

<b>Location:</b>	<b>1700 Webster Street (See map on reverse)</b>
<b>Assessors Parcel Number:</b>	008-0625-014-01
<b>Proposal:</b>	Revision to a project to demolish the existing commercial building and construct a new residential tower up to 250 feet in height, containing 206 units and approximately 5,000 square feet of ground floor commercial space. The project was previously approved under Planning Case number PLN15-138, and is being revised to include a request to reduce the required parking from 206 stalls to 148 stalls in order to remove one level of parking from the building.
<b>Applicant:</b>	1700 Webster, LLC Brent Gaulke, 503-299-6000
<b>Owner:</b>	American Cancer Society, Inc.
<b>Planning Permits Required:</b>	Prior Permits: Regular Design Review for new construction; and Minor Variance to allow for one loading berth where two are required. Additional Permits Requested Under Revised Application: Major Conditional Use Permit to reduce the required parking from 206 parking stalls to 148 stalls and a Vesting Tentative Parcel Map for new condominiums.
<b>General Plan:</b>	Central Business District
<b>Zoning:</b>	CBD-P; CBD-C
<b>Environmental Determination:</b>	A detailed CEQA Analysis was prepared for this project which concluded that the proposed project satisfies each of the following CEQA provisions: Section 15332 - In-Fill Development projects; Section 15183, of the State CEQA Guidelines; projects consistent with a community plan, general plan, or zoning; and/or 15183.3 – Streamlining for in-fill projects; Each of which provides a separate and independent basis for CEQA compliance. The CEQA Analysis document may be reviewed at the Planning Bureau offices at 250 Frank Ogawa Plaza, 2 <sup>nd</sup> Floor or on-line at <a href="http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157">http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157</a>
<b>Historic Status:</b>	Non-Historic Property
<b>Service Delivery District:</b>	Metro
<b>City Council District:</b>	3
<b>Action to be Taken:</b>	Decision on Application
<b>Staff Recommendation:</b>	Approve with the attached conditions.
<b>Finality of Decision:</b>	Appealable to City Council within 10 days
<b>For Further Information:</b>	Contact case planner <b>Peterson Z. Vollmann</b> at 510-238-6167 or by e-mail at <a href="mailto:pvollmann@oaklandnet.com">pvollmann@oaklandnet.com</a> .

# CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: PLN15-138-R01  
Applicant: 1700 Webster, LLC  
Address: 1700 Webster Street  
Zone: CBD-P; CBD-C

## **SUMMARY**

The applicant is proposing a new mixed use high-rise development that would be approximately 250 feet in height and contain 206 residential dwelling units with approximately 5,000 square feet of ground floor commercial. The project was previously reviewed as an administrative case since the proposal involved less than 200,000 square feet total and was approved on September 23, 2015. As part of the previous public comment period on the project adjacent neighbors had concerns over the amount of parking being provided, at one parking stall per dwelling, since the proposal was located within the downtown core and has suggested that one level of parking be removed to also lower the base height of the building. As a result the applicant had agreed to re-submit to apply for a Conditional Use Permit to reduce the required parking after receiving their entitlements. With the inclusion of a Conditional Use Permit the project is now required to appear before the Planning Commission for an approval since the threshold is 100,000 square feet when a Conditional Use Permit is involved.

## **PROPERTY DESCRIPTION**

The subject property is a 24,438 square foot lot located at the northeast corner of Webster and 17<sup>th</sup> Streets in Downtown Oakland. The site currently contains a two story office building that covers 100% of the lot. The surrounding area consists of a mix of office and high density housing and with the exception of the building on the subject property 17<sup>th</sup> Street contains a very strong retail frontage context. Directly to the north of the project site on Webster Street is the historic Mentone Arms apartment building.

## **PROJECT DESCRIPTION**

The proposed project includes the demolition of the existing two story commercial building and the construction of a new mixed use building containing a residential tower of up to 250 feet in height. The project includes 206 dwelling units and approximately 5,000 square feet of ground floor commercial space. The 17<sup>th</sup> Street frontage would include prominent retail storefronts as well as a recessed entry courtyard for the residential lobby entrance. The storefronts will be slightly setback from the property line to allow for a wider sidewalk along the 17<sup>th</sup> Street building frontage. The auto access and utilities would be located along the back end of the building along the Webster Street elevation and have a driveway in a similar location to that of the existing building. 148 parking stalls would be provided for in three garage levels above the ground floor retail and lobby. The proposed parking garage portion of the building will be screened with a mix of translucent colored panels and decorative perforated metal panels that would be back lit in the evening hours. Secured bicycle parking will be provided at the ground floor adjacent to the elevator lobby and contain workshop amenities as well for residents to work on their bikes. The ground floor uses and parking make up the approximately 50 foot tall building base with an 18 story residential tower rising up to 250 feet in height that would be setback both from 17<sup>th</sup> Street and the rear property line by approximately 40 feet. The top of the building base would provide the required open space for the project.

## **GENERAL PLAN ANALYSIS**

The General Plan's Land Use and Transportation Element (LUTE) classifies the project site as being located in the Central Business District (CBD) General Plan area. This land use classification is intended 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, community facilities, and visitor uses. 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.

Among the General Plan Land Use and Transportation policies and objectives applicable to the proposed Project are the following:

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

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

Policy N3.1 – Facilitating Housing Construction – Facilitating the construction of housing units should be considered a high priority for the City of Oakland.

Policy N3.2 – Encourage In-fill Development – In order to facilitate the construction of needed housing units, in-fill development that is consistent with the General Plan should take place throughout the City of Oakland.

The proposed Project meets the referenced policies and objectives and the general intent of the Central Business District land use designation by constructing a new high density residential building above a well-designed retail ground floor with approximately 5,000 square feet within close walking distance to the 19<sup>th</sup> Street BART station.

## **ZONING ANALYSIS**

The subject property is located within the CBD-P and the CBD-C Zones. The intent of the CBD-P zone is to create, maintain, and enhance areas of the Central Business District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities. The intent of the CBD-C zone is 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 a wide range of residential and office or other commercial activities. The site is also located within the CBD Height Area 6, which contains no restrictions on building height.

## Density and Height

As noted above the CBD Height Area 6 does not limit building height, so the proposed 250 foot tall residential tower is within the allowed height limits, and the proposed building base is below the allowed 85 foot base height to the building. The tower element of the building is within the allowed floor plate size of 75% of the lot coverage as well as below the maximum dimensional requirements.

Tower Regulations				
	Base Height	Building Height	Tower Length	Tower Dimension
Maximum	85 feet	No limit	175 feet	210 feet
Proposed	47 feet	241 feet	139 feet	180 feet

The Height Area 6 allows for a maximum density of one dwelling unit per 90 square feet of lot area which would allow a maximum of 271 dwelling units. The proposed 206 units are within the allowance of the Zoning.

## Conditional Use Permit for Parking Reduction

The CBD Zoning requires one off-street parking stall per each dwelling unit, which would result in a requirement for 206 off-street parking stalls. The previously approved project met the minimum requirement per Code. As part of the public notice process for the prior project there were concerns from neighbors that the proposed project was providing too much parking given its location within the downtown core, and that the additional parking also made the base level taller than necessary. As a result the applicant had stated to the neighbors that they would apply for a revision at a later date to request a Conditional Use Permit pursuant to Planning Code Section 17.116.290.C to reduce the required parking for the project and reduce one level of parking. The revised application submitted by the applicant now proposes 148 parking stalls for the proposed 206 dwelling units, which is a reduction of approximately 28%, where a maximum reduction of 50% is allowed under this provision of the Planning Code.

Staff feels that the request for a parking reduction is appropriate given the location of the building within the downtown core within close proximity to BART and numerous local AC Transit lines. In addition, the unit mix of the building will include 1/3 of the units as studio units.

## Off-Street Loading - Variance

Pursuant to Planning Code Section 17.116 two off-street loading berths are required for the proposed project. Two loading berths are required for the Residential use since the building includes in excess of 150,000 square feet of new residential floor area. The prior project approval included a variance to allow one loading berth where two are required. In the previous design the loading berth was located off of Webster Street with its own individual roll up door, but this has been revised to provide a location within the garage to accommodate the required loading berth

so that the retail space would be able to reach further back along Webster Street. The loading berth as designed with the minimum dimensions of 33x12 encroaches into the double wide drive aisle, which given its close proximity to the garage entrance could create some problems even though the minimum aisle width is provided. Staff has included a condition of approval that will require the applicant to work with staff to realign the proposed loading berth so that it will retain the required drive aisle and not potentially create problems with cars entering and exiting the building.

### **Design Review**

Given the proposal for new construction the project requires a Regular Design Review approval. The current design is very much the same as that of what was already approved with the few noted changes below:

Building Base/Podium Height: The applicant has requested the Conditional Use Permit to reduce parking, which has allowed them to reduce one level of parking for the project. As a result the podium level of the building is reduced in height and closer aligns to the height of the historic building to the north of the property. This also lowered the overall building height by approximately nine feet.

Ground Floor Design: The applicant also revised elements of the ground floor of the project by recessing the storefronts along 17<sup>th</sup> Street to create a wider sidewalk area as well as extending the depth of the commercial to allow for more frontage along Webster Street. The applicant also revised the residential lobby entrance area to provide a mix of an open courtyard and a glazed lobby entry rather than the courtyard only approach at the sidewalk as previously proposed.

Staff feels that all of the proposed exterior changes are acceptable and enhance the overall design of the building.

### **ENVIRONMENTAL DETERMINATION**

For purposes of environmental review under the California Environmental Quality Act (CEQA), the project meets the criteria for a Categorical Exemption under Section 15332 of the CEQA Guidelines. The project also meets the Applicable CEQA streamlining and/or tiering code sections are described below, each of which, separately and independently, provide a basis for CEQA compliance.

- 1. Community Plan Exemption.** Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 allow streamlined environmental review for projects that are “consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” Section 15183(c) specifies that “if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or

standards..., then an EIR need not be prepared for the project solely on the basis of that impact.”

2. **Qualified Infill Exemption.** Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 allow streamlining for certain qualified infill projects by limiting the topics subject to review at the project level, if the effects of infill development have been addressed in a planning level decision, or by uniformly applying development policies or standards. Infill projects are eligible if they are located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site’s perimeter; satisfy the performance standards provided in CEQA Guidelines Appendix M; and are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy. No additional environmental review is required if the infill project would not cause any new specific effects or more significant effects, or if uniformly applicable development policies or standards would substantially mitigate such effects.

*Note:*

*A detailed CEQA Analysis was prepared for the project and was provided under separate cover for review and consideration by the Planning Commission, and is available to the public at the Planning Department office at 250 Frank H. Ogawa Plaza, 2<sup>nd</sup> Floor, Oakland, CA 94612 and on the City’s website at:*

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

## CONCLUSION

Staff feels that the proposed project is well designed and will provide new housing opportunities downtown in close proximity to nearby jobs and local and regional serving transportation options. The proposal meets the required findings for Design Review Approval and Minor Variance as previously approved and also meets the additional Conditional Use permit criteria necessary for the reduced parking requested in the revised application.

- RECOMMENDATIONS:**
1. Affirm staff's environmental determination.
  2. Approve the Major Conditional Use and Design Review, Minor Variance, and Vesting Tentative Parcel Map subject to the attached findings and conditions.

Prepared by:



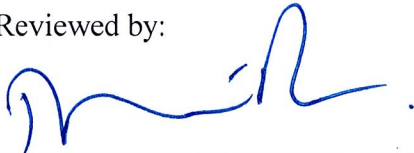
PETERSON Z. VOLLMANN  
Planner III

Reviewed by:



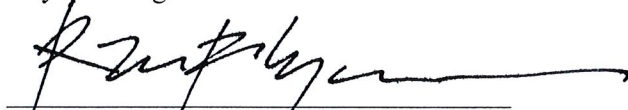
SCOTT MILLER  
Zoning Manager  
Bureau of Planning

Reviewed by:



DARIN RANELETTI  
Deputy Director  
Bureau of Planning

Approved for Forwarding to the  
City Planning Commission:



RACHEL FLYNN, Director  
Department of Planning and Building

**ATTACHMENTS:**

- A. Findings for Approval
- B. Conditions of Approval
- C. Project Plans



ATTACHMENT AFINDINGS FOR APPROVAL

This proposal meets all the required Conditional Use Permit Criteria (Section 17.134.050), Design Review Criteria (Section 17.136.050) and Variance Criteria (17.148.050) as set forth below and which are required to approve your application. This proposal does not contain characteristics that require denial pursuant to the Tentative Map Findings (Section 16.08.030) and is consistent with the Lot Design Standards (Section 16.24.040) of the Oakland Subdivision Regulations. Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

SECTION 17.134.050 –CONDITIONAL USE PERMIT FINDINGS:

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

The Conditional Use Permit request is to allow for a reduction of the required 1:1 off-street parking for the proposed 206 dwelling units. As proposed the project will accommodate 148 off-street stalls where 206 are required. The Planning Code allows up to a 50% reduction and the proposal would include a reduction of approximately 28%. The proposed development with the reduced parking is appropriate given that the property is located within the downtown core and is in very close proximity to jobs and numerous public transportation options. The proposal would allow for the bulk and massing of the proposed podium of the building to be reduced by one floor to better align with the height of the adjacent historic building to the north. The proposal would not negatively impact the character of the area since many other older apartment building in the area contain less than a 1:1 parking ratio, which is appropriate within downtown. The proposed project will be required to implement a Transportation Demand Management Plan that will help reduce trips and the need for individual parking stalls and the surrounding area also contains a number of auto fee parking garages as well.

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

The proposal will provide a functional living and shopping environment by creating new dwelling units within the downtown core near jobs and public transportation options and will create a new retail storefront that will activate this portion of 17<sup>th</sup> Street.

