Location:	**1331 Harrison Street (see map on reverse)**
Assessors Parcel Number:	**002-0065-006-001**
Proposal:	Construction of a 27-story, mixed use building with ground floor retail space and 166 residential units. The project includes 195 parking spaces, including three levels of underground parking.
Applicant:	Jibu John
Owner:	Kansai Development, Inc.
Planning Permits Required:	Design Review for new construction; Major Conditional Use Permit for construction with floor area over 100,000 square feet; Conditional Use Permit for reduction in Loading Berth dimensions; Tree protection permit for construction within ten feet of a redwood tree that is 29 inches wide at breast height.
General Plan:	Central Business District
Zoning:	CBD-Pedestrian and CBD-Commercial.
Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines: In-Fill Development Projects and Section 15183 of the State CEQA Guidelines: Projects consistent with a Community Plan, General Plan or Zoning.
Historic Status:	Parking lot; no historic properties
Service Delivery District:	Metro
City Council District:	2
For further information:	Contact case planner **Neil Gray** at **510-238-3878** or by email: ngray@oaklandnet.com

SUMMARY

Staff recommends approval for the construction of a new 27-story mixed-use building proposed to be built on a surface parking lot on the corner of 14th and Harrison Streets in Downtown. The building would contain 3,600 square feet of ground floor commercial space and 166 residential units. Staff recommends approval due to the project's consistency with the intent of the General Plan and Zoning to increase downtown development intensity and population and the building's high quality design. Specifically:

- The art deco style, massing, and high quality materials of the project will provide an attractive addition to Oakland's skyline.
- The base and tower will provide a scale that relates to surrounding historic buildings; and
- The site plan places retail space on 14th Street, which contributes to a pedestrian connection between Broadway and Lake Merritt, and dwelling units in the base of the building facing Harris on Street to provide an attractive façade that blocks views of interior parking.

CITY OF OAKLAND PLANNING COMMISSION

Case File: PLN14095
Applicant: Jibu John
Address: 1331 Harrison Street
Zone: CBD-P, CBD-C

PROPERTY AND NEIGHBORHOOD DESCRIPTION

The proposed project site is a 15,000 square foot, rectangular parking lot on the northeast corner of 14th and Harrison Streets. The project is not in an historic district, but a row of historic storefronts that constitute and Area of Secondary Importance by the Office of Cultural Survey is adjacent to the site. The Hotel Oakland, a designated City Landmark, is across Harrison Street and the Hotel Harrison, a B-rated historic building that contributes to an area of Primary Importance, is across 14th Street from the site. The site is approximately five blocks west of Lake Merritt.

PROJECT DESCRIPTION

The 26-story building includes 166 residential units above 3,600 square feet of ground floor storefront space, three levels of underground parking, and four levels of above ground parking. Plans for the project are contained in Attachment A of this report.

Site Plan

The first five stories cover the entire site and define the base of the building. A total of six ground floor retail spaces, varying in size from 450 to 590 square feet, span the entire 14th Street ground floor façade and approximately one-third of the Harrison Street ground floor façade. The 14th Street retail space would contribute to the pedestrian-oriented retail frontage linking Broadway to the Lake that is envisioned by the CBD zoning.

A lobby facing Harrison Street defines the main pedestrian entrance. Auto and service vehicle entrances would also be located on Harrison Street. Small dwelling units would face Harrison Street, which would block the view of the parking on this elevation.

The tower would be centered above the base, setting back five feet from the 14th Street and rear base facades and 12'-6" from the Harrison and interior side base facades. Overall, the tower would cover 70 percent of the base. This base and tower design is consistent with the Zoning Ordinance and will provide an appropriate scale at the street. The proposed 57-foot base would also relate to the scale of the historic buildings in the neighborhood, including the Hotel Oakland and Hotel Harrison, both of which are across the street from the site.

Each floor of the tower would have identical floor plans and dimensions in order to reduce the cost of constructing the building.

Building Design

Style. The white concrete, steel, and aluminum exterior, vertical architectural features, (particularly the "fins" at the corners of the towers), diamond motif, and a metal spire on the roof contribute to an art deco building style. The diamond motif is established through a large

diamond-shaped, metal and glass feature above the entrance and on the 14th Street façade and diamond-shaped lighting fixtures on the roof of the base and tower.

Ground Floor. The ground floor would have a 15-foot floor to ceiling height to provide a pedestrian scale, high quality retail space, and ground floor prominence. Metal columns between large storefront windows would extend to the floors above. Each of the retail spaces would have its own entrance.

Exterior Treatment. The exterior of the building would be primarily concrete with aluminum windows and steel accents. A concrete vertical feature containing balconies in the middle of the Harrison Street elevation stretches from the bottom to the top of the tower. The windows would be a blue tint.

As mentioned, concrete fins at the corners of the tower also bring verticality to the design. Balconies and concrete elements are positioned on these elevations to give the appearance of a narrowing of the tower.

The rooftop features a 22-foot tall, steel-framed truss and glass pyramid structure that would contain a fitness center and be illuminated at night. An approximately 30-foot aluminum metal spire would be placed atop the peak of the pyramid.

DESIGN REVIEW COMMITTEE REVIEW

Staff presented the proposal at the May 28, 2014 meeting of the Design Review Committee (DRC). The DRC provided input that the applicant should provide increased massing and detailing on the west elevation. The applicant responded by placing a vertical concrete elements that echo the massing of the east elevation. This issue is further discussed in the "Key Issues and Impacts" section of this report.

The DRC also recommended further refinement of the ground floor elevations, including providing a recessed entrance, piers, and transom windows designed in a way that is both consistent with the style of the proposed building and related to the historic storefronts found on 14th Street. The DRC also stated that floor to ceiling glass storefronts are an appropriate design. Staff has not received these refinements. Therefore, staff recommends Condition 46, which requires refinement of the ground floor façade.

An attorney for the owners of the neighboring property at 315 14th Street expressed concern that construction would impact employees and damage the historic building and that the proposed building would impact exposure to natural light. The attorney also requested an arborist report to assure protection of a redwood tree at 315 14th Street. Attachment B contains the letter from the attorney and Attachment C contains an arborist report, which provides recommendations to protect the tree, which implement the City's Standard Conditions of Approval that require that measures are taken to reduce the impacts of construction to less than significant. Staff has been

informed that developer and the owners of the neighboring property have been in discussion regarding these issues.

GENERAL PLAN ANALYSIS

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

The project is consistent with this intent by providing a high-rise residential development on an existing vacant site. The prominence of the proposed residential tower and ground floor commercial space will contribute to the regional importance of Downtown Oakland and the vision contained in the General Plan for a vibrant, 24-hour downtown.

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

Policy D3.1 Promoting Pedestrians: Pedestrian-friendly commercial areas should be promoted. **The proposal contains ground floor commercial space which continues the existing pedestrian oriented retail activities on 14th Street.**

Policy D3.2 Incorporating Parking Facilities: New parking facilities for cars and bicycles should be incorporated into the design of any project in a manner that encourages and promotes safe pedestrian activity. **The project minimizes pedestrian-vehicle conflicts by containing only one curb cut for the entire site. Underground parking and parking behind active space within the building minimizes the visibility of parking areas.**

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

Policy D10.1 Encouraging Housing: Housing in the downtown should be encouraged as a vital component of a 24-hour community presence. **The proposal includes high density housing.**

Policy D10.5 Designing Housing: Housing in the downtown should be safe and attractive, of high quality design, and respect the downtown's distinct neighborhoods and its history. **As described in this report, the project will be of high quality design and related to the**

surrounding historic buildings. The project will also extend the existing retail storefronts on 14th Street.

Policy D10.6 Creating Infill Housing: Infill housing that respects surrounding development and the streetscape should be encouraged in the downtown to strengthen district districts. **As described in this report, the project will be of high quality design and related to the surrounding historic buildings. The project will also extend the existing retail storefronts on 14th Street.**

Policy D11.1 Promoting Mixed-Use Developments: Mixed use developments should be encouraged in the downtown for such purposes as to promote its diverse character, provide for needed goods and services, support local art and culture, and give incentive to reuse existing vacant or underutilized structures. **The proposed ground floor retail space will provide for needed goods and services.**

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

ZONING ANALYSIS

Zoning Intent

In general, the CBD zoning designations are designed to develop Downtown as a high density, mixed-use urban center of regional importance, including the construction of urban high-rise residential and mixed-use buildings such as that proposed.

The front half of the lot facing 14th Street is zoned CBD-P. The intent of the CBD-P zone is to establish ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities. CBD-P is zoned along 14th Street to create a pedestrian connection between Broadway and Lake Merritt. The rear of the parcel is zoned CBD-C, which is similar to CBD-P, except a wider range of commercial uses are permitted on the ground floor. The ground floor retail space with residential above is consistent with the intent of both of these zones.

Setbacks

There are no minimum setback requirements in the CBD-P or CBD-C zones. The project complies with the ten-foot maximum front setback required in the CBD-P zone.

Ground Floor Facade Requirements

The CBD-P zone requires that at least 65 percent of a commercial façade be transparent. The proposal meets this regulation with floor to ceiling commercial windows. The proposed ground floor height is 15-feet, which complies with the minimum 15-foot tall ground floor required in the CBD-P and CBD-C zones.

Height, Tower, Density, Bulk, Open Space, Parking, Loading, and Bicycle Space Requirements

The project is in Height Area 6 in the CBD. The following table lists the relevant requirements of Height Area 6 and how the project complies with these requirements:

Regulation	Requirement	Proposed	Note
Maximum height of building base	85 ft	60 ft	1
Maximum total height	No height limit	270 feet (not including roof feature)	
Average per story lot coverage above the base	75 percent of site area	70 percent of site area	1
Maximum average area of tower floor plates	25,000 sf	10,500 sf	2
Maximum building length	195 ft	148 ft	3
Maximum diagonal length	235 ft	179 sf	4
Maximum density (sf of lot area per unit)	90	90	
Maximum Floor Area Ratio (floor area/site area)	20.0	18.0	
Minimum group open space	75 sf	111 sf	
Automobile parking	166	184	
Loading	Two Berths	Two Berths	5
Long term bicycle parking	42	42 (as conditioned)	6
Short term bicycle parking	8	8 (as conditioned)	7

1. The building base is the part of the building that is 85 feet in height and below
2. The tower is the area above the base
3. The building length is the length of the longest frontage of a building
4. The diagonal length is the distance between the two most separated points on a floor
5. Section 17.116.220(C) of the Planning Code requires loading berths to be at least 33 feet long, 12 feet wide, and 14 feet high. The proposed berth facing Harrison Street is 25 feet long, which is ample space to fit a truck with sufficient capacity for a large apartment. Therefore, staff recommends the granting of a Conditional Use Permit to reduce loading berth dimensions pursuant to Section 17.116.220 of the Planning Code.

6. The proposed long term bicycle parking spaces are not compliant with Section 17.117.070 of the Planning Code, which requires at least a four foot maneuvering aisle behind each space. Condition 4, below, requires that the Building Permit submittal include plans that contain the appropriate aisle space.
7. Condition 44, below, requires that the building permit submittal include plans that contain at least eight short term bicycle parking spaces.

LAKE MERRITT STATION SPECIFIC PLAN

The site is located near the northern edge of the Draft Lake Merritt Station Area Plan area. The Plan covers land within approximately one-half a mile from the Lake Merritt BART Station and considers land use, buildings, design, circulation, BART improvements, streetscape improvements, parks and public spaces. The proposed tower is largely consistent with the draft plan, although the project is not required to comply with these proposed regulations because they have yet to be adopted by the City Council. The proposed tower is 279 feet (not including the decorative rooftop spire and recreation room), which is four feet higher than the maximum proposed. The recreation room would add 28 feet to the height of the building. This issue is discussed in the "Key Issues and Impacts" section of the report.

ENVIRONMENTAL REVIEW

The City has determined that the project is exempt from CEQA under Section 15332 of the State CEQA Guidelines, which applies to certain infill projects. The project is also exempt under Section 15183 of the State CEQA Guidelines, which applies to projects that are consistent with a Community Plan, General Plan or Zoning.

A full analysis of these exemptions is contained in Attachment D of this report.

KEY ISSUES AND IMPACTS

Staff has identified the following key issues:

As discussed, the project would reach a total of 279 feet, plus a 28-foot glass illuminated recreation room on the roof of the building. This height is consistent with the current zoning requirements, but is above the 275-foot height limit proposed in the Lake Merritt Station Area Plan. Although the project is not required to meet the requirements of a yet to be adopted plan, staff believes that the proposed height would meet the intent of the proposed height limits because the recreation room is setback from the sides of the tower, relatively slender, and would not be seen from the street below. Finally, the recreation room would be an attractive decorative feature as seen from the surrounding freeways and the hills.

As mentioned, the DRC requested that the applicant provide a similar level of detailing and massing on the west elevation, which would be seen from Broadway, as provided on the east (Harrison Street) elevation. The applicant responded by providing vertical concrete elements on

the west elevation that echo the massing of the Harrison Street elevation. However, the Harrison Street elevation contains variations in window styles and balcony patterns, which are not contained in the west elevation, that provide additional visual interest and massing. Staff believes that the west elevation should have the a similar level of detail and massing provided on the east elevation, and, therefore, recommends Condition 45, which requires further refinement of the west tower façade.

CONCLUSION

Staff recommends approval of the project for the following reasons:

- The project is consistent with the intent of the General Plan and Zoning to increase downtown building intensity and population.
- As conditioned, the art deco style, massing, and high quality materials of the project will provide an attractive addition to Oakland's skyline.
- The base and tower will provide a scale that relates to surrounding historic buildings; and
- The site plan places retail space on 14th Street, which contributes to a pedestrian connection between Broadway and Lake Merritt, and dwelling units in the base of the building facing Harrison Street to provide an attractive façade that blocks views of interior parking.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.
2. Approve the Conditional Use Permits and Design Review subject to the attached findings and conditions.

Prepared by:

NEIL GRAY
Planner III

Approved by:

Robert Merkamp
Interim Development Planning Manager

Approved for forwarding to the
City Planning Commission:

for
DARIN RANELLETTI, Deputy Director
Planning and Building

ATTACHMENTS:

A. Project Plans
B. Letter from Michael Notaro, attorney for the owners of 315 14th Street
C. Arborist Report
D. CEQA Analysis

FINDINGS FOR APPROVAL:

This proposal meets the required findings under Sections 17.136.050, General Design Review Criteria and 17.134.050, General Use Permit Criteria. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type.

Section 17.136.050 (General Design Review Criteria):

A. 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:

As conditioned, the scale and design of the ground floor commercial space will extend the neighboring historic storefront pattern. The proposed 57-foot base would relate to the scale of the historic buildings in the neighborhood, including the Hotel Oakland and Hotel Harrison, both of which are across the street from the site. Dwelling units in the second to fifth stories of the Harrison Street side of the building will block views of the interior parking and provide an attractive façade. Balconies and concrete elements are positioned on the west and east elevations to give the appearance of a narrowing of the tower.

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

The proposed tower will bring additional residents to the core of downtown, which will increase the activity and improve the economy of the neighborhood. The proposed 57-foot base will relate to the scale of the historic buildings in the neighborhood, including the Hotel Oakland and Hotel Harrison, both of which are across the street from the site. As mentioned, the scale and design of the ground floor commercial space will extend the neighboring historic storefront pattern. The proposal will also increase transit ridership by placing residents within three blocks of the 14th Street BART station entrance.

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

The subject site is flat and without significant landscape. An arborist report inspected the 65-foot tall redwood tree on the neighboring property that is 80 inches from the construction site. The report stated that the tree will remain healthy if certain tree preservation methods are employed during construction. Attachment C contains the arborist report and Condition #35 requires that the tree preservation methods are employed and the applicant receive a Tree Preservation Permit from the City of Oakland.

D. 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 hill.

E. 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.

See General Plan Analysis, above.

Section 17.134.050 (General Use Permit Criteria):

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

As described in the Design Review Findings, above, the scale and design of the building will be compatible with and will not adversely affect neighboring properties in terms of scale, height, or bulk. The proposal covers the lot, which is appropriate to create an urban streetscape in a downtown location. A traffic study determined that the surrounding streets have sufficient capacity for the additional vehicle trips generated by the proposal. Finally, the density provided by the project will bring economic activity to the Central Business District and increase transit ridership.

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 circulation areas provide functional automobile, bike, and loading areas. As conditioned, the dimensions and amenities of the ground floor space will be viable for either retail or restaurant establishments. Residents of the building will have easy access to BART, AC Transit, and the "B" shuttle to Jack London Square. As described in the Design Review section, above, the project will be an attractive and well-designed building to downtown.

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.

This high density, mixed use tower will contribute to Downtown Oakland's role as a major hub of activity in the East Bay. Construction of 166 units in the center of the Bay Area and near public transit will reduce vehicle trips, air pollution, and congestion throughout the region and alleviate the area's housing shortage.

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

See General Design Review Criteria, above.

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.

See General Plan Analysis section, above.

FINDINGS

CONDITIONS OF APPROVAL

1. **Approved Use**
   Ongoing
   a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, and the plans submitted on 9/26/14, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall be required prior written approval from the Director of City Planning or designee.
   b) This action by the Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes the project described in this report.

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

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

4. **Conformance with other Requirements**
   Prior to issuance of a demolition, grading, P-job, or other construction related permit
   a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. 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 of Approval 3.
   b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not

limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

5. **Conformance to Approved Plans; Modification of Conditions or Revocation**
Ongoing
a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
c) Violation of any term, Conditions or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions 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 Conditions of Approval.

6. **Signed Copy of the Conditions**
With submittal of a demolition, grading, and building permit
A copy of the approval letter and Conditions shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

7. **Indemnification**
Ongoing
a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (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, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

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

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

9. **Severability**
Ongoing
Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions, and 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. **Job Site Plans**
Ongoing throughout demolition, grading, and/or construction
At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval, shall be available for review at the job site at all times.

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

12. **Required Landscape Plan for New Construction and Certain Additions to Residential Facilities**
Prior to issuance of a building permit
Submittal and approval of a landscape plan for the entire site is required for the establishment of a new residential unit (excluding secondary units of five hundred (500) square feet or less), and for additions to Residential Facilities of over five hundred (500) square feet. The

landscape plan and the plant materials installed pursuant to the approved plan shall conform with all provisions of Chapter 17.124 of the Oakland Planning Code, including the following:

a) Landscape plan shall include a detailed planting schedule showing the proposed location, sizes, quantities, and specific common botanical names of plant species.
b) Landscape plans for projects involving grading, rear walls on downslope lots requiring conformity with the screening requirements in Section 17.124.040, or vegetation management prescriptions in the S-11 zone, shall show proposed landscape treatments for all graded areas, rear wall treatments, and vegetation management prescriptions.
c) Landscape plan shall incorporate pest-resistant and drought-tolerant landscaping practices. Within the portions of Oakland northeast of the line formed by State Highway 13 and continued southerly by Interstate 580, south of its intersection with State Highway 13, all plant materials on submitted landscape plans shall be fire-resistant The City Planning and Zoning Division shall maintain lists of plant materials and landscaping practices considered pest-resistant, fire-resistant, and drought-tolerant.
d) All landscape plans shall show proposed methods of irrigation. The methods shall ensure adequate irrigation of all plant materials for at least one growing season.

13. Landscape Requirements for Street Frontages.

Prior to issuance of a final inspection of the building permit

a) All areas between a primary Residential Facility and abutting street lines shall be fully landscaped, plus any unpaved areas of abutting rights-of-way of improved streets or alleys, provided, however, on streets without sidewalks, an unplanted strip of land five (5) feet in width shall be provided within the right-of-way along the edge of the pavement or face of curb, whichever is applicable. Existing plant materials may be incorporated into the proposed landscaping if approved by the Director of City Planning.
b) In addition to the general landscaping requirements set forth in Chapter 17.124, a minimum of one (1) fifteen-gallon tree, or substantially equivalent landscaping consistent with city policy and as approved by the Director of City Planning, shall be provided for every twenty-five (25) feet of street frontage. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet, the trees to be provided shall include street trees to the satisfaction of the Director of Parks and Recreation.

14. Assurance of Landscaping Completion.

Prior to issuance of a final inspection of the building permit

The trees, shrubs and landscape materials required by the conditions of approval attached to this project shall be planted before the certificate of occupancy will be issued; or a bond, cash, deposit, or letter of credit, acceptable to the City, shall be provided for the planting of the required landscaping. The amount of such or a bond, cash, deposit, or letter of credit shall equal the greater of two thousand five hundred dollars ($2,500.00) or the estimated cost of the required landscaping, based on a licensed contractor's bid.

15. Landscape Requirements for Street Frontages.

Prior to issuance of a final inspection of the building permit

On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet and does not interfere with access requirements, a minimum of one (1) twenty-four (24) inch box tree shall be provided for every twenty-five (25) feet of street frontage, unless a smaller size is recommended by the City arborist. The trees to be provided shall include species acceptable to the Tree Services Division.

16. Landscape Maintenance.

Ongoing

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

17. Underground Utilities

Prior to issuance of a building permit

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

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

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

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

b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition.

c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.

d) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

19. Payment for Public Improvements

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

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

20. Compliance Matrix

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

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

21. Construction Management Plan

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

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division for review and approval a construction management plan that identifies the conditions of approval related to construction impacts of the project and explains how the project applicant will comply with these construction-related conditions of approval.

22. Parking and Transportation Demand Management

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

The applicant shall submit for review and approval by the Planning and Zoning Division a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The applicant shall implement the approved TDM plan. The TDM shall include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use. All four modes of travel shall be considered. Strategies to consider include the following:

a) Inclusion of additional bicycle parking, shower, and locker facilities that exceed the requirement
b) Construction of bike lanes per the Bicycle Master Plan; Priority Bikeway Projects
c) Signage and striping onsite to encourage bike safety
d) Installation of safety elements per the Pedestrian Master Plan (such as cross walk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient crossing at arterials
e) Installation of amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.
f) Direct transit sales or subsidized transit passes
g) Guaranteed ride home program
h) Pre-tax commuter benefits (checks)
i) On-site car-sharing program (such as City Car Share, Zip Car, etc.)

j) On-site carpooling program
k) Distribution of information concerning alternative transportation options
l) Parking spaces sold/leased separately
m) Parking management strategies; including attendant/valet parking and shared parking spaces.

23. Construction-Related Air Pollution Controls (Dust and Equipment Emissions)
Ongoing throughout demolition, grading, and/or construction
During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the Bay Area Air Quality Management District (BAAQMD):

a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
d) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
e) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
f) Limit vehicle speeds on unpaved roads to 15 miles per hour.
g) Idling times shall be minimized either by shutting equipment off when not is 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 of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.
h) 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.
i) Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required on-site signage.

24. Days/Hours of Construction Operation
Ongoing throughout demolition, grading, and/or construction
The project applicant shall require construction contractors to limit standard construction activities as follows:

a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday.
b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.
c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
    i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
    ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
e) No construction activity shall take place on Sundays or Federal holidays.
f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.
g) Applicant shall use temporary power poles instead of generators where feasible.

25. <u>Noise Control</u>
Ongoing throughout demolition, grading, and/or construction
To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures:
a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
b) Except as provided herein, Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust

by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.

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

d) 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.

26. Noise Complaint Procedures

Ongoing throughout demolition, grading, and/or construction

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

a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);

b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);

c) The designation of an on-site construction complaint and enforcement manager for the project;

d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and

e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

27. Interior Noise

Prior to issuance of a building permit and Certificate of Occupancy

If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls), and/or other appropriate features/measures, shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval prior to issuance of building permit. Final recommendations for sound-rated assemblies, and/or other appropriate features/measures, will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phases. Written confirmation by the acoustical consultant, HVAC or HERS specialist, shall be submitted for City review and approval, prior to Certificate of Occupancy (or equivalent) that:

a) Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and
b) Demonstrates compliance with interior noise standards based upon performance testing of a sample unit.
c) Inclusion of a Statement of Disclosure Notice in the CC&R's on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity and the single event noise occurrences. Potential features/measures to reduce interior noise could include, but are not limited to, the following:
   i. Installation of an alternative form of ventilation in all units identified in the acoustical analysis as not being able to meet the interior noise requirements due to adjacency to a noise generating activity, filtration of ambient make-up air in each unit and analysis of ventilation noise if ventilation is included in the recommendations by the acoustical analysis.
   ii. Prohibition of Z-duct construction.

28. Operational Noise-General

Ongoing.

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

29. Construction Traffic and Parking

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

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

a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.
d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and

Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.

e) Provision for accommodation of pedestrian flow.
f) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.
g) Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's 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 issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy.
h) Any heavy equipment brought to the construction site shall be transported by truck, where feasible.
i) No materials or equipment shall be stored on the traveled roadway at any time.
j) Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.
k) All equipment shall be equipped with mufflers.
l) Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.

30. <u>Hazards Best Management Practices</u>

Prior to commencement of demolition, grading, or construction

The project applicant and construction contractor shall ensure that construction of Best Management Practices (BMPs) are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

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

suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in 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.

31. Waste Reduction and Recycling

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

Prior to issuance of demolition, grading, or building permit

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

Ongoing

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

32. Pile Driving and Other Extreme Noise Generators

Ongoing throughout demolition, grading, and/or construction

To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. A special

inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:

a) Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;
b) 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;
c) Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
d) 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
e) Monitor the effectiveness of noise attenuation measures by taking noise measurements.

33. Lighting Plan

Prior to the issuance of an electrical or building permit

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

34. Tree Removal Permit

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

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

35. Tree Protection During Construction

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

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:

a) The applicant shall receive a Tree Protection Permit from the City of Oakland for the redwood tree located on the adjacent parcel on 14th Street.
b) All methods described by the arborist report written by Bill Owen of Arborwell Professional Tree Management contained in Attachment C shall be employed.
c) 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 City Tree

Reviewer. 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.

d) 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 City Tree Reviewer 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.

e) 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 Tree Reviewer 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 tree reviewer. 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.

f) 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.

g) 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 Agency of such damage. 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.

h) 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.

36. <u>Archaeological Resources</u>

Ongoing throughout demolition, grading, and/or construction

a) Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the

City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.

b) In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while measure for historical resources or unique archaeological resources is carried out.

c) Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure measures recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist shall recommend appropriate analysis and treatment, and shall prepare a report on the findings for submittal to the Northwest Information Center.

37. Human Remains

Ongoing throughout demolition, grading, and/or construction

In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

38. Paleontological Resources

Ongoing throughout demolition, grading, and/or construction

In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The

paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

39. Erosion and Sedimentation Control Plan

Prior to any grading activities

a) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.660 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

Ongoing throughout grading and construction activities

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

40. Vibrations Adjacent Historic Structures

Prior to issuance of a demolition, grading or building permit

The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage the nearby historic structures listed below and design means and methods of construction that shall be utilized to not exceed the thresholds.

- Hotel Menlo Group (300 – 312 and 320 13th Street)
- Golden Bridge Lofts (330 13th Street)
- Menlo Hotel (344 13th Street/1300 Webster Street)
- 1320 – 1322 Webster
- 14th and Webster Street Group: 333 - 347 14th Street & 1383 Webster and (corner Webster and 14th)

- 321 – 327 14th Street
- 315 14th Street
- The Hotel Oakland (250 – 298 13th Street)
- The Hotel Harrison (1401 – 15 Harrison Street /300□306 14th Street)
- The Harrison Apartments (1425 Harrison)
- The Hotel Coit (1425 – 1445 Harrison/301 – 315 15th Street)
- The Coit Commercial Block (1501 Harrison/300 – 318 15th Street)
- King Building Group (1261 Harrison/301 – 335 13th Street)
- 1442 Webster/340 – 14th Street
- 332 14th Street
- 328 14th Street
- 322 14th Street
- 316 14th Street
- 306 – 308 14th Street
- 286 14th Street
- 272 – 274 14th Street
- 268 14th Street
- 201 13th Street - Oakland Main Post Office & Federal Building

41. <u>Post-Construction Stormwater Management Plan</u>

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

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

a) The post-construction stormwater management plan shall include and identify the following:
   i. All proposed impervious surface on the site;
   ii. Anticipated directional flows of on-site stormwater runoff; and
   iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and
   iv. Source control measures to limit the potential for stormwater pollution;
   v. Stormwater treatment measures to remove pollutants from stormwater runoff; and
   vi. Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit.

b) The following additional information shall be submitted with the post-construction stormwater management plan:
   i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and

ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e. non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable or removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.

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

Prior to final permit inspection
The applicant shall implement the approved stormwater management plan.

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

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

43. Stormwater and Sewer
Prior to completing the final design for the project's sewer service
Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer

increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

44. Bicycle Parking

Prior to issuance of a building permit

The project applicant shall submit plans for review and approval of the Planning Department that contain the design and location of long- and short-term bike parking. At least eight short term and 42 long term parking spaces shall be provided at the site that meet the standards set forth in Chapter 17.117 of the Planning Code and the Oakland Bicycle Facility Design Guidelines at www.oaklandbikes.info/design.

45. Ground Floor Storefront and Retail Space

Prior to issuance of a building permit

a) The project applicant shall submit plans for review and approval of the Bureau of Planning containing west elevation that have a similar level of visual interest and massing as the Harrison Street elevation.

46. Ground Floor Storefront and Retail Space

Prior to issuance of a building permit

a) The project applicant shall submit plans for review and approval of the Bureau of Planning containing ground floor storefront elevations that include providing a recessed entrance, piers, and transom windows designed in a way that is both consistent with the style of the proposed building and related to the historic storefronts found on 14th Street. The plans shall include the elevations of the neighboring retail structures on 14th Street to depict the relationship between the proposed and the existing commercial facilities.
b) The project applicant shall submit plans of the ground floor commercial spaces for review and approval of the Bureau of Planning that show the plumbing, ventilation shafts to the roof, grease traps, ADA bathrooms, floor sinks, and other items required to accommodate restaurants.
c) Planter boxes shall not be located in front of the retail spaces on Harrison Street.

