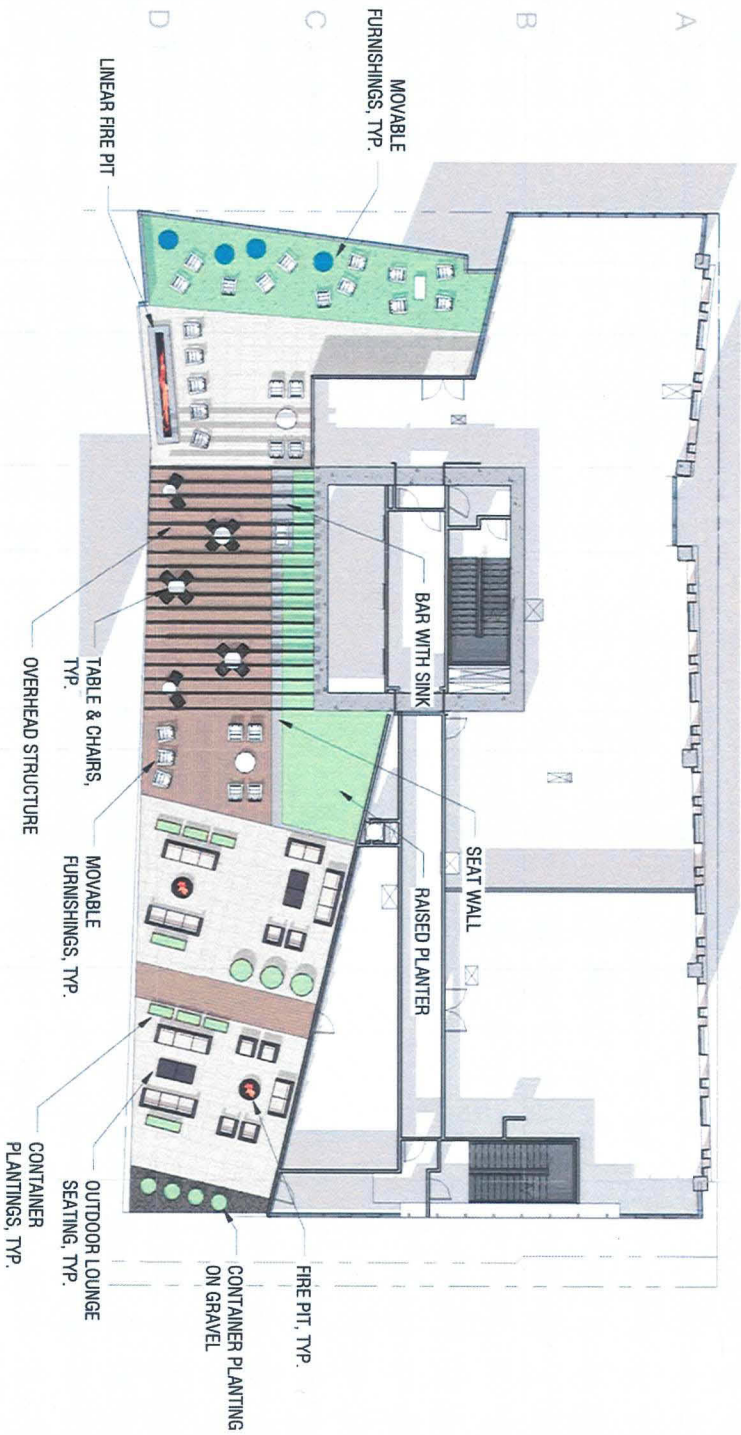
Unit Mix	0.0%	46.5%	43.3%	10.2%	10.2%
Goal	0.0%	46.5%	43.3%	10.2%	10.2%
Amenity Floors					

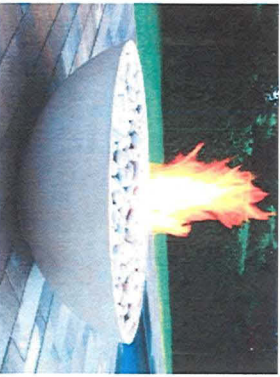
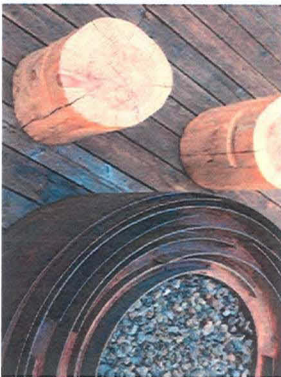
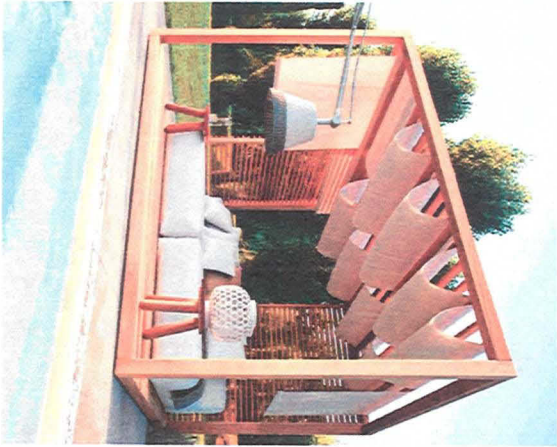
*includes lobby, bike room, Rm, per wash