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

The development will help to enhance 17<sup>th</sup> Street as an important pedestrian oriented shopping street by establishing a new retail storefront along the street, where the existing building contains a largely blank facade. In addition, the proposal will create new housing units to the Oakland housing stock which are badly needed at the time. These new housing units would also be located within close proximity to jobs

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and numerous public transportation options.

- 4. That the proposal conforms to all applicable design review criteria set forth in the DESIGN REVIEW PROCEDURE of Chapter 17.136 of the Oakland Planning Code.**

See Design Review findings below.

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

The proposed project is consistent with the Corridor Design Guidelines and constructing a new high density residential building within a few blocks of the 19<sup>th</sup> Street BART station would be consistent with the Central Business District land use classification. The proposal is consistent with the following General Plan policies:

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

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

Policy N3.1 – Facilitating Housing Construction – Facilitating the construction of housing units should be considered a high priority for the City of Oakland.

Policy N3.2 – Encourage In-fill Development – In order to facilitate the construction of needed housing units, in-fill development that is consistent with the General Plan should take place throughout the City of Oakland.

#### **17.136.050A RESIDENTIAL DESIGN REVIEW CRITERIA**

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

The subject property is located within the downtown core where high density urban settings are the preferred design. The proposed building will abut the adjacent buildings at the property line to fill out the block face. The ground floor will contain a 6,000 square foot commercial space that will contain a tall glass storefront that will be the predominant feature seen at the ground floor near the intersection of 17<sup>th</sup> and Webster Streets and for the majority of the 17<sup>th</sup> Street facade. A forecourt area will be provided toward the end of the building along 17<sup>th</sup> Street that will act as a combined outdoor commercial area and pedestrian entryway into the residential lobby at the rear. The commercial storefronts will wrap back around Webster Street for approximately half of the Webster Street façade until the utility and garage areas will be located. All of the utility and loading dock doors are conditioned so

## ***FINDINGS***

that they will contain opaque glass to obscure the facilities inside while being complimentary to the commercial glazing.

The area directly above the ground floor commercial will contain the parking podium levels, which will be designed in a manner that obscures the view of vehicles parking within from the street. The façade for this level will consist of a decorative metal screening wall that will provide visual interest during the day based upon the perforated patterns and angles of the panels, and in the evening it will provide visual interest with decorative lighting.

Above the podium level is the residential tower that will reach nearly 250 feet in height above grade. The tower is setback off of the 17<sup>th</sup> Street podium elevation as well as being setback from the mixed use building to the rear. The tower will contain large expanses of glass on the south and north facades and will contain a large vertical central glass and metal wall element that will break up the massing of the tower on these two facades. The other elements of the north and south facades will be rectilinear groupings of windows that are off set on each side of the vertical elements to provide visual interest from a distance. The East and west elevations will contain the more slender facades of the building and will also contain a strong central vertical element down the center of each façade. This element will be flanked by panel wall systems that will contain horizontal window elements that contrast the strong vertical element of these elevations.

Together with these elements mentioned above the building will contain a strong ground floor that will help to revitalize this stretch of 17<sup>th</sup> Street which currently contains a building that is void of any street fronting activity as well as provide for a new tower that will compliment the Oakland Skyline.

**B. The proposed design will protect, preserve, or enhance desirable neighborhood characteristics.**

The proposed project will enhance desirable neighborhood characteristics by redeveloping an existing building that is currently void of any active space along the street with a new high density residential tower that will establish an active ground floor that will tie into the 17<sup>th</sup> Street commercial district. Further, it will provide a large number of desirable dwelling units to the Oakland housing stock that will be located within the downtown core in close proximity to many transit options.

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

The subject site is flat.

**D. If situated on a hill, the design and massing of the proposed building relates to the grade of the hill.**

The subject site is flat.

**E. 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**

***FINDINGS***

**development control map which has been adopted by the Planning Commission or City Council.**

The proposed project is consistent with the Corridor Design Guidelines and constructing a new high density residential building within a few blocks of the 19<sup>th</sup> Street BART station would be consistent with the Central Business District land use classification. The proposal is consistent with the following General Plan policies:

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

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

Policy N3.1 – Facilitating Housing Construction – Facilitating the construction of housing units should be considered a high priority for the City of Oakland.

Policy N3.2 – Encourage In-fill Development – In order to facilitate the construction of needed housing units, in-fill development that is consistent with the General Plan should take place throughout the City of Oakland.

#### **17.148.050A VARIANCE FINDINGS**

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

Strict compliance with the two required loading berths would require that much of the Webster Street façade be dedicated almost entirely to utility and vehicle usage. By allowing the reduction to only one loading berth the operational efficiency would largely remain unchanged since it would mostly just be used for tenants that are moving which can be managed by building management, and the Webster Street façade is improved to allow for half of it to be occupied by ground floor commercial uses.

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

## ***FINDINGS***

Strict compliance with the requirement for two loading berths would preclude a design solution that still meets the intent of the regulation. The intent for a loading berth in a residential building is to allow an off-street area for tenants to move in and out with moving vans as well as provide for a location for garbage and recycling pick up. In this instance, one loading berth will be able to accommodate the building simply by having building management arrange for move in times so they do not conflict, and the result of this will provide for a much more attract and active ground floor setting along Webster Street by reducing curb cuts and allowing more commercial frontage on the street.

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

The granting of the variance will not be detrimental to the character, livability or appropriate development of abutting properties given that the proposal will result in a better design for the community and the one loading berth will still be able to accommodate the needs of the residential building.

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

The granting of the variance will not constitute a grant of special privilege as there are numerous residential buildings in the downtown area that do not contain loading berths, and the competing intent of the zoning ordinance for an active ground floor is superior and more in character with the surrounding area than having multiple loading dock doors on the street.

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

*See Design Review findings above.*

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

The proposed project is consistent with the Corridor Design Guidelines and constructing a new high density residential building within a few blocks of the 19<sup>th</sup> Street BART station would be consistent with the Central Business District land use classification. The proposal is consistent with the following General Plan policies:

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

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

Policy N3.1 – Facilitating Housing Construction – Facilitating the construction of housing units should be considered a high priority for the City of Oakland.

Policy N3.2 – Encourage In-fill Development – In order to facilitate the construction of needed housing units, in-fill development that is consistent with the General Plan should take place throughout the City of Oakland.

**16.08.030 - TENTATIVE MAP FINDINGS (Pursuant also to California Government Code §66474 (Chapter 4, Subdivision Map Act))**

The Advisory Agency shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

**A. That the proposed map is not consistent with applicable general and specific plans as specified in the State Government Code Section 65451.**

The proposal is consistent with the Central Business District General Plan designation by creating a mixed use development with viable street fronting retail that activates 17<sup>th</sup> Street and provides new housing opportunities within the downtown area.

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

The proposal is consistent with the Central Business District General Plan designation by creating a mixed use development with viable street fronting retail that activates 17<sup>th</sup> Street and provides new housing opportunities within the downtown area.

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

The site is suitable for the proposed development as it is located close to public utilities, transit, and other civic facilities.

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

The proposed density is consistent with the General Plan density envisioned for the area.

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

This site has been previously developed and does not contain any wildlife habitat or waterways.

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

There should be no adverse health effects. This is in a mixed use development containing residential and retail uses located in the downtown area and it will introduce no new use classifications that are incompatible with the surrounding neighborhood.

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

There are no easements on this property at present to allow the public access to anything.

**H. That the design of the subdivision does not provide to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision**

The project could to be set up for solar panels on the rooftop.

**SECTION 16.24.040 – LOT DESIGN STANDARDS**

As a one lot subdivision for condominium purposes, these standards are not applicable.

ATTACHMENT B**CONDITIONS OF APPROVAL**

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

**Part 1: Standard Conditions of Approval –  
General Administrative Conditions**

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**1. Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, **staff report** and the approved plans **dated November 5, 2015**, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

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

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

**3. Compliance with Other Requirements**

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

**4. Minor and Major Changes**

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

**CONDITIONS OF APPROVAL**



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

**5. Compliance with Conditions of Approval**

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

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

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

**7. Blight/Nuisances**

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

**8. Indemnification**

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning

***CONDITIONS OF APPROVAL***

Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

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

#### **9. Severability**

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

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

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

#### **11. Public Improvements**

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

#### **12. Compliance Matrix**

The project applicant shall submit a Compliance Matrix, in both written and electronic form, for review and approval by the Bureau of Planning and the Bureau of Building that lists each

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

### **13. Construction Management Plan**

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

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## **Part 2: Standard Conditions of Approval – Environmental Protection Measures**

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### **GENERAL**

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

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

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

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

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

### **AESTHETICS**

#### **15. Graffiti Control**

Requirement:

- a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:

Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.

Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.

Use of paint with anti-graffiti coating.

Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).

Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.

- b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:

- i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
- ii. Covering with new paint to match the color of the surrounding surface.
- iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **16. Landscape Plan**

### **a. *Landscape Plan Required***

Requirement: The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

### ***Landscape Installation***

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

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

### ***Landscape Maintenance***

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **17. Lighting**

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## *AIR QUALITY*

### **18. Construction-Related Air Pollution Controls (Dust and Equipment Emissions)**

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

- a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. Pave all roadways, driveways, sidewalks, etc. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible unless seeding or soil binders are used.
- 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 on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.
- h. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").
- i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- j. Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.
- k. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
- l. All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.
- m. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- n. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).

- o. Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.
- p. Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind blown dust. Wind breaks must have a maximum 50 percent air porosity.
- q. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- r. Activities such as excavation, grading, and other ground-disturbing construction activities shall be phased to minimize the amount of disturbed surface area at any one time.
- s. All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- t. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.
- u. All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") must meet emissions and performance requirements one year in advance of any fleet deadlines. Upon request by the City, the project applicant shall provide written documentation that fleet requirements have been met.
- v. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).
- w. All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.
- x. Off-road heavy diesel engines shall meet the California Air Resources Board's most recent certification standard.
- y. Post a publicly-visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

### **19. Stationary Sources of Air Pollution (Toxic Air Contaminants)**

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

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

acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City.

- or -

- b. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

## **20. Asbestos in Structures**

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

When Required: Prior to approval of construction-related permit

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

## ***CULTURAL RESOURCES***

### **21. Archaeological and Paleontological Resources – Discovery During Construction**

Requirement: Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.

In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for



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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **22. Archaeologically Sensitive Areas – Pre-Construction Measures**

Requirement: The project applicant shall implement either Provision A (Intensive Pre-Construction Study) or Provision B (Construction ALERT Sheet) concerning archaeological resources.

### **Provision A: Intensive Pre-Construction Study.**

The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include:

- a. Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources.
- b. A report disseminating the results of this research.
- c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.

If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to

document negative findings after construction is completed if no archaeological resources are discovered during construction.

**Provision B: Construction ALERT Sheet.**

The project applicant shall prepare a construction “ALERT” sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project’s prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site.

The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City’s Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.

When Required: Prior to approval of construction-related permit; during construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

**23. Human Remains – Discovery During Construction**

Requirement: Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## ***GEOLOGY AND SOILS***

### **24. Construction-Related Permit(s)**

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

### **25. Soils Report**

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

## ***HAZARDS AND HAZARDOUS MATERIALS***

### **26. Hazardous Materials Related to Construction**

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

- a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;
- b. Avoid overtopping construction equipment fuel gas tanks;
- c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d. Properly dispose of discarded containers of fuels and other chemicals;
- e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and
- f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable

## ***CONDITIONS OF APPROVAL***

regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## *HYDROLOGY AND WATER QUALITY*

### **27. NPDES C.3 Stormwater Requirements for Regulated Projects**

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

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

#### ***Maintenance Agreement Required***

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

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

maintenance of the on-site stormwater treatment measures and to take corrective action if necessary.

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

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

## ***NOISE***

### **28. Construction Days/Hours**

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

- a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.
- b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.
- c. No construction is allowed on Sunday or federal holidays.

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

### **29. Construction Noise**

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

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

- b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.
- c. Applicant shall use temporary power poles instead of generators where feasible.
- d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.
- e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

### 30. Extreme Construction Noise

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

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

- i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;
- ii. Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and
- v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

***Public Notification Required***

Requirement: The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.

When Required: During construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

**31. Project-Specific Construction Noise Reduction Measures**

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

**32. Construction Noise Complaints**

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

**33. Operational Noise**

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**34. Vibration Impacts on Adjacent Historic Structures or Vibration-Sensitive Activities**

Requirement: The project applicant shall submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structure and/or substantially interfere with activities located at **1732 Webster Street**. The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The applicant shall implement the recommendations during construction.

When Required: Prior to construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

***TRANSPORTATION/TRAFFIC***

**35. Construction Activity in the Public Right-of-Way**

a. ***Obstruction Permit Required***

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

***Traffic Control Plan Required***

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian detours, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The project applicant shall implement the approved Plan during construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Transportation Services Division

Monitoring/Inspection: Bureau of Building

***Repair of City Streets***

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

When Required: Prior to building permit final



Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**36. Bicycle Parking**

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

**37. Transportation and Parking Demand Management**

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

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

- i. The goals of the TDM Plan shall be the following:
  - Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable, consistent with the potential traffic and parking impacts of the project.
  - Achieve the following project vehicle trip reductions (VTR):
    - Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR
    - Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR
  - Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate.
  - Enhance the City's transportation system, consistent with City policies and programs.
- ii. TDM strategies to consider include, but are not limited to, the following:
  - Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement.
  - Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping.
  - Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project.
  - Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.
  - Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.

- Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency).
- Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes.
- Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3).
- Guaranteed ride home program for employees, either through 511.org or through separate program.
- Pre-tax commuter benefits (commuter checks) for employees.
- Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants.
- On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools.
- Distribution of information concerning alternative transportation options.
- Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties.
- Parking management strategies including attendant/valet parking and shared parking spaces.
- Requiring tenants to provide opportunities and the ability to work off-site.
- Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week).
- Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours.