APPROVED BY:

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

1331 Harrison Street
Oakland, California

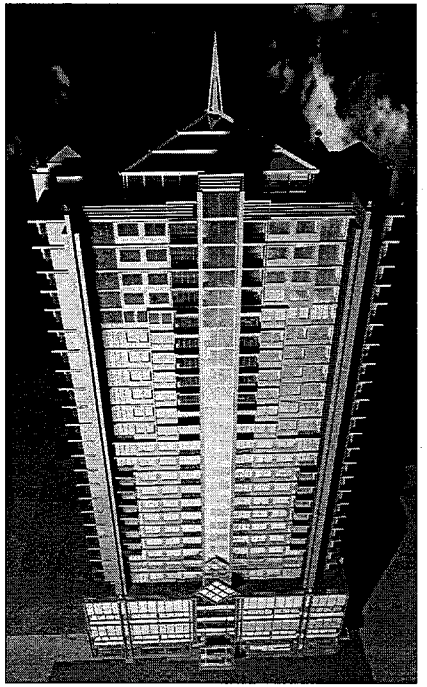
ABBREVIATIONS

A/C	AIR CONDITIONING
ADJ.	ADJUSTABLE
A.F.F.	ABOVE FINISHED FLOOR
ALUM	ALUMINUM
ALT.	ALTERNATE
A.C.T.	ACCOUSTIC CEILING TILES
CL	CENTER LINE
C.G.	CORNER GUARD
C.M.U.	CONCRETE MASONRY UNIT
C.T.	CERAMIC TILE
CTR	COUNTER
DET	DETAIL
DIA.	DIAMETER
DIM.	DIMENSION
DN.	DOWN
DWG.	DRAWING
DC	DOWN SPOUT
EL.	ELEVATION
ELEC.	ELECTRICAL
EQ.	EQUAL
EQUIP.	EQUIPMENT
EXP.	EXPANSION
EXT.	EXTERIOR
F.D.	FLOOR DRAIN
FIN.	FINISH
FL.	FLOOR
FLASH.	FLASHING
FLUOR.	FLUORESCENT
F.F.F.	FACE OF FINISH
F.F.S.	FACE OF STUD
FT/FT.	FOOT/FOOT
FURR.	FURRING
GA.	GAGE
GALV.	GALVANIZED
G.C.	GENERAL CONTRACTOR
G.F.	GLASS
GR.	GRADE
GYP.BD.	GYPSUM BOARD
H.B.	HOSE BIB
H.C.	HOLLOW CORE
HDWR.	HARDWARE
HGT.	HEIGHT
H.M.	HOLLOW METAL
H.P.	HIGH POINT
H.R.	HOSE
H.W.	HOT WATER
INSUL.	INSULATION
INT.	INTERIOR
JT.	JOINT
L.P.	LOW POINT
MAX.	MAXIMUM
M.C.	MEDICINE CABINET
M.D.	MOTION DETECTOR
MECH.	MECHANICAL
MIN.	MINIMUM
MTD.	MOUNTED
MTL.	METAL
N.I.C.	NOT IN CONTRACT
NO.	NUMBER
N.T.S.	NOT TO SCALE
OC.	ON CENTER
OFF.	OFFICE
OPNG.	OPENING
OPP.	OPPOSITE
O.T.S.	OVEN TO SOLOW
PR.	PAIR
P.LAM	PLASTIC LAMINATE
PTD.	PAINTED
PLYWD.	PLYWOOD
P.O.	PRIVATE OFFICE
R	RISER
RD.	ROOF DRAIN
RQD.	REQUIRED
RM.	ROOM
R.O.	ROUGH OPENING
S.C.	SOLID CORE
STOR.	STORAGE
SHT.	SHEET
SIM.	SIMILAR
STRL.	STRUCTURAL
T	TREAD
T&G	TONGUE AND GROOVE
TEL.	TELEPHONE
T.O.	TOP OF
T.O.S.	TOP OF SLAB
TYP.	TYPICAL
U.N.	UNLESS OTHERWISE NOTED
V.I.F.	VERIFY IN FIELD
W.	WIDE
W/D	WASHER/DRYER
W.P.	WATERPROOF

LEGEND

- STUD WALL (INSULATED)
- STUD WALL (UNINSULATED)
- CONCRETE WALL
- CONCRETE BLOCK WALL
- SHEAR WALL
- TIE DOWN
- SECTION OR ELEVATION SHEET NUMBER
- DETAIL SHEET NUMBER
- WINDOW TYPE
- DOOR TYPE
- ROOM NUMBER
- PROPERTY LINE
- DRAIN W/ SLOPING DIRECTION ARROW
- INCANDESCENT FIXTURE/PENDANT
- INCANDESCENT TRACK LIGHTING
- VANITY INCANDESCENT TRACK LIGHTING
- CEILING SURFACE LIGHT FIXTURE
- WALL LIGHT FIXTURE
- SINGLE FLOURESCENT FIXTURE, SURFACE MOUNTED
- JUNCTION BOX
- SMOKE DETECTOR
- EXIT LIGHT AND OUTLET BOX
- SINGLE RECEPTACLE OUTLET, 120V
- DOUBLE RECEPTACLE OUTLET, 120 V
- QUADRUPLEX RECEPTACLE OUTLET, 120V
- 120 V GFCI
- 240 V OUTLET
- DUPLEX SPECIAL PURPOSE OUTLET
- SPECIAL PURPOSE CONNECTION
- SINGLE POLE SWITCH
- DOUBLE POLE SWITCH
- THREE-WAY SWITCH
- FOUR-WAY SWITCH
- DIMMER SWITCH
- OCCUPANCY SENSOR
- SWITCH WITH SINGLE RECEPTACLE
- SWITCH WITH DOUBLE RECEPTACLE
- TELEVISION OUTLET
- TELEPHONE OUTLET
- CABLE OUTLET
- HAND-PULL FIRE ALARM
- ALARM HORN
- EMERGENCY LIGHT
- COLD AIR RETURN
- HEATING DUCT REGISTER

SHEET INDEX



PROJECT TEAM

ARCHITECT

GHIAI ARCHITECTS
YVES GHIAI
1443 GREEN STREET
SAN FRANCISCO, CA 94109
415-775-2100

DEVELOPER

KANSAI DEVELOPMENT
PETER IWATE
435 PACIFIC AVENUE
SAN FRANCISCO, CA 94133
415-394-7555

ENGINEER

To Be determined

PROJECT DATA:

Residential:
12 Loft Units @1040 sq. ft. Total: 12,480 sq. ft.
154 Condo Units Total: 207,994 sq. ft.
166 Total Residential Units Total: 220,474 sq. ft.

Commercial:
6 Retail/Commercial Total: 3,700 sq. ft.

Total Commercial+Residential+Common areas Total: 224,174 sq. ft.

Parking:
3 Levels of Underground Parking + 4 Levels of Above Ground Parking
17 Internediate
78 Standard
77 Compact
Total: 171 parking spaces

Bicycle Area: Total: 44 bicycle parking

Construction:
27 floors above ground
(1 floor of commercial + 4 floors of lofts + 22 floors of condos)

Total Common Area: 40,994 sq. ft.
Common Area per unit: 246 sq. ft.
APN#: 002-0065-006-001

	PROPOSED	ALLOWED
FLOOR AREA RATIO (F.A.R.)	18	20
DENSITY BULK	75%	75%
MAX LOT COVERAGE	100%	100%

GHIAI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 2100
Yves GHIAI, AIA , Lic.023874

Kansai Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California

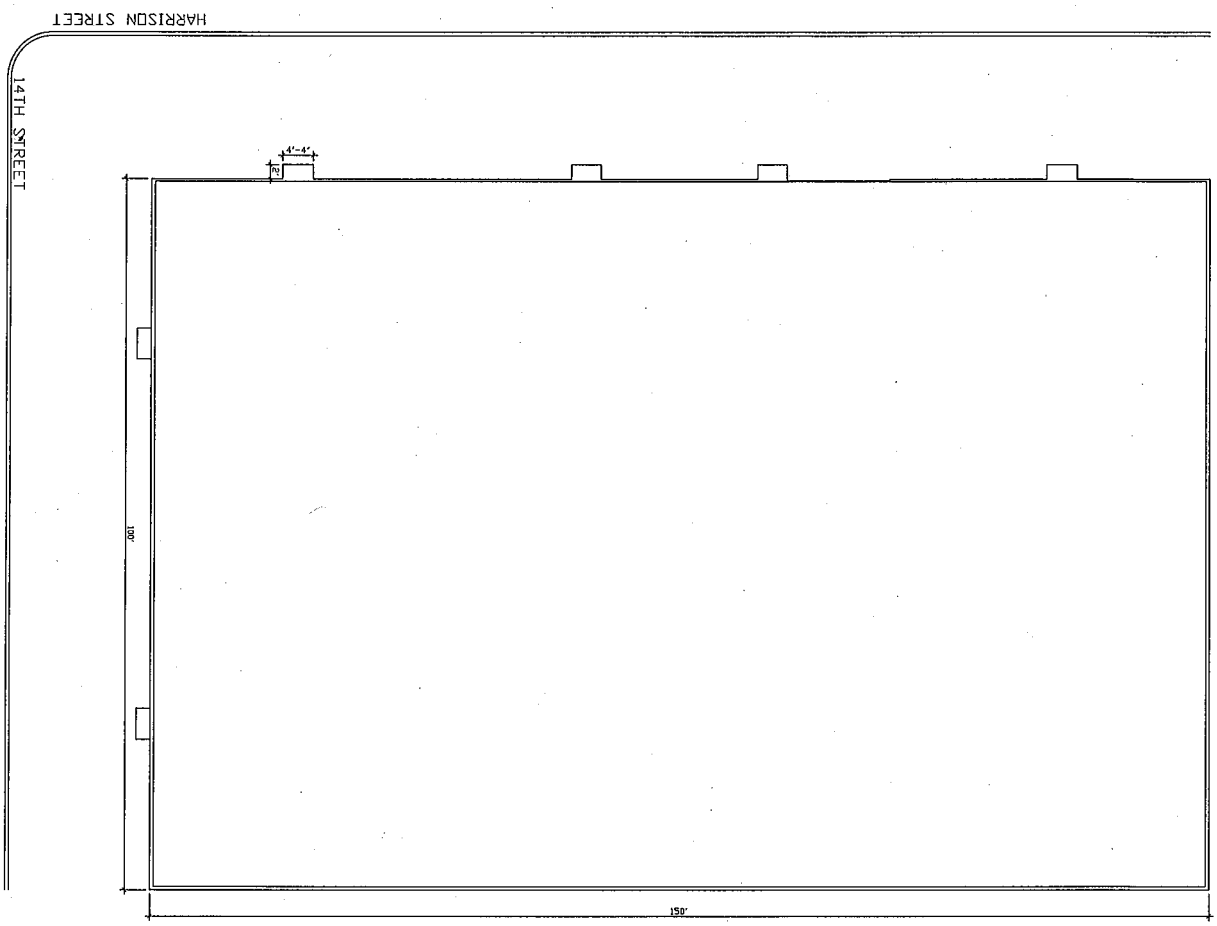
Cover Sheet

Scale: N/A

Date: 9/22/2014

Sheet: A1.0

ATTACHMENT A



Site Plan - Ground Floor

Scale: 1/8"=1'-0"

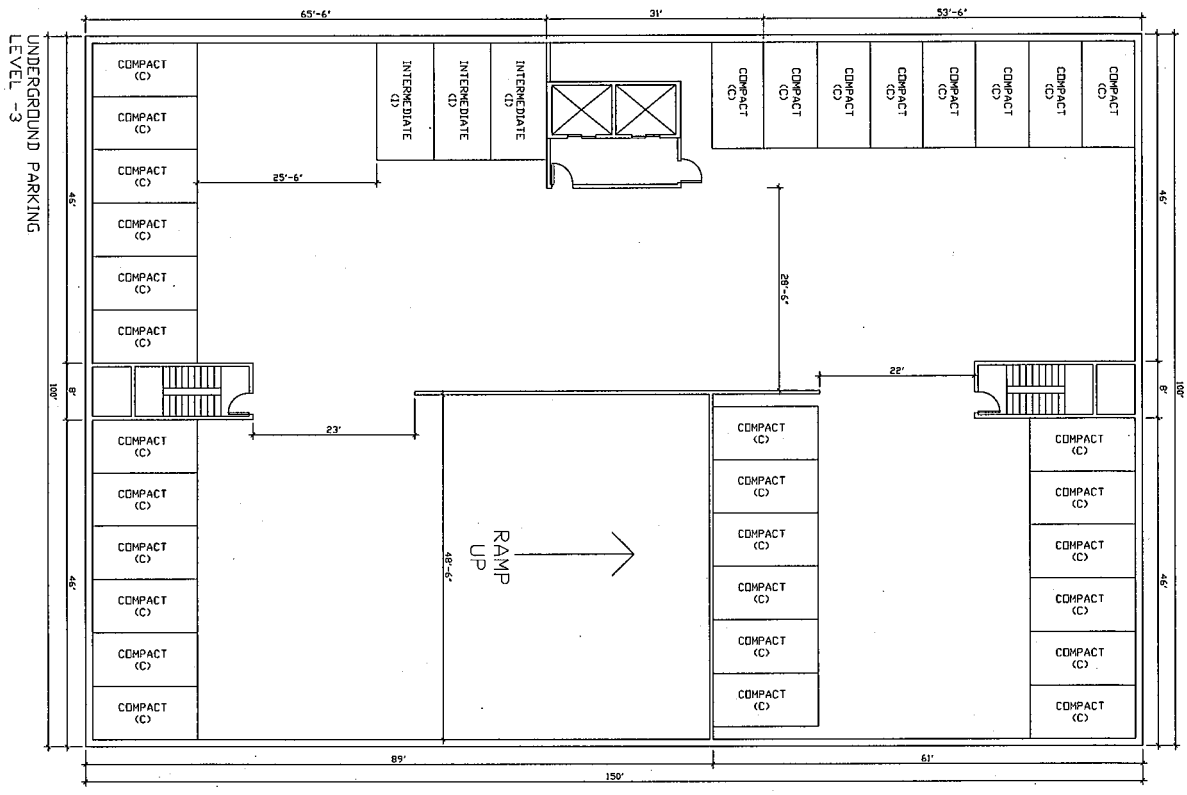
Date: 9/24/2014

Sheet: A1.1

GHIAI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 2100
Yves GHIAI, AIA . Lic.023874

Kansai Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California



Floor Plan
Underground Parking Levels -3

Sheet A1.2

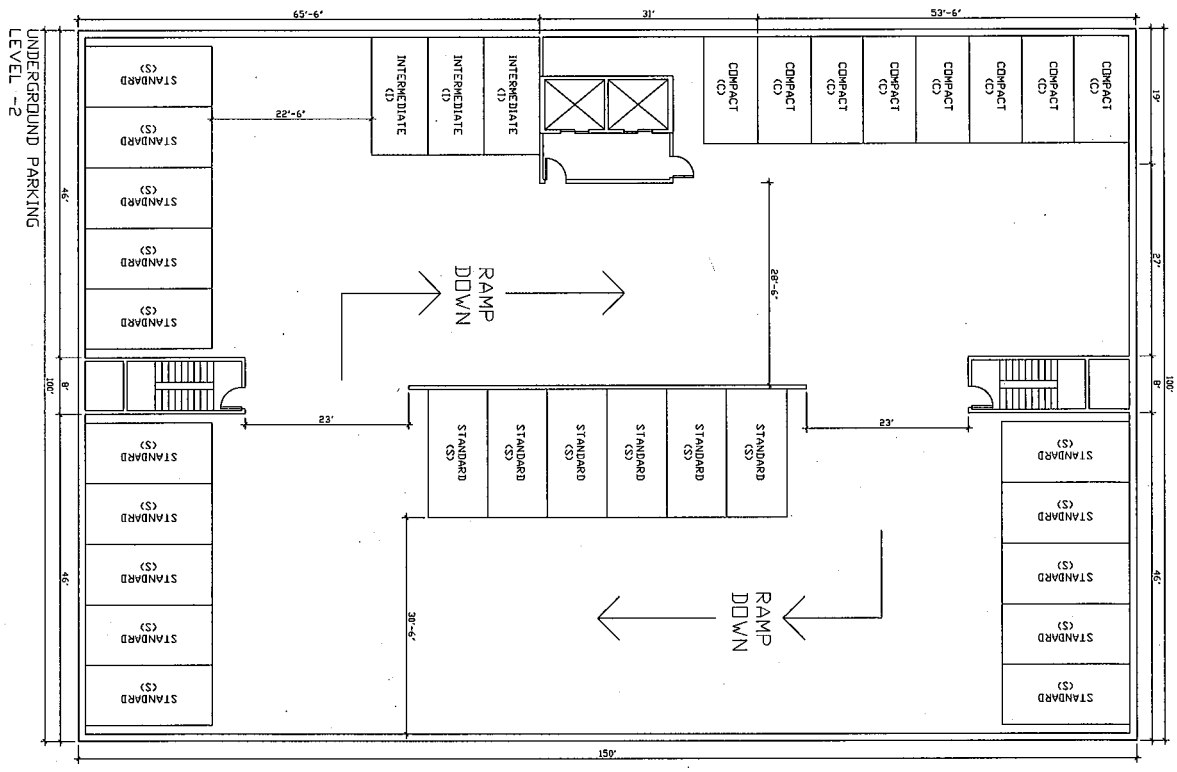
Scale 1/8"=1'-0"

Date 9/22/2014

GHIAI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 9100
Yves GHIAI, AIA , Lic.023874

Kansai Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California



Floor Plan
Underground Parking Levels -2

Scale: 1/8"=1'-0"

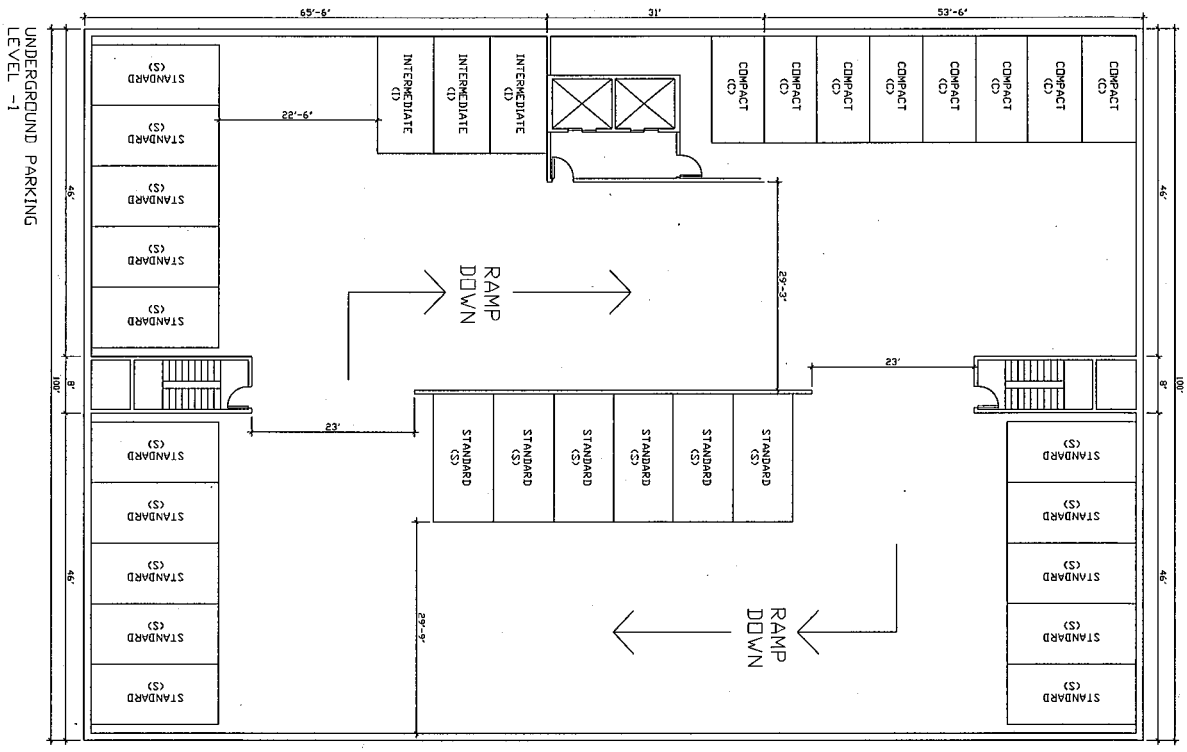
Date: 9/22/2014

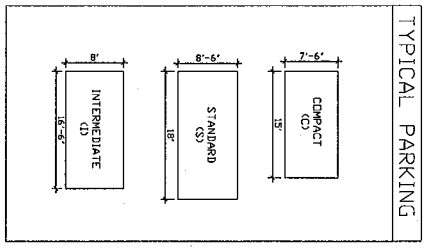
Sheet A1.3

GHIAI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 2100
Yves GHIAI, AIA . Lic.025874

Kansal Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California





Floor Plan
Underground Parking Level -1

GHIAI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 2100
Yves GHIAI, AIA , Lic.023874

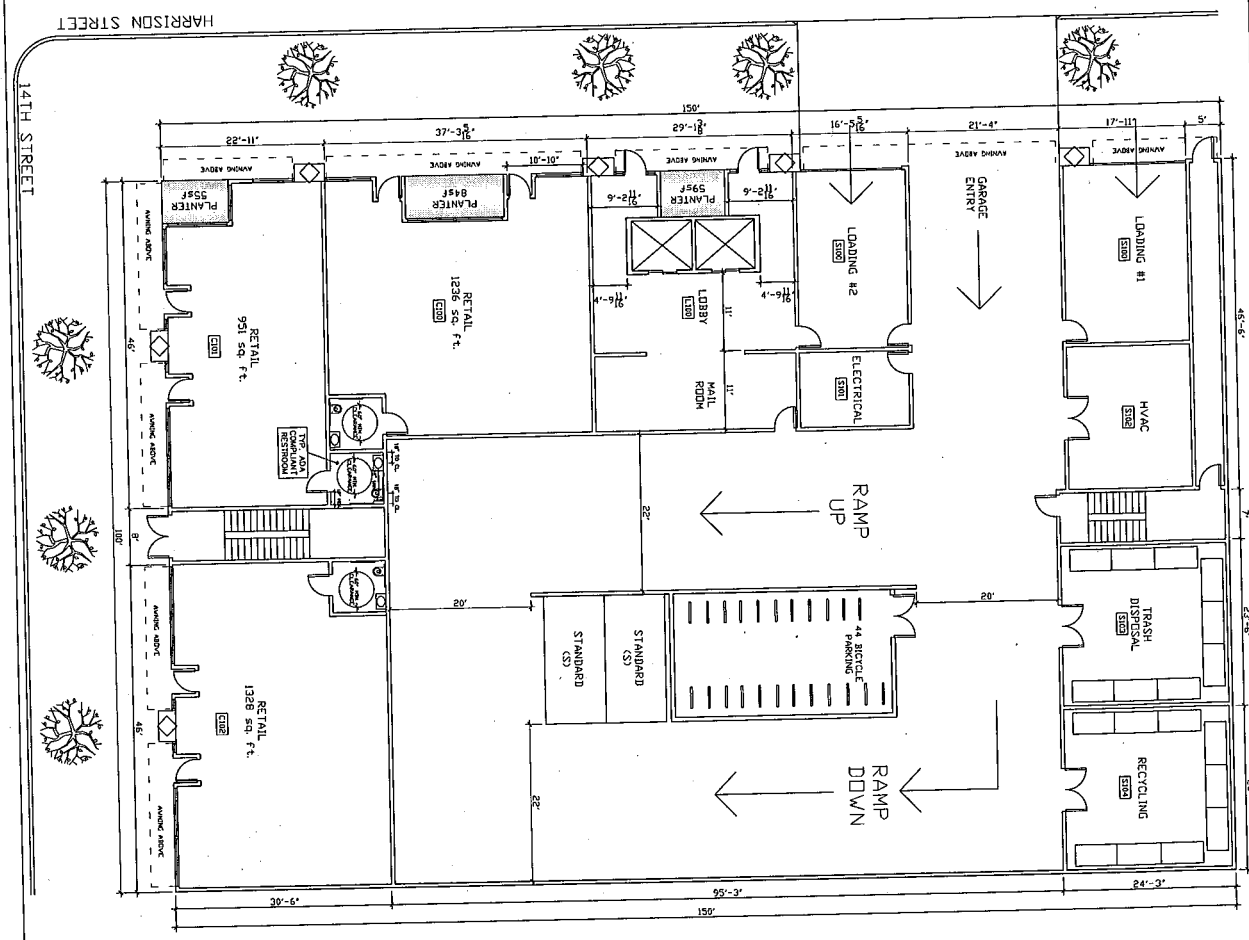
Kansai Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California

Scale: 1/8"=1'-0"

Date: 9/22/2014

Sheet: A1.4



Site Plan - Ground Floor

Scale: 1/8"=1'-0"

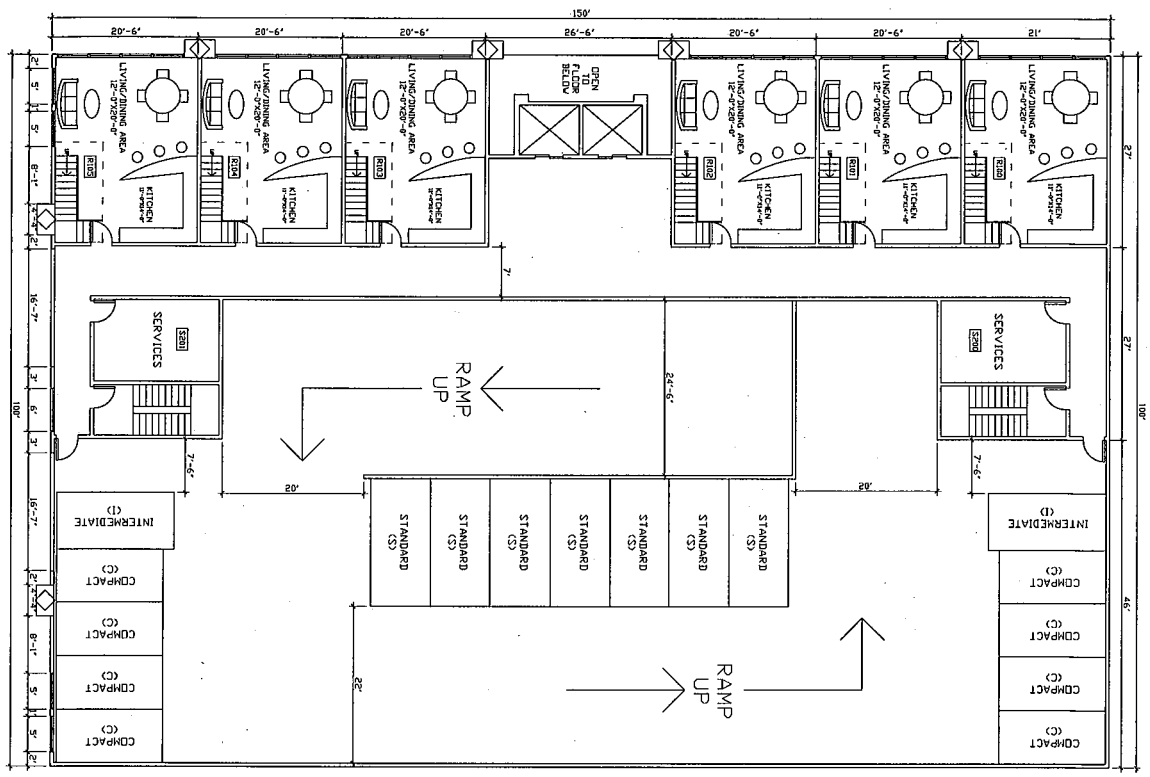
Date: 9/22/2014

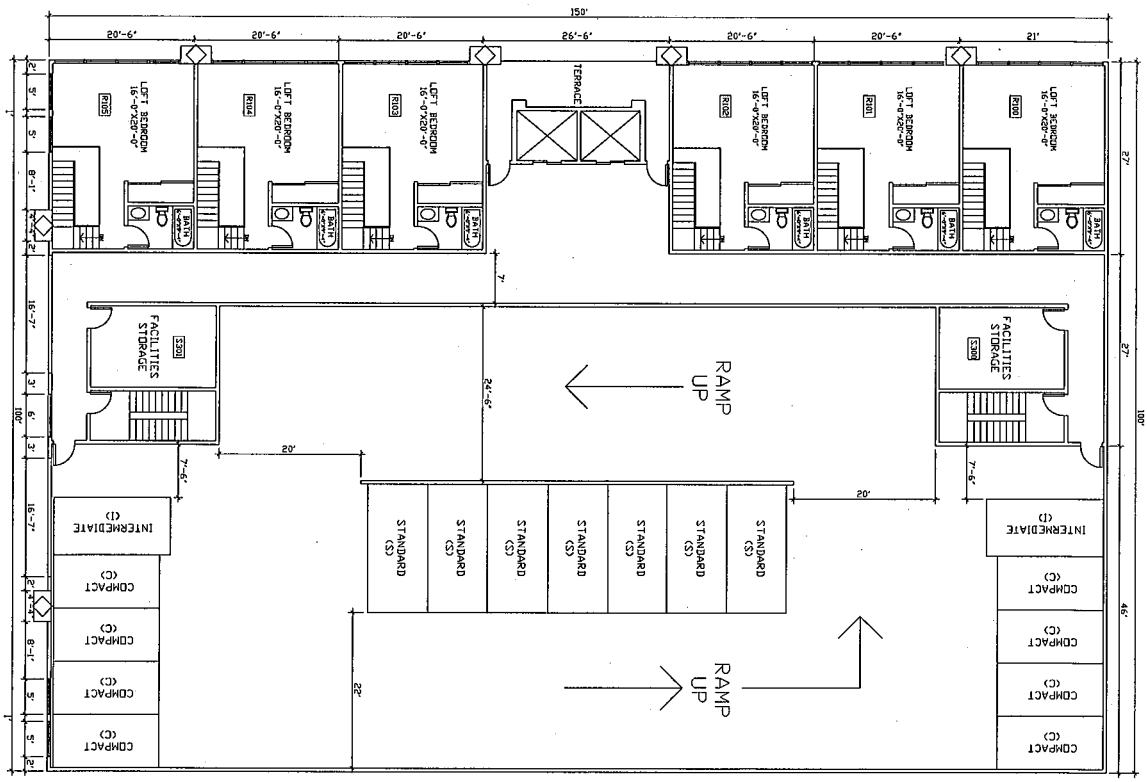
Sheet: A1.5

GHIAI DEVELOPMENT CORPORATION
1443 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 2100
Yves GHIAI, AIA , Lic.023874

Kansai Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California





Floor Plan
Level 2 & 3

Scale: 1/8" = 1'-0"