MODIFIED 1640 BROADWAY - PLANNING COMMISSION - DESIGN SET







PGAdesign INC

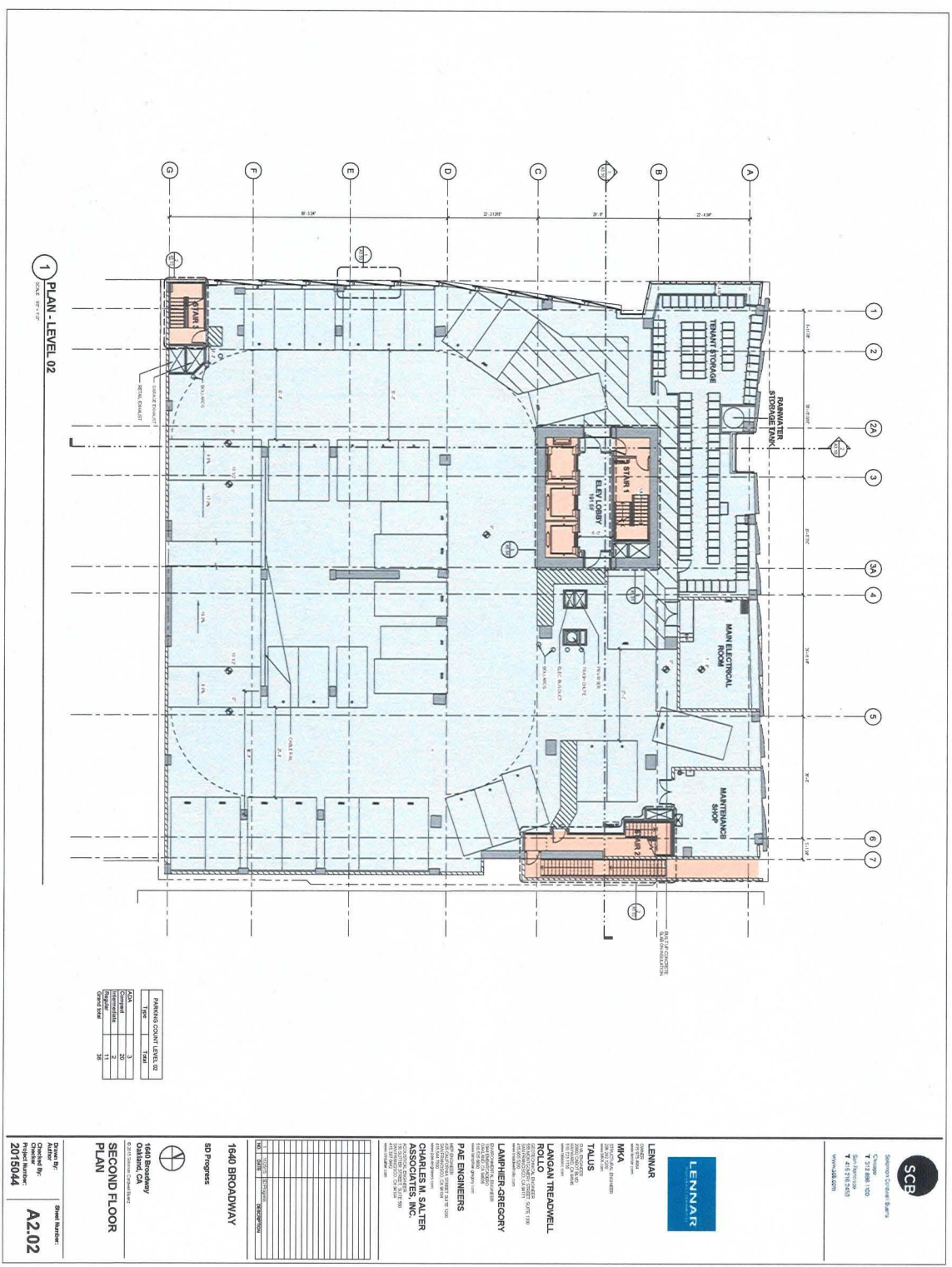
1640 BROADWAY
OAKLAND, CA

LANDSCAPE SCHEMATIC DESIGN
JANUARY 6, 2015

AMENITY DECK - MATERIALS

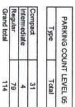
L-3







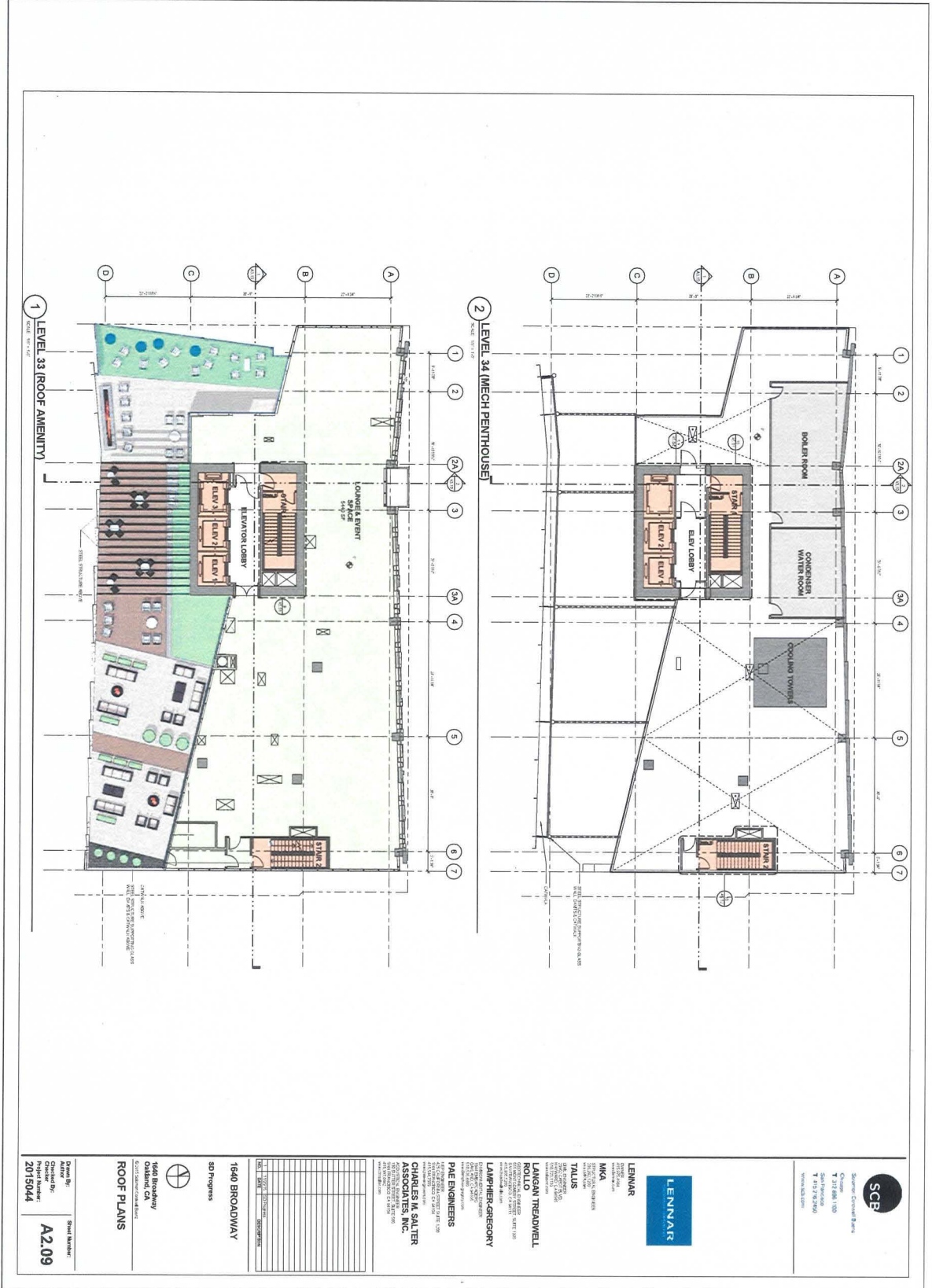


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MODIFIED 1640 BROADWAY - PLANNING COMMISSION - DESIGN SET



SCB
Solomon Cordell Buenz
Chicago
T 312.966.1100
S 312.966.1100
F 312.966.1100
www.scb.com



LENNAR
20000 W. 10th Ave.
Suite 100
Denver, CO 80202
T 303.755.1100
F 303.755.1100
www.lennar.com

LANCEN TREADWELL
1640 Broadway
Chicago, IL 60604
T 312.966.1100
F 312.966.1100
www.lancentreadwell.com