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

***TDM Implementation – Physical Improvements***

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

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

***TDM Implementation – Operational Strategies***

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

When Required: Ongoing

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

## ***UTILITY AND SERVICE SYSTEMS***

### **38. Construction and Demolition Waste Reduction and Recycling**

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

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

### **39. Underground Utilities**

Requirement: The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

#### **40. Recycling Collection and Storage Space**

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

#### **41. Green Building Requirements**

##### ***a. Compliance with Green Building Requirements During Plan-Check***

Requirement: The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).

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

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

- ii. The set of plans in subsection (i) shall demonstrate compliance with the following:  
CALGreen mandatory measures.

All pre-requisites per the green building checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit.

**23 points** per the appropriate checklist approved during the Planning entitlement process.

All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.

The required green building point minimums in the appropriate credit categories.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

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

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

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

- i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.
- ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.
- iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

***Compliance with Green Building Requirements After Construction***

Requirement: Within sixty (60) days of the final inspection of the building permit for the project, the Green Building Certifier shall submit the appropriate documentation to **Build it Green** and attain the minimum required certification/point level. Within one year of the final inspection of the building permit for the project, the applicant shall submit to the Bureau of Planning the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.

When Required: After project completion as specified

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

**42. Sanitary Sewer System**

Requirement: The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines.

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

When Required: Prior to approval of construction-related permit

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

Monitoring/Inspection: N/A

#### **43. Storm Drain System**

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

## Part 3: Project-Specific Conditions of Approval

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### **44. Loading Berth Orientation**

Requirement: The building permit plan set shall include the realignment of the loading berth within the garage to minimize impacts to the drive aisles for cars entering and exiting the building. The proposed plan shall be reviewed and approved by the Zoning Manager.

When Required: Prior to issuance of building permit

Monitoring/Inspection: Bureau of Building

### **45. Exterior Materials**

Requirement: The application shall provide any materials samples requested for review for the exterior of the building, including but not limited to a full mockup of the proposed exterior metal paneling system for the podium.

When Required: Prior to issuance of building permit

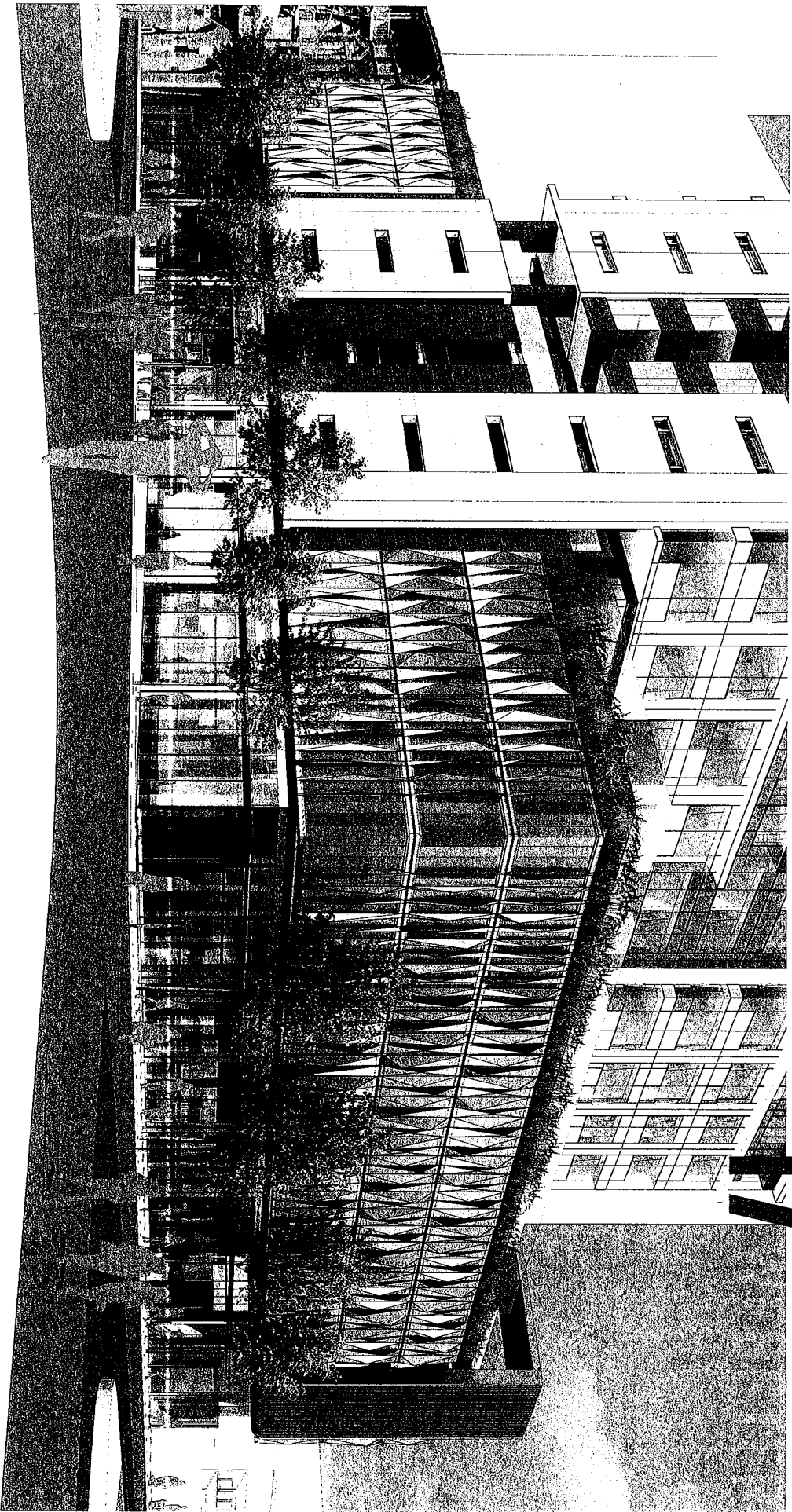
Monitoring/Inspection: Bureau of Planning

#### **APPROVED BY:**

City Planning Commission: \_\_\_\_\_ (date) \_\_\_\_\_ (vote)

City Council: \_\_\_\_\_ (date) \_\_\_\_\_ (vote)

1700



**SHEET INDEX**

01	PLACER: H10	06-10	ELEVATIONS
02-05	PERSPECTIVES	11	SOFT PLANS
06-07	LANDSCAPE PLANS	12-15	LANDSCAPE
08	LANDSCAPE SECTION	16-22	PLANS

NOVEMBER 05, 2015  
PERKINS+WILL

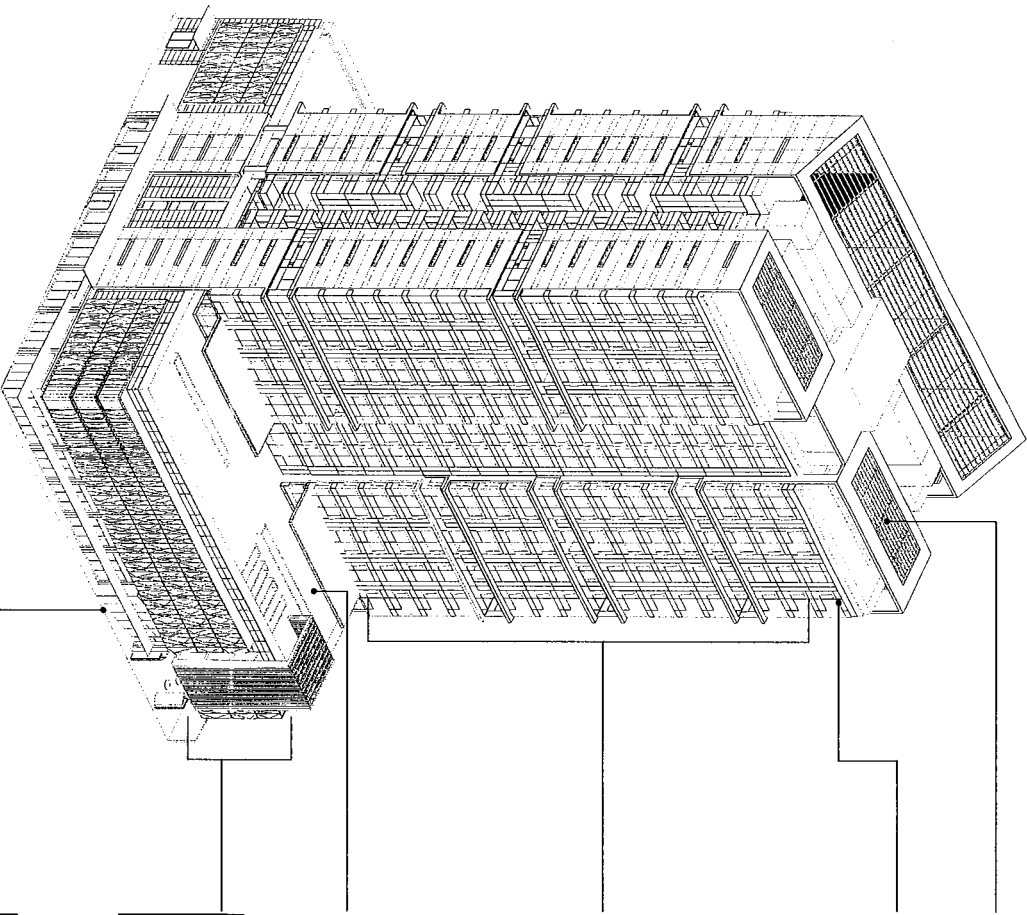


# PROJECT INFORMATION

TOTAL LOT AREA	24,121 SQ. FT.
TOTAL BUILDING FOOTPRINT AREA	22,477 SQ. FT.
TOTAL FLOOR AREA	199,860
BUILDING HEIGHT	241' occ. space, 256' top of mech. penthouse
NUMBER OF DWELLING UNITS	206
NUMBER OF PARKING SPACES	148
PROPOSED PARKING RATIO	0.718 : 1
PARKING RATIO REQUIRED PER OAKLAND PLANNING CODE	1 : 1
17,116,090	

REVISED

PARKING SPACE QUANTITIES				
LEVEL	REGULAR & ACCESSIBLE	INTERMEDIATE	COMPACT	TOTAL
LEVEL 04	22	9	17	48
LEVEL 03	22	9	17	48
LEVEL 02	13	13	14	40
RETAL	6	1	5	12
TOTAL	63	32	53	148
% OF TOTAL	43%	22%	36%	100%



## ROOF TOP

TOTAL FLOOR AREA: 2,882 SQ. FT.  
DECKABLE ROOF SPACE: 4,000 SQ. FT.  
PENTHOUSE: 0

## PENTHOUSE

(0 TOTAL FLOOR)  
TOTAL FLOOR AREA: 0 SQ. FT.  
DECKABLE ROOF SPACE: 0 SQ. FT.  
GREEN: 0.0000%

## TYPICAL TOWER FLOOR

(10 TOTAL FLOORS)  
TOTAL FLOOR AREA: 16,670 SQ. FT.  
DECKABLE ROOF SPACE: 0 SQ. FT.  
GREEN: 0.0000%

## PODIUM FLOOR AND ROOF

TOTAL FLOOR AREA: 7,200 SQ. FT.  
DECKABLE ROOF SPACE: 8,270 SQ. FT.  
GREEN: 0

## TYPICAL PARKING FLOOR

(6 TOTAL FLOORS)  
TOTAL FLOOR AREA: 648,300 SQ. FT.  
DECKABLE ROOF SPACE: 0 SQ. FT.  
PARKING SPACES: 541 SPACES

REVISED

## GROUND FLOOR

TOTAL FLOOR AREA: 12,477 SQ. FT.  
DECKABLE ROOF: 4,577 SQ. FT. (0.00%)  
DECKABLE ROOF SPACE: 1,240 SQ. FT. (0.0000%)  
DECKABLE ROOF SPACE: 1,000 SQ. FT.  
PARKING SPACES: 541 SPACES