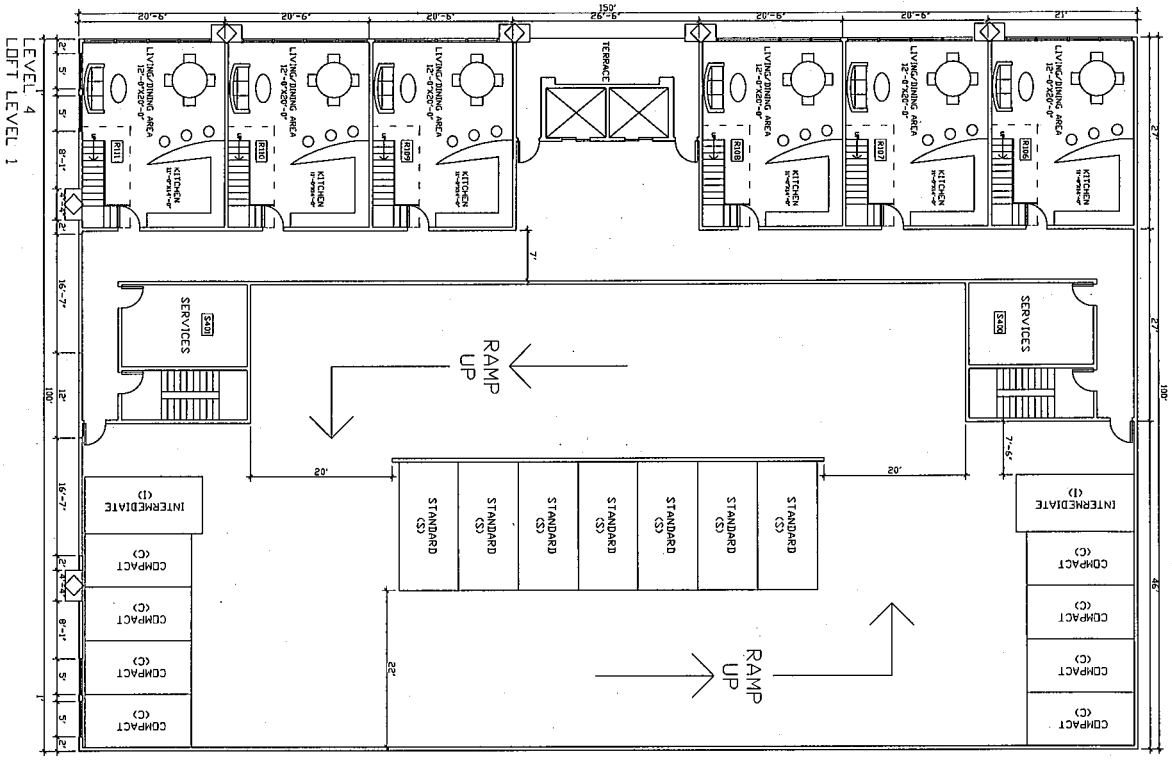
Date: 9/22/2014

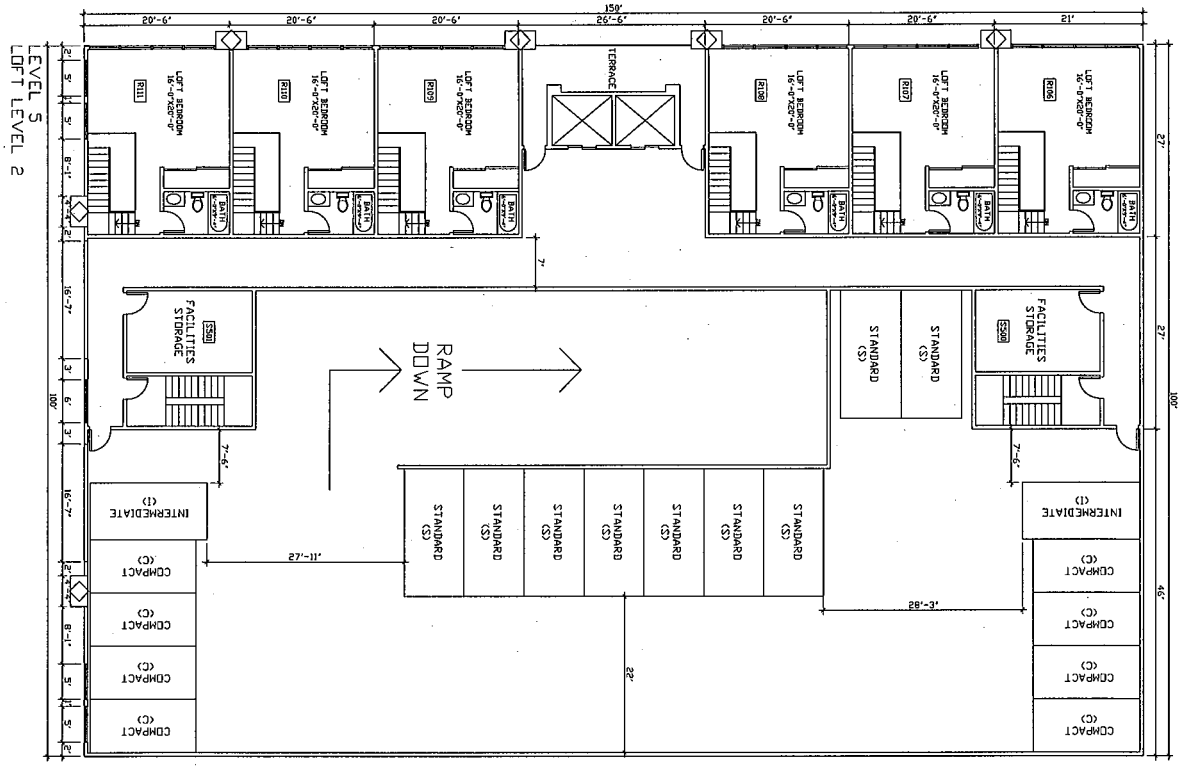
Sheet: A1.6

GHIAI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 2100
Yves GHIAI, AIA . Lic.023874

Kansai Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California





Floor Plan
Level 4 & 5

Scale: 1/8" = 1'-0"

Date: 9/22/2014

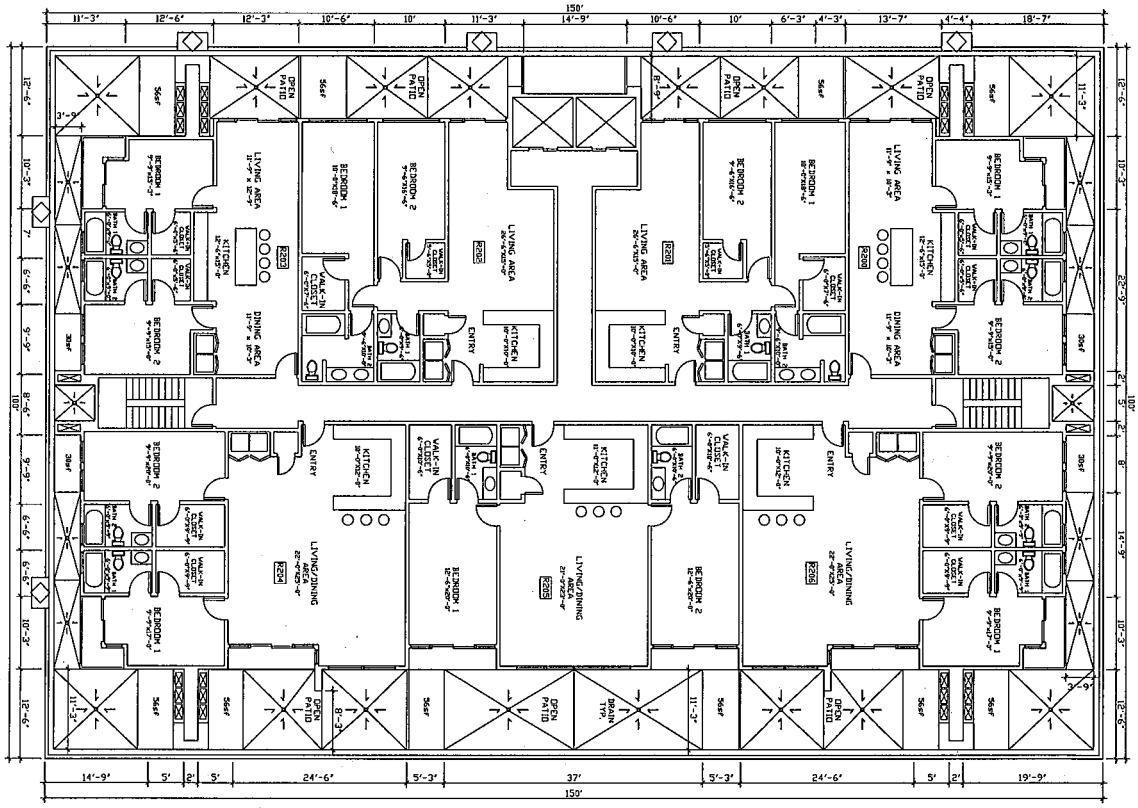
Sheet: A1.7

GHINI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 9100
Yves GHINI, AIA , Lic.023874

Kansai Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California

LEVEL 6



Floor Plan
Level 6

Scale 1/8" = 1'-0"
Date 9/22/2014

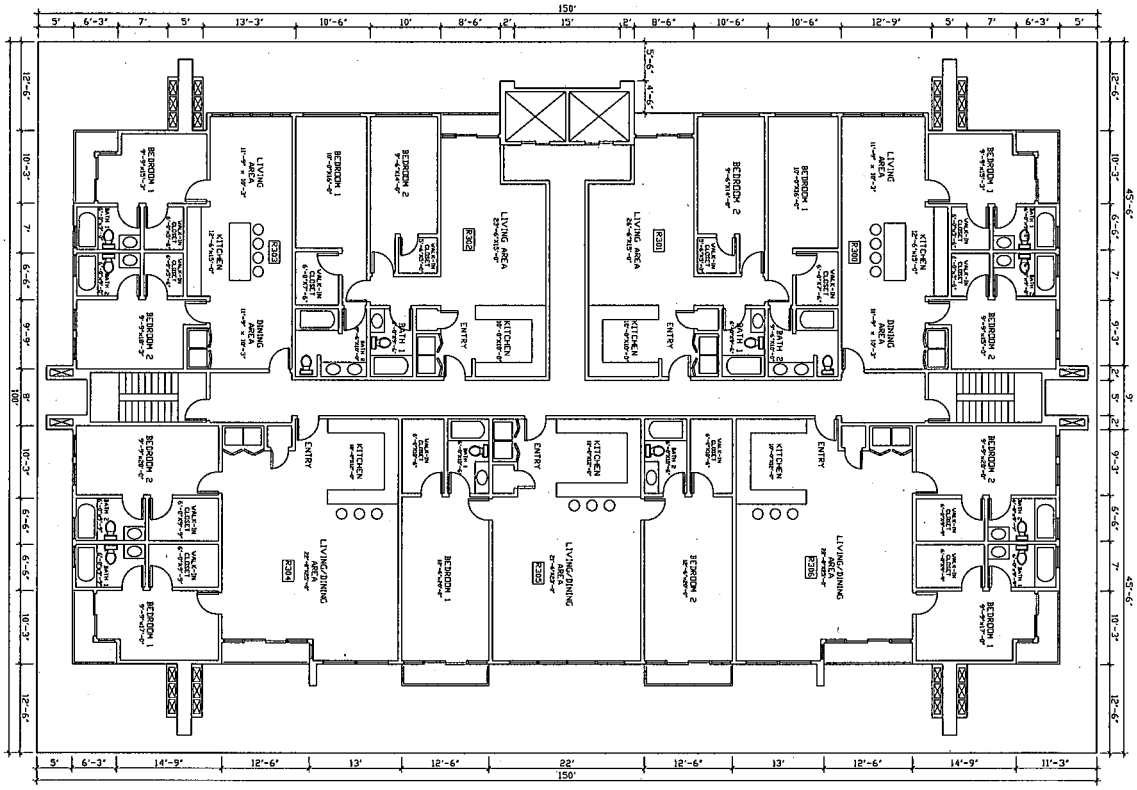
Sheet A1.8

GHIAI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 2100
Yves GHIAI, AIA . Lic.023674

Kansai Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California

LEVEL 7-8



Floor Plan
Level 7-8

Scale: 1/8" = 1'-0"

Date: 9/22/2014

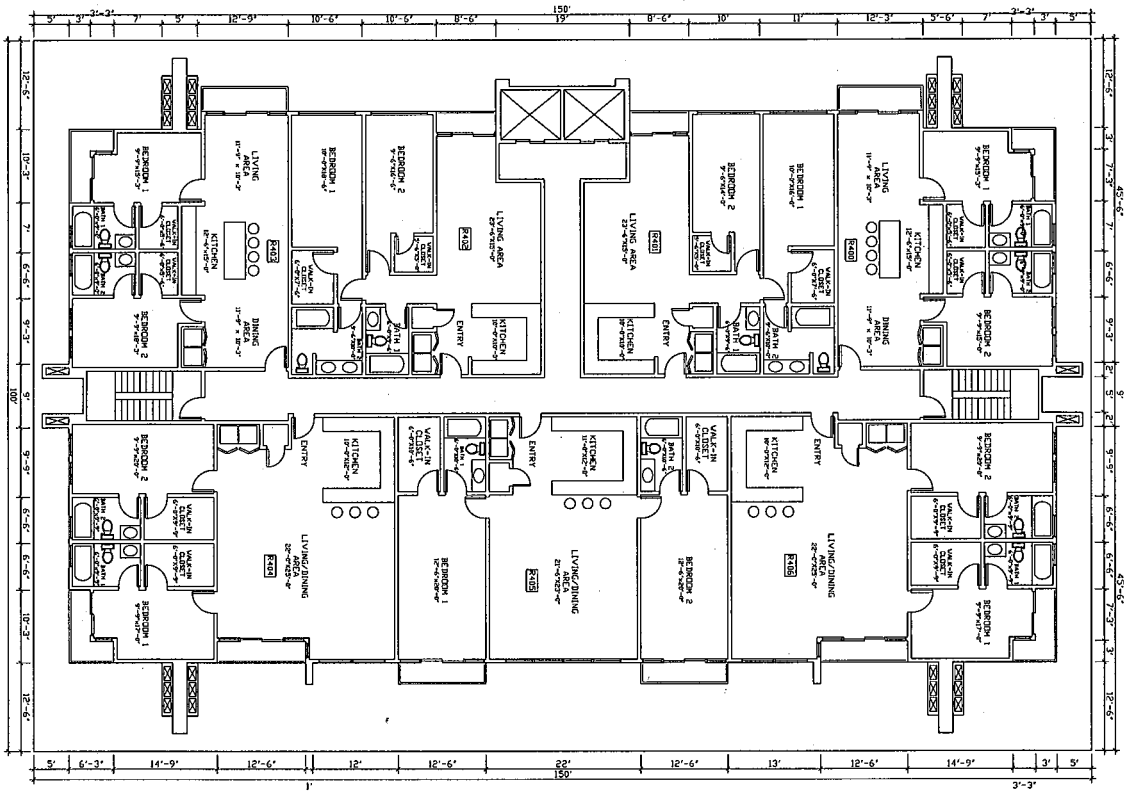
Sheet: A1.9

GHIAI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 2100
Yves GHIAI, AIA , Lic.023874

Kansal Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California

LEVEL 9-14



Floor Plan
Level 9-14

Sheet A1.10

Scale: 1/8" = 1'-0"

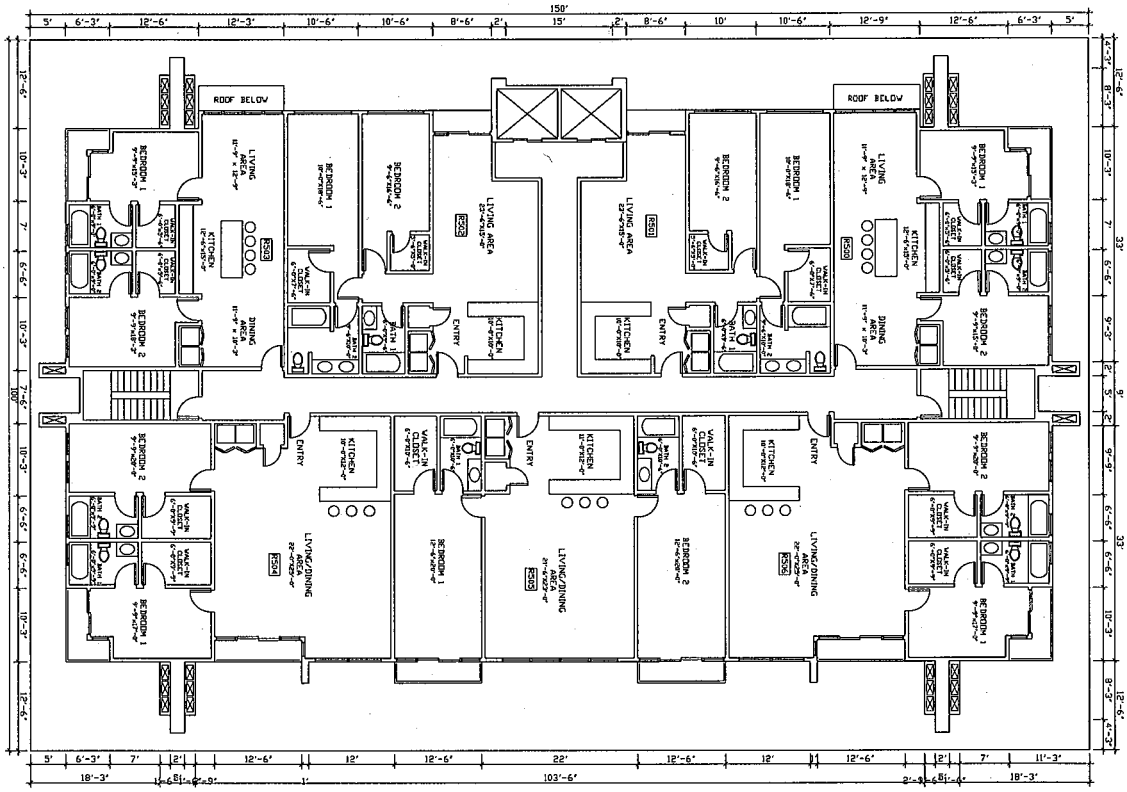
Date: 9/22/2014

GHINI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 9100
Yves GHINI, AIA , Lic.023874

Kansal Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California

LEVEL 15



Floor Plan
Level 15

Scale: 1/8" = 1'-0"

Date 9/22/2014

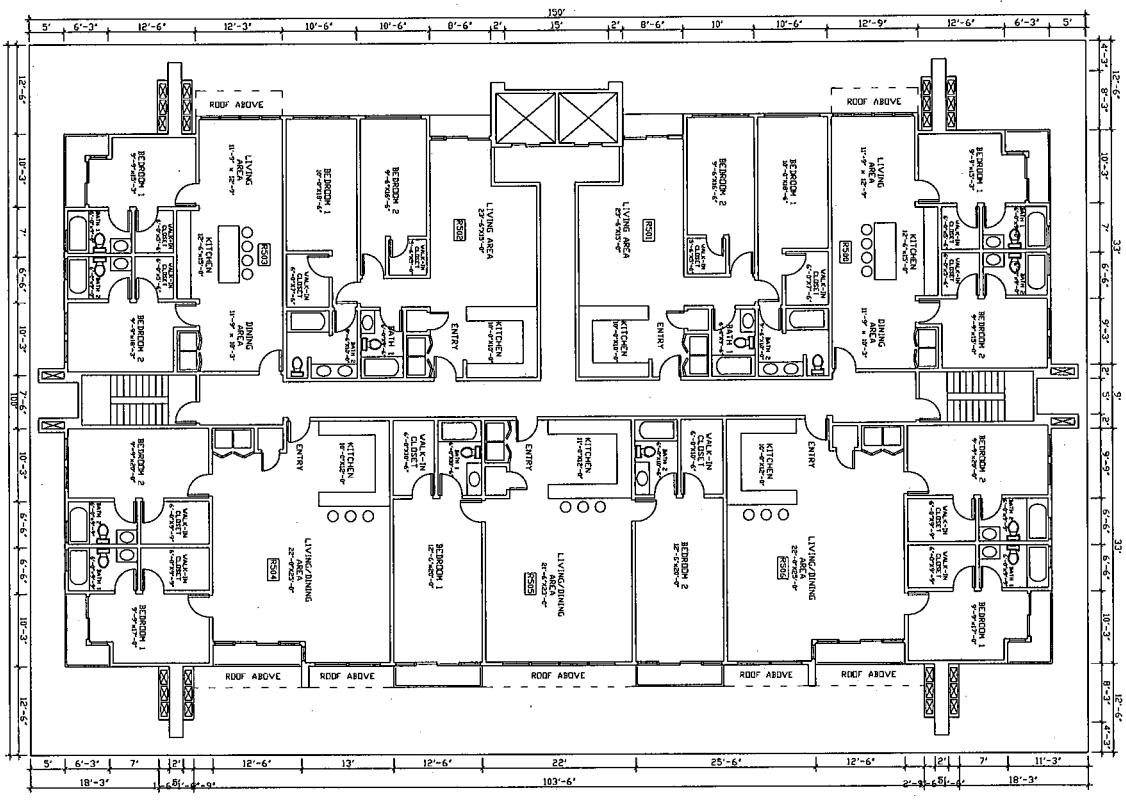
Sheet A1.11

GHINI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 2100
Yves GHINI, AIA , Lic.023874

Kansai Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California

LEVEL 16



Floor Plan
Level 16

Scale: 1/8" = 1'-0"

Date: 9/22/2014

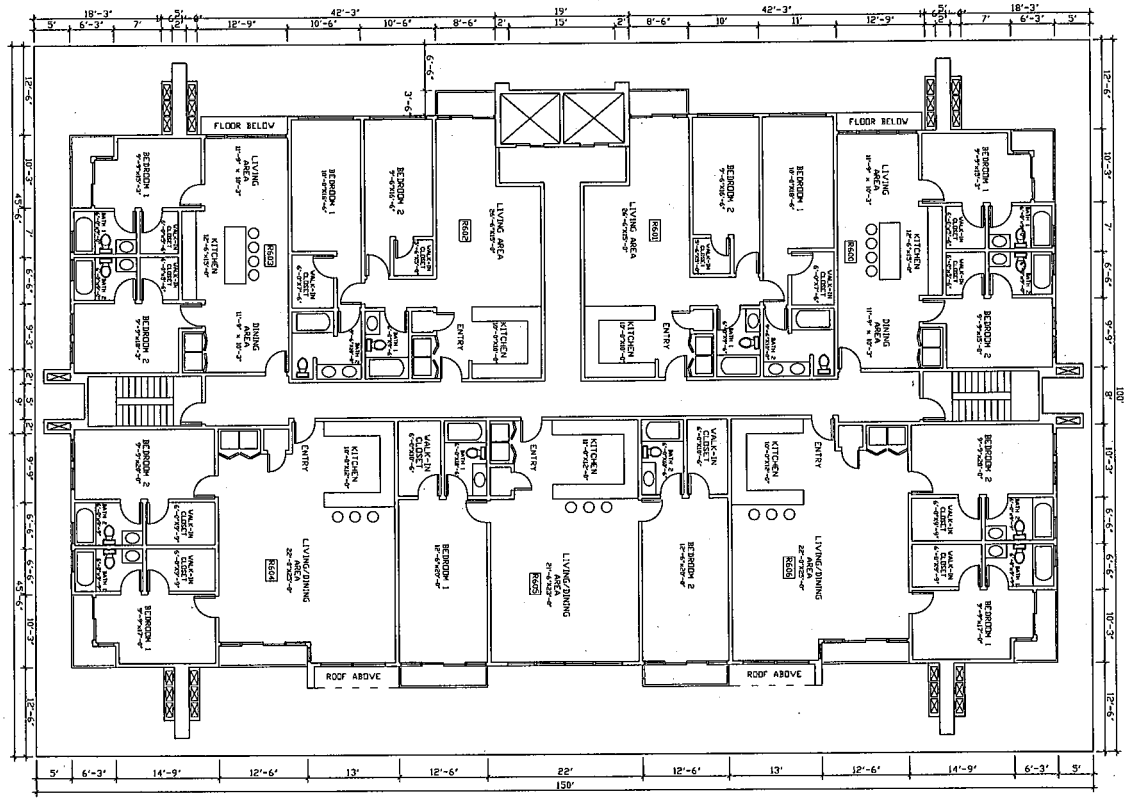
Sheet: A1.12

GHIAI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 2100
Yves GHIAI, AIA . Lic.023874

Kansai Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California

LEVEL 17-22



Floor Plan
Level 17-22

GHINI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 2100
Yves GHINI, AIA . Lic.023874

Kansal Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

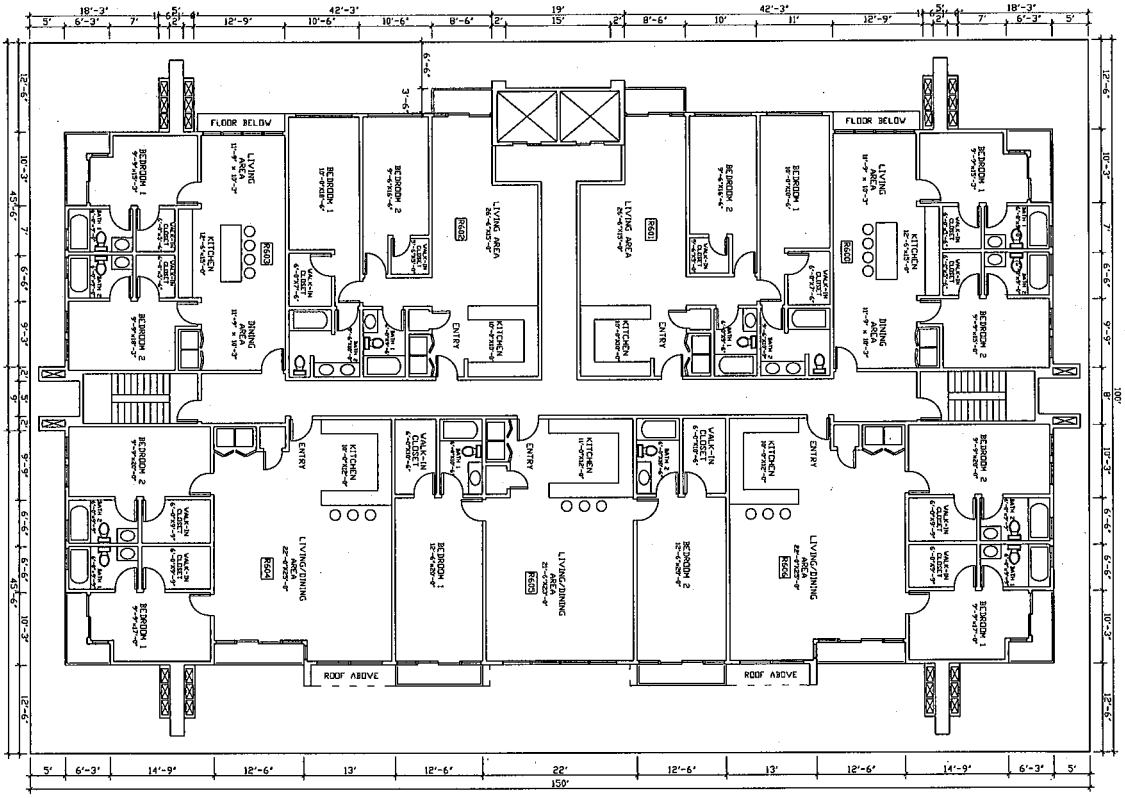
1331 Harrison Street
Oakland, California

Scale: 1/8" = 1'-0"

Date: 9/22/2014

Sheet A1.13

LEVEL 23



Floor Plan
Level 23

Scale: 1/8" = 1'-0"

Date: 9/22/2014

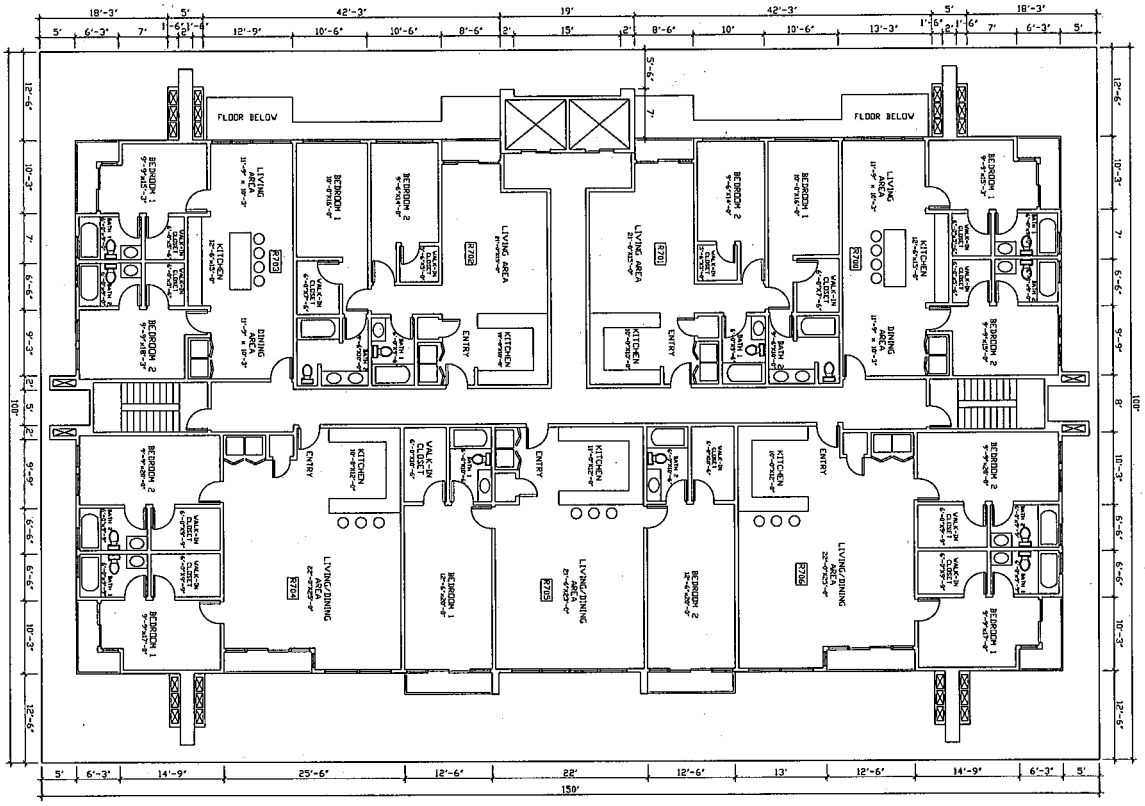
Sheet A1.14

GHINI DEVELOPMENT CORPORATION
1443 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 2100
Yves GHINI, AIA , Lic.023874

Kansai Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California

LEVEL 24-27



Floor Plan
Level 24-27

GHIAI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 2100
Yves GHIAI, AIA , Lic.023874

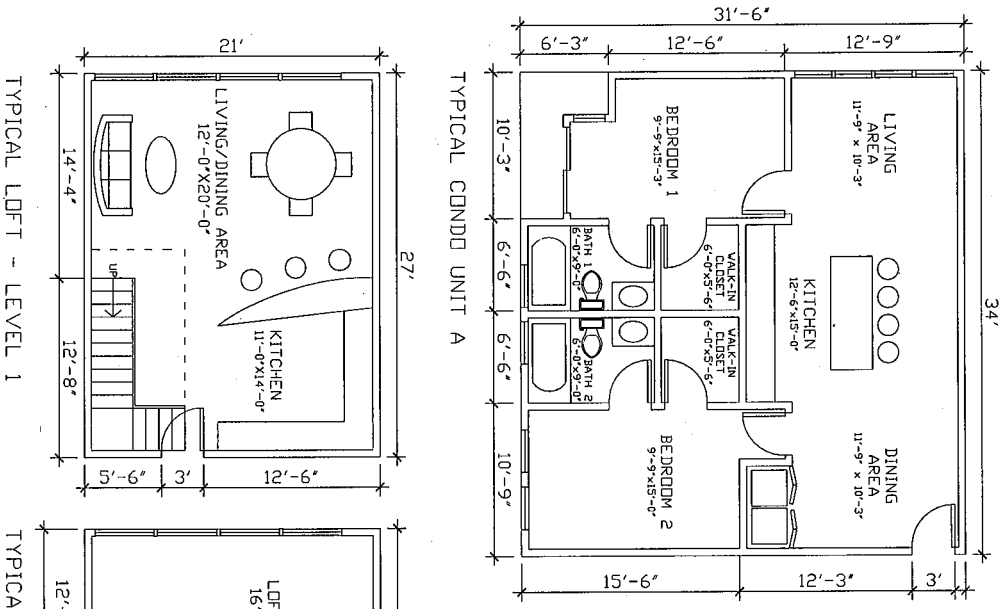
Kansal Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

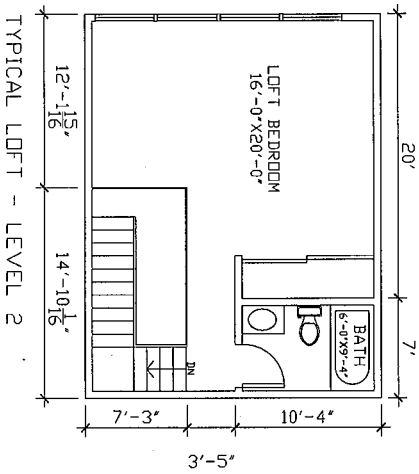
1331 Harrison Street
Oakland, California

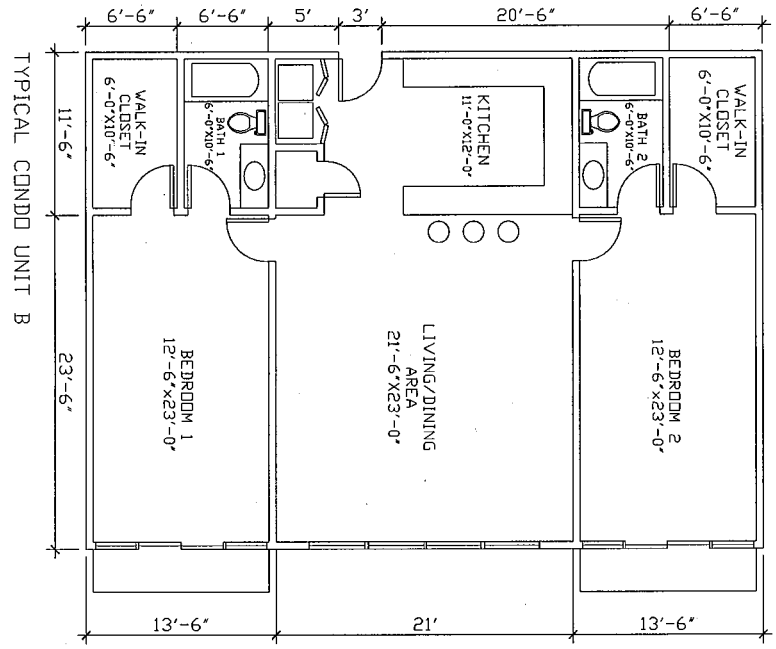
Scale: 1/8" = 1'-0"