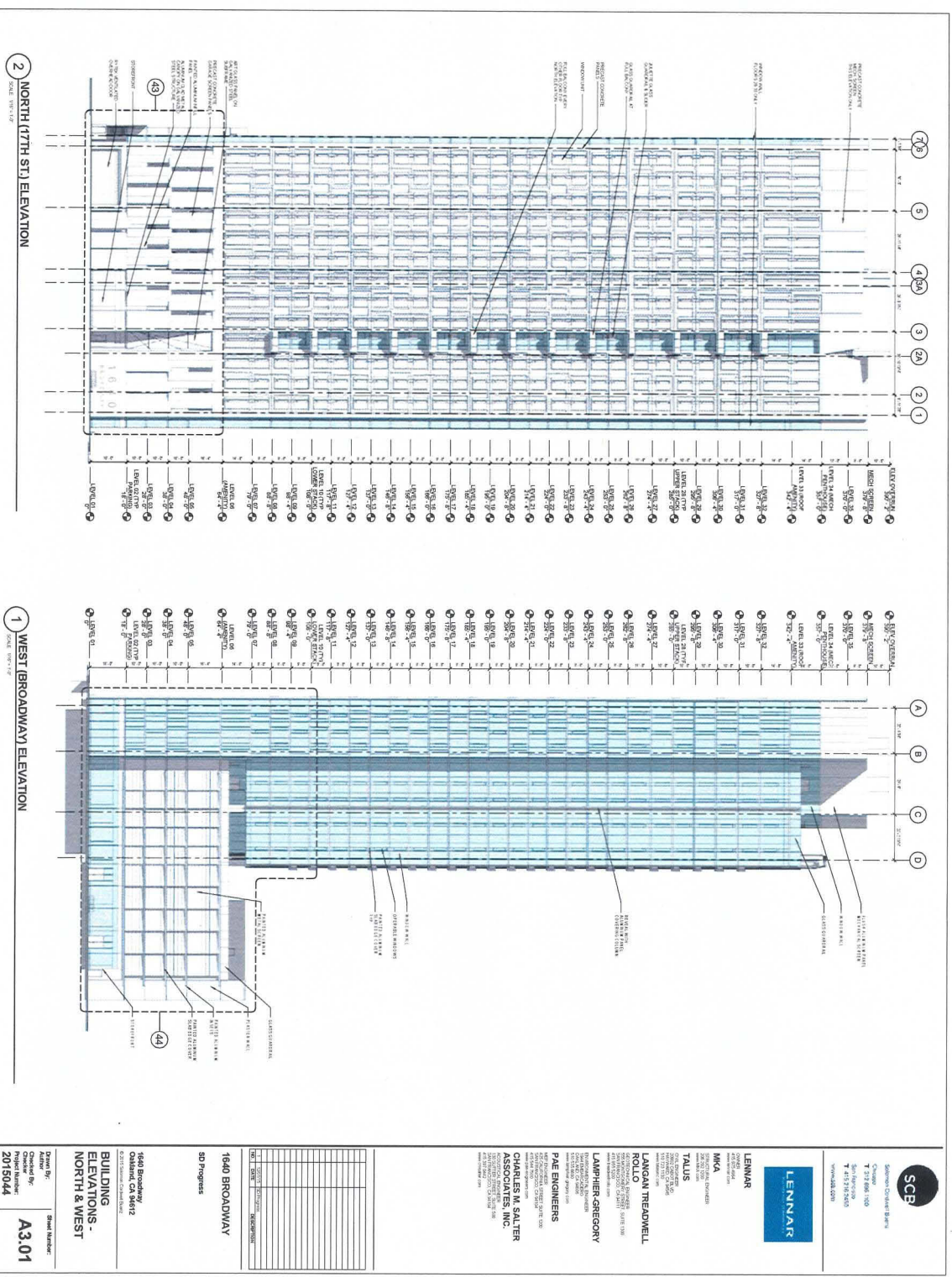
PAE ENGINEERS
1640 Broadway
Chicago, IL 60604
T 312.966.1100
F 312.966.1100
www.pae-engineers.com