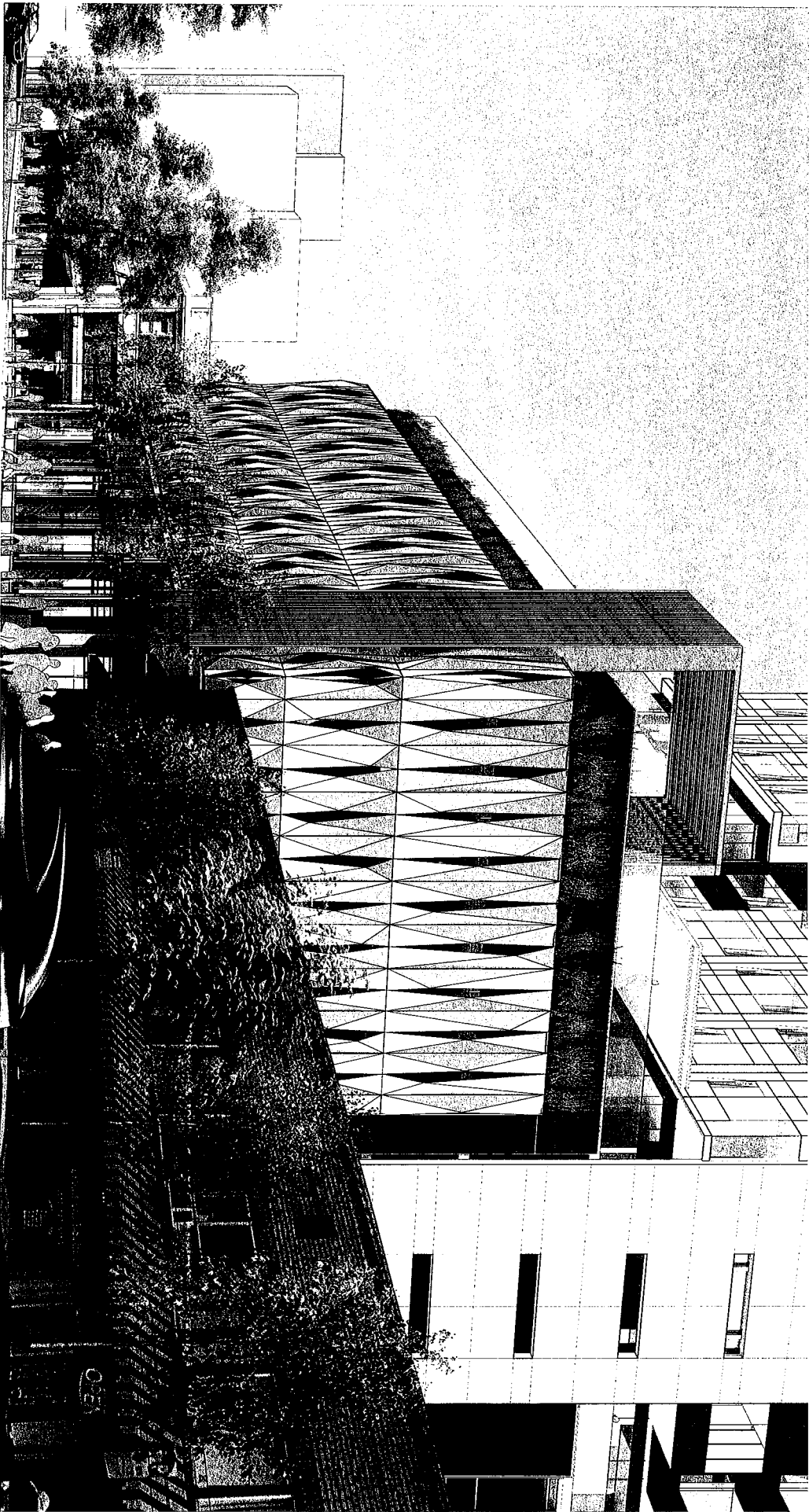
REVISED

# R-01

NOVEMBER 05, 2015  
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1700 WEBSTER DEVELOPMENT REVIEW