Date: 9/22/2014

Sheet: A1.15







Typical Floor Plans
Enlarged

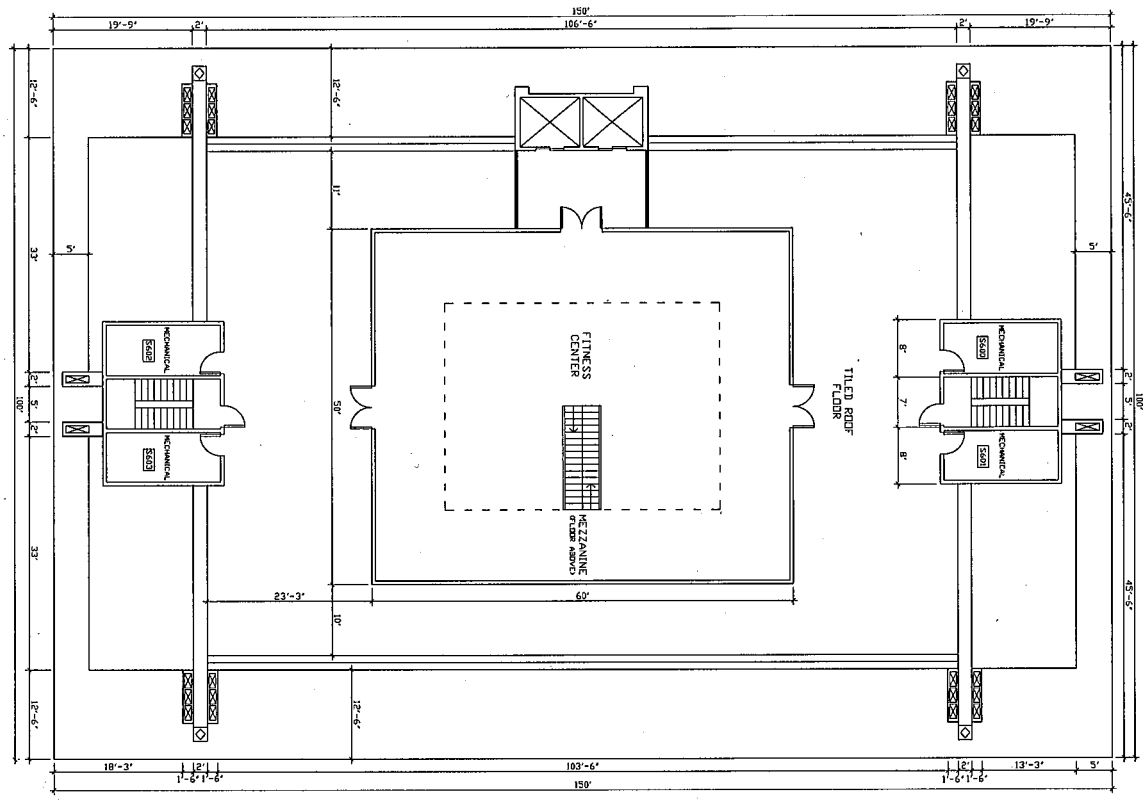
GHIAI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 2100
Yves GHIAI, AIA , Lic.023874

Kansai Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California

Scale: 1/4" = 1'-0"
Date 9/22/2015
Sheet A1.16

ROOFTOP PLAN



Rooftop Plan

Scale: 1/8" = 1'-0"

Date: 9/22/2014

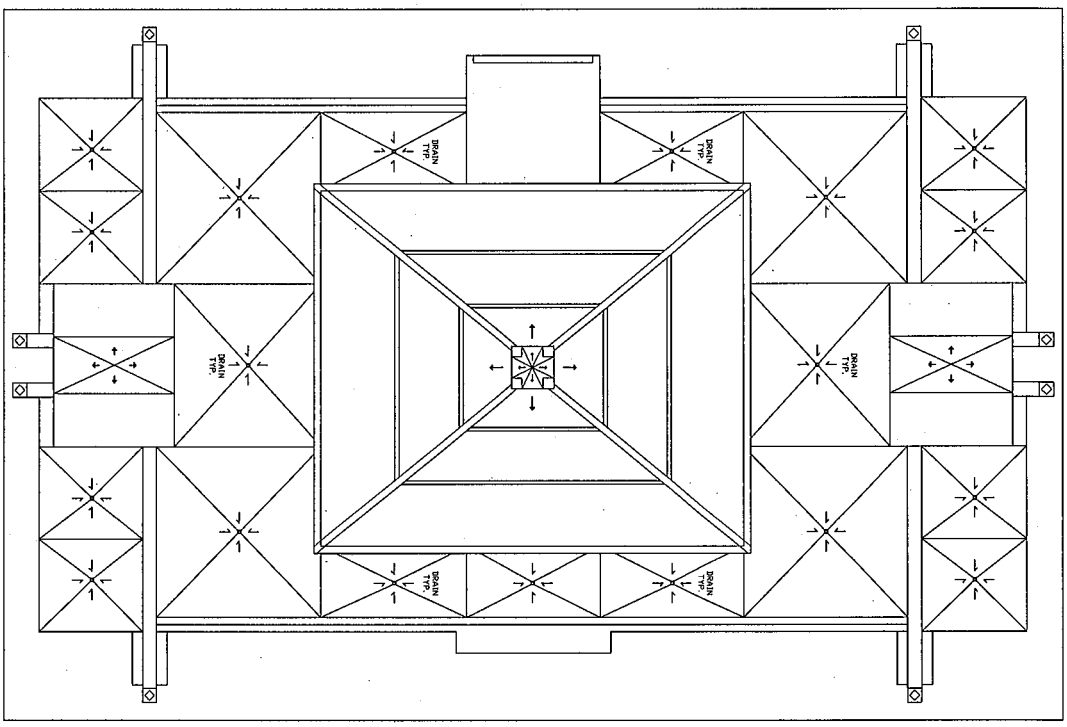
Sheet A1.17

GHIAI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 2100
Yves GHIAI, AIA , Lic.023874

Kansai Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California

ROOF PLAN



Roof Plan

GHIAI DEVELOPMENT CORPORATION
1443 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 2100
Yves GHIAI, AIA , Lic.023874

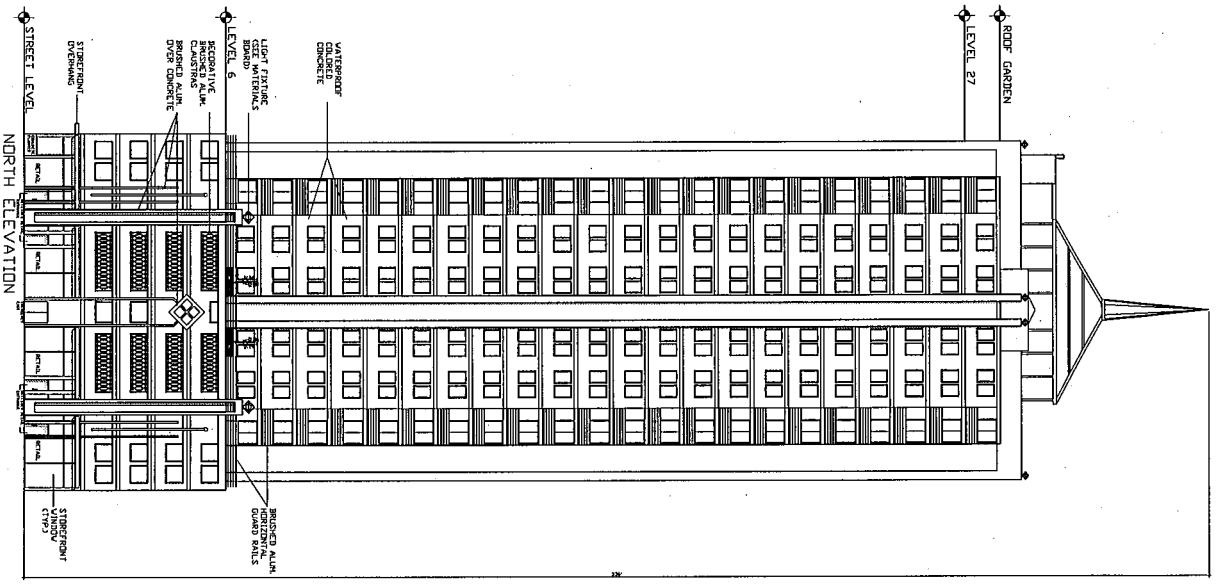
Kansai Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

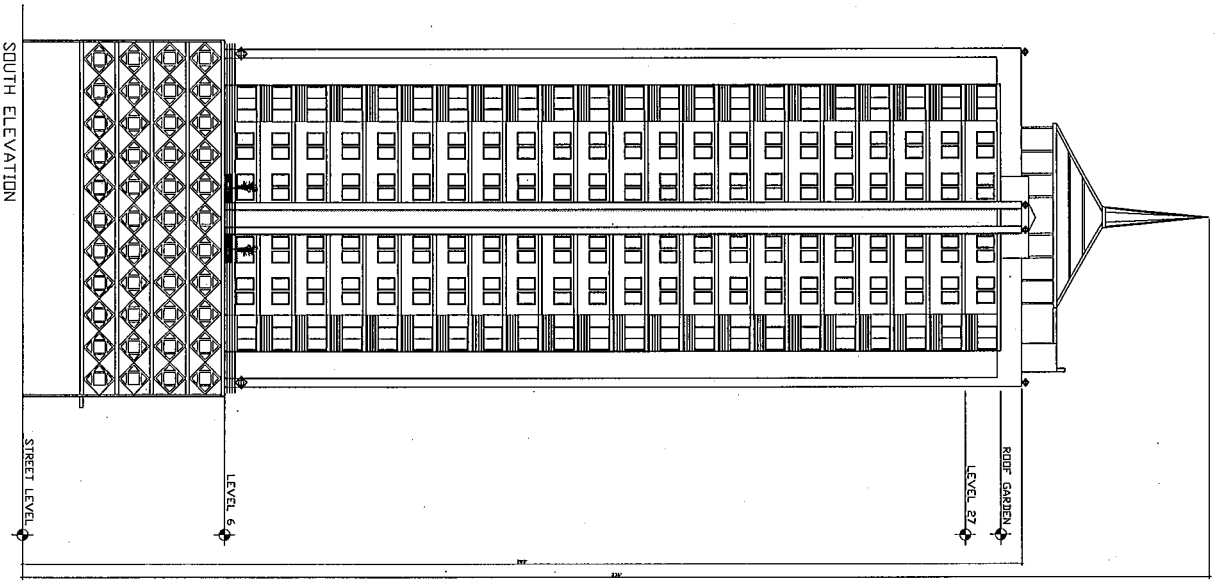
1331 Harrison Street
Oakland, California

Scale: 1/8" = 1'-0"

Date: 9/22/2014

Sheet: A1.18





Exterior
Elevations
North/South

Scale: 1/16" = 1'-0"

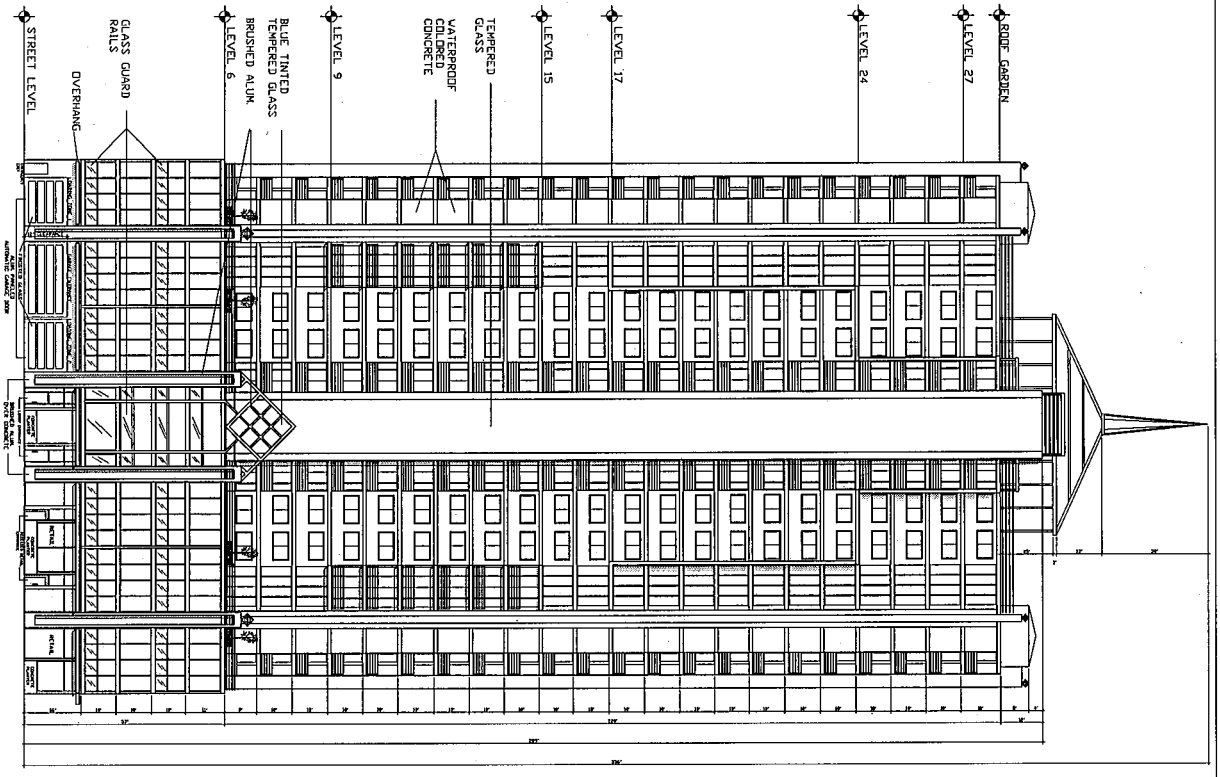
Date: 9/22/2014

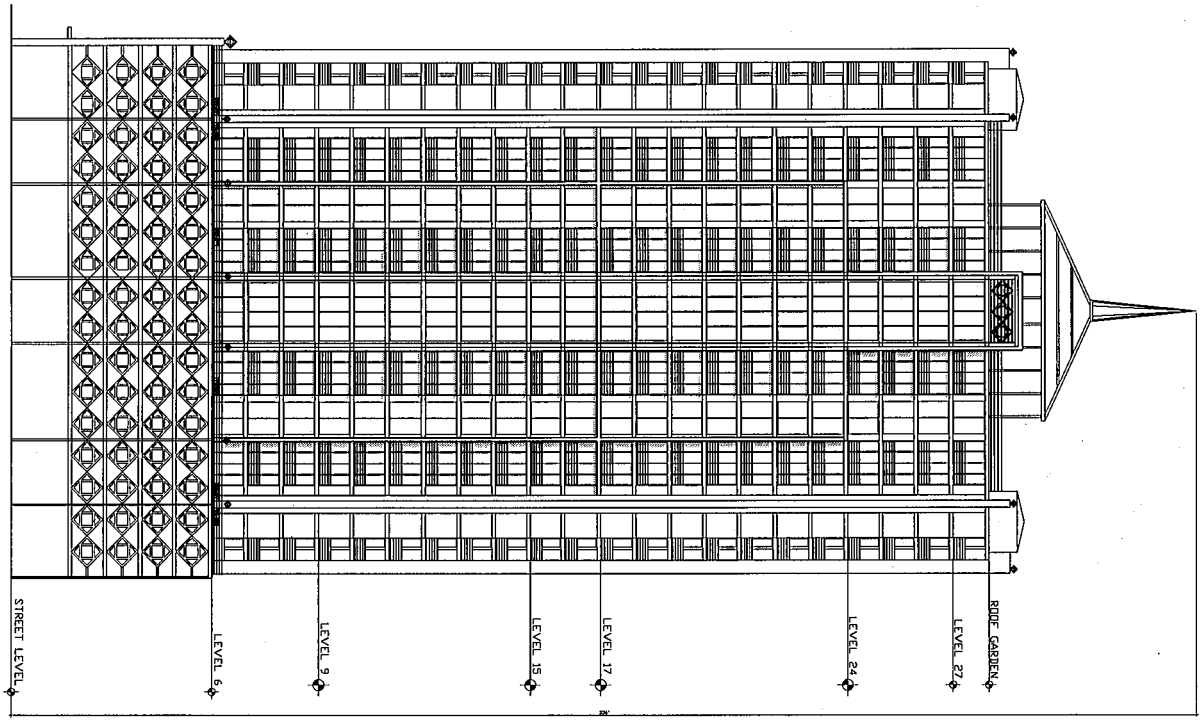
Sheet A2.1

GHINI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 2100
Yves GHINI, AIA , Lic.023874

Kansai Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California





Exterior
Elevations
East/West

Scale: 1/16" = 1'-0"

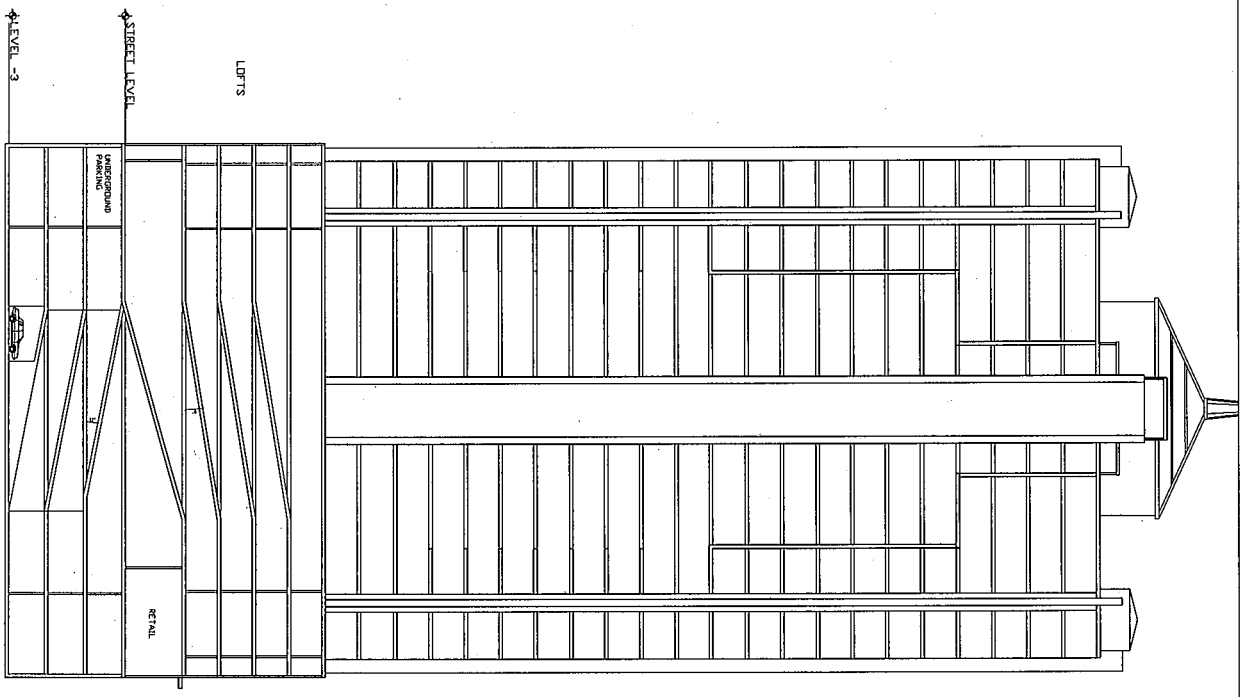
Date: 9/22/2014

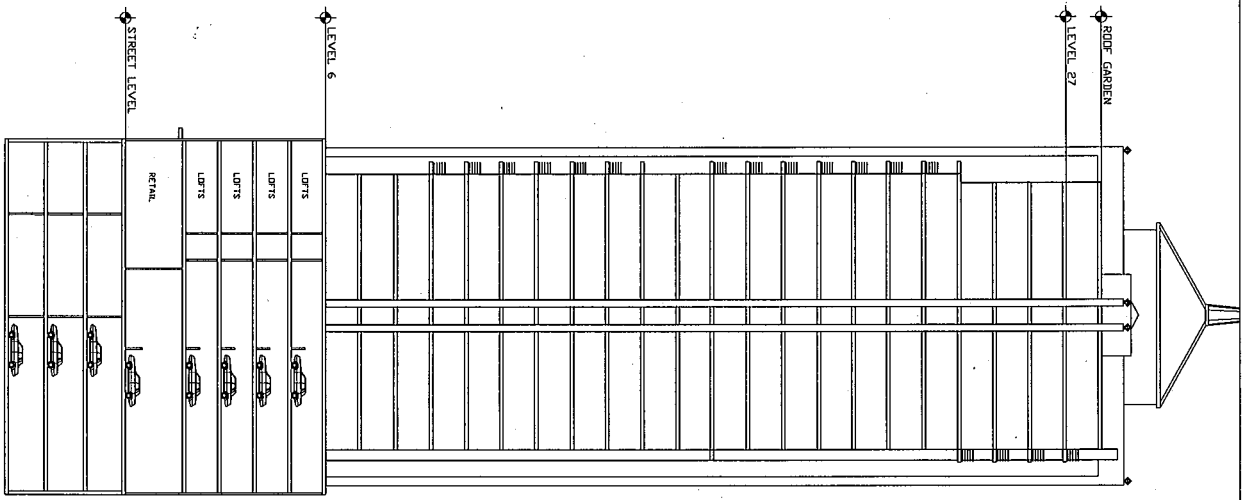
Sheet: A2.2

GHIAI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 2100
Yves GHIAI, AIA , Lic.023874

Kansai Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California





Sheet A3.1

Scale: 1/16"=1'-0"

Date: 9/22/2014

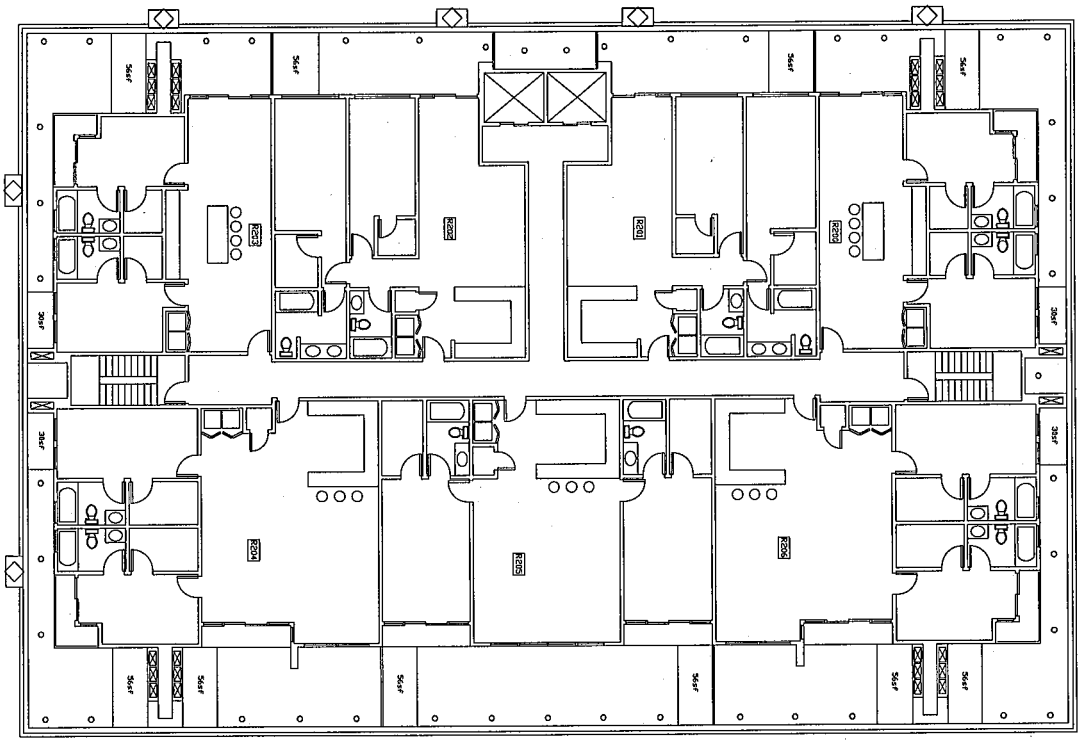
Section

GHINI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 8100
Yves GHINI, AIA , Lic.023874

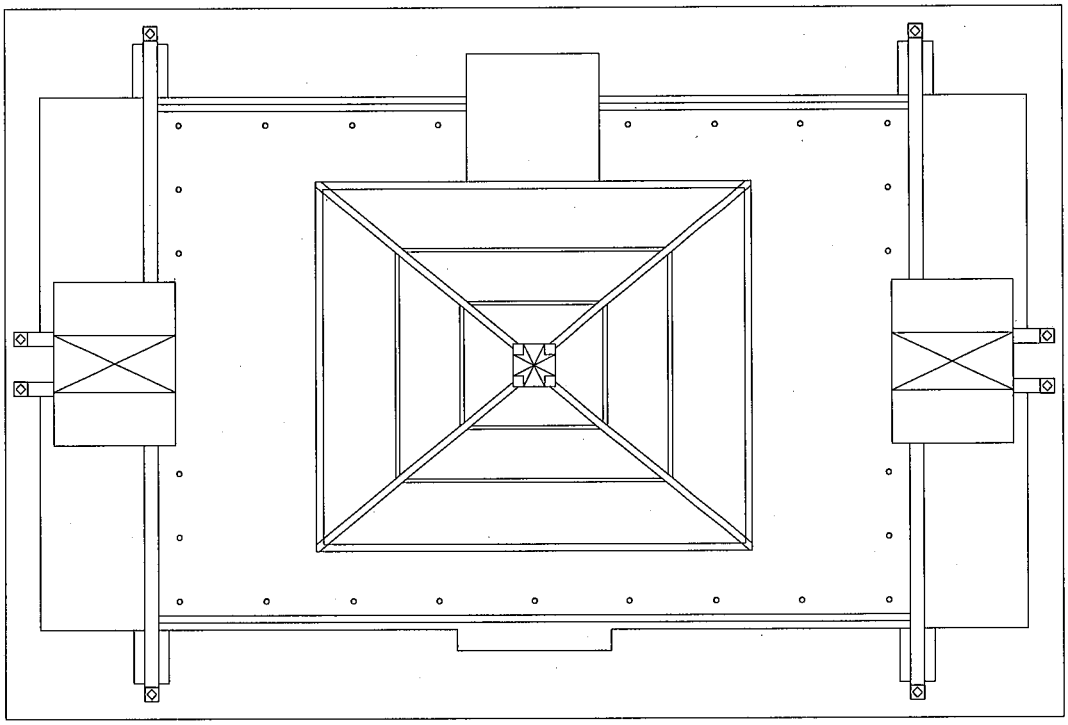
Kansai Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California

LEVEL 6



ROOF PLAN



Lighting Plan

GHIAI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 2100
Yves GHIAI, AIA , Lic.023874

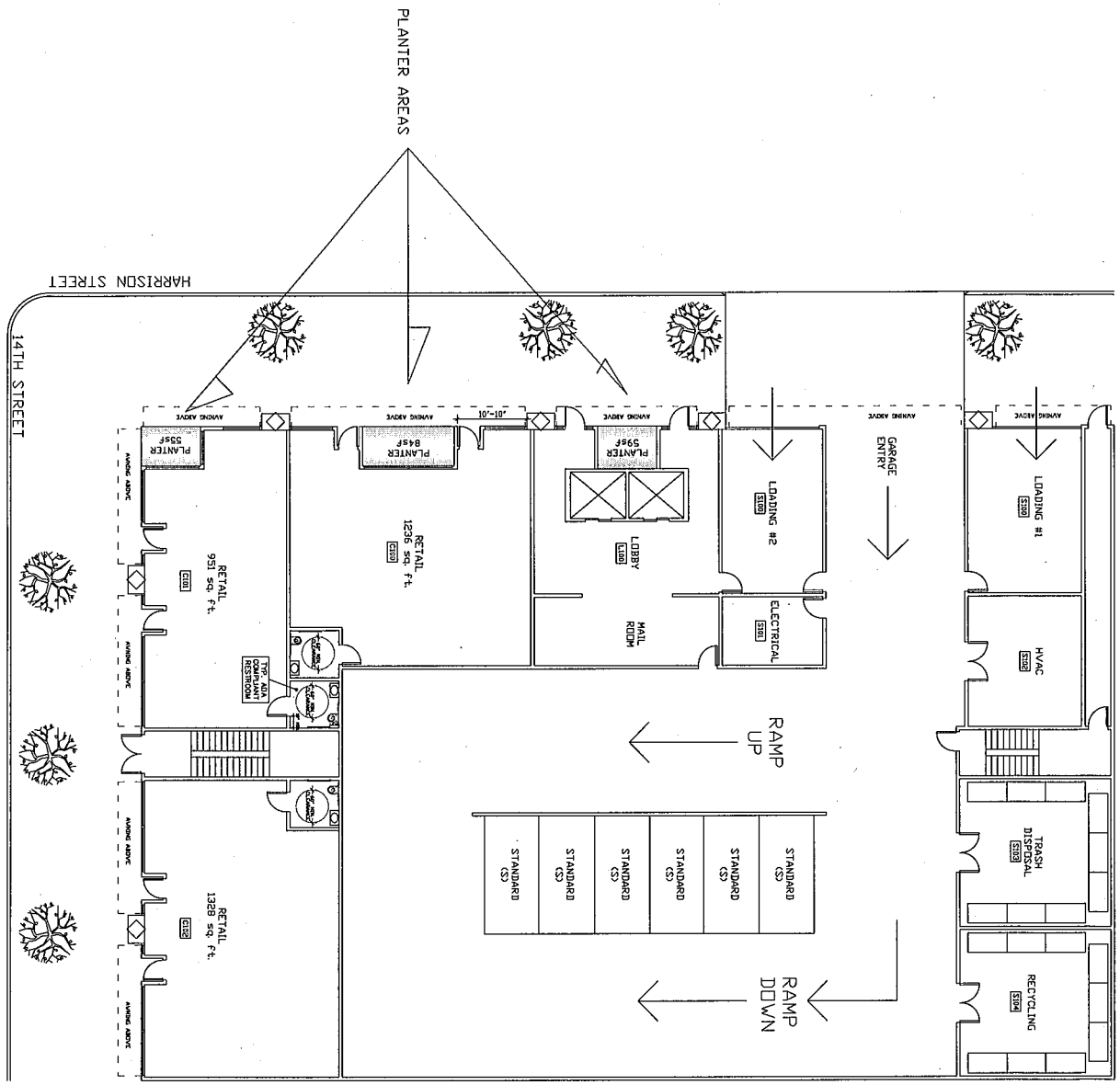
Kansal Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California

Scale: 1/8" = 1'-0"

Date: 9/22/2014

Sheet: A4.1



Landscape Plan

GHIAI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 2100
Yves GHIAI, AIA . Lic.023874

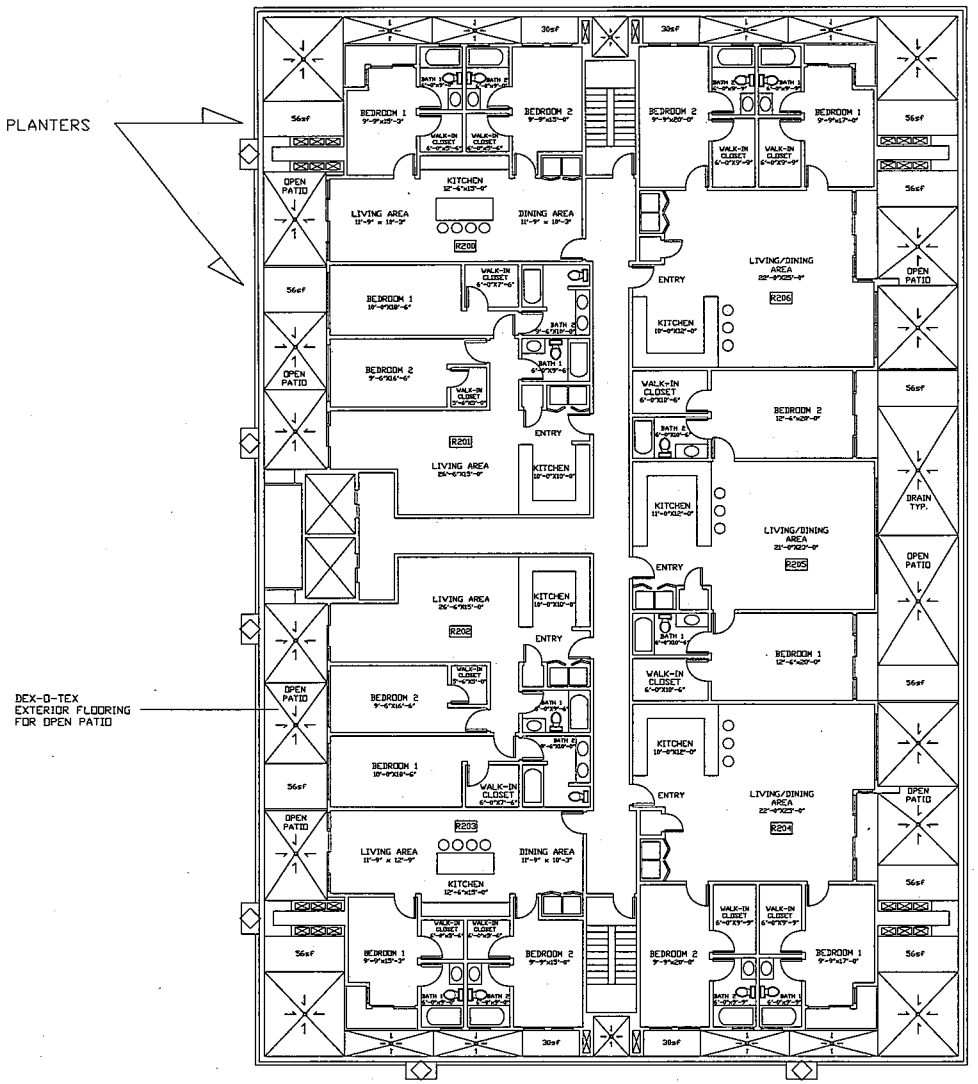
Kansai Development
Peter Iwate
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

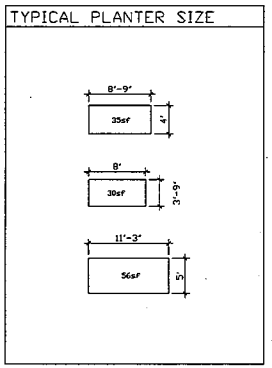
1331 Harrison Street
Oakland, California

Scale: 1/8" = 1'-0"

Date: 9/22/2014

Sheet: L1.0





Kansai Development
Peter Iwata
435 Pacific Avenue
San Francisco, CA 94133
415-394-7555

1331 Harrison Street
Oakland, California

GHIAI DEVELOPMENT CORPORATION
1445 GREEN STREET # 101
SAN FRANCISCO, CA 94109
TEL (415) 775 9100
Yvo GHIAI, AIA, Lic.021674

Landscape Plan

Scale: 1/8" = 1'-0"

Date: 9/22/2014

Sheet: L1.1

Michael Notaro, Esq.