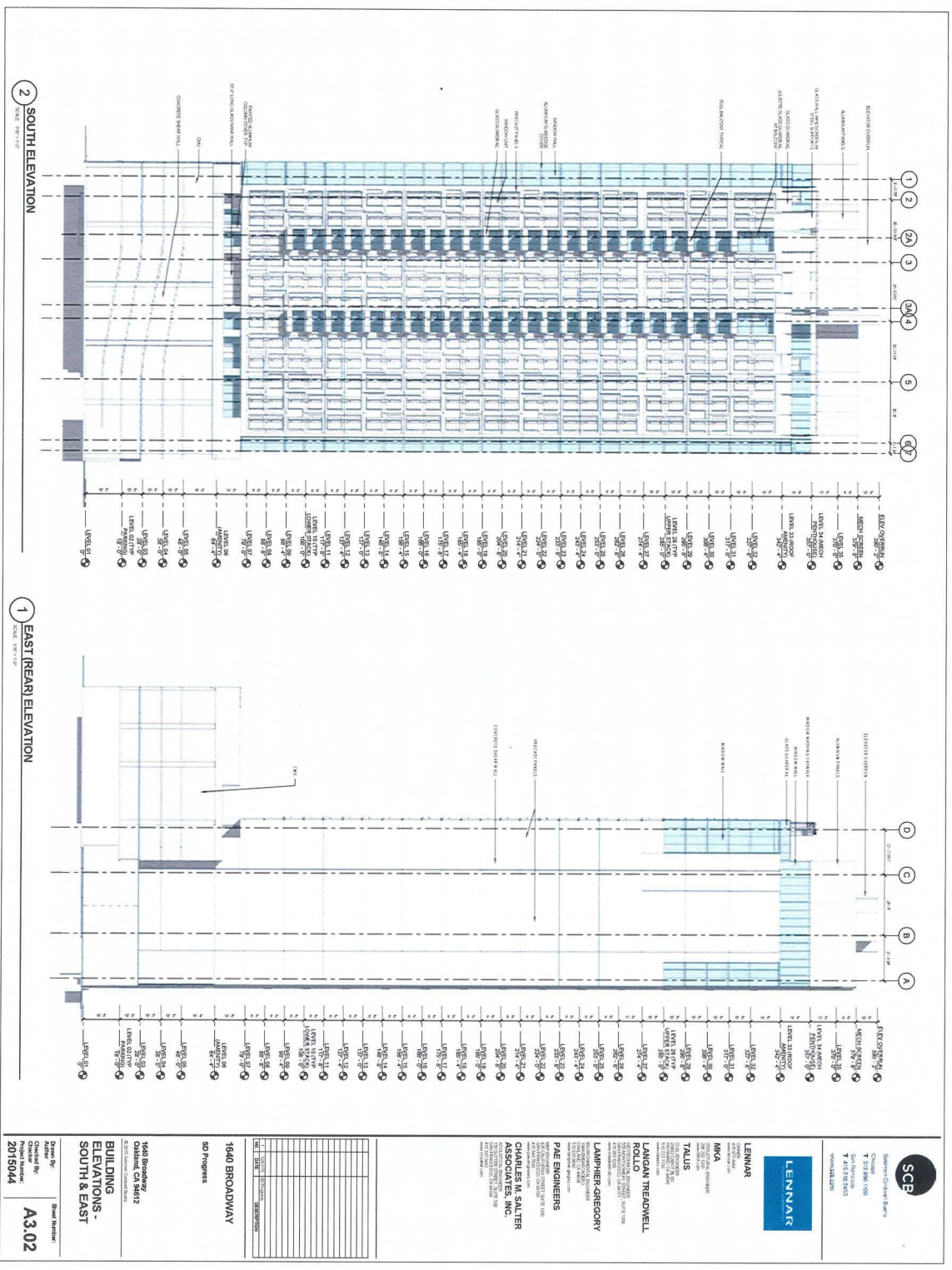
CHARLES M. SALTER ASSOCIATES, INC.
1640 Broadway
Chicago, IL 60604
T 312.966.1100
F 312.966.1100
www.charlessalter.com