# PERSPECTIVES



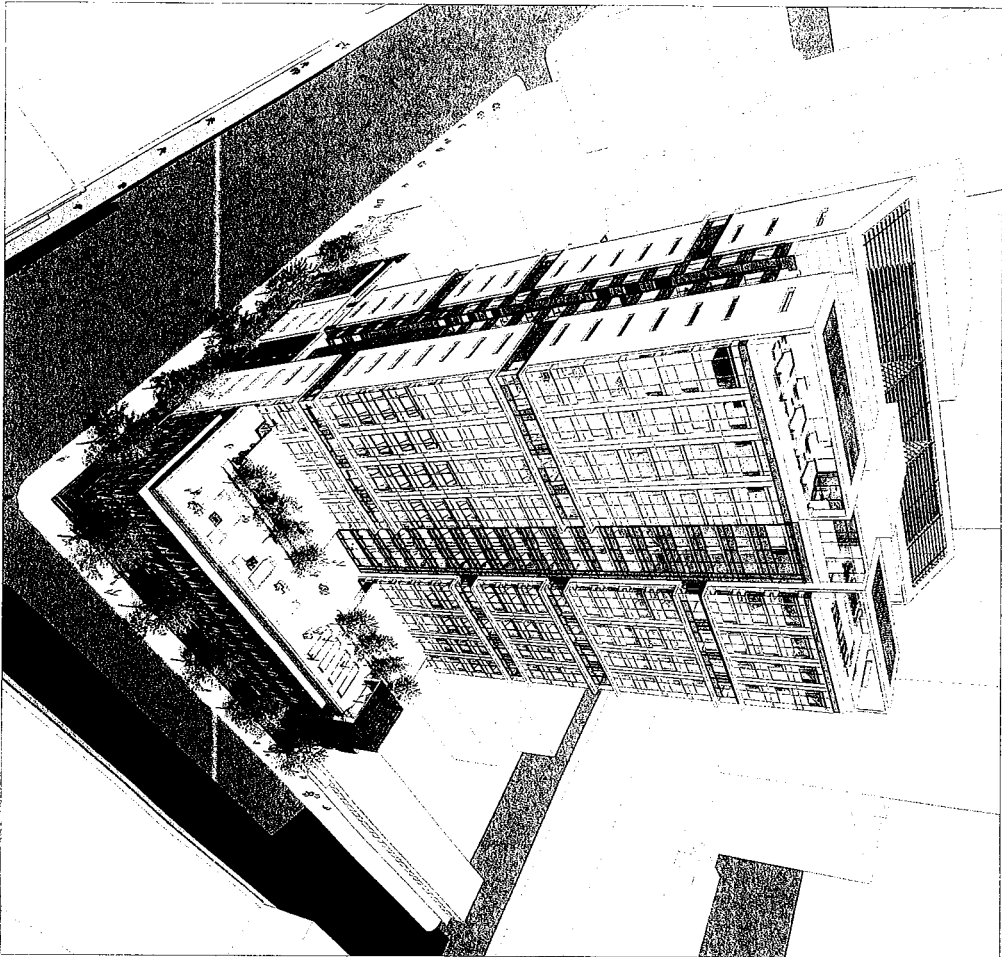
1700 WEBSTER DEVELOPMENT REVIEW PERSPECTIVES

# PERSPECTIVES

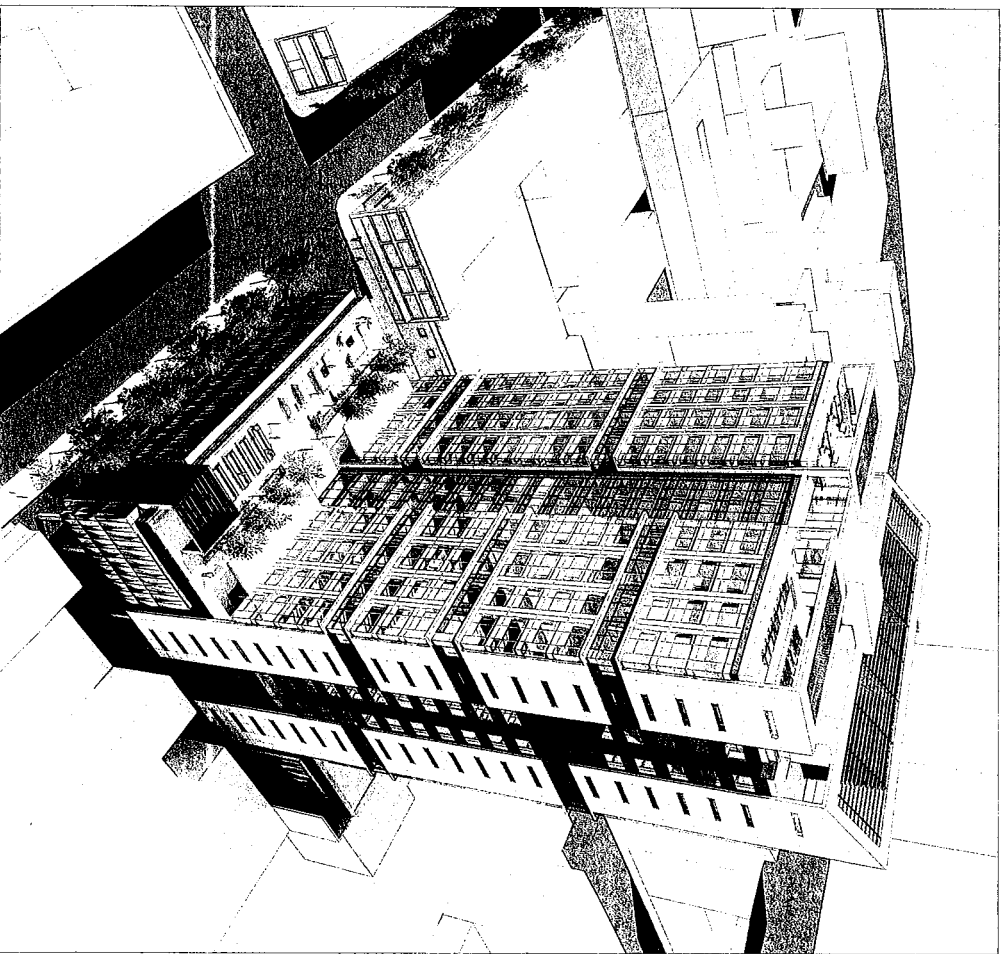


1700 WEBSTER DEVELOPMENT REVIEW PERSPECTIVES

# PERSPECTIVES

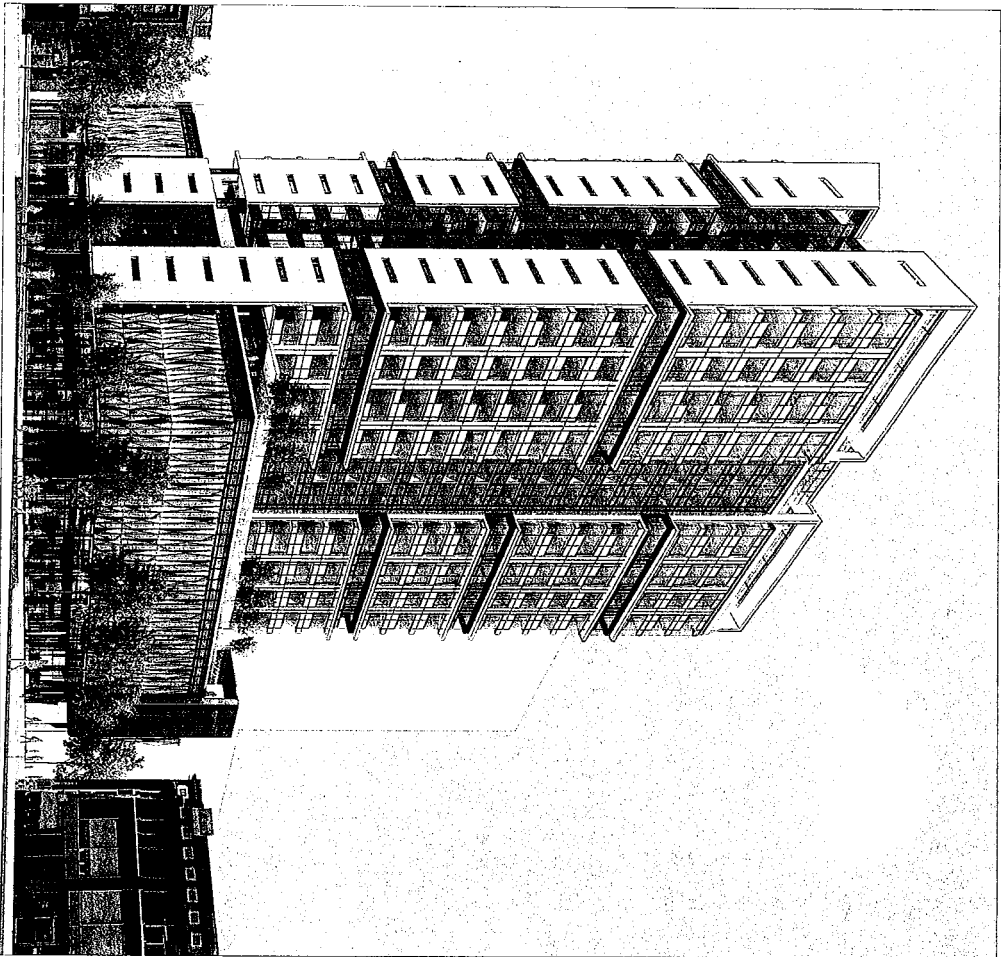


AERIAL LOOKING NORTHEAST

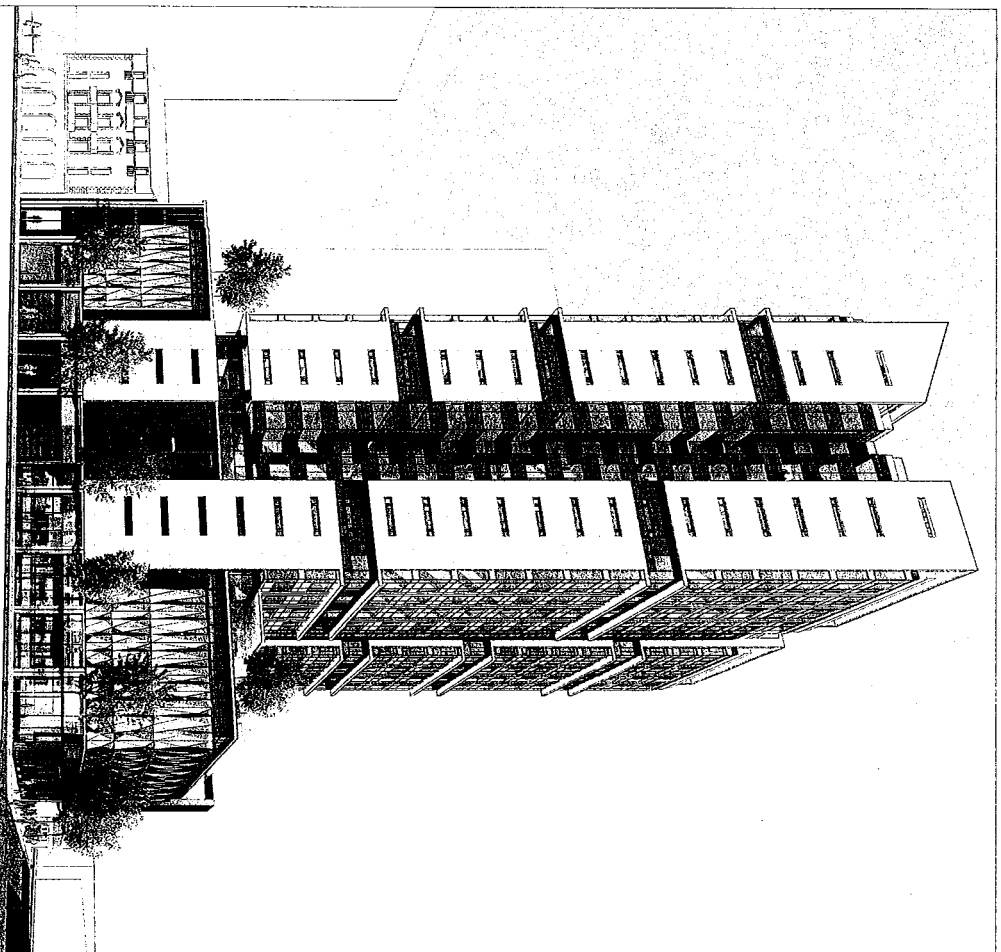


AERIAL LOOKING NORTHWEST

# PERSPECTIVES



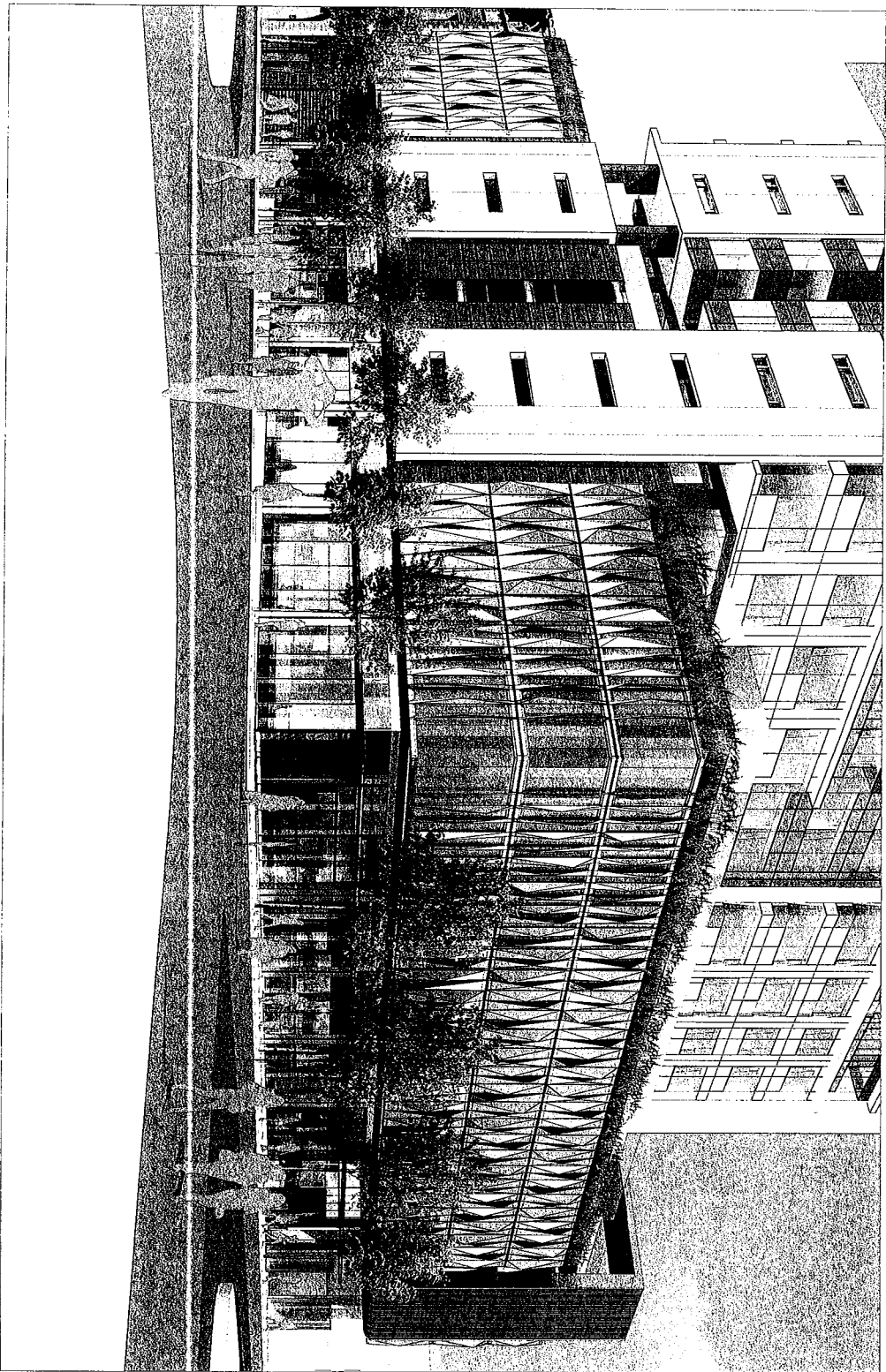
STREETVIEW LOOKING NORTHEAST



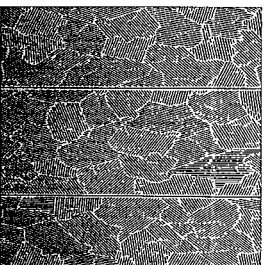
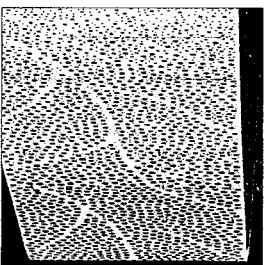
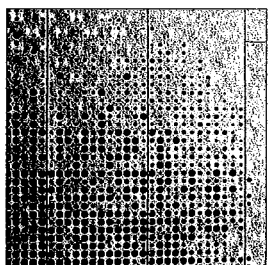
STREETVIEW LOOKING EAST

1700 WEBSTER DEVELOPMENT REVIEW

# PARKING FACADE



MID-SCALE  
PARKING FACADE  
PARKING FACADE



POTENTIAL PATTERNING

## R-06

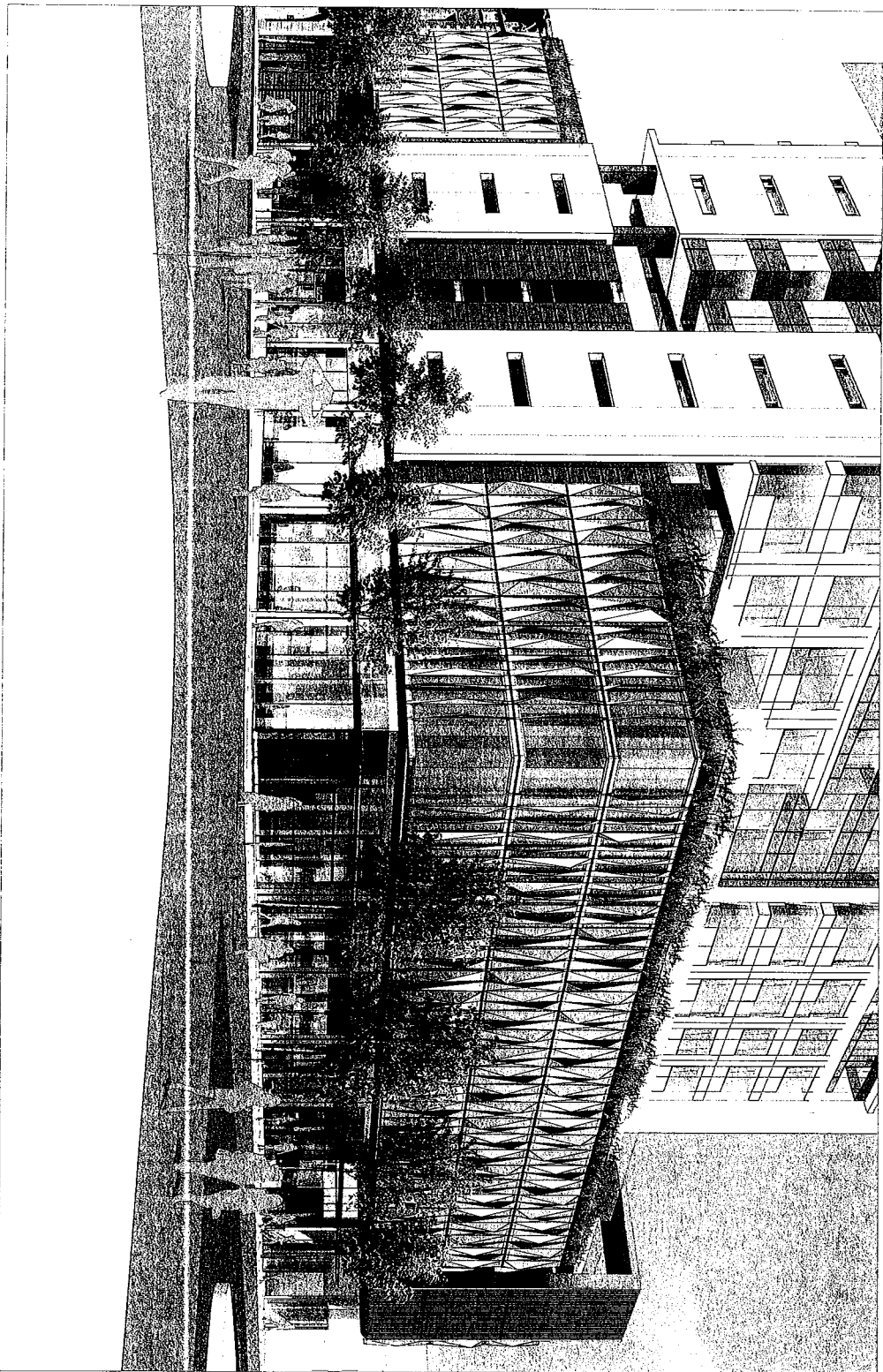
NOVEMBER 05, 2015  
PERKINS+WILL

1700 WEBSTER DEVELOPMENT REVIEW PARKING FACADE 1% ART

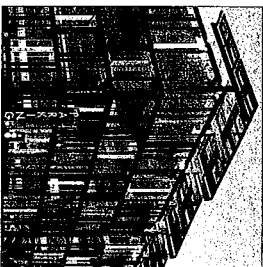
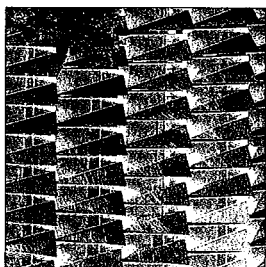


1700 WEBSTER DEVELOPMENT REVIEW

# PARKING FACADE



METAL PANEL LIGHT DETAILS

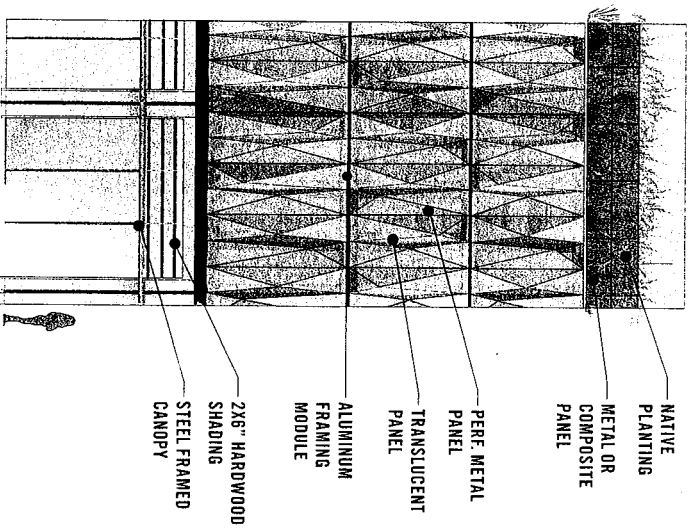


POTENTIAL PATTERNING

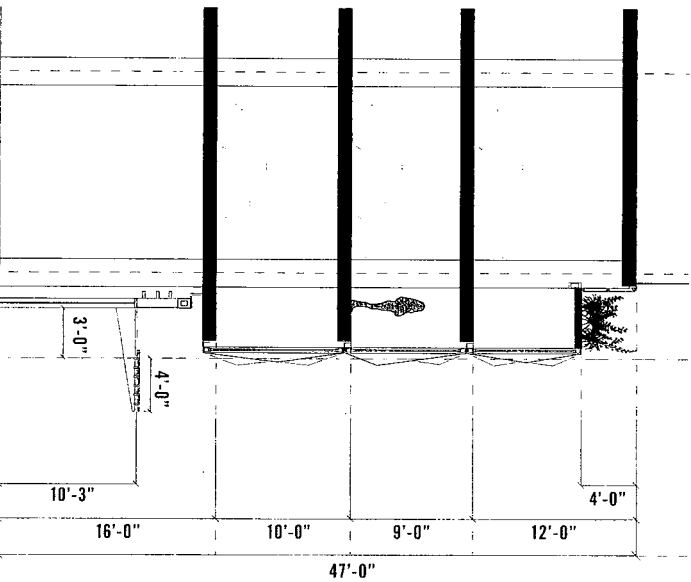
1700 WEBSTER DEVELOPMENT REVIEW PARKING FACADE 1% ART

**R-07**  
NOVEMBER 05, 2015  
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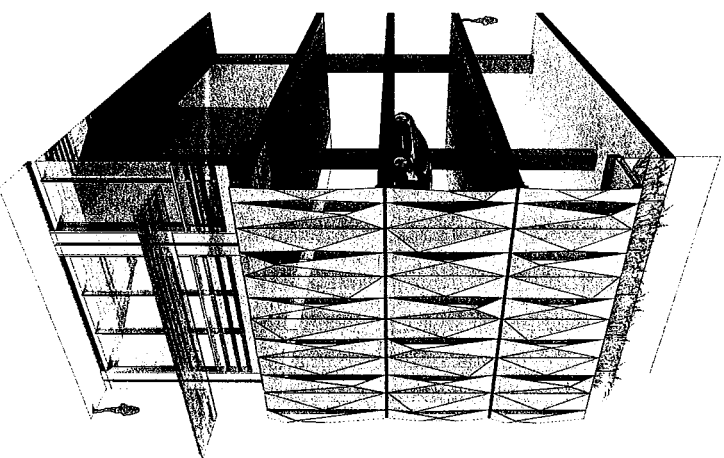
# PROPOSED PARKING FACADE DIAGRAM