Notaro Law Group
2219 Santa Clara Avenue
Alameda, Ca. 94501

(510) 522-2666 Tel
(510) 522-2602 Fax
www.notarolaw.com

May 28, 2014

Mr. Neil Gray, Planner III
Department of Zoning Permits Division
City of Oakland
250 Frank Ogawa Plaza
Oakland, Ca. 94612

Mr. Chris Pattillo, Chairman
Design Review Committee
Oakland City Planning Commission
250 Frank Ogawa Plaza
Oakland, California 94612

RE: Design Review Committee Review for 1331 Harrison Project, Oakland, California
Kansai Development Corporation 27 Story Mixed Use Development

Dear Mr. Gray and Mr. Pattillo:

I have been engaged by Jeffrey S. Michels and Dominque J. Piotet, owners of the 4,000 sq. ft. art deco building located at 315 14th Street in Oakland, California (the "Michels' Property") to address deficiencies in the preliminary design plan presented by Kansai Development for a mixed use development at 1331 Harrison Street in Oakland, California (APN 002-0065-006-03) (the "Kansai Site"). We are hopeful this letter will begin a dialogue between the Michels', the applicant, and staff to address the following important concerns:

Equitable Easement

The Kansai Site appears to be burdened by an equitable easement (See Attached Exhibit A). A concrete wall in the rear of the Michels' Property was built to enclose a rear garden area (believed to be established prior to the Fu Yan Buddhist Center) and encroaches upon the Kansai site. This wall measures approximately 2' x 10', and the eastern face of the easement area is inscribed with vibrant street art. The encroachment wall has been in place for the required statutory period (5 years) and prior owners of the Kansai Site never objected. My client has therefore acquired an equitable easement for use and maintenance of the garden area.

The applicant is required to build around the easement area and provide an adequate lateral access area to service and maintain the eastern face of the easement area. To date, there have been no discussions of how the applicant will work with the Michels' to maintain or protect the

ATTACHMENT B

easement area, and the current applicant plan presumes zero lot line construction which is unacceptable. The easement and wall protect one of the few remaining private gardens in downtown Oakland. We prefer a staff imposed building condition that prevents any building within 5 lateral feet of the easement area.

ISA Certified Arborist Study

The Michels' Property contains a large old growth redwood tree which towers approximately 50' in height. A tree's root system normally extends horizontally for a distance 1 to 3 times greater than the height of a tree. The applicant is admonished to avoid any digging, grading, or trenching associated with construction and underground utility installation which could damage the tree roots. The applicant must excavate as far away from the tree as possible to prevent damage that could compromise tree health and stability. Excavation of roots close to the trunk will damage the tree and limit its ability to stay upright in storms and windy conditions.

We request that the applicant provide an ISA certified arborist study which specifically addresses ways to diminish damage to the tree root system. The arborist should be selected by the City of Oakland to insure impartiality, recognizing that any damage to the tree root system poses a safety concern to all adjacent property owners.

Window Light Access

The Michels' Property has a series of four 2nd floor windows on its eastern building face between approximately 18' and 22'. Consistent with the CBD-P and CBD-C, the current applicant plan has no setbacks at the street level. The first five floors cover the entire site and define the base of the building. The first setback is imposed for tower construction above 50'. The tower would center above the base set back 5' from 14th Street and 12'6" from the Harrison and interior side base façades.

The current applicant plan blocks the flow of natural sunlight to the second floor windows on the easterly side of my client's building. Provision must be made to protect the natural sunlight which enhances the environmental quality for building occupants. Applicant plans should be revised to begin tower construction at a lower height – approximately 15' would be best. This will insure natural sunlight and greater open space close to the street level. Given the problems with massing and articulation for the tower, such a revision would be much needed and appreciated by all parties. Furthermore, beginning the tower at a lower height saves my client from living in a shadow which destroys the historic ambiance of the neighborhood.

Developer Indemnification

The Kansai site previously operated as a fuel service station and has been the subject of prior environmental assessment and remediation. We are concerned that deep excavation of the site could dislodge petroleum contaminated soils, groundwater and vapors. Precautions should be taken to insure best industry practices are maintained while excavating petroleum-contaminated areas. Furthermore, the Michels' building was constructed in 1920 with unreinforced masonry. The building has not been retrofitted and lacks adequate cross beam support. Due to the fragile

construction, the developer must take special precautions to insure deep excavation and construction do not damage the building foundation.

The Michels' deserve full protection from both environmental hazard and property damage resulting from extensive vibration and concussion during construction. With employees continuing to work through the construction period, the applicant must provide adequate dust control, noise abatement, and limit construction hours and contractor access. The Michels' deserve to be indemnified for personal injury and property damage arising from the excavation and construction, and the applicant should be required to show proof of adequate all risk insurance naming the Michels' as an additional insured party.

In summary, the application seems short on particulars, despite the length of time it has been under consideration. The applicant has provided few details on the storefront or vital upgrades to the sidewalk, utilities and public lighting. As details emerge, we request the opportunity to review and comment on the safety and functionality of design review plans.

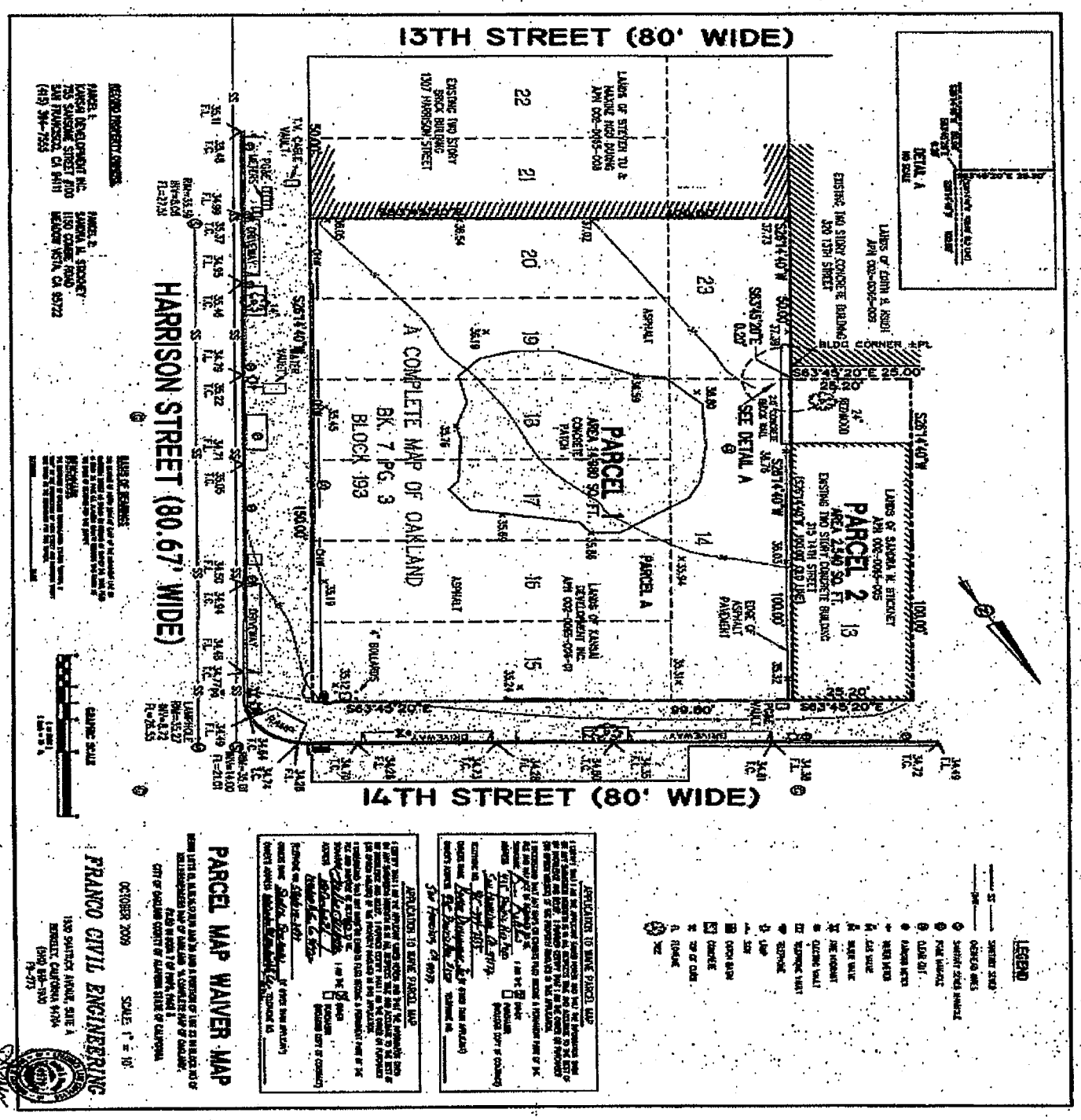
Please feel free to call my law office at 510-522-2666 with any questions or concerns.

Sincerely,

Michael R. Notaro
Attorney for Jeffery Michaels and Dominque Piotet

Cc:
Kansai Development Corporation
Ghiai Development Corporation

EXHIBET "A"


13TH STREET (80' WIDE)
14TH STREET (80' WIDE)
HARRISON STREET (80.67' WIDE)
PARCEL 1
AREA 14980 SQ.FT.
PARCEL 2
AREA 2240 SQ. FT.
PARCEL A
A COMPLETE MAP OF OAKLAND
BK. 7 PG. 3
BLOCK 193
SEE DETAIL A
DETAIL A
LEGEND
PARCEL MAP WAIVER MAP
FRANCO CIVIL ENGINEERING
OCTOBER 2009
SCALE: 1" = 10'

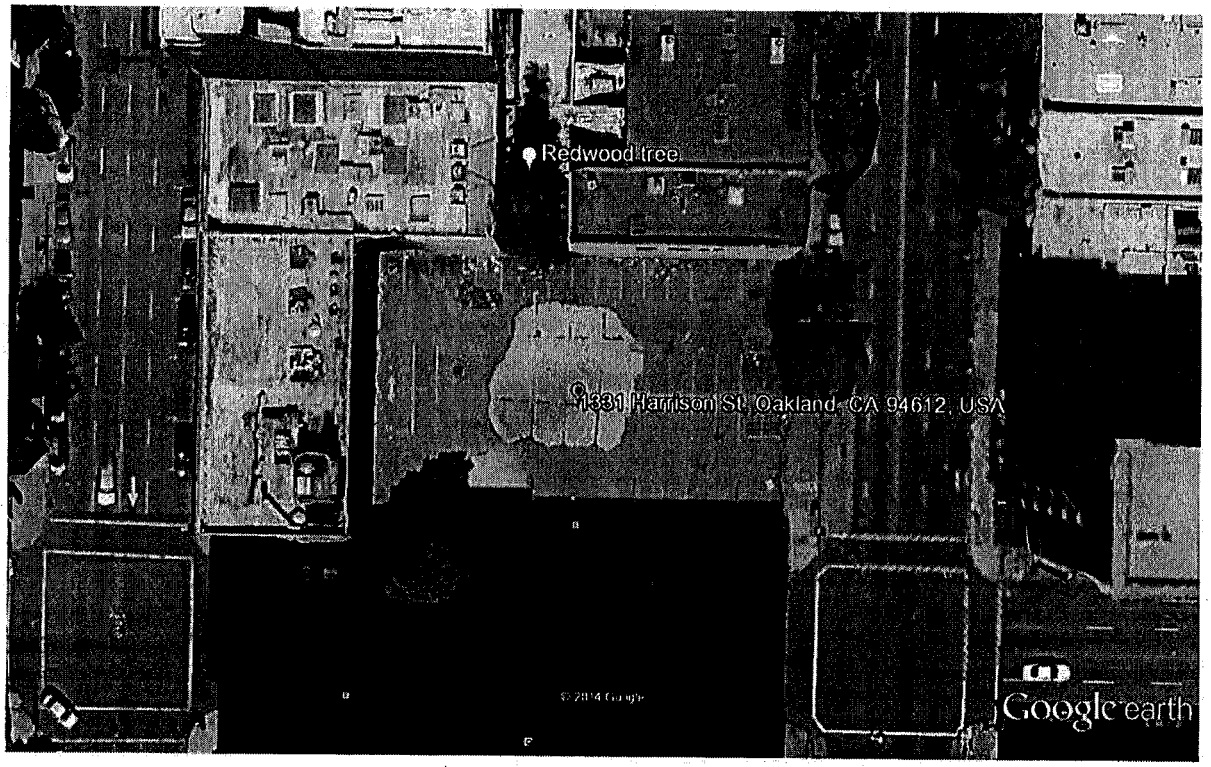
Bill Owen
Safety Director
Arborwell

Arborwell
professional tree management

1331 Harrison Street Oakland

Arborwell was hired to inspect and assess the health of a coast redwood (*Sequoia sempervirens*) adjacent to a proposed development at 1331 Harrison Street in Oakland and write a report detailing any anticipated impacts from development. The tree was found to be in good general health. Based on the results of my assessment I have determined that development activities at the site may affect some roots of the tree. Due to the distance away from excavation and grade level of the tree itself, root disturbance is not anticipated to exceed critical thresholds for adversely affecting the health and stability of the tree. Some remedial measures may need to be taken to ensure that the tree does not suffer undue stress as a result of excavation and potential root loss.

I inspected the tree on July 11th 2014. The tree is adjacent to a proposed development site at 1331 Harrison street in Oakland (see image below). As I was told by the developer, the proposed project is a 27 floor high rise building, mixed use, residential and commercial space. Construction of the building would require excavation of the entire property. Excavation near the redwood tree along the property line may affect some roots of the redwood tree. It is likely that some of the trees roots are encroaching on the site due to its close proximity to the property line.



On the day of inspection I was granted access to the courtyard by a tenant of the neighboring building. The redwood is located in a small courtyard adjacent to the development site. The tree is situated in a raised bed with the root flare approximately 2 feet above ground level (see photo 1). The raised bed had supplemental irrigation with several drip emitters obvious around the base of the tree. The bed had a mixed planting with some small shrubs, ground covers, as well as a larger angel's trumpet (*Brugmansia spp*). Below the bed was a patio area with some outdoor seating. The courtyard is bordered with a retaining wall on the side closest to the proposed development site. The inner edge of the wall is 80 inches away from the trunk of the redwood at its closest point.

ATTACHMENT C

Bill Owen
Safety Director
Arborwell

Arborwell
professional tree management

The tree is approximately 65 feet in height. It has a crown spread of approximately 30 feet at its widest part. The diameter at breast height (DBH) of the tree is 29 inches. There were no indicators of any insect pests or fungal pathogens affecting the tree. Growth rate, leaf color, and canopy density were all within normal ranges. The tree's live crown ratio was good at approximately 80%. The tree's central leader at the top appears to be missing with the top of the tree having a flat appearance (see photo 2).

Coast redwoods (*Sequoia sempervirens*) are native to coastal areas of central California and southern Oregon. This 450 mile strip is called the "redwood belt". Temperatures are moderate year-round, with heavy winter rains and dense summer fog. Consequently, redwoods are dependent upon adequate irrigation when planted outside their native range. Coast redwoods are the tallest trees in the world, some reaching heights of over 350 feet. The trunks can reach sizes of 24 feet in diameter. Mature trees can live for more than 2000 years. Redwoods have no taproots, but lateral roots are large and wide spreading. Small trees have better than average wind firmness, and large redwoods are wind firm under most conditions. Redwoods naturally grow on flood plains, river beds and hillsides, and are therefore well adapted to changes in grade and root disturbance.

Drought stress is a major predisposing factor for the few insect and fungal pests that affect this species. Lack of adequate water can encourage attack from spider mites, a sucking pest that causes the foliage to have a bleached appearance. Interior needles can shed as a result of severe infestation. There was no evidence of spider mite infestation on this tree. Drought stress can also encourage the presence of Botryosphaeria canker, a fungal pathogen. Botryosphaeria causes scattered dieback in the crown, primarily on the branch tips, as well as scattered branches throughout the crown. There was no physical evidence of Botryosphaeria canker infection on this tree.

Based on the results of my inspection, the tree appears to be in good health and will most likely be able to tolerate the anticipated root loss associated with the construction project. The tree appears to be in good health with a moderate growth rate. The tree is showing no signs of Botryosphaeria or spider mites. The project will require excavation just outside the critical threshold of 3 times the diameter at breast height. Experts agree that this is the minimum distance monolithic cuts in the root zone can be made without significantly increasing the risk of wind throw(smiley, et al).In addition, the tree is adapted to a root limited growing environment with it being in what is best described as a raised planter. Whether the tree grew into this raised bed or if it was created after it was planted is unclear. Due to the fact that redwoods are shallow rooted it is not anticipated that the root volume below grade level within the excavation area would be as great as if it were not in a raised planter. Most of the root system can be found within the first 24 inches of the soil profile below the root flare. In addition, Redwoods are well adapted to grade changes and root disturbance. If given proper care after root loss, redwoods can continue to thrive after such treatments. The nature of the project will have a mitigating effect on any potential loss of stability. The height of the building will provide protection from strong winds coming from the side of the impacted area. This will significantly decrease the likelihood of wind throw as a result of root loss. The planting site is irrigated. Proper soil moisture is key factor encouraging root regeneration after loss. Irrigation can be easily adjusted to compensate for the anticipated root loss. Proper irrigation will enable the tree to adequately recover from any anticipated disturbance. The tree should be monitored for signs of stress after the excavation and, if needed, a tree growth regulator can be applied to encourage fine root development. This will modify the growth of the tree shifting it to root development as opposed to shoot development. For the above reasons, I do not anticipate that root loss will significantly impact the health or stability of the tree.

2337 American Ave, Hayward, CA 94545

Office: (888) 969-8733
Cell: (925) 260-6865
WWW.ARBORWELL.COM

Bill Owen
Safety Director
Arborwell

Arborwell
professional tree management

To mitigate stress created by potential root loss, I recommend the following actions:

- Any roots encountered and cut during excavation shall be cleanly cut with a sharp hand saw, chainsaw, or similar saw. Making clean cuts on roots encourages healing of the wound associated with the cut. Leaving roots with shredded ends from excavators encourages root decay and therefore increases the likelihood of structural defects being created by the operation.
- Soil moisture should be monitored for the first two weeks after excavation to ensure that the tree has adequate available water at its disposal during the time of highest stress. The irrigation system should be adjusted according to the recommendations of a qualified arborist based on his or her assessment of the trees water needs.
- A tree growth regulator treatment is recommended after the time of excavation. A treatment of any product containing the active ingredient pacalobutrazol will encourage fine root development and shift the trees hormones to favor root growth as opposed to vegetative growth. The enhancement of fine root growth will enable the tree to cope with the stress of excavation by increasing its ability to absorb water and crucial nutrients.

Arborist Disclosure Statement

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided

Trees can be managed, but they cannot be controlled. To live near trees it to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.

Respectfully Submitted,

Bill Owen
ISA Board Certified Master Arborist
WE 7113-B

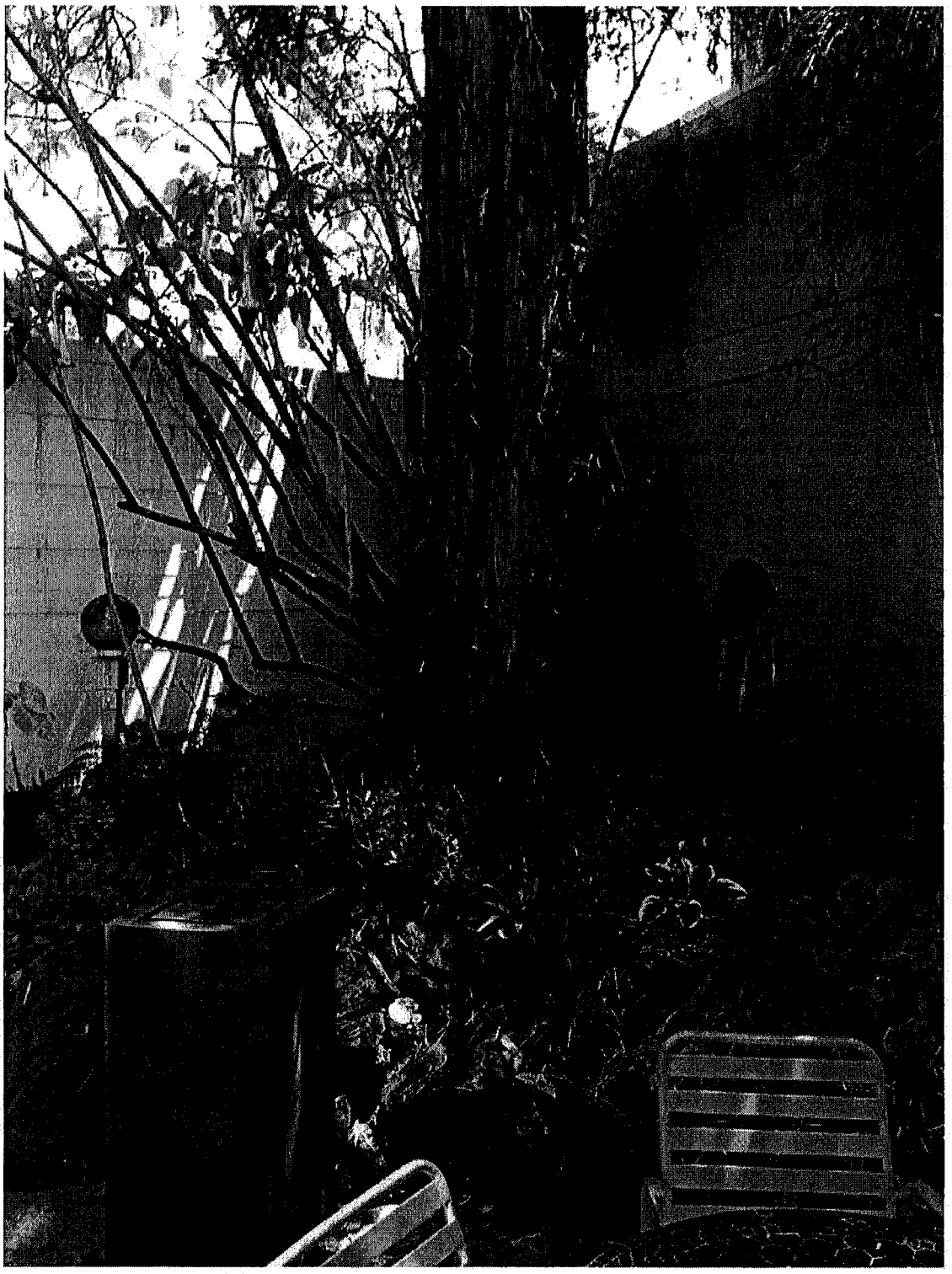
2337 American Ave, Hayward, CA 94545

Office: (888) 969-8733
Cell: (925) 260-6865
www.arborwell.com

Bill Owen
Safety Director
Arborwell

Arborwell
professional tree management

Photo 1



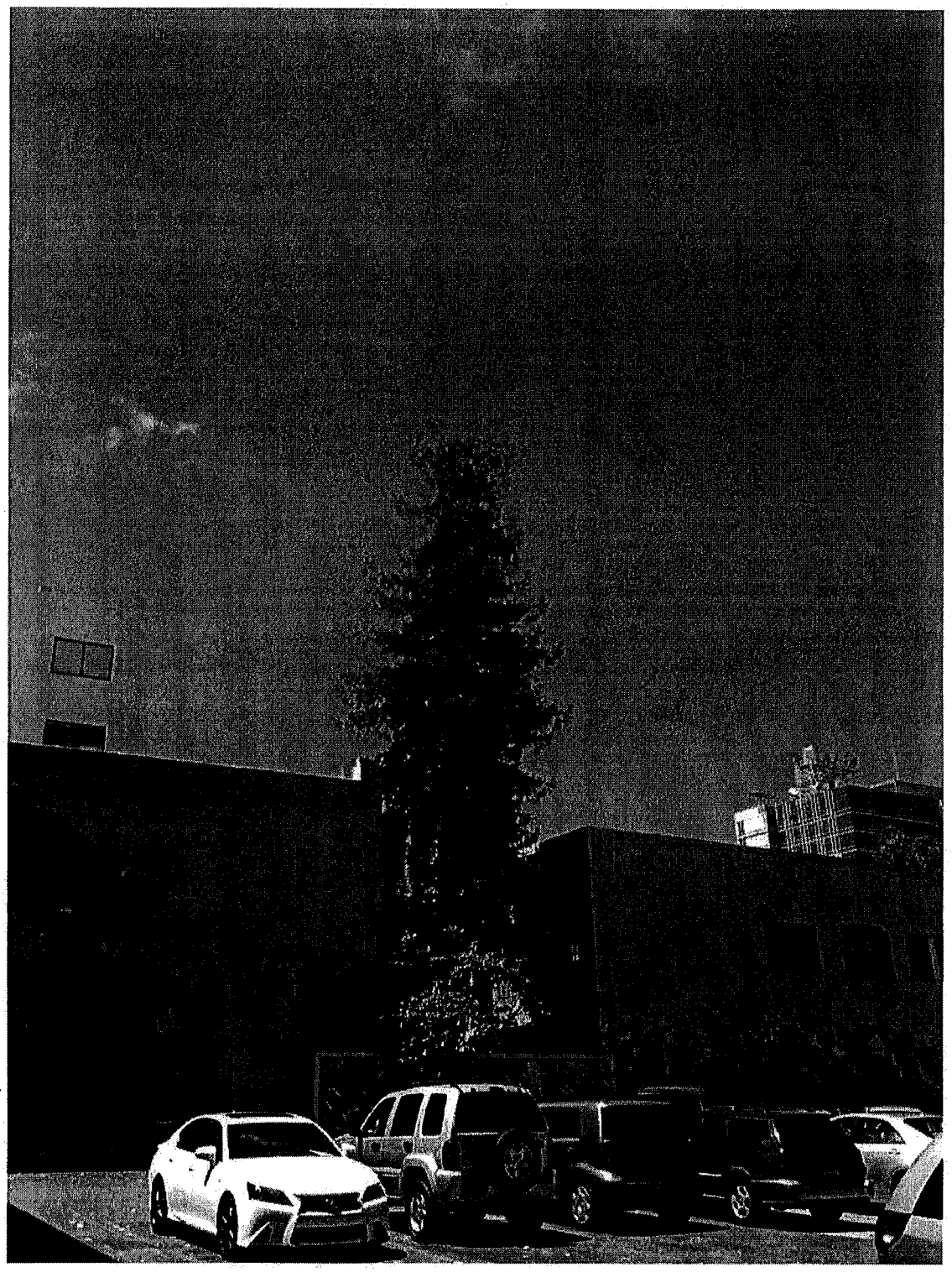
2337 American Ave, Hayward, CA 94545

Office: (888) 969-8733
Cell: (925) 260-6865
www.arborwell.com

Bill Owen
Safety Director
Arborwell

Arborwell
professional tree management

Photo 2



2337 American Ave, Hayward, CA 94545

Office: (888) 969-8733
Cell: (925) 260-6865
www.arborwell.com

ATTACHMENT D

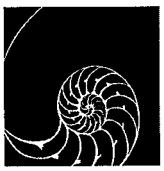
1331 HARRISON STREET PROJECT

CEQA ANALYSIS

Prepared for:

City of Oakland
Planning & Building Department
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

Prepared by:



Lamphier-Gregory
1944 Embarcadero
Oakland, CA 94606

October 2014

PROJECT DESCRIPTION

1. Project Title: 1331 Harrison Street Project

2. Lead Agency Name and Address:
City of Oakland
Planning & Building Department
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

3. Contact Person and Phone Number:
Neil Gray, Planner II
(510) 238-3878
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

4. Project Location:
1331 Harrison Street (corner of 14th St.)
Assessor's Parcel No.: 002-0065-006-01

5. Project Sponsor's Name and Address:
Kansai Development, Inc.
435 Pacific Avenue, Suite 250
San Francisco, CA 94133

6. Existing General Plan Designations: Central Business District (CBD)

7. Existing Zoning:
CBD-P (14th Street side of site)
CBD-C (Harrison Street side of site)

8. Existing Setting and Neighboring Land Uses:

The Project is located in downtown Oakland, a highly urbanized setting, on a flat 15,000 square foot site that is vacant of structures and used as a surface parking lot. Surrounding the Project site are a variety of 2 - 6 story commercial and mixed-use buildings with uses that include commercial retail, personal services, office, restaurants and multi-family residential. The Project site is located across the street from the locally-designated Landmark and National Register listed Hotel Oakland and a number of other previously identified historic resources.