NO.	DATE	DESCRIPTION
1	10/27/16	ISSUED FOR PERMITS
2	11/01/16	ISSUED FOR PERMITS
3	11/01/16	ISSUED FOR PERMITS
4	11/01/16	ISSUED FOR PERMITS
5	11/01/16	ISSUED FOR PERMITS
6	11/01/16	ISSUED FOR PERMITS
7	11/01/16	ISSUED FOR PERMITS
8	11/01/16	ISSUED FOR PERMITS
9	11/01/16	ISSUED FOR PERMITS
10	11/01/16	ISSUED FOR PERMITS
11	11/01/16	ISSUED FOR PERMITS
12	11/01/16	ISSUED FOR PERMITS
13	11/01/16	ISSUED FOR PERMITS
14	11/01/16	ISSUED FOR PERMITS
15	11/01/16	ISSUED FOR PERMITS
16	11/01/16	ISSUED FOR PERMITS
17	11/01/16	ISSUED FOR PERMITS
18	11/01/16	ISSUED FOR PERMITS
19	11/01/16	ISSUED FOR PERMITS
20	11/01/16	ISSUED FOR PERMITS

1640 BROADWAY
5th Floor
1640 Broadway
Chicago, IL 60604
T 312.966.1100
F 312.966.1100
www.1640broadway.com

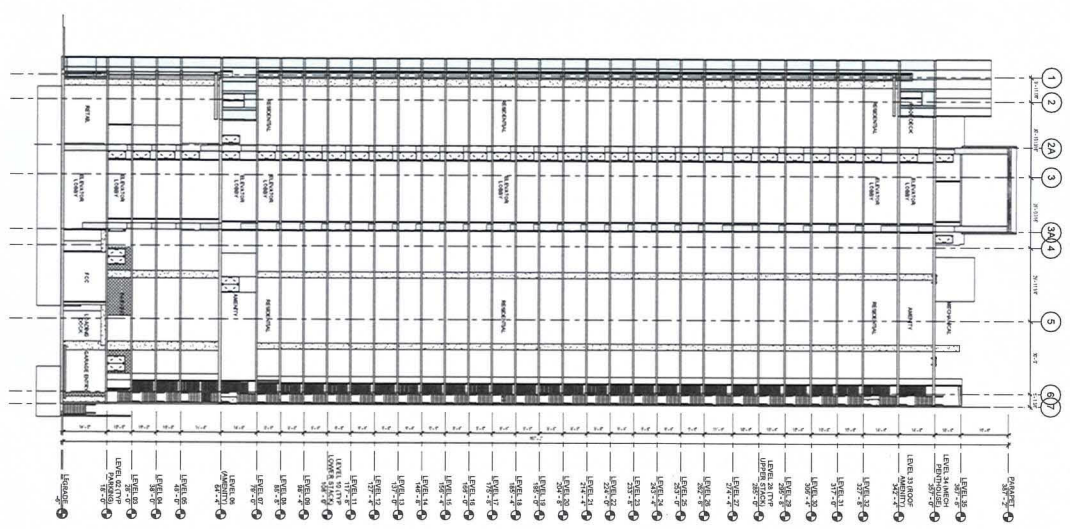
ROOF PLANS
A2.09
2015044



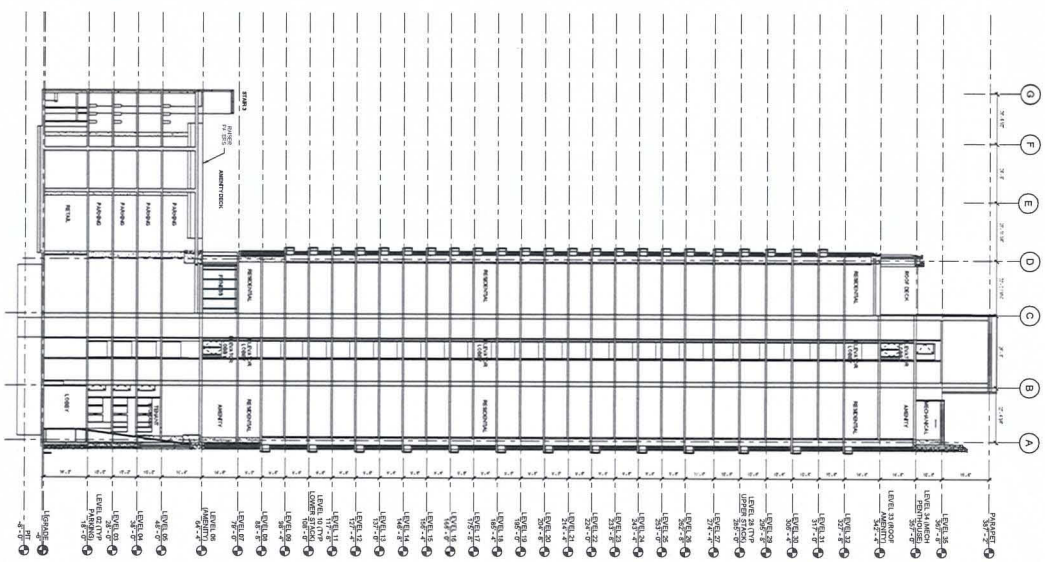


MODIFIED 1640 BROADWAY - PLANNING COMMISSION - DESIGN SET

1 BUILDING SECTION - E-W



2 BUILDING SECTION - N-S



1640 Broadway
Building
Sections
A3.10

1640 Broadway
Building
Sections
A3.10

1640 Broadway
Building
Sections
A3.10

1640 Broadway
Building
Sections
A3.10

NO.	DESCRIPTION	DATE	BY	CHECKED
1	1640 Broadway	01.06.2016	SCB	SCB
2	1640 Broadway	01.06.2016	SCB	SCB
3	1640 Broadway	01.06.2016	SCB	SCB
4	1640 Broadway	01.06.2016	SCB	SCB
5	1640 Broadway	01.06.2016	SCB	SCB
6	1640 Broadway	01.06.2016	SCB	SCB
7	1640 Broadway	01.06.2016	SCB	SCB
8	1640 Broadway	01.06.2016	SCB	SCB
9	1640 Broadway	01.06.2016	SCB	SCB
10	1640 Broadway	01.06.2016	SCB	SCB

PAE ENGINEERS
CHARLES M. SALTER
ASSOCIATES, INC.