ELEVATION  
15'-0"



SECTION  
14'-0"

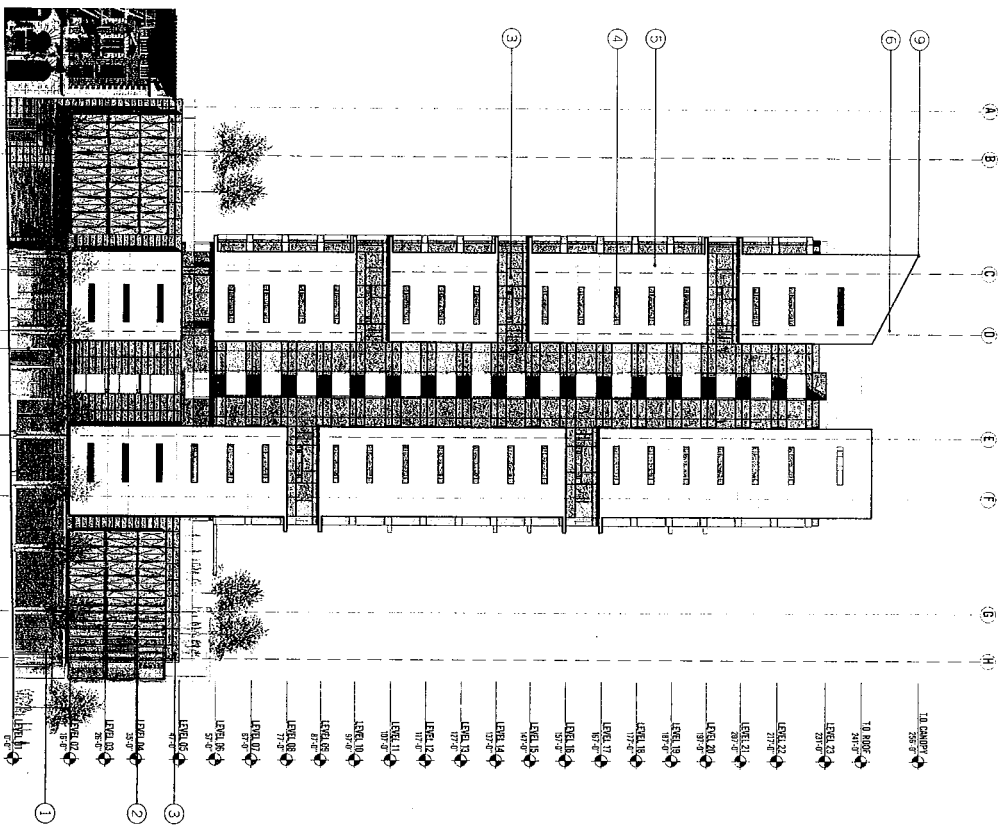


SECTION PERSPECTIVE  
10'-0"

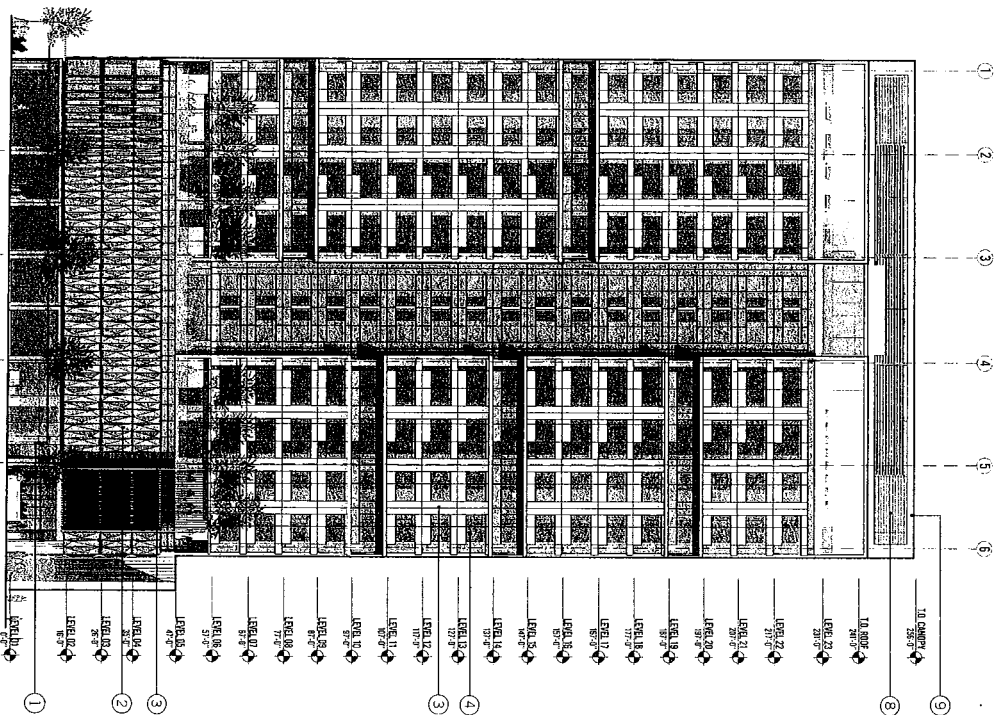


1700 WEBSTER DEVELOPMENT REVIEW

# ELEVATIONS



WEST ELEVATION  
1/8" = 1'-0"



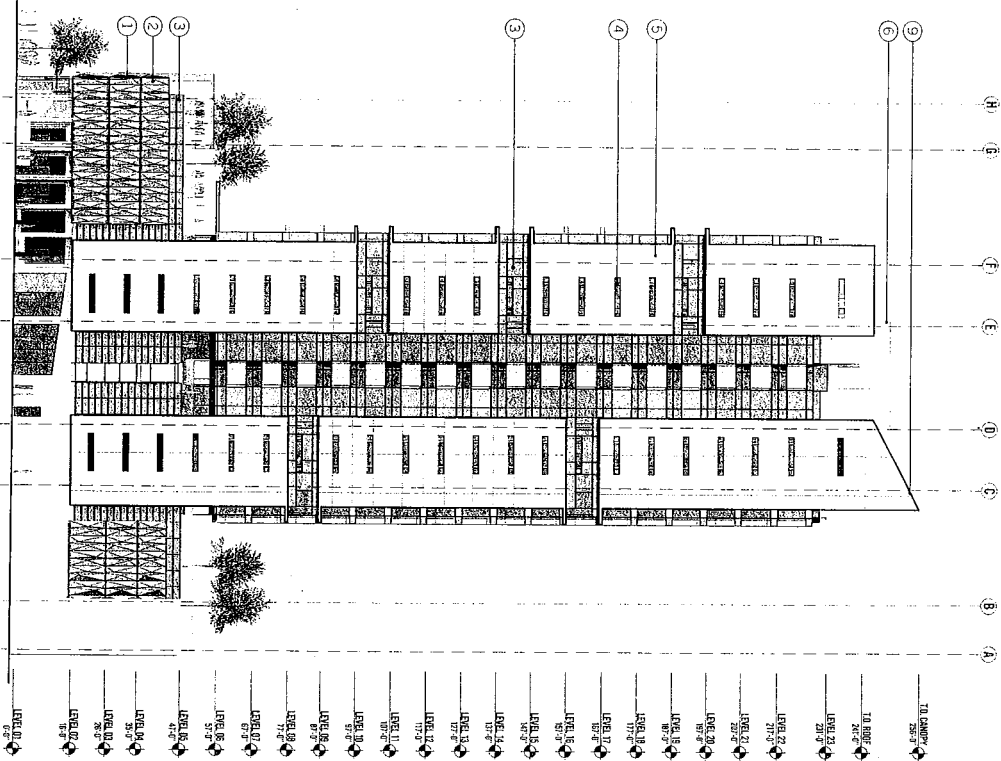
SOUTH ELEVATION  
1/8" = 1'-0"

PERKINS + WILL

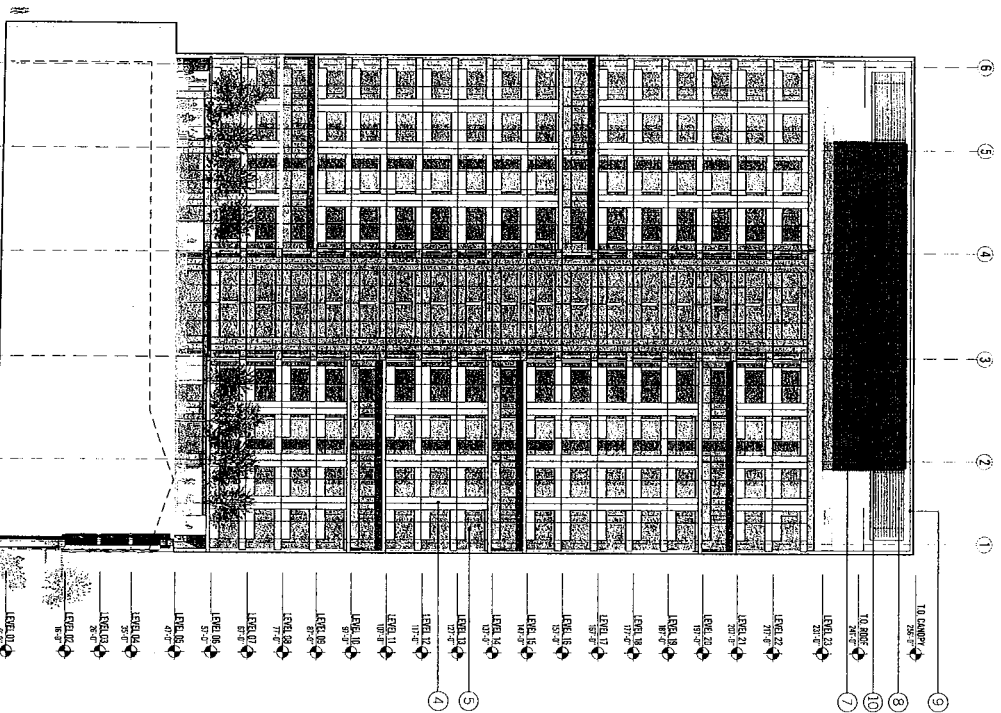
- ① STOREFRONT SYSTEM
- ② METAL OR COMPOSITE PANEL
- ③ METAL OR COMPOSITE PANEL
- ④ ALUMINUM WINDOW
- ⑤ METAL OR COMPOSITE PANEL
- ⑥ ELEVATOR ENCLOSURE
- ⑦ METAL OR COMPOSITE LOUVRE
- ⑧ ROOF TOP TRELLIS
- ⑨ ROOF TOP AWNING
- ⑩ MECHANICAL EQUIPMENT
- ⑪ PG&E CLOSETS

1700 WEBSTER DEVELOPMENT REVIEW ELEVATIONS

# ELEVATIONS



EAST ELEVATION  
1/16" = 1'-0"

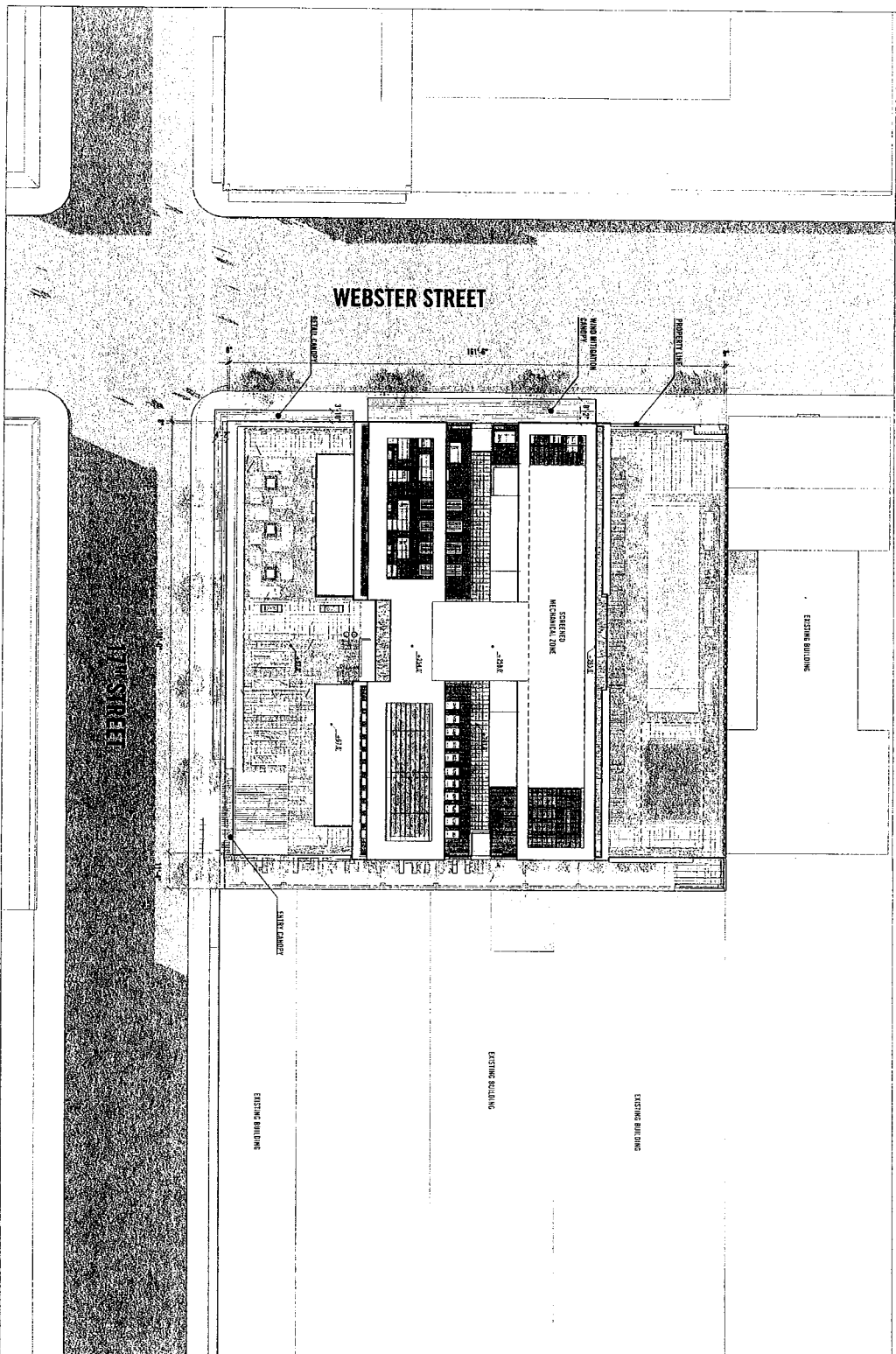


NORTH ELEVATION  
1/16" = 1'-0"