9. Description of Project:

The proposed Project is a 27-story, 289-foot tall residential tower with ground floor commercial space. At street level, the project provides a total of approximately 3,700 square feet of commercial space facing Harrison and 14th Streets. The commercial space could be subdivided into rentable areas for future retail uses. Also on the ground floor would be the residential lobby, the vehicle entry for access to the parking levels, , a truck loading dock, an area designated for recycling and trash disposal and spaces dedicated to electrical and mechanical systems. Parking is provides on three levels below grade, partially on the ground

floor, and in four levels above grade The seven parking levels provide a total of 176 parking spaces.

Sharing the above-grade parking levels on floors 2 - 5 would be 12 two-story loft style housing units of 1,100 square feet each. The lofts face Harrison Street whereas the parking spaces on these levels face 14th Street and the interior of the block.

Above the five-story podium on floors 6 – 27 would be a total of 154 residential condominium units, mostly consisting of two-bedroom floor plans of approximately 1,200 sf each. Each of the condominium units would have access to a balcony. Beginning at the 6th floor the tower is set back from both the Harrison Street property line and the northwest (interior) property line 12 ½ feet.

Current plans for the proposed tower assume a poured-in-place concrete structure with a mat foundation that would be constructed without requiring the driving of piles. Proposed exterior materials include brushed aluminum, clear glass, concrete, and aluminum window surrounds. The architectural detailing is derived from the Art Deco. The roof would be a landscaped garden with a trellis feature and spire-like elements.

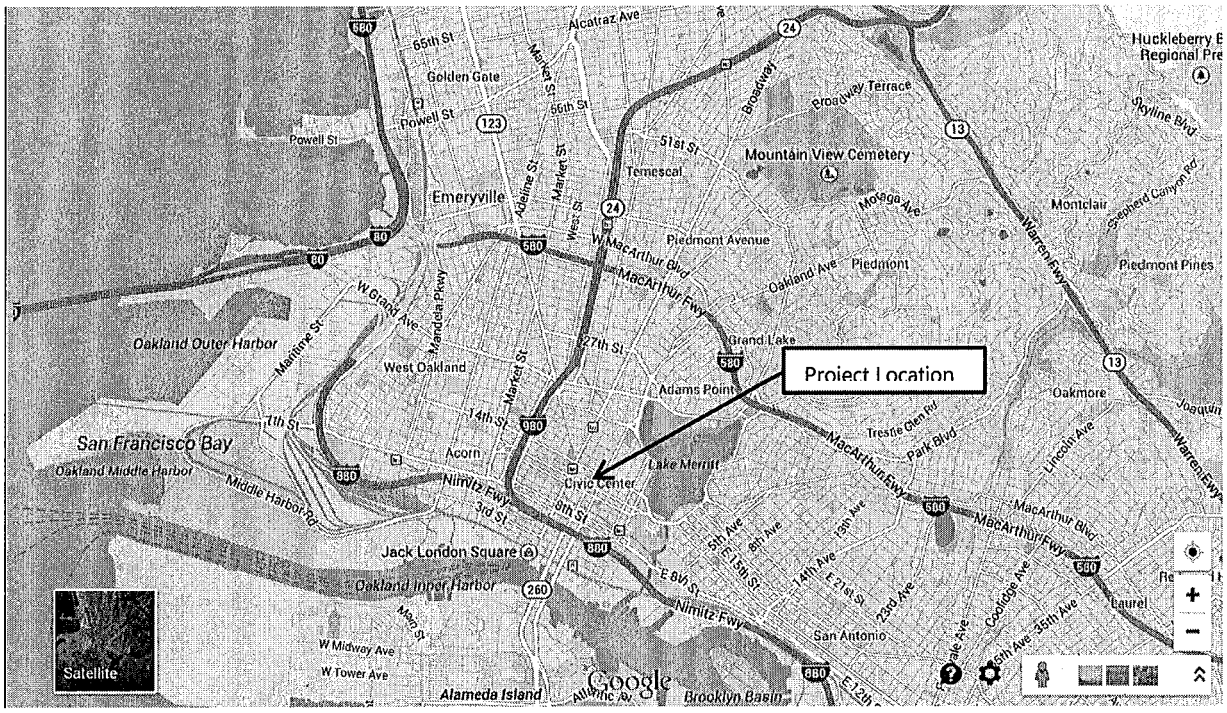


Figure 1: Regional Setting.

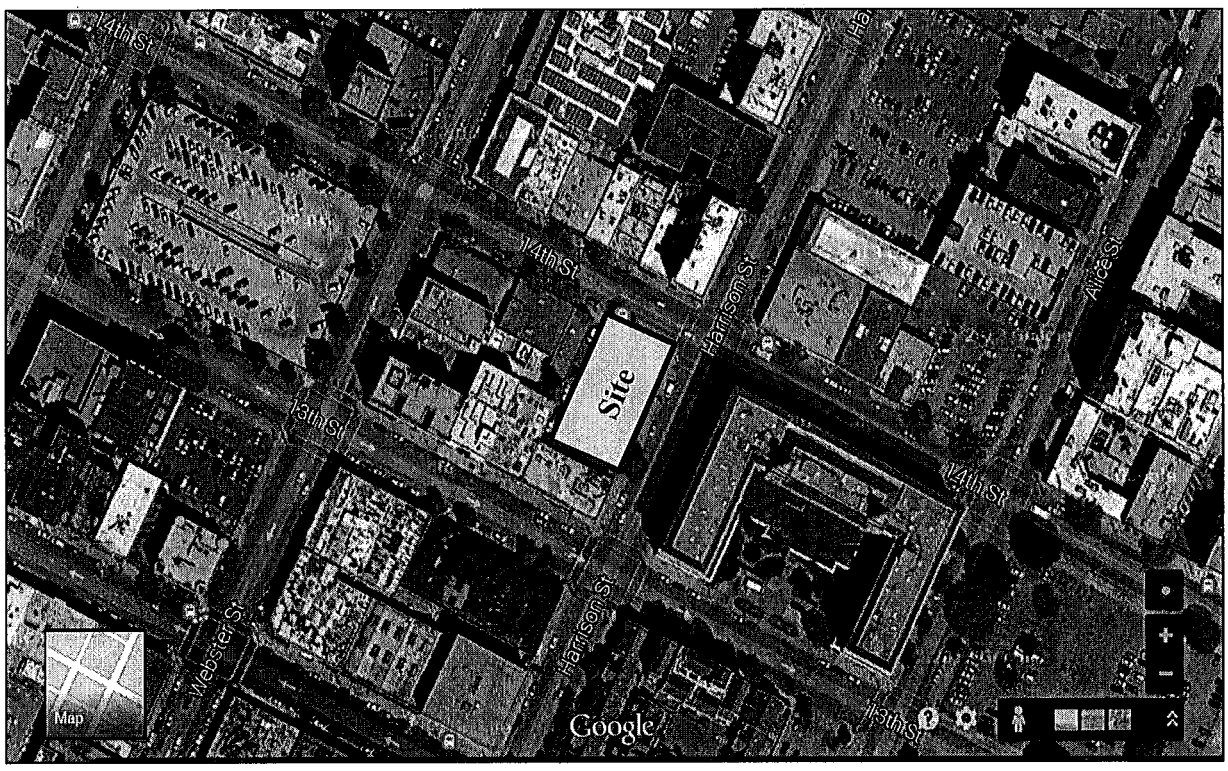


Figure 2: Project Site.

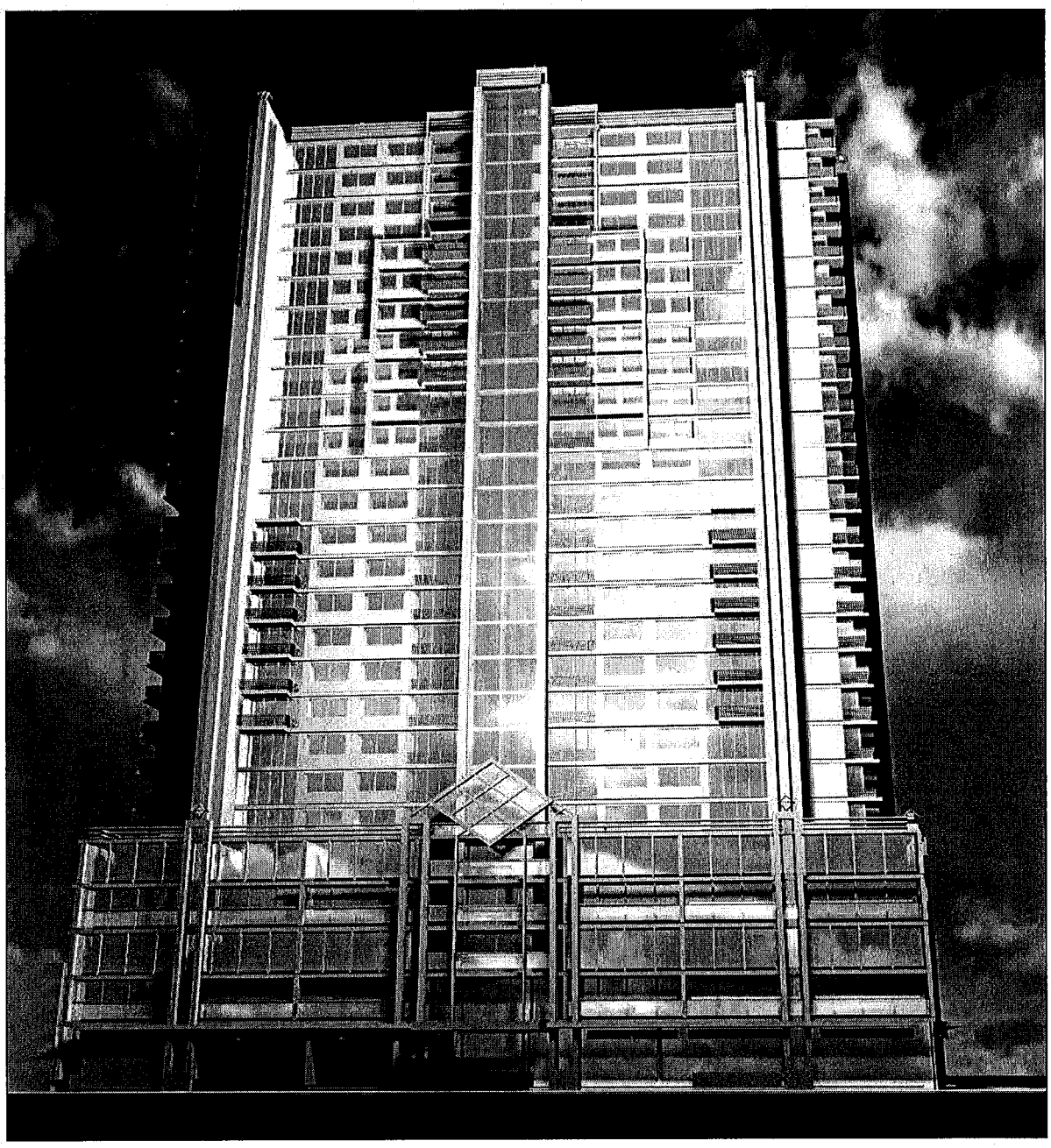


Figure 3: Architectural Rendering- Harrison Street Facade

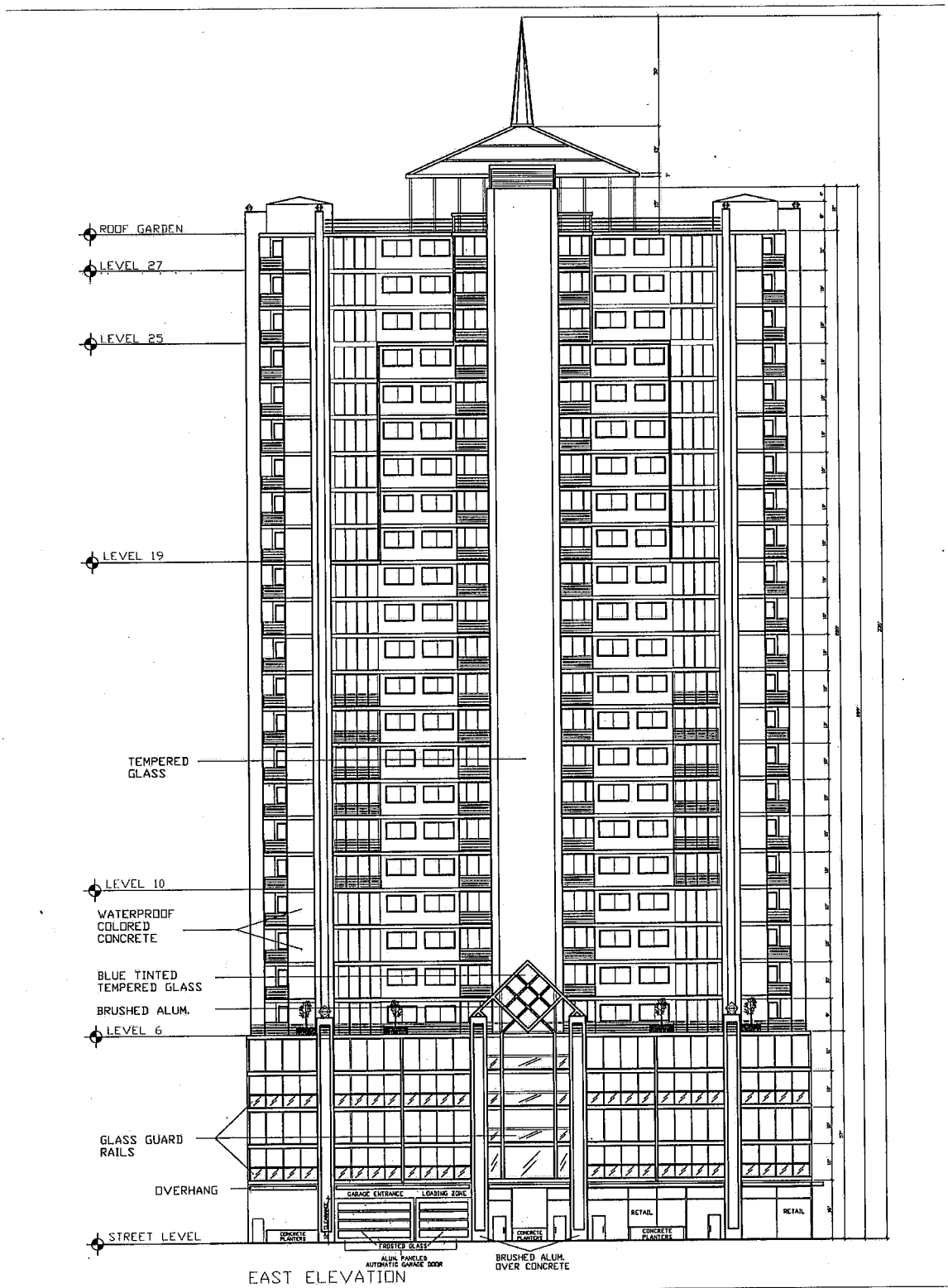


Figure 4: Harrison Street Elevation.

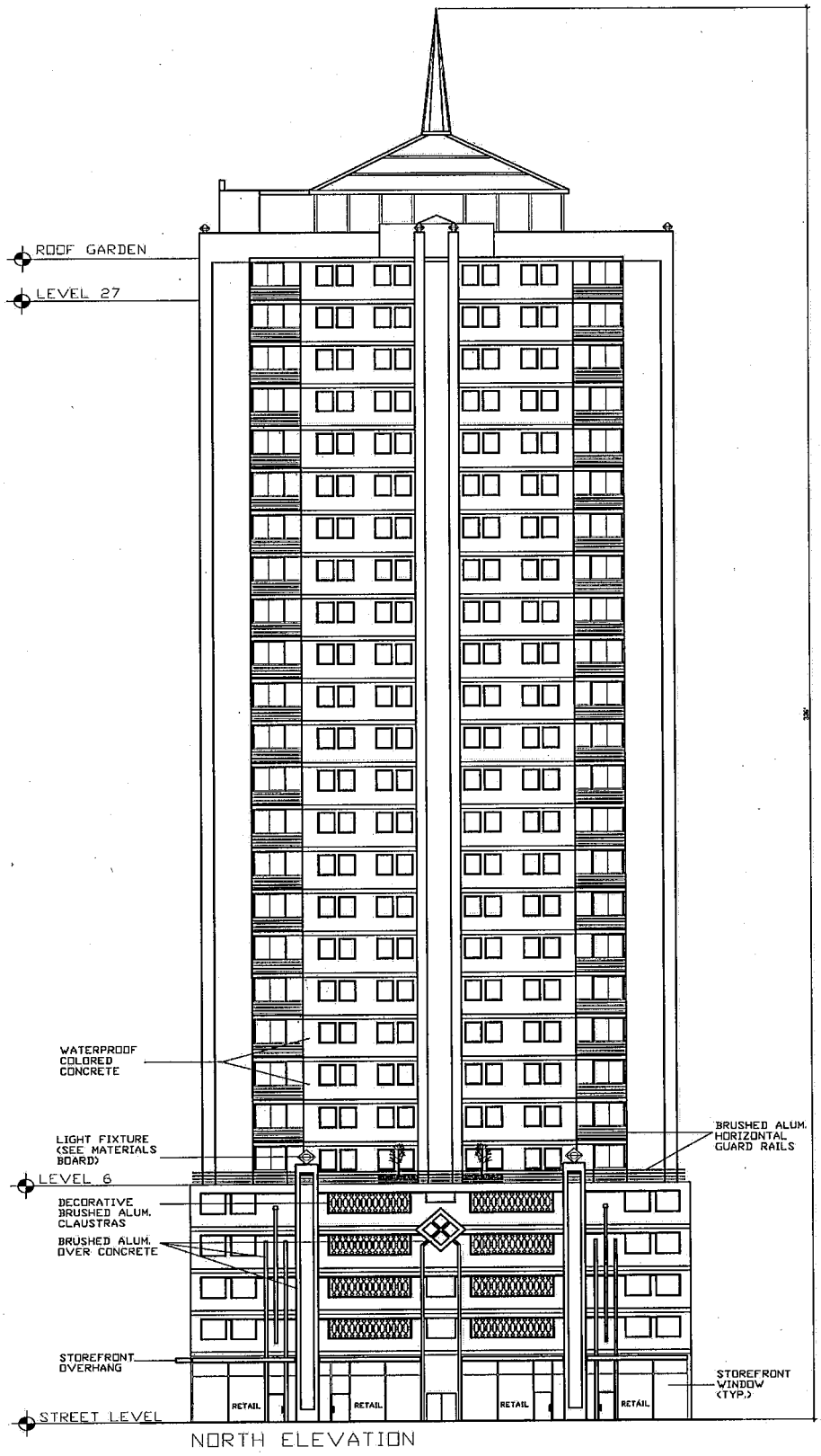


Figure 5: 14th Street Elevation.

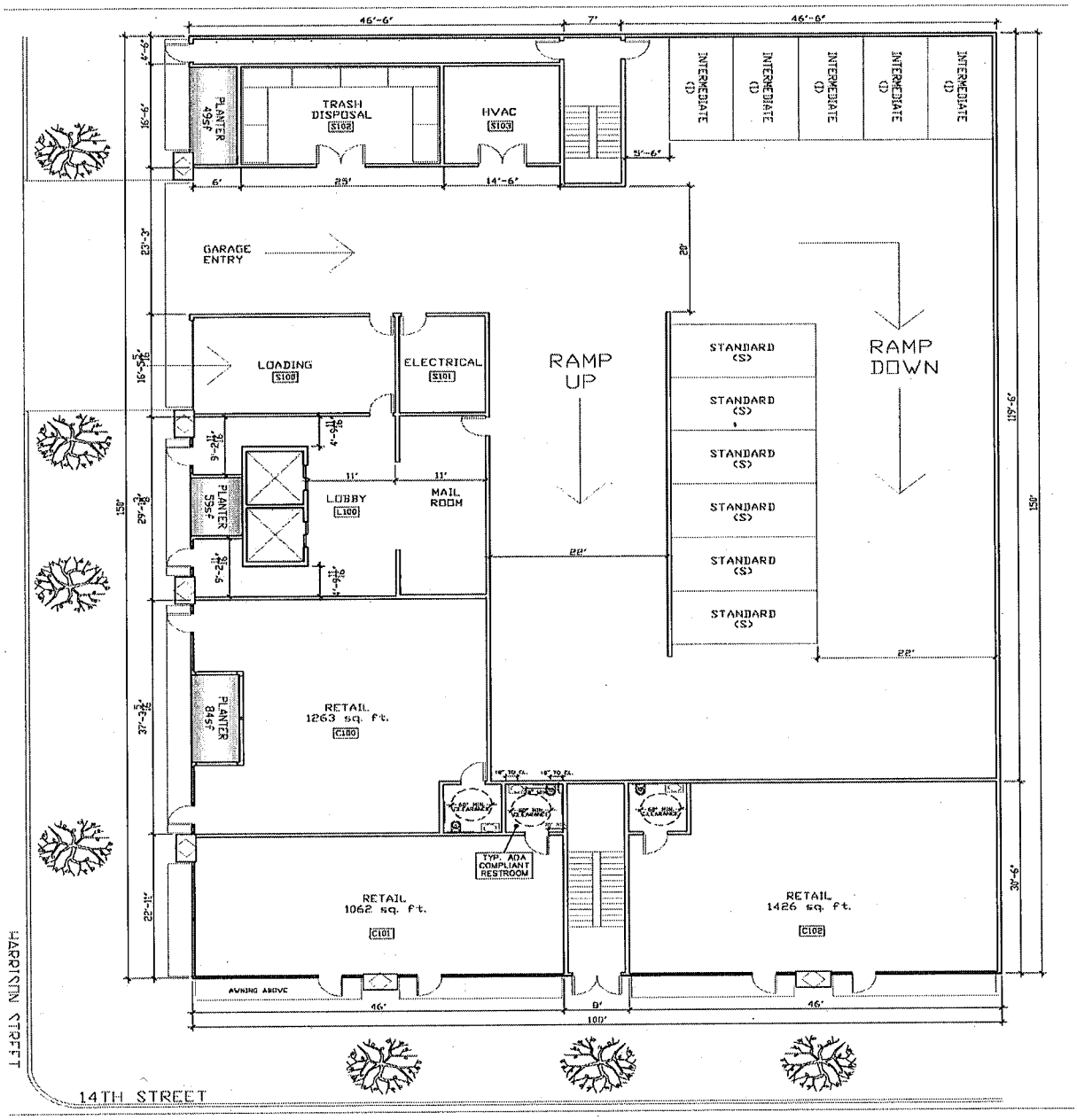


Figure 6: Ground Floor Plan

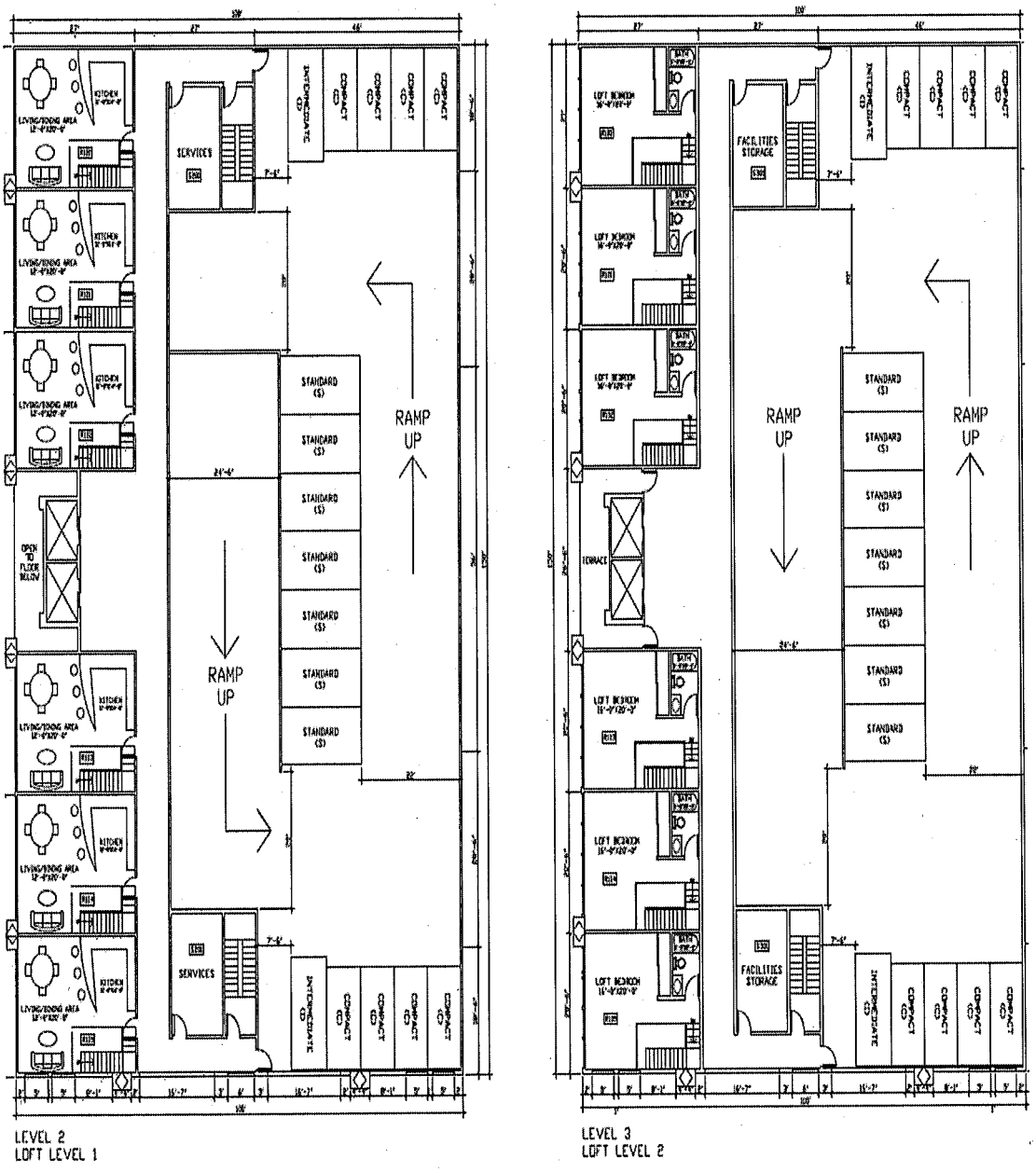


Figure 7: Podium Level Loft Apartments and Parking, Levels 2 & 3

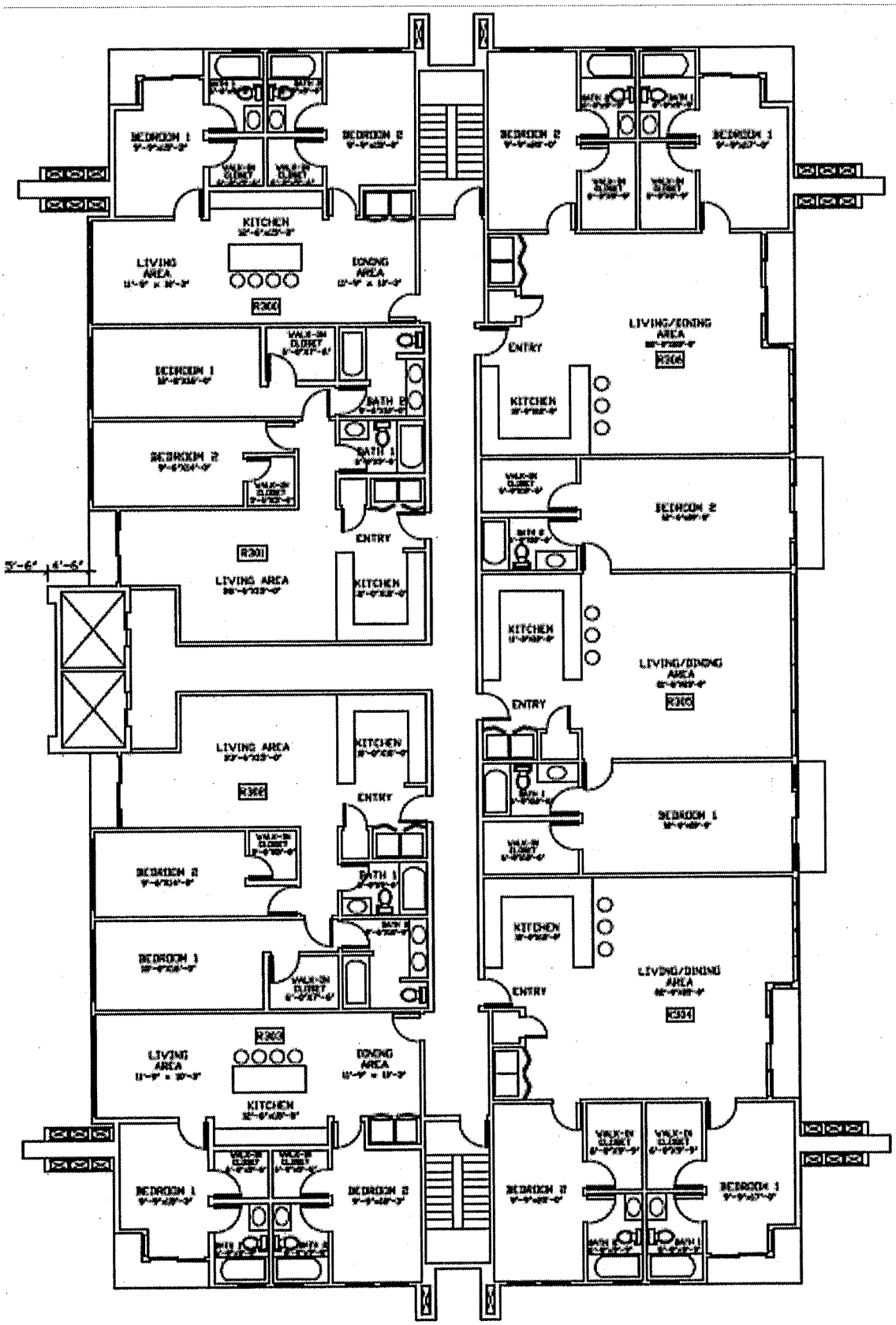


Figure 8: Typical Residential Floor, Floors 7 - 27

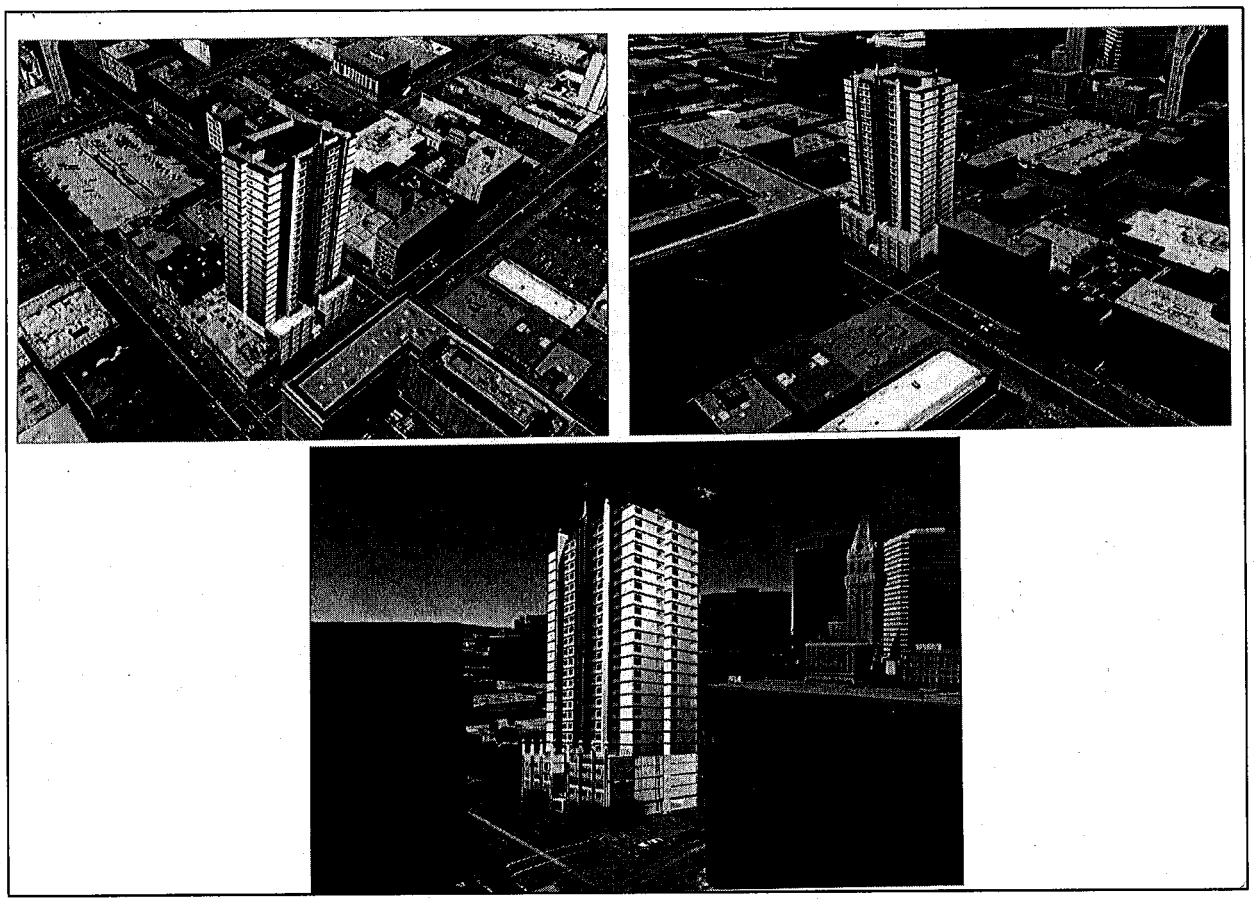


Figure 9: Urban Context.