LAMPHER-GREGORY
LAMPHER-GREGORY
LAMPHER-GREGORY

LANCARI TREADWELL
ROLLO
ROLLO

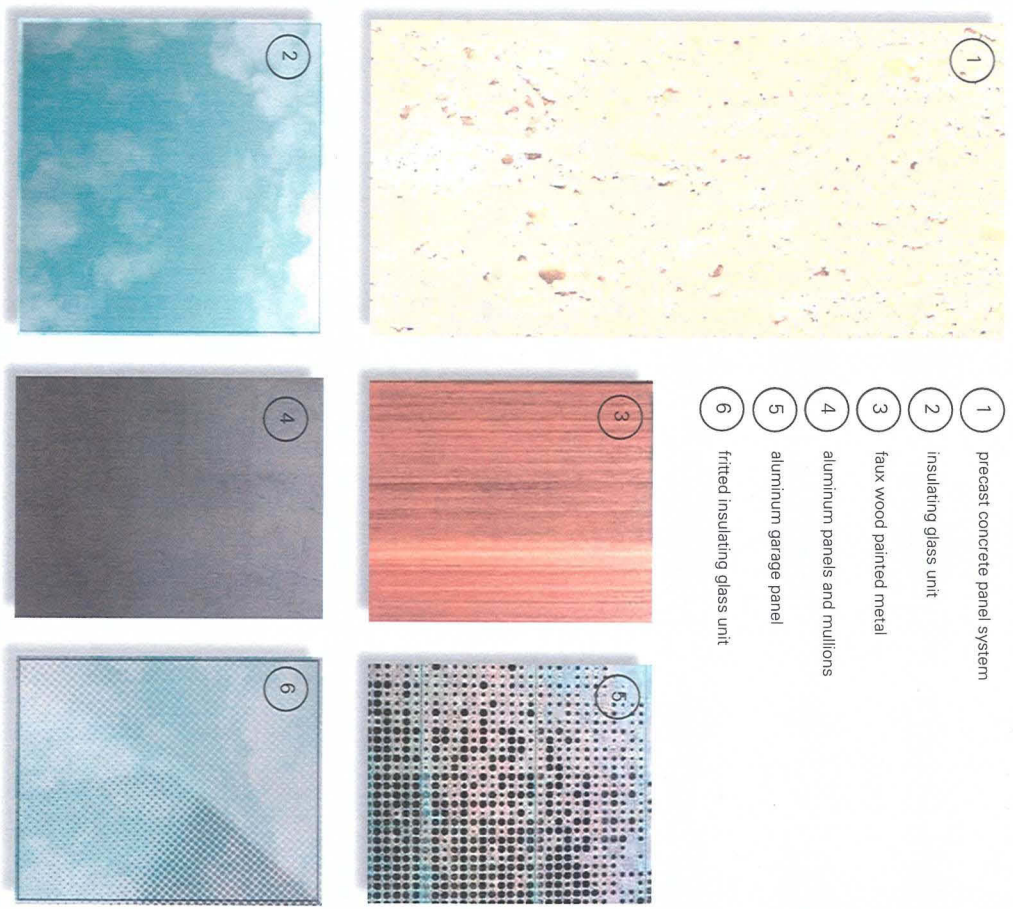
LENAR
LENAR
LENAR

INKA
INKA
INKA

TALUS
TALUS
TALUS

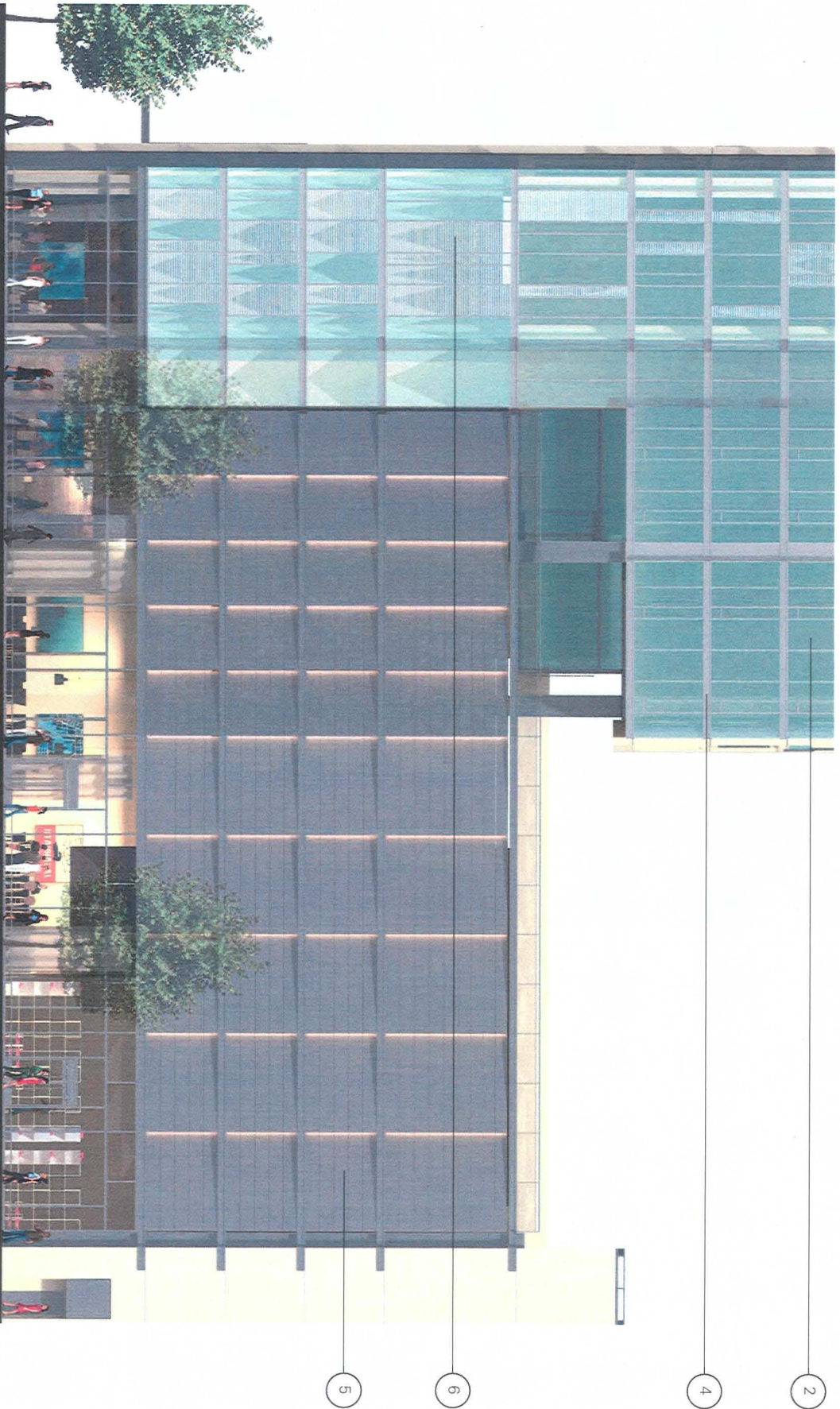
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MODIFIED 1640 BROADWAY - PLANNING COMMISSION - DESIGN SET
01.06.2016