PERKINS + WILL

- ① STOREFRONT SYSTEM
- ② METAL OR COMPOSITE PANEL
- ③ METAL OR COMPOSITE PANEL
- ④ ALUMINUM WINDOW
- ⑤ METAL OR COMPOSITE PANEL
- ⑥ ELEVATOR ENCLOSURE
- ⑦ METAL OR COMPOSITE LOUVER
- ⑧ ROOF-TOP TRELLIS
- ⑨ ROOF-TOP AWNING
- ⑩ MECHANICAL EQUIPMENT
- ⑪ PG&E CLOSETS

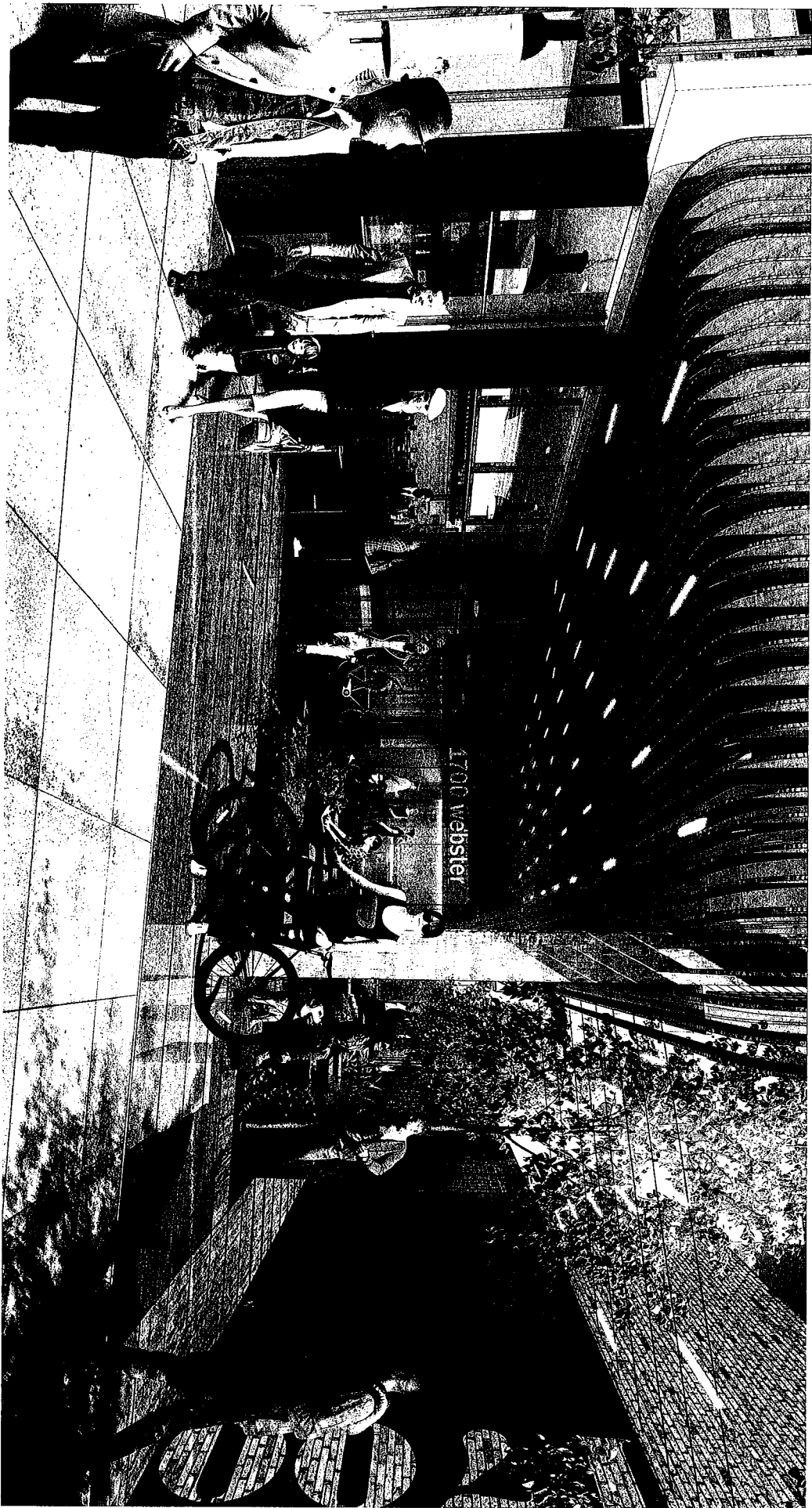
# SITE PLAN



## GENERAL NOTES

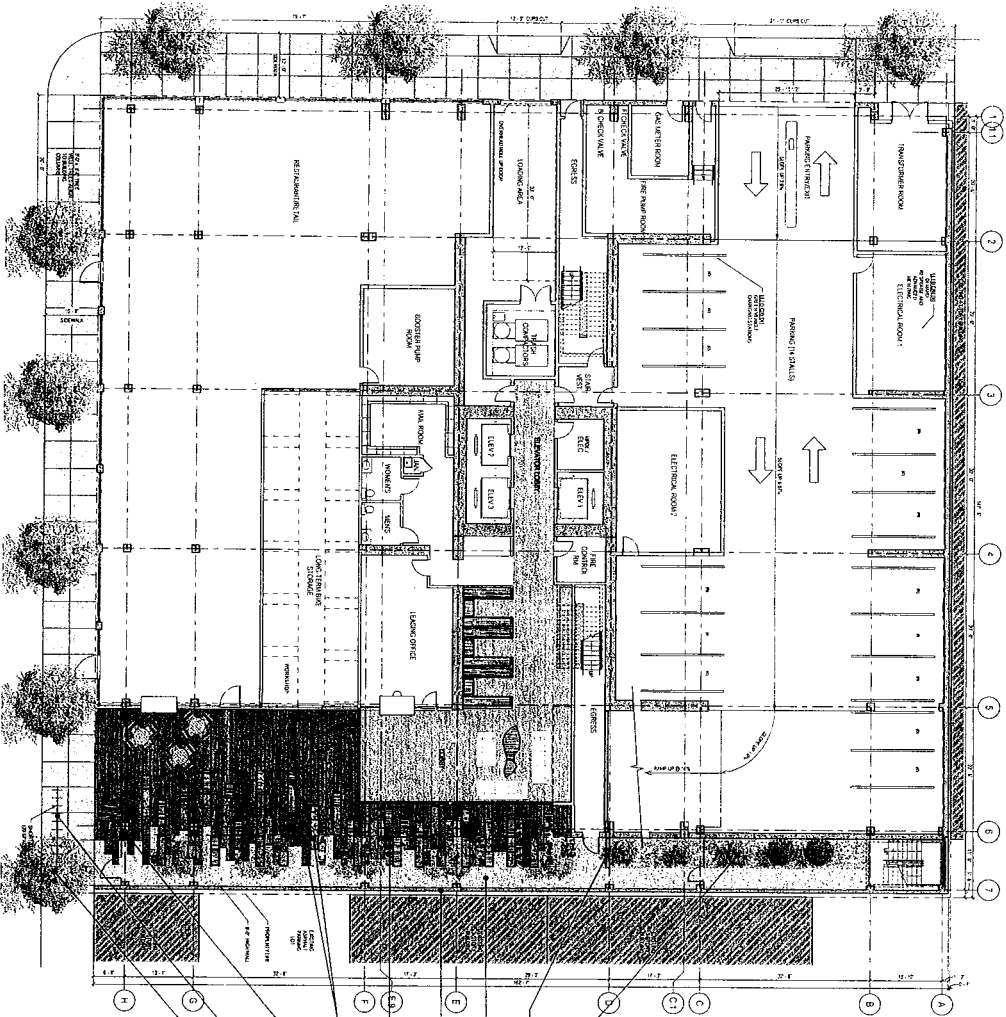
1. EXISTING BUILDING OCCUPIES THE ENTIRETY OF THE SITE AND WILL BE DEMOLISHED
2. FOR PROPOSED CURB CUTS LOCATION AND DIMENSION REFER TO GROUND LEVEL PLAN
3. FOR LOCATION, HEIGHT, AND MATERIAL OF PROPOSED WALLS REFER TO ELEVATIONS
4. NO TREES ARE CURRENTLY PRESENT ON SITE
5. FOR AREA OF GROUP USABLE OPEN SPACE REFER TO AREA SUMMARY TABLE