INTRODUCTION AND PURPOSE OF THIS DOCUMENT

This document has been prepared to serve as the basis for compliance with the California Environmental Quality Act as it pertains to the proposed 1331 Harrison Street project (the "Project"), and specifically to demonstrate that the Project qualifies for a CEQA Exemption as an Infill Development Project, consistent with the provisions of CEQA Guidelines Sections 15332 and 15183. Specifically, the information provided in the following pages is presented to provide substantial evidence that:

a) the Project properly qualifies for an exemption under CEQA Guidelines §15332 (i.e., Class 32) and, as a result, would not have a significant effect on the environment;

b) the analysis shows there are no exceptions to qualifying for the categorical exemptions, as identified at CEQA Guidelines §15300.2; and as a separate and independent basis

c) The Project qualifies for streamlined CEQA review pursuant to CEQA Guidelines §15183 because there are no project-specific significant effects which are peculiar to the Project or its site that were not already evaluated in the 2010 certified Housing Element EIR and the 1998 Land Use and Transportation Element EIR.

City of Oakland - Standard Conditions of Approval

The analysis below also considers, where relevant, the application of the City of Oakland's Uniform Development Standards Adopted as Conditions of Approval ("Standard Conditions of Approval"). The Standard Conditions of Approval were initially and formally adopted by the City Council on November 3, 2008 (Ordinance No. 12899 C.M.S.), pursuant to Public Resources Code section 21083.3 and CEQA Guidelines section 15183 (and now section 15183.3), and incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection, Stormwater Water Management and Discharge Control Ordinance, Oakland Tree Protection Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) permit requirements, Housing Element-related mitigation measures, California Building Code, and Uniform Fire Code, among others), which have been found to substantially mitigate environmental effects. Where there are peculiar circumstances associated with a project or project site that will result in significant environmental impacts despite implementation of the Standard Conditions of Approval, the City will determine whether there are feasible mitigation measures to reduce the impact to less-than-significant levels in the course of appropriate CEQA review (mitigated negative declarations or EIRs).

CATEGORICAL EXEMPTION

Article 19 of the California Environmental Quality Act (CEQA) Guidelines includes, as required by Public Resources Code §21084, a list of classes of projects which have been determined not to have a significant effect on the environment and, as a result, are exempt from review (e.g., Initial Study) under CEQA.

Class 32 (In-Fill Development)

CEQA Guidelines §15332 is applicable to projects characterized as in-fill development meeting the following conditions:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

(c) The project site has no value as habitat for endangered, rare or threatened species.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) The site can be adequately served by all required utilities and public services.

The Project's consistency with each factor is discussed below.

(a) Criterion §15332(a): General Plan & Zoning Consistency

The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

General Plan

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

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

Objective T2: Provide mixed-use, transit development that encourages public transit use and increases pedestrian and bicycle trips at major transportation nodes.

Objective D1: Enhance the identity of downtown Oakland and its distinctive districts.

Objective D2: Enhance the visual quality of the downtown by preserving and improving existing housing stock and encouraging new, high quality development.

Objective D5: Enhance safety and the perception of safety downtown at all hours.

Objective D6: Eliminate blight caused by underutilized properties.

Policy D6.1: Developing Vacant Lots. Construction on vacant land or to replace surface

parking lots should be encouraged throughout the downtown, where possible.

Objective D10: Maximize housing opportunities in the downtown to create a better sense of the community.

Objective D11: Foster mixed-use developments to help create a diverse, lively, and vibrant downtown.

The proposed project meets the referenced objectives and the general intent of the CBD land use designation and would be a good fit for the downtown area.

Zoning

As shown in **Figure 10,** the Project site falls within two different zoning districts: the northern portion of the site, along 14th Street and a portion of Harrison Street is zoned CBD-P, whereas the southern portion is zoned CBD-C.

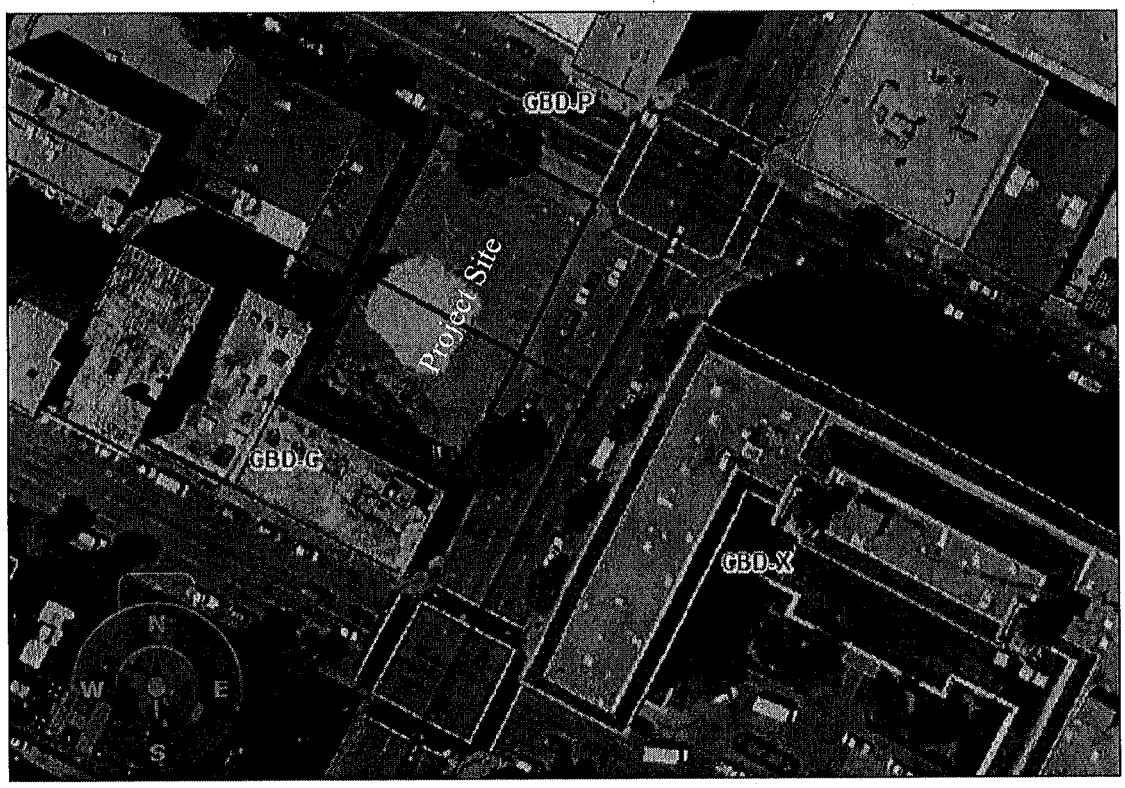


Figure 10: Zoning Districts

The CBD-P zoning district (Central Business District - Pedestrian) is intended to "...create, maintain, and enhance areas in the Central Business District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities." The CBD-C zoning district (Central Business District - General Commercial) is intended to "...create, maintain, and enhance areas of the Central Business District appropriate for a wide range of ground-floor office and other commercial activities. Upper-story spaces are intended to be available for residential and office or other commercial activities."

Because the overall size of the Project exceeds 100,000 square feet, a Major Conditional Use Permit (CUP) will be required pursuant to Section 17.134.020A of the Oakland Planning Code.[1] However, the proposed residential tower including ground-level commercial space are land uses and land use intensities that the General Plan and zoning districts allow and encourage. In light of the consistency between the proposed land uses and the Project's proposed height and intensity, it is evident that the Project adheres to the criteria of CEQA Guidelines §15332(a).

Table 1 below compares relevant aspects of the Project with the applicable Planning Code standards.

Table 1. Planning Code Consistency Comparison

Zoning Criteria	CBD-C Development Standards/Height Area 6	CBD-P Development Standards/Height Area 6	1331 Harrison Proposal	Comments
Land Use	Allows permanent residential/ground floor retail	Allows permanent residential/ground floor retail	Permanent Residential/ground floor retail	Complies
Maximum Building Intensity	1 unit /90 sf of lot area/20:1 FAR	1 unit /90 sf. lot area/20:1 FAR	166 DU proposed on 15,000 sf lot; FAR is 18:1	Complies
Front Yard	No setback required	No setback required	No setbacks at property line	Complies
Street Side Yard	No setback required	No setback required	No setbacks at property line	Complies
Rear Yard	0'	0'	0'	Complies
Building Height	Min: 45' Base: 85' Total: No limit	Min: 45' Base: 85' Total: No limit	Base is 57' Building is 289'	Complies
Ground floor height	15' min	15' min	17'	Complies
Maximum floor plate area	25k sf	25k sf	15k sf	Complies
Max. bldg length	195'	195'	150'	Complies
Max. diag. length	235'	235'	180'	Complies
Open Space	75 sf /unit	75 sf /unit	Total common area = 40,994 sf or average of 246 sf per DU	Complies
Parking	1 space/residential unit	1 space/residential unit	176 spaces proposed = >1 space/unit	Complies
Parking entrance	On secondary street	On secondary street	On Harrison St	Complies

[1] Oakland Municipal Code Section 17.134.020 A (1) (e)**: Large Scale Developments.** Any development which is located in the CBD-P (when not combined with the S-7 zone), or CBD-C zone and results in more than one hundred thousand (100,000) square feet of new floor area.

Zoning Criteria	CBD-C Development Standards/Height Area 6	CBD-P Development Standards/Height Area 6	1331 Harrison Proposal	Comments
Loading	2 berths required	2 berths required	2 berths provided	Loading spaces provided at grade with direct access to elevators
Bicycle Parking	Long-term: 1 per 4 units; Short-term: 1 per 20 units	Long-term: 1 per 4 units; Short-term: 1 per 20 units	Bike storage will be provided on ground floor in lieu of parking spaces.	Ground floor bike storage to be provided
Recycling Space	2 cubic feet of space per unit	2 cubic feet of space per unit	Recycling space will be provided in the ground floor trash room.	Complies

(b) Criterion §15332(b): Project Location, Size & Context

The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses

The Project is located at 1331 Harrison Street within the City of Oakland, at the corner of Harrison and 14th Streets. The site area is 15,000 square feet (i.e., 0.34 acres). The Project site is surrounded by properties developed with urban land uses and/or paved public streets (see **Figures 9 and 10**). Given these facts, the Project adheres to the criteria of CEQA Guidelines §15332(b).

(c) Criterion §15332(c): Endangered, Rare of Threatened Species

The project site has no value as habitat for endangered, rare or threatened species.

As shown in **Figures 10 and 11** the Project site is completely paved for use as a surface parking lot. Aside from the two street trees in the adjacent sidewalk areas and the coast redwood located on the adjacent courtyard, there is no vegetation on the Project site. The Project site does not include habitat for endangered, rare or threatened species. Given these facts, the Project adheres to the criteria of CEQA Guidelines §15332(c).

Figure 11: Aerial Photo of Site

(d) Criterion §15332(d): Traffic, Noise, Air Quality or Water Quality

Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Relative to CEQA Guidelines §15332(d), the following pages provide substantial evidence that the Project, as compared to the City of Oakland CEQA thresholds of significance, will not result in a significant effect on the topics of traffic, noise, air quality and water quality. Given these facts, the Project adheres to the criteria of CEQA Guidelines §15332(d).

Traffic

The Project is within a short 2-3 block walk from the BART station at 12th Street and Broadway and is well served by several AC Transit bus routes on 14th Street and other nearby streets. This high density residential project would be well served by mass transit systems and located in close proximity to the core of Oakland's downtown office district and City government center which would enable a large percentage of future residents to either walk, take transit or bike to work during normal weekday peak commute periods.

A focused transportation impact analysis was prepared by Fehr & Peers, Traffic Consultants, Inc. to determine whether the project would result in significant traffic impacts. The Fehr & Peers

Traffic Analysis is presented as a Memorandum dated September 11, 2014. The methodology used in the analysis was consistent with the City of Oakland Transportation Impact Study Guidelines (April 4, 2013)[2] which recommends analyzing intersections where project-generated traffic would increase peak hour volumes by 50 trips or more. The traffic analysis found that the 1331 Harrison Street project would generate 43 weekday AM peak hour and 49 weekday PM peak hour trips (i.e., below the City's threshold) and would not significantly degrade traffic conditions at intersections which are identified in the Lake Merritt Station Area Plan (LMSAP) Draft EIR as operating at an already deficient level. Further discussion of traffic impact analysis in relation to the analysis in the LMSAP Draft EIR and other recent EIRs for projects in the downtown area is presented beginning on page 41 below.

Standard Conditions of Approval

The following uniformly applied development standards related to transportation/traffic, imposed as standard conditions of approval, are germane to the topic of transportation/traffic and would be applicable to the Project to ensure that potential traffic-related impacts would be less than significant:

#1. **Parking and Transportation Demand Management**

Prior to issuance of a final inspection of the building permit. The applicant shall pay for and submit for review and approval by the City a Transportation Demand Management (TDM) plan containing strategies to:

- Reduce the amount of traffic generated by new development and the expansion of existing development, pursuant to the City's police power and necessary in order to protect the public health, safety and welfare.
- Ensure that expected increases in traffic resulting from growth in employment and housing opportunities in the City of Oakland will be adequately mitigated.
- Reduce drive-alone commute trips during peak traffic periods by using a combination of services, incentives, and facilities.
- Promote more efficient use of existing transportation facilities and ensure that new developments are designed in ways to maximize the potential for alternative transportation usage.
- Establish an ongoing monitoring and enforcement program to ensure that the desired alternative mode use percentages are achieved.

The applicant shall implement the approved TDM plan. The TDM plan shall include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use. All four modes of travel shall be considered, and parking management and parking reduction strategies should be included. Actions to consider include the following:

a) Inclusion of additional long term and short term bicycle parking that meets the design

---

[2] City of Oakland, Transportation Impact Study Guidelines (updated as of April 4, 2013)

standards set forth in chapter five of the Bicycle Master Plan, and Bicycle Parking Ordinance.

b) Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority Bikeway Projects, on-site signage and bike lane striping.

c) Installation of safety elements per the Pedestrian Master Plan (such as cross walk striping, curb ramps, count-down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials.

d) Installation of amenities such as lighting, street trees, trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.

e) Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.

f) 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).

g) Employees or residents can be provided with a subsidy, determined by the applicant and subject to review by the City, if the employees or residents use transit or commute by other alternative modes.

h) Provision of shuttle service between the development and nearest mass transit station, or ongoing contribution to existing shuttle or public transit services.

i) Guaranteed ride home program for employees, either through 511.org or through separate program.

j) Pre-tax commuter benefits (commuter checks) for employees.

k) 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.

l) Onsite carpooling and/or vanpooling program that includes preferential (discounted or free) parking for carpools and vanpools.

m) Distribution of information concerning alternative transportation options

n) 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.

o) Parking management strategies; including attendant/valet parking and shared parking spaces.

p) Requiring tenants to provide opportunities and the ability to work off-site.

q) 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.

r) 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 applicant shall submit an annual compliance report for review and approval by the City. This report will be reviewed either by City staff (or a peer review consultant, chosen by the City and paid for by the applicant). If timely reports are not submitted, the reports indicate a failure to achieve the stated policy goals, or the required alternative mode split is still not achieved, staff will work with the applicant to find ways to meet their commitments and achieve trip reduction goals. If the issues cannot be resolved, the matter may be referred to the Planning Commission for resolution. Applicants shall be required, as a condition of approval, to reimburse the City for costs incurred in maintaining and enforcing the trip reduction program for the approved Project.

#2. **Construction Traffic and Parking.**

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

a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.

b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.

c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.

d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.

e) Provision for accommodation of pedestrian flow.

f) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.

g) Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's 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 issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo

documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy.

h) Any heavy equipment brought to the construction site shall be transported by truck, where feasible.

i) No materials or equipment shall be stored on the traveled roadway at any time.

j) Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.

k) All equipment shall be equipped with mufflers.

l) Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors.

Compliance with the foregoing Standard Conditions of Approval would assure that transportation impacts would be ***less than significant***.

Noise

Local policy regarding noise is addressed in the Noise Element of the City's General Plan and these policies are implemented and enforced through the regulations and noise standards as set forth in in Chapter 17.120.050 (Noise) of the Municipal Code. The Code states that "all activities shall be so operated that the noise level inherently and regularly generated by these activities across real property lines shall not exceed the applicable values as stated in the Code. The standards and values addressed in the Code include those pertaining to the operation of residential land uses and to the exposure of residences to noises generated from other sources. The Code also addresses the generation and exposure to noise generated during construction.

Operational noise from the completed high-rise residential project (primarily from the operation of mechanical equipment (i.e., for heating and cooling) would not exceed levels allowed by the Municipal Code. Compliance would be assured during the building permit review and approval process whereby the noise-related specifications of proposed mechanical equipment would be reviewed against applicable standards. During construction, however, noise from construction equipment would exceed acceptable levels and would be particularly disturbing to nearby 'sensitive receptors' such as residences, motels and hotels, schools, libraries, churches, hospitals or nursing homes. Sensitive receptors including residential land uses are located within one – two blocks of the Project site as depicted in the photos below.

Figure 12: Photo of 2nd story apartments, S/E Corner, 13th/ Harrison

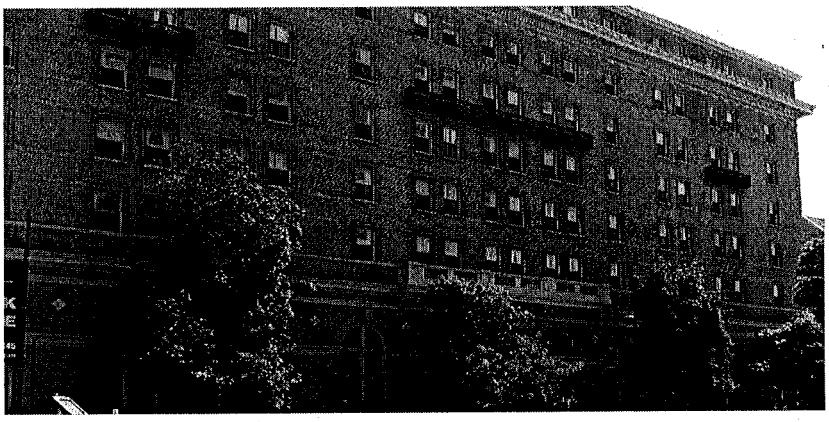


Figure 13: Photo of The Oakland Hotel (13th/Harrison/14th)

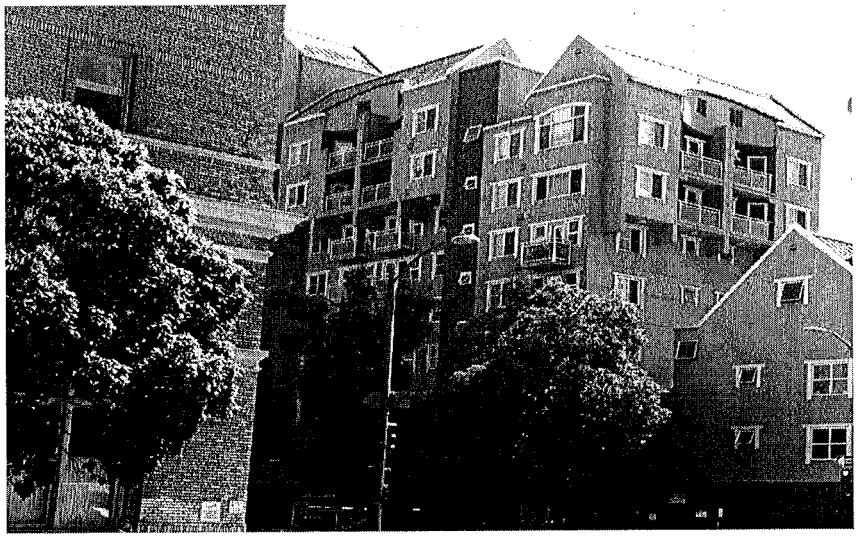


Figure 14: Photo of the Frank Mar Community Housing, 13th/Alice Street

As presented in the Lake Merritt Station Area Plan EIR, day and nighttime average ambient noise levels in downtown Oakland are primarily determined by the level of street or freeway

traffic near a given location. Traffic levels and average speeds in the vicinity of the Project site result in average ambient noise levels below 60 dB which reflect a noise environment considered "normally acceptable" or "conditionally acceptable" for residential use pursuant to the City's General Plan Land Use Compatibility Guidelines.

Noise and vibration impacts associated with construction and operation of the Project, including impacts on nearby receptors and impacts of ambient (outside) noise on the living conditions of future Project residents, are considered to be adequately addressed and reduced to a less than significant level through the imposition of relevant noise and vibration-related Standard Conditions of Approval (SCA) adopted by the City of Oakland. The following uniformly applied development standards, imposed as standard conditions of approval, are applicable to the Project:

#3. **Days/Hours of Construction Operation**

Ongoing throughout demolition, grading, and/or construction. The project applicant shall require construction contractors to limit standard construction activities as follows:

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

b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.

c) Construction activity shall not occur on Saturdays, with the following possible exceptions:

i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.

ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.

d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on

Saturdays, with no exceptions.

e) No construction activity shall take place on Sundays or Federal holidays.

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

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

#4. **Noise Control.**

Ongoing throughout demolition, grading, and/or construction. To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures:

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

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

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

d) 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.

#5. **Noise Complaint Procedures**

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

a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);

b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);

c) The designation of an on-site construction complaint and enforcement manager for the project;

d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and

e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

#6. **Interior Noise**.

Prior to issuance of a building permit and Certificate of Occupancy. If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls), and/or other appropriate features/measures, shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval prior to issuance of building permit. Final recommendations for sound-rated assemblies, and/or other appropriate features/measures, will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phases. Written confirmation by the acoustical consultant, HVAC or HERS specialist, shall be submitted for City review and approval, prior to Certificate of Occupancy (or equivalent) that:

(a) Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and

(b) Demonstrates compliance with interior noise standards based upon performance testing of a sample unit.

(c) Inclusion of a Statement of Disclosure Notice in the CC&R's on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity and the single event noise occurrences. Potential features/measures to reduce interior noise could include, but are not limited to, the following:

i. Installation of an alternative form of ventilation in all units identified in the acoustical analysis as not being able to meet the interior noise requirements due to adjacency to a noise generating activity, filtration of ambient make-up air in each

unit and analysis of ventilation noise if ventilation is included in the recommendations by the acoustical analysis.

ii. Prohibition of Z-duct construction.

#7. **Operational Noise-General**

Ongoing. Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

#8. **Vibration**

Prior to issuance of a building permit. A qualified acoustical consultant shall be retained by the project applicant during the design phase of the project to comment on structural design as it relates to reducing groundborne vibration at the project site. If required in order to reduce groundborne vibration to acceptable levels, the project applicant shall incorporate special building methods to reduce groundborne vibration being transmitted into project structures. The City shall review and approve the recommendations of the acoustical consultant and the plans implementing such recommendations. Applicant shall implement the approved plans. Potential methods include the following:

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

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

The consultant shall evaluate whether the Project, during project construction or project operation, would expose persons to or generate groundborne vibration in excess of the criteria established by the Federal Transit Administration (FTA) as set forth in Table 2, below:

TABLE 2 FTA Groundborne Vibration Impact Criteria			
Land Use Category	**Frequent Events[1]**	**Occasional Events[2]**	**Infrequent Events[3]**
Category I: Buildings where vibration would interfere with interior operations	65 VdB[4]	65 VdB[4]	65 VdB[4]
Category II: Residences and buildings where people normally sleep	72 VdB	75 VdB	80 VdB
Category III: Institutional land uses with primarily daytime use	75 VdB	78 VdB	83 VdB

Notes: 1) More than 70 vibration events of the same source per day.
2) Between 30 and 70 vibration events of the same source per day.
3) Less than 30 vibration events of the same source per day.
4) This criterion is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration sensitive manufacturing or research should always require detailed evaluation to define the acceptable vibration levels. Ensuring low vibration levels in a building requires special design of HVAC systems and stiffened floors.

#9: **Pile Driving and Other Extreme Noise Generators**

Ongoing throughout demolition, grading, and/or construction. To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant.

Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of the following measures. These attenuation measures shall include as many of the following control strategies as feasible:

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

b. 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;

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

d. 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

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

#10 **Vibrations Adjacent Historic Structures**

Prior to issuance of a demolition, grading or building permit

The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage the nearby historic structures listed below and design means and methods of construction that shall be utilized to not exceed the thresholds.

- Hotel Menlo Group (300 – 312 and 320 13th Street)
- Golden Bridge Lofts (330 13th Street)
- Menlo Hotel (344 13th Street/1300 Webster Street)
- 1320-1322 Webster
- 14th and Webster Street Group: 333 - 347 14th Street & 1383 Webster and (corner Webster and 14th)
- 321 – 327 14th Street
- 315 14th Street
- The Hotel Oakland (250-298 13th Street)
- The Hotel Harrison (1401-15 Harrison Street /300-306 14th Street)
- The Harrison Apartments (1425 Harrison)
- The Hotel Coit (1425-1445 Harrison/301-315 15th Street)
- The Coit Commercial Block (1501 Harrison/300-318 15th Street)
- King Building Group (1261 Harrison/301 – 335 13th Street)
- 1442 Webster/340-14th Street
- 332 14th Street
- 328 14th Street
- 322 14th Street
- 316 14th Street
- 306 - 308 14th Street

- 286 14th Street
- 272 – 274 14th Street
- 268 14th Street
- 201 13th Street - Oakland Main Post Office & Federal Building

Implementation and compliance with all of the foregoing noise and vibration-related SCAs would reduce noise and vibration impacts of the Project to a ***less than significant*** level.

Air Quality

A technical analysis of air quality, greenhouse gas and toxic air contaminant impacts was prepared for the Project to determine whether the Project would result in related impacts above acceptable threshold levels.[3] The analysis concluded that the Project would not result in significant impacts related to air quality, greenhouse gas or toxic air contaminants (health risk). The analysis assumed application of standard conditions of approval related to the construction-period activities. The Project would not exceed the threshold related to toxic air contaminants and therefore operational health risk reduction measures would not be required.[4] The analysis and its findings provide substantial evidence that no further analysis or application of mitigation is warranted and all potentially significant air quality, greenhouse gas and health risk impacts are less than significant.

Since the air quality and health risk assessment demonstrates that the Project is below applicable BAAQMD screening levels for air quality, greenhouse gas or toxic air contaminants (health risk), its impacts are considered to be less than significant and no further analysis is required. Nevertheless, consistent with BAAQMD recommendations and City of Oakland Standard Conditions of Approval, the Project would be required to comply with SCA 9below related to the control of dust during construction activities.

#11 **Construction-Related Air Pollution Controls (Dust and Equipment Emissions**

Ongoing throughout demolition, grading, and/or construction. During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the Bay Area Air Quality Management District (BAAQMD):

a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). 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.

---

[3] Rebecca Gorton, Lamphier-Gregory, *Technical Memorandum: 1331 Harrison Street Project, Oakland, Air Quality, Greenhouse Gas and Toxic Air Contaminant Analysis*, January 15, 2014..

[4] Based on this finding of the analysis, the current version of SCAs for Indoor Air Quality, Exposure to Air Pollution (Toxic Air Contaminants - formerly SCA 94) and Air Pollution Buffering for Private Open Space (SCA 95) are not required.

b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
d) Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
e) Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
f) Limit vehicle speeds on unpaved roads to 15 miles per hour.
g) Idling times shall be minimized either by shutting equipment off when not is 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 of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.
h) 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.
g) Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required on-site signage.

The technical analysis of air quality, greenhouse gas emissions and health risk from exposure to toxic air contaminants reached the following summary conclusion:

> Based on screening-level analysis, the project would not result in significant impacts related to air quality, greenhouse gas or toxic air contaminants (health risk). The analysis assumes application of standard conditions of approval related to the construction-period activities. The threshold for requirement of operational health risk reduction measures was not met. No further analysis or application of mitigation is warranted by these results.

Based on the foregoing, impacts related to air quality would be ***less than significant.***

Water Quality

All development projects within the City of Oakland are subject to mandatory water quality requirements imposed as a condition of construction (i.e., Standard Conditions of Approval Nos. 12, 13 and 14, below). These regulations implement regional water quality regulations imposed by the San Francisco Bay Regional Water Quality Control Board pursuant to a NPDES permit. Measures resulting from these requirements include best management practices for both construction and post-construction periods that limit periods during which grading occurs, filtration of stormwater prior to entering public drainage systems and similar requirements. The Project would, with implementation of mandatory stormwater quality treatment methods noted above, result in a ***Less Than Significant Impact*** relative to water quality.