ENLARGED 17TH STREET ELEVATION



ENLARGED BROADWAY ELEVATION

MODIFIED 1640 BROADWAY - PLANNING COMMISSION - DESIGN SET
01.06.2016

PROPOSED ONLY

3 PARKING PODIUM CLADDING SECTION

2 PARKING PODIUM CLADDING ELEVATION

4 AXON - PARKING PODIUM CLADDING

1 PARKING PODIUM CLADDING PLAN

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PAE ENGINEERS

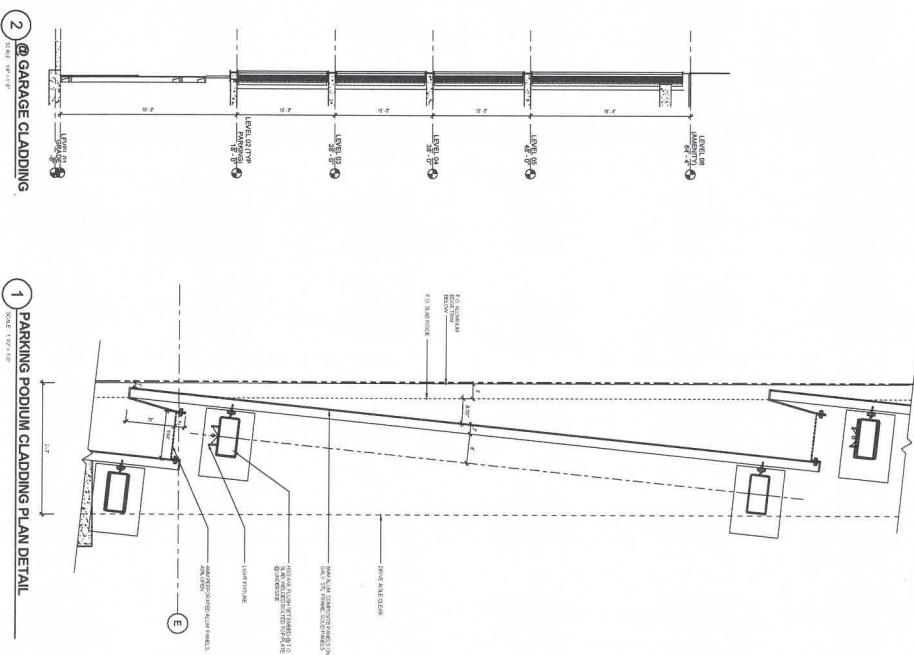
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ATTACHMENT E



Oakland Public Works Department
Office of the City Surveyor
Bureau of Engineering & Construction



Memorandum

Comments on Review of VTPM 10481 for 1640 Broadway Summary of comments

December 22, 2015

This memo supplements and summarizes the comments contained in the Second Review of the Vesting Tentative Parcel Map of this same date.

GENERAL NOTES:

This map still has not presented a good boundary resolution but it is sufficient for review as a tentative map at this time subject to some minor alterations. The boundary issue must be reconfigured at the time of the submission of the final map.

Minor Changes still needed:

- **Change the title on Sheet One: It is "Vesting Tentative Parcel Map 10481". and then follow it up with the description.**
- Include Contact information: address, email, etc. for engineer and surveyor on map submissions to facilitate communication. This can be done on the logo or as a separate note.
- No changes are required in the map on this item, but it is noted as to a requirement in the future final map: The boundary lines are not established and tied in a manner that retraces the property. A monument line is partially shown on Harrison, (sheet 3 of 7) but this property is controlled by the monumentation and right of way lines on 17th and on Broadway unless the deed specifies otherwise (and it was not provided). A copy of the deed would help, but as I noted, the Broadway boundary line is tied to the Broadway monument line which is clearly defined both in the field and in the City's historic field notes which the surveyor has apparently not yet reviewed. Simply making the line parallel to Franklin is not acceptable since if the streets are, in fact, not parallel, then it simply pushes any error down the road and someone else will need to resolve what is, essentially, your job to do. The City's monument sheets show several monuments that perpetuate the straight line of Broadway as well as monuments or corner records for 17th Street. Together they establish your POB. Not Franklin. As noted above **this is sufficient for a tentative map submission** but, in the submission of a final map, your analysis and configuration must be reworked to develop the boundary from Broadway and 17th unless the deed indicates otherwise.

CONDITIONS OF APPROVAL:

- If a monument does NOT presently exist at 17th and Broadway, then **as a condition of approval of this map**, a new, standard City of Oakland, monument, shall be installed in the original location or in a location as directed by the City Surveyor or straddling monuments shall be installed on 17th if the original location is unsuitable.
 - Only schematic outlines of the building footprint have been shown. In order to determine if there will be aerial encroachments (which will need to be shown on the parcel map) the architectural drawings should accompany the plan so that the conditions of approval can reflect any need of such encroachments. **As a condition of approval any/all encroachments into RoW airspace will require encroachment permits**
 - As per the memo from Robert Mercamp, dated 12/15/15, the items observed and commented on in that memo are hereby deleted from the original review with exception to the final item. **With regards to that item: As a condition of approval, prior to approval of the final map the authority limits, if any, for work within the BARTD areas must be shown on the map and a written approval must be obtained from BARTD.**
-

With the above minor issues addressed on this map, this map is acceptable with the above noted **Conditions of Approval**.

Respectfully Submitted,



GILBERT E. HAYES, City Surveyor