1700 WEBSTER DEVELOPMENT REVIEW  
**LANDSCAPE**



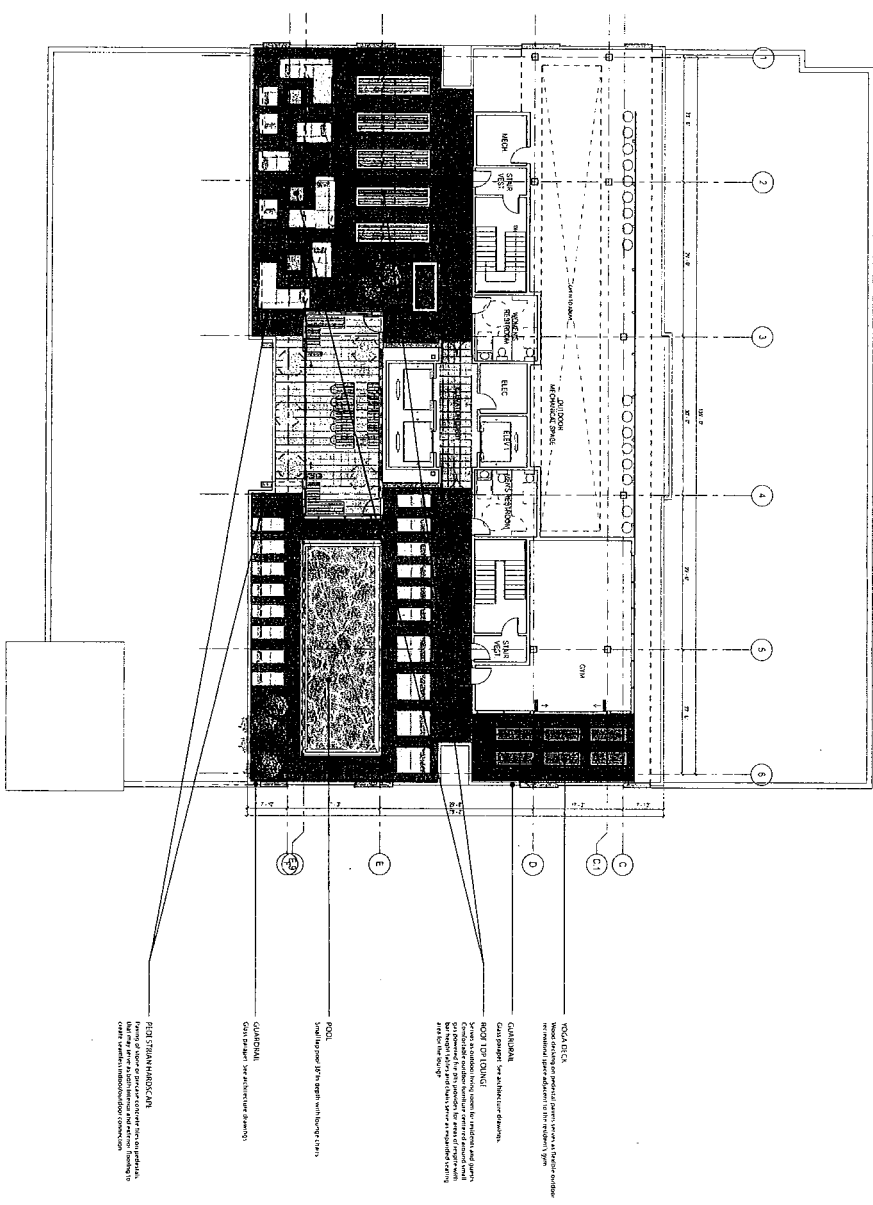
1700 WEBSTER DEVELOPMENT REVIEW LANDSCAPE

# LANDSCAPE



- 1. LANDSCAPE: The landscape design shall be based on the following criteria: a. The landscape design shall be aesthetically pleasing and functional. b. The landscape design shall be sustainable and environmentally friendly. c. The landscape design shall be safe and secure. d. The landscape design shall be cost-effective. e. The landscape design shall be easy to maintain. f. The landscape design shall be compatible with the surrounding environment. g. The landscape design shall be in accordance with all applicable codes and regulations. h. The landscape design shall be approved by the local planning commission.
- 2. PLANTING: The planting design shall be based on the following criteria: a. The planting design shall be aesthetically pleasing and functional. b. The planting design shall be sustainable and environmentally friendly. c. The planting design shall be safe and secure. d. The planting design shall be cost-effective. e. The planting design shall be easy to maintain. f. The planting design shall be compatible with the surrounding environment. g. The planting design shall be in accordance with all applicable codes and regulations. h. The planting design shall be approved by the local planning commission.
- 3. IRRIGATION: The irrigation design shall be based on the following criteria: a. The irrigation design shall be aesthetically pleasing and functional. b. The irrigation design shall be sustainable and environmentally friendly. c. The irrigation design shall be safe and secure. d. The irrigation design shall be cost-effective. e. The irrigation design shall be easy to maintain. f. The irrigation design shall be compatible with the surrounding environment. g. The irrigation design shall be in accordance with all applicable codes and regulations. h. The irrigation design shall be approved by the local planning commission.
- 4. LIGHTING: The lighting design shall be based on the following criteria: a. The lighting design shall be aesthetically pleasing and functional. b. The lighting design shall be sustainable and environmentally friendly. c. The lighting design shall be safe and secure. d. The lighting design shall be cost-effective. e. The lighting design shall be easy to maintain. f. The lighting design shall be compatible with the surrounding environment. g. The lighting design shall be in accordance with all applicable codes and regulations. h. The lighting design shall be approved by the local planning commission.
- 5. FURNITURE: The furniture design shall be based on the following criteria: a. The furniture design shall be aesthetically pleasing and functional. b. The furniture design shall be sustainable and environmentally friendly. c. The furniture design shall be safe and secure. d. The furniture design shall be cost-effective. e. The furniture design shall be easy to maintain. f. The furniture design shall be compatible with the surrounding environment. g. The furniture design shall be in accordance with all applicable codes and regulations. h. The furniture design shall be approved by the local planning commission.
- 6. SIGNAGE: The signage design shall be based on the following criteria: a. The signage design shall be aesthetically pleasing and functional. b. The signage design shall be sustainable and environmentally friendly. c. The signage design shall be safe and secure. d. The signage design shall be cost-effective. e. The signage design shall be easy to maintain. f. The signage design shall be compatible with the surrounding environment. g. The signage design shall be in accordance with all applicable codes and regulations. h. The signage design shall be approved by the local planning commission.
- 7. MAINTENANCE: The maintenance design shall be based on the following criteria: a. The maintenance design shall be aesthetically pleasing and functional. b. The maintenance design shall be sustainable and environmentally friendly. c. The maintenance design shall be safe and secure. d. The maintenance design shall be cost-effective. e. The maintenance design shall be easy to maintain. f. The maintenance design shall be compatible with the surrounding environment. g. The maintenance design shall be in accordance with all applicable codes and regulations. h. The maintenance design shall be approved by the local planning commission.

# 1700 WEBSTER DEVELOPMENT REVIEW LANDSCAPE

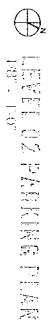


1700 WEBSTER DEVELOPMENT REVIEW  
LANDSCAPE PLAN

[illegible]

**R-16**  
NOVEMBER 05, 2015  
PERKINS: WILL

Figure 1 consists of 15 small, vertically arranged diagrams illustrating the stages of chick development. The first diagram shows a single cell with a nucleus. Subsequent diagrams show the cell dividing and the formation of a blastoderm. The embryo is shown in various positions, including curled up and stretched out. The final diagrams show the formation of the beak and legs, and the chick is shown hatching from the egg.

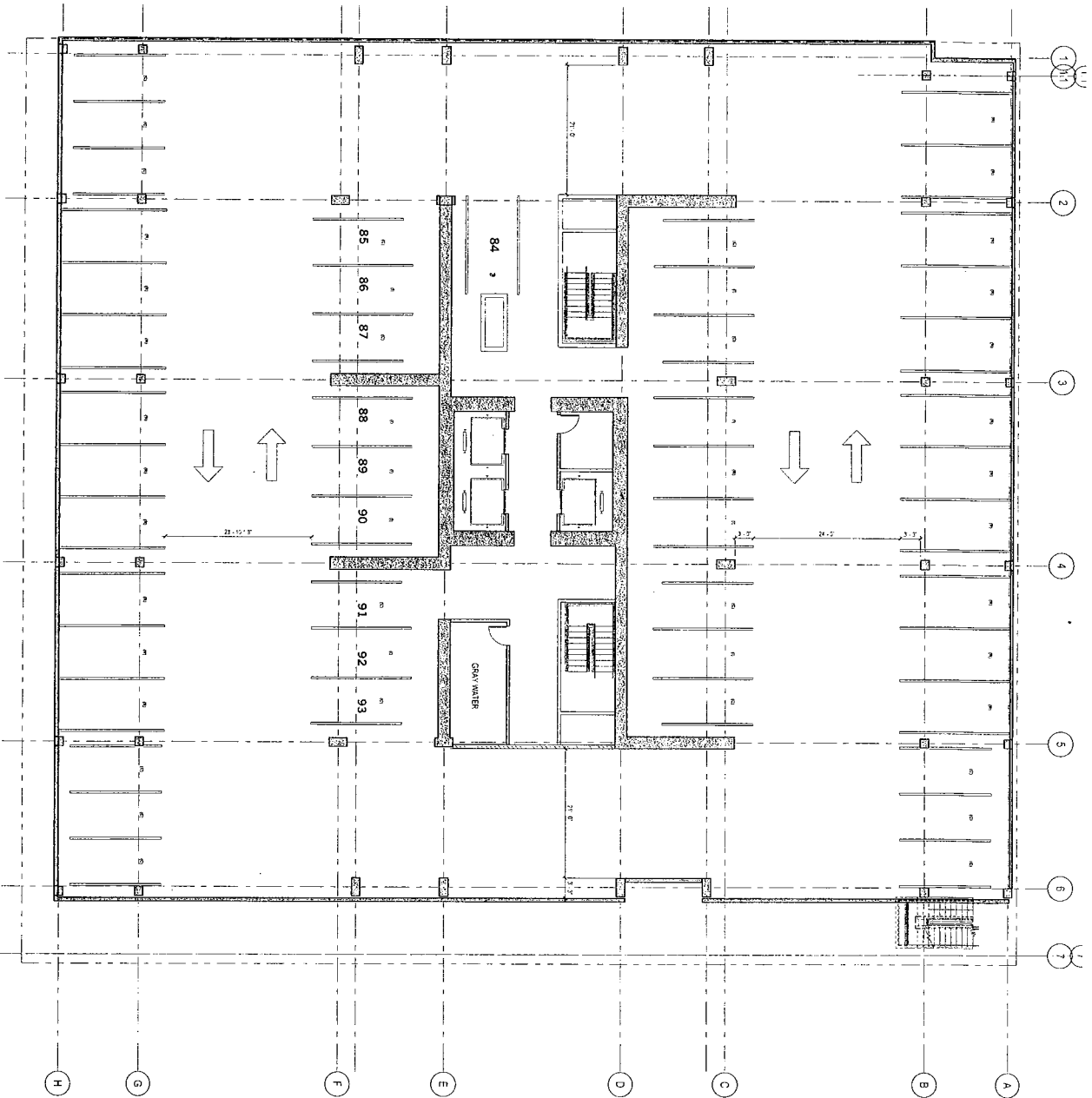




# PLANS

1700 WEBSTER DEVELOPMENT REVIEW PLANS

1700 WEBSTER DEVELOPMENT REVIEW PLANS  
18-11-10



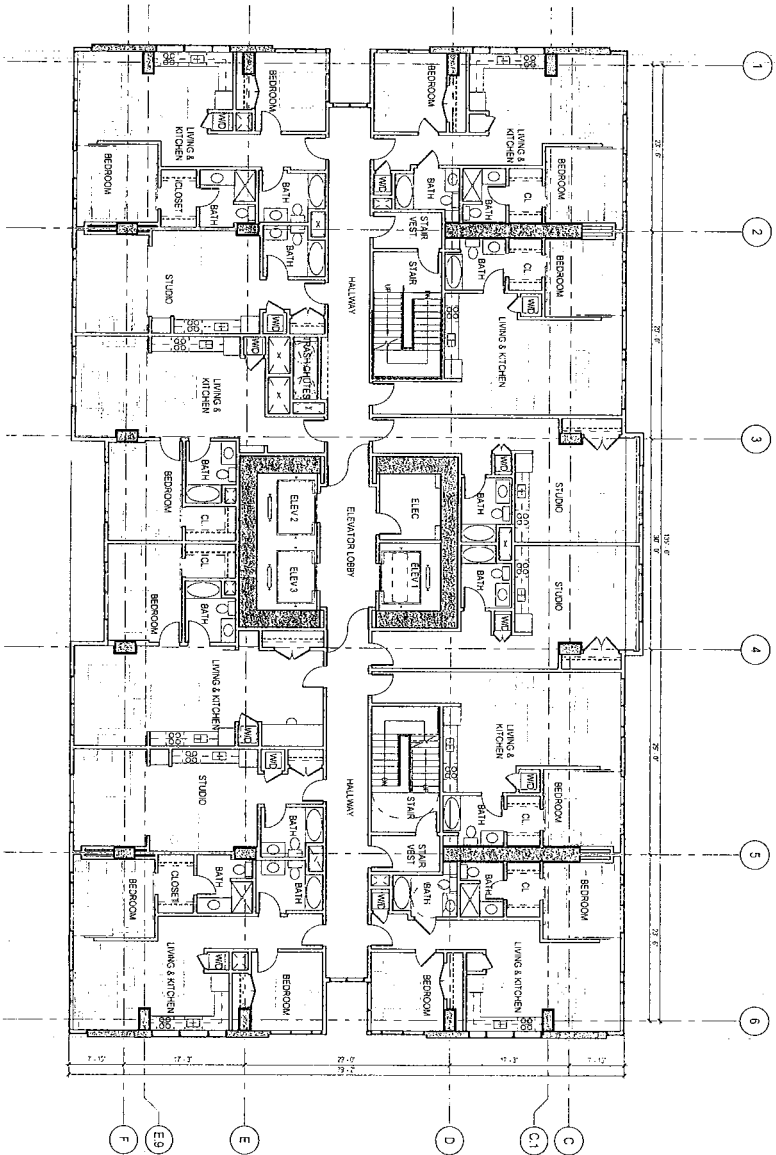
**R-18**  
NOVEMBER 05, 2015  
PERKINS+WILL

1700 WEBSTER DEVELOPMENT REVIEW PLANS

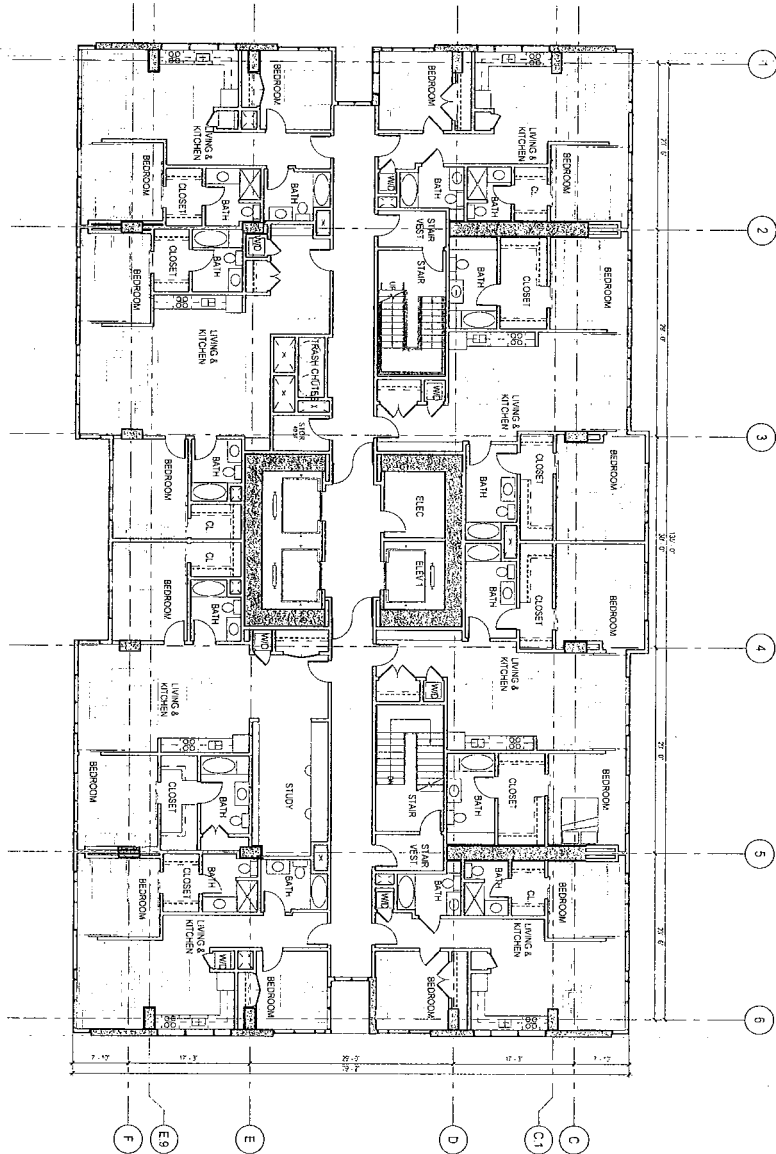
# PLANS



# PLANS



# PLANS



1700 WEBSTER DEVELOPMENT REVIEW  
LEVEL 22

# PLANS