Standard Conditions of Approval

#12. **Stormwater Pollution Prevention Plan (SWPPP)**

Prior to and ongoing throughout demolition, grading, and/or construction activities. The project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a notice of intent (NOI) with the SWRCB. The project applicant will be required to prepare a stormwater pollution prevention plan (SWPPP) and submit the plan for review and approval by the Building Services Division. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact stormwater; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to stormwater; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit to the Building Services Division a copy of the SWPPP and evidence of submittal of the NOI to the SWRCB. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.

#13. **Erosion, Sedimentation, and Debris Control Measures**

Prior to issuance of demolition, grading, or construction-related permit. The project applicant shall submit an erosion and sedimentation control plan for review and approval by the Building Services Division. All work shall incorporate all applicable "Best Management Practices (BMPs) for the construction industry, and as outlined in the Alameda Countywide Clean Water Program pamphlets, including BMP's for dust, erosion and sedimentation abatement per Chapter Section 15.04 of the Oakland Municipal Code. The measures shall include, but are not limited to, the following:

a) On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the street, gutters, storm drains.

b) In accordance with an approved erosion control plan, the project applicant shall implement mechanical and vegetative measures to reduce erosion and

sedimentation, including appropriate seasonal maintenance. One hundred (100) percent degradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.

c) Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.

d) Install filter materials acceptable to the Engineering Division at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.

e) Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.

f) Direct and locate tool and equipment cleaning so that wash water does not discharge into the street, gutters, or storm drains.

g) Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.

h) Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.

i) Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.

j) Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the street, gutter, storm drains.

k) All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Board (RWQB).

l) All erosion and sedimentation control measures shall be monitored regularly by the project applicant. The City may require erosion and sedimentation control measures to be inspected by a qualified environmental consultant (paid for by the project applicant) during or after rain events. If measures are insufficient to control sedimentation and erosion then the project applicant shall develop and implement additional and more effective measures immediately

#14. **Post-Construction Stormwater Management Plan.**

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

a) The post-construction stormwater management plan shall include and identify the following:

i. All proposed impervious surface on the site;

ii. Anticipated directional flows of on-site stormwater runoff; and

iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and

iv. Source control measures to limit the potential for stormwater pollution;

v. Stormwater treatment measures to remove pollutants from stormwater runoff; and

vi. Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit.

b) The following additional information shall be submitted with the post-construction stormwater management plan:

i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and

ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e. non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable or removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants

expected to be generated by the project.

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

Prior to final permit inspection. The applicant shall implement the approved stormwater management plan.

(e) Utilities & Public Services

The site can be adequately served by all required utilities and public services.

The Project is situated in an urban location already served by all necessary municipal utilities (i.e., stormwater, water, wastewater, solid waste) and public services (i.e., police, fire, schools).The following analysis reviews whether the Project can, as required by CEQA Guidelines §15332(e), be "adequately served by all required utilities and public services."

Stormwater

Under existing conditions, stormwater from the Project site is conveyed to curb/gutters at abutting public streets for conveyance in the municipal stormwater system. This situation would be retained under the Project.

Overall stormwater runoff volume from the Project site would not substantially change since it presently consists entirely of impervious surface area (e.g., paved parking lot). Therefore, no appreciable increase in contributions to the municipal stormwater system would result. Nonetheless, the following City of Oakland's Standard Conditions of Approval will require the Project sponsor to confirm the capacity of the City's surrounding stormwater system and state of repair.

#15. **Stormwater and Sewer**

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

Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

#16. **Source Control Measures to Limit Stormwater Pollution**

Prior to issuance of building permit (or other construction-related permit). The applicant shall implement and maintain all structural source control measures imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.

Ongoing

The applicant, or his or her successor, shall implement all operational Best Management Practices (BMPs) imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.

The Project will be responsible for any necessary stormwater infrastructure improvements necessary to accommodate the proposed Project. Fulfillment of the mentioned Standard Condition of Approval would ensure adequate stormwater drainage service to the Project.

Water

The Project site is served by existing water supplies, treatment facilities and distribution systems operated and managed by the East Bay Municipal Utility District (EBMUD). EBMUD provides potable water to approximately 1.3 million people throughout portions of Alameda and Contra Costa counties including the City of Oakland. The Project site is served by a six (6) inch water mains located beneath both 14th and Harrison Streets.

The Project's increased water demand represents a very marginal increase in overall water demand from throughout the EBMUD service area (less than 1/100th of a percent increase over the current adjusted demand of 216,000,000 gpd). The Project's estimated water demand is fully accounted for in EBMUD's water demand projections as published in the *2009 WSMP 2040* and would not exceed water supplies available from existing entitlements and resources.

The Project sponsor will need to connect the new building to the existing water infrastructure located beneath the two adjacent streets. The existing main water pipeline system near the Project site is probably the original cast iron material, installed in the late 1890s, and would likely need to be replaced to accommodate the flow requirements of the Project. As part of standard development practices, all modifications and improvements to the existing water supply infrastructure required to accommodate the Project would be determined in consultation with EBMUD upon application for water service, with all associated costs to be borne by the Project sponsor. Additionally, minimum fire flow requirements would be assessed at the time of Project funding.

For the reasons stated above, there is sufficient water to serve the Project.

Wastewater

The Project site is currently served by existing sewer infrastructure located beneath the surrounding roadways. Existing infrastructure consists of conveyance pipelines located beneath both Harrison and 14th Streets.

The City of Oakland uses a numbered sub-basin system and assigns the discharges from each sub-basin a single discharge point from the City's collection system to the EBMUD interceptor system. The City allocates each sub-basin a certain amount of sewer flow that may be discharged to the EBMUD system, and flows within a sub-basin normally may not exceed that allocation. Should a sub-basin require more flow than its allocation, allocation may be redirected between adjacent sub-basins. In this manner, the City ensures the capacity of the EBMUD wastewater transport and treatment system is adequate to serve development as planned and as proposed.

Pursuant to the aforementioned City of Oakland Standard Condition of Approval, the Project sponsor would be required to confirm the capacity of the City's wastewater system, and the Project would be responsible for any necessary wastewater infrastructure improvements necessary to accommodate the Project. Therefore, portions of unused allocation would be re-allocated, through coordination agreements with EBMUD, to the relevant sub-basins to accommodate the Project's projected demand.

For the reasons stated above, there is sufficient wastewater infrastructure capacity to serve the Project.

Solid Waste

Solid waste and yard trimmings within the City of Oakland are collected by Waste Management of Alameda County. These materials are taken to the Davis Street Transfer Station in San Leandro. After undergoing processing, waste from the Transfer Station is delivered to the Altamont Landfill in eastern Alameda County. The landfill is projected to have sufficient capacity to operate until at least 2031, and potential to operate through 2071, depending on waste flows and waste reduction measures.

Waste Management provides solid waste removal and curbside recycling within the City of Oakland, including the Project site. Curbside recycling includes collection of glass, aluminum and tin, motor oil, cardboard, magazine and newsprint, and plastic. Recyclable materials are also delivered to the Davis Street Transfer Center, where they are processed.

For the reasons stated above, there is sufficient solid waste service for the Project.

Police Services

The Project would increase development intensity on the Project site as well as increase the on-site population (e.g., residents, visitors, commercial space customers and employees and building maintenance and operational employees). This increase could result in an increase in reported crimes. Whereas the City of Oakland continues to deal with issues surrounding crime and crime prevention, and whereas the Oakland Police Department continues to manage its resources as effectively as possible given budgetary constraints, it is not anticipated that the Project will result in the need for any new physical facilities to maintain acceptable service ratios, response times or other Oakland Police Department performance objectives. Therefore, police service is adequate to serve the Project.

Fire Protection Services

First-responder fire protection services would be provided by the Oakland Fire Department. The

closest facility is Station 1 located at 1605 Martin Luther King Jr. Way, approximately 2/3rds of a mile from the Project site. Station 1 is staffed with a truck company (9 fire personnel and a battalion chief) and is equipped with a fire engine and ladder truck capable of fighting structural fires in multi-level buildings. Station 1 is capable of providing prompt fire protection service to the Project site (less than seven (7) minutes) in an emergency. In addition, the Fire Department's Emergency Medical Services facility located at 47 Clay Street would provide additional EMS services to future residents at the Project site.

Development of the Project site may result in an increase in calls for fire and emergency medical services. However, the Fire Department would be able to provide adequate fire suppression and emergency medical response services to the Project Site with existing staff. The Project would not require development of new or physically altered facilities. Therefore, fire protection service is adequate to serve the Project.

Schools

The Oakland Unified School District ("District") provides public education services to the City of Oakland, grades kindergarten through high school (K - 12). The proposed multi-family residential structure would provide 166 new residential units to the City of Oakland's residential inventory and future residents would be expected to include families with school-aged children. The District has prepared a technical analysis of how many school aged children can be expected from new residential development in Oakland and an analysis of how much each new student represents in terms of the capital and annual operating cost of providing educational services. Student generation rates used by the District[5] are as follows:

Grade Group	Students/Dwelling Unit
K - 5	0.141
6-8	0.060
9- 12	0.073
Total	0.274

Based on the District's projected student generation rates for residential development, the Project would be expected to result in a total school population of 45 students: 23 in grades K-5, 10 in grades 6 - 8 and 12 in grades 9 - 12.

The District's analysis of the financial impact of new residential and commercial/industrial development concludes that residential development creates a school facility cost of $6.72 per square foot and commercial development creates a cost ranging from $1.93 to $8.28 per square foot. The District's School Facility Fee report provides the basis for charging residential and commercial developers a fee of $3.20 per square foot of residential development and $0.51 per square foot of commercial space. These fees are the most that can be charged pursuant to the provisions of Government Code §65995. As applied to the Project, the District's fee program would require payment of $625,920 for the residential portion of the Project (195,600 square

[5] : Oakland Unified School District, *School Facility Fee Justification Report, For Residential, Commercial & Industrial Development Projects For The Oakland Unified School District*, December 2012, Table 1-1, p. 7.

feet) and $1,836 for the commercial portion of the Project (3,600 square feet) or a total of $627,756. The payment of these fees is deemed to off-set the financial impact of adding new student age population to the District and, for the purposes of CEQA, would reduce the potential impact to a ***less than significant*** level.

EXCEPTIONS TO THE EXEMPTION

In addition to investigating the applicability of CEQA Guidelines §15332 (Class 32), this Memorandum also assess whether any of the exceptions to the categorical exemption are present. The following analysis compares the criteria of CEQA Guidelines §15300.2 to the Project. None of the exceptions are applicable.

Criterion 15300.2(a): Location

> (a) Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. (***Not Applicable***)

The Project does not qualify for an exemption under Classes 3, 4, 5, 6 or 11. Therefore, the exception under this criterion is not applicable.

Criterion 15300.2(b): Cumulative Impact

> (b) All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. (***Not Applicable***)

The potential cumulative environmental effects associated with the Project (and others in the area) are limited to transportation/traffic and air quality.

With regard to transportation/traffic, the Transportation Impact Analysis prepared by Fehr & Peers concludes that the number of peak hour trips would be below the threshold for which a full Traffic Impact Analysis would be required, using the City of Oakland's criteria. On this basis, it is concluded that traffic impacts of the Project would be ***less than significant***, considering both near term potential impacts and cumulative impacts. Therefore, relative to this environmental topic, the Project would not result in a significant cumulative traffic impact.

Further, the air quality GHG and health risk analysis found that with regard to potential cumulative air quality effects, additional analysis is not necessary. In developing thresholds of significance, the Bay Area Air Quality Management District (BAAQMD) considered the levels at which individual impacts would be cumulatively considerable. As described above, all Project-specific air quality impacts are considered less than significant. Therefore, it can also be concluded the Project's cumulative effect would also be ***less than significant***.

Criterion 15300.2(c): Significant Effect

(c) A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. (***Not Applicable***)

The only potential unusual circumstance applicable to the Project that could result in a significant effect on the environment is the potential for damage to a coast redwood tree (*Sequoia sempervirens*) located in a courtyard adjacent to the Project site. The current general health of the tree and the potential for damage to occur to the tree's root structure during site excavation and related construction activities were evaluated by a certified arborist in July 2014.[6] The arborist stated that excavation near the redwood tree along the property line may affect roots that could be encroaching on the site due to its close proximity to the property line. The arborist observed that the tree appears to be in good health, shows no signs of Botryosphaeria canker (a fungal pathogen that causes scattered dieback in the crown, primarily on the branch tips, as well as scattered branches throughout the crown) or spider mites and concluded that the tree will most likely be able to tolerate the anticipated root loss associated with the construction project provided the Project implements protective recommendations set forth below as implementing the applicable Standard Condition of Approval regarding the protection of trees during construction.

Standard Conditions of Approval

In light of the potential for damage to the coast redwood tree and the potential need for a tree permit, the following uniformly applied development standards, imposed as standard conditions of approval, are applicable to the Project:

17. Tree Removal Permit

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

18. Tree Replacement Plantings

Prior to issuance of a final inspection of the building permit. Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:

a) No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.

b) Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye) or Umbellularia californica (California Bay Laurel)

---

[6] Bill Owen, Safety Director & Certified Master Arborist for Arborwell Professional Tree Management, *Letter Report/Evaluation re: 1331 Harrison Street, Oakland*, July, 2014.

or other tree species acceptable to the Tree Services Division.

c) Replacement trees shall be at least of twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.

d) Minimum planting areas must be available on site as follows:

   i. For Sequoia sempervirens, three hundred fifteen square feet per tree;

   ii. For all other species listed in #2 above, seven hundred (700) square feet per tree.

e) In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.

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

19. <u>Tree Protection During Construction</u>

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

a) 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 City Tree Reviewer. 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.

b) 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 City Tree Reviewer 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.

c) 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 Tree Reviewer 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 tree reviewer. 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.

d) 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.

e) 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 Agency of such damage. 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.

f) 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.

Further, the recommendations of the Arborist to implement SCA #19 are also required:

- Any roots encountered and cut during excavation shall be cleanly cut with a sharp hand saw, chainsaw, or similar saw. Making clean cuts on roots encourages healing of the wound associated with the cut. Leaving roots with shredded ends from excavators encourages root decay and therefore increases the likelihood of structural defects being created by the operation;
- Soil moisture should be monitored for the first two weeks after excavation to ensure that the tree has adequate available water at its disposal during the time of highest stress. The irrigation system should be adjusted according to the recommendations of a qualified arborist based on his or her assessment of the trees water needs.
- A tree growth regulator treatment is recommended after the time of excavation. A treatment of any product containing the active ingredient pacalobutrazol will encourage fine root development and shift the trees hormones to favor root growth as opposed to vegetative growth. The enhancement of fine root growth will enable the tree to cope with the stress of excavation by increasing its ability to absorb water and crucial nutrients.

With compliance with SCAs 17 - 19 above including the Arborist's recommendations, it is concluded that the exception under CEQA Guidelines Sec. 15300.2(c) does not apply to the Project.

Criterion 15300.2(d): Scenic Highway

(d) A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR. (***Not Applicable***)

The Project site has no trees, rock outcroppings, or similar resources, and is not visible from a

state scenic highway. The nearest scenic highway, the MacArthur Freeway (I-580), is located approximately one (1) mile east of the Project site. As a vacant site, there are no historic resources on the Project site, and, based on the Historic Resource Analysis discussed below, the Project would not result in significant impacts on historic resources. Given these facts and conclusions from professional analysis, the exception under CEQA Guidelines §15300.2(d) does not apply to the Project.

Criterion 15300.2(e): Hazardous Waste Sites

> (e) A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. (***Not Applicable***)

Environmental Setting

The Project site at 1331 Harrison Street is not on the "Cortese" list[7] but was occupied for approximately 40 years as a Chevron service station for gasoline fuel sales and a car wash operation.[8] A leak in the underground storage tanks associated with that prior use was discovered in 1988 and subsequent investigations determined that the storage tank leaks released petroleum products into the soil and groundwater beneath the site. The service station was demolished in 1989 and the underground storage tanks were removed in 1991. A remediation plan was prepared, monitoring wells were bored and petroleum-contaminated soil and groundwater were removed from the site under the supervision of the Alameda County Department of Environmental Health (ACDEH). Documentation of the clean-up work and monitoring results demonstrated to the satisfaction of the State Water Resources Control Board that the contamination had been adequately remediated and on that basis approved the case closure letter on February 27, 1997.[9]

Standard Conditions of Approval

The following uniformly applied development standards, imposed as standard conditions of approval, are applicable to the Project:

#20. **Site Review by the Fire Services Division**

---

7 http://www.envirostor.dtsc.ca.gov/public/search.asp?PAGE=11&CMD=search&ocieerp=False&business_name=&main_street_number=&main_street_name=&city=&zip=&county=&branch=&status=ACT%2CBKLG%2CCOM&site_type=CSITES%2COPEN%2CFUDS%2CCLOSE&cleanup_type=&npl=&funding=&reporttype=CORTESE&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST&federal_superfund=&state_response=&voluntary_cleanup=&school_cleanup=&operating=&post_closure=&non_operating=&corrective_action=&tiered_permit=&evaluation=&spec_prog=&national_priority_list=&senate=&congress=&assembly=&critical_pol=&business_type=&case_type=&display_results=&pub=&hwmp=False&permitted=&pc_permitted=&ORDERBY=upper%28business_name%29&next=Next+50. This site was accessed 3/20/2014.

8 Fuel Leak Case Closure Chevron #9-4816, 301 14th Street, Oakland, CA 94612, Alameda County Health Care Services, Environmental Health Services, Environmental Health Division, Case Number RO0000290, dated September 30, 2005.

9 Ibid, page 1.

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

#21. **Phase I and/or Phase II Reports**.

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

#22. **Environmental Site Assessment Reports Remediation**.

Prior to issuance of a demolition, grading, or building permit. If the environmental site assessment reports recommend remedial action, the project applicant shall:

a) Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.

b) Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency.

c) Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.

#23. Other Materials Classified as Hazardous Waste

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

#24. Health and Safety Plan per Assessment

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

structures, and transport and disposal.

#25. Best Management Practices for Soil and Groundwater Hazards.

Ongoing throughout demolition, grading, and construction activities. The project applicant shall implement all of the following Best Management Practices (BMPs) regarding potential soil and groundwater hazards.

a) Soil generated by construction activities shall be stockpiled onsite 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 agencies laws, in particular, the Regional Water Quality Control Board (RWQCB) and/or the Alameda County Department of Environmental Health (ACDEH) and policies of the City of Oakland.

b) Groundwater pumped from the subsurface shall be contained onsite 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 of the City of Oakland, the RWQCB and/or the ACDEH. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building (pursuant to the Standard Condition of Approval regarding Radon or Vapor Intrusion from Soil and Groundwater Sources

c) Prior to issuance of any demolition, grading, or building permit, the applicant shall submit for review and approval by the City of Oakland, written verification that the appropriate federal, state or county oversight authorities, including but not limited to the RWQCB and/or the ACDEH, have granted all required clearances and confirmed that the all applicable standards, regulations and conditions for all previous contamination at the site. The applicant also shall provide evidence from the City's Fire Department, Office of Emergency Services, indicating compliance with the Standard Condition of Approval requiring a Site Review by the Fire Services Division pursuant to City Ordinance No. 12323, and compliance with the Standard Condition of Approval requiring a Phase I and/or Phase II Reports.

Conclusion

The City of Oakland threshold for determining significant environmental effects for properties on a list compiled pursuant to Section 65962.5 of the Government Code states, "Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 (i.e., the "Cortese List") and, as a result, would create a significant hazard to the public or the environment." The Remedial Action Completion Certificate from the Alameda County Department of Environmental Heath dated September 30, 2005ensures the Project, through either construction activities or subsequent operation, would not create a significant hazard to the public or environment as it relates to the prior release of petroleum products from underground storage tanks into the soil and groundwater. Moreover, implementation of the Standard Conditions of Approval noted above further ensures no significant hazard would result from the Project. Therefore, the exception under CEQA

Guidelines §15300.2(e) does not apply to the Project.

Criterion 15300.2(f): Historical Resources

> (e) A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. (***Not Applicable***)

The Project site is adjacent to an historic district and is near other historic buildings, one of which is the Hotel Oakland, a designated historic landmark. In connection with the environmental assessment for the Project, a Historic Resource Analysis was prepared by Bridget Maley, principle at the firm Architecture + History ("a + h") to analyze and determine the extent, if any, to which the Project would result in adverse impacts on nearby historic resources.[10] A copy of the Historic Resource Analysis is included in this document.

The final conclusion of the Historic Resource Analysis states:

> The proposed project for 1331 Harrison Street in Downtown Oakland would not result in "substantial adverse change" in the significance of any known historic resources. Since the proposed project builds out a vacant lot, it would not result in the demolition, destruction, or alteration of any known historic resources. Further, the construction of the proposed new building near designated historic resources would not impair either individually significant or historic district contributors such that the significance of these resources would be materially impaired. While the proposed project would include new construction located adjacent to individually significant historic resources and near, but not within the boundaries of historic districts, it would not result in the removal of any character-defining features of the nearby historic districts. While the new construction is larger in scale than the buildings in the surrounding area, its use of a base podium to support the tower is generally compatible with the overall character of the area.

Based on the analysis and conclusions set forth in the historic assessment report, the Project's impact on the significance of a historic resource is ***less than significant*** within the meaning of CEQA. Therefore, the exception under CEQA Guidelines §15300.2(f) does not apply to the Project.

Based on the foregoing consideration of potential exemptions it is concluded that none of the exceptions to the Class 32 Exemption apply to the Project. Further, the substantial evidence provided in this document provides adequate support for the use of the Exemption Class 32 as an Infill Development Project.

PROJECTS CONSISTENT WITH A COMMUNITY PLAN OR ZONING

CEQA Guidelines §15183 provides for the streamlined review of projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified. For such projects, additional environmental review is limited to an examination of whether there are project-specific significant effects that are peculiar to the project or its site and that were not disclosed or addressed in a previously certified

---

[10] Architecture + History LLC, *1331 Harrison Street, Oakland, California – Historic Resource Analysis, June 5,* 2014.

EIR. The Project evaluated in this memorandum is consistent with the development density established by the General Plan's 1998 Land Use and Transportation Element ("LUTE"), the 2007-2014 Housing Element and the 2013 draft Lake Merritt Specific Plan. EIRs were certified for first two of those documents and a Draft EIR for the Lake Merritt Specific Plan is currently undergoing public review. The following analysis considers whether there are project specific significant effects that are peculiar to the Project that were not previously addressed in the three referenced EIRs.

GENERAL PLAN: LAND USE AND TRANSPORTATION ELEMENT (LUTE)

The City of Oakland completed an update of the LUTE of the General Plan in March 1998. The LUTE includes the City's current Land Use and Transportation Diagram as well as strategies, policies, and priorities for Oakland's development and enhancement during a two decade period. The EIR certified for the LUTE is used to simplify the task of preparing environmental documents on later projects that occur as a result of LUTE implementation. Environmental effects identified in the LUTE's EIR as significant and unavoidable ("SU") or as significant but mitigable to less than significant levels through mitigation (LTS) are limited to the topics of: aesthetics/winds, cultural resources, hazards/hazardous materials, land use/planning, population/housing, and public services. The current Project is consistent with the development intensity planned for the Project site by the LUTE and there are no peculiar aspects, other than those evaluated herein, that would increase the severity of any of the previously identified significant effects in the LUTE EIR.

GENERAL PLAN: HOUSING ELEMENT

The City of Oakland's Housing Element 2007-2014 accommodates 14,629 new housing units to meet its "fair share" of housing need, known as the Regional Housing Needs Allocation (RHNA). The City's Housing Element identifies opportunity sites and other means for achieving its objectives without requiring rezoning or General Plan Amendments and with projects either built, under construction, approved or in predevelopment.

The Initial Study prepared for the 2007-2014 Housing Element determined that it would result in less than significant impacts related to: aesthetics/shadows/winds, agricultural resources, biological resources, cultural resources, geology/soils, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, population/housing, public services, recreation, and utilities/service systems. The Project site at 1331 Harrison Street is not identified in the Housing Element as an "Opportunity Site." As a result of the conclusions in the Initial Study, the accompanying Environmental Impact Report discussed impacts related to transportation, air, noise, and climate change.

As documented in this CEQA Exemption Document, the peculiar aspects of the current Project, under the topics of transportation, air and noise, have been evaluated and determined to not result in any significant effects. Concerning climate change, the Housing Element 2007-2014 EIR documents that future residential development projects would result in less than significant impacts and would not be required to undergo project-specific analyses under CEQA because (a) residential development under the Housing Element would not exceed the BAAQMD project-level threshold of 4.6 MT CO2e per service population; or (b) alternatively, individual residential developments of less than 172 units would not exceed the BAAQMD project-level Threshold of 1,100 MT CO2e. The proposed Project is less than 172 units.

Traffic

With regard to traffic and transportation, the Housing Element EIR identifies the following roadway segment impacts near the proposed 1331 Harrison Street project:

37. Grand Avenue between Harrison Street and I-580 (Existing, 2015, and 2035)
38. Grand Avenue west of Martin Luther King Junior Way (2035 only)

Considering the location of these segments, the location of the proposed project, and the trip distribution for the project as presented in Figure 2 in the Traffic Impact Analysis attached as Attachment A, the project would add less than 20 peak hour trips to these segments. Therefore, the project would not result in an impact at these segments.

LAKE MERRITT STATION AREA PLAN AND DRAFT EIR

Land Use

The Lake Merritt Station Area Plan (LMSAP) proposes two different land use designations to the Project site, similar to the two existing zoning designations. The northern portion of the site is proposed to be designated "Pedestrian District" which is described as "An area of mixed-use, pedestrian-oriented continuous storefront uses with a mix of retail, restaurants, businesses, cultural uses, and social services at the ground floor. Upper story spaces are intended to be available for a wide range of residential and commercial activities." The southerly portion of the site, designated CBD-C in the City's zoning map, is proposed to be designated "Pedestrian Transition District," described as an area that would have "...mostly housing or commercial uses, but allows for the gradual transition to a Pedestrian Area by promoting ground floor storefronts and other active uses in new buildings." The LMSAP recommends the adoption of new height and massing regulations that are more restrictive than current height provisions in the CBD zoning districts. The height limit recommended in the LMSAP is a maximum of 175 feet, with a 'base' building element of 85 feet. Both of these proposed rules would be in conflict with the proposed 289 foot building with a 57 foot base (podium) element.

The proposed land use designations of the LMSAP for the Project site are consistent with the land uses and intensities of the proposed Project; the only potential conflict involves the proposed height and massing guidelines which would not be applicable to the Project site until fully enacted as amendments to the City's zoning ordinance. As of the writing of this CEQA Exemption document, neither the LMSAP nor any accompanying amendments to the City's Municipal Code (zoning) has been adopted and the revised zoning designations are therefore not applicable to the current Project. Moreover, even if the LMSAP is adopted prior to the City's approval of the Project, the City of Oakland historically has not applied new or revised land use or other regulatory requirements or limitations retroactively to projects where the entitlement application has been timely filed and deemed complete prior to the effective date of the new or revised regulation.

Traffic

The LMSAP EIR provides the latest published traffic operations analysis at intersections in the vicinity of the 1331 Harrison Street project. The LMSAP EIR analyzed the impacts of future development under LMSAP at 45 intersections. The analysis of potential traffic impacts of the Harrison Street project focuses on intersections in close proximity to the project site that were projected to be operating at a deficient level in the LMSAP EIR. Potential project impacts are

analyzed at the following intersections (The estimated peak hour trips added by the Harrison Street project are shown in parenthesis):

1. Madison Street/12th Street (11 peak hour trips added)
2. Lake Merritt Boulevard/11th Street and 12th Street (5 peak hour trips added)
3. Lake Merritt Boulevard/International Boulevard (5 peak hour trips added)
4. Madison Street/10th Street (8 peak hour trips added)
5. Oak Street/10th Street (8 peak hour trips added)

SIGNIFICANCE CRITERIA

The Harrison Street project analysis uses City of Oakland's CEQA Thresholds of Significance Guidelines (November 2013) to determine if the proposed Project would cause a significant impact. The Project would have a significant impact on the environment if it were to:

Traffic Load and Capacity Thresholds

1. At a study, signalized intersection which is located outside the Downtown2 area and that does not provide direct access to Downtown, the project would cause the motor vehicle level of service (LOS) to degrade to worse than LOS D (i.e., LOS E or LOS F) and cause the total intersection average vehicle delay to increase by four (4) or more seconds;
2. At a study, signalized intersection which is located within the Downtown area or that provides direct access to Downtown, the project would cause the motor vehicle LOS to degrade to worse than LOS E (i.e., LOS F) and cause the total intersection average vehicle delay to increase by four (4) or more seconds;
3. At a study, signalized intersection outside the Downtown area and that does not provide direct access to Downtown where the motor vehicle level of service is LOS E, the project would cause the total intersection average vehicle delay to increase by four (4) or more seconds;
4. At a study, signalized intersection outside the Downtown area and that does not provide direct access to Downtown where the motor vehicle level of service is LOS E, the project would cause an increase in the average delay for any of the critical movements of six (6) seconds or more;
5. The Downtown area is defined in the Land Use and Transportation Element of the General Plan (page 67) as the area generally bounded by the West Grand Avenue to the north, Lake Merritt and Channel Park to the east, the Oakland Estuary to the south, and I-980/Brush Street to the west. Intersections that provide direct access to downtown are generally defined as principal arterials within two (2) miles of Downtown and minor arterials within one (1) mile of Downtown, provided that the street connects directly to Downtown.
6. At a study, signalized intersection for all areas where the motor vehicle level of service is LOS F, the project would cause (a) the overall volume-to-capacity ("V/C") ratio to increase 0.03 or more or (b) the critical movement V/C ratio to increase 0.05 or more;
7. At a study, unsignalized intersection the project would add ten (10) or more vehicles to the critical movement, and after project completion, satisfy the California Manual on Uniform Traffic Control Devices (MUTCD) peak-hour volume traffic signal warrant;

Cumulative Impacts

18. A project's contribution to cumulative impacts is considered "considerable" (i.e., significant) when the project exceeds at least one of the thresholds listed above in a future year scenario.

Conclusions:

1. **Existing Plus Project**

   Using LOS E as the applicable standard, the Fehr & Peers Traffic Impact Analysis found that all study intersections would continue to operate at LOS E or better and would not cause a significant impact at the study intersections under Existing Plus Project conditions.

2. **Cumulative 2035**

   The LMSAP EIR analysis of cumulative impacts resulting from build out of anticipated development within the Specific Plan area found that two of the study intersections would operate at LOS E or better during both AM and PM peak hours. The Madison Street/10th Street and Oak Street/10th Street intersections during both AM and PM peak hours, and the Madison Street/12th Street intersection during the PM peak hour would operate at LOS F regardless of the proposed project. The project would not cause a significant impact at these intersections because the project would not cause the overall volume-to-capacity (V/C) ratio to increase by 0.03 or more or the critical movement V/C ratio to increase by 0.05 or more.

Thus, traffic impacts of the Harrison Street project would be less than significant both in the near-term context (Existing plus Project) and on a long-term cumulative context.

CENTRAL DISTRICT RENEWAL PLAN DRAFT EIR

The City's Central District (i.e., Downtown) Urban Renewal Plan Draft EIR of March 2011 identified the following roadway segment impacts near the proposed 1331 Harrison Street project:

1. Grand Avenue between Harrison Street and I-580 and Grand Avenue (Existing, 2015, and 2035)
2. Seventh Street east of Fallon Street (2015 and 2035)

Considering the location of these segments, the location of the proposed project, and the likely trip distribution for the proposed project, it is estimated that the proposed project would add less than 20 peak hour trips to these segments. Therefore, the project is unlikely to trigger an impact at these segments.

In addition, both Housing Element and Central District Renewal Plan Draft EIRs analyzed 12th Street west of Oak Street and 14th Street west of Oak Street (both are nearest roadway segments to the project site) and did not identify significant impacts at these locations.