

Oakland City Planning Commission**STAFF REPORT**

Case File Number PLN20124

February 1, 2023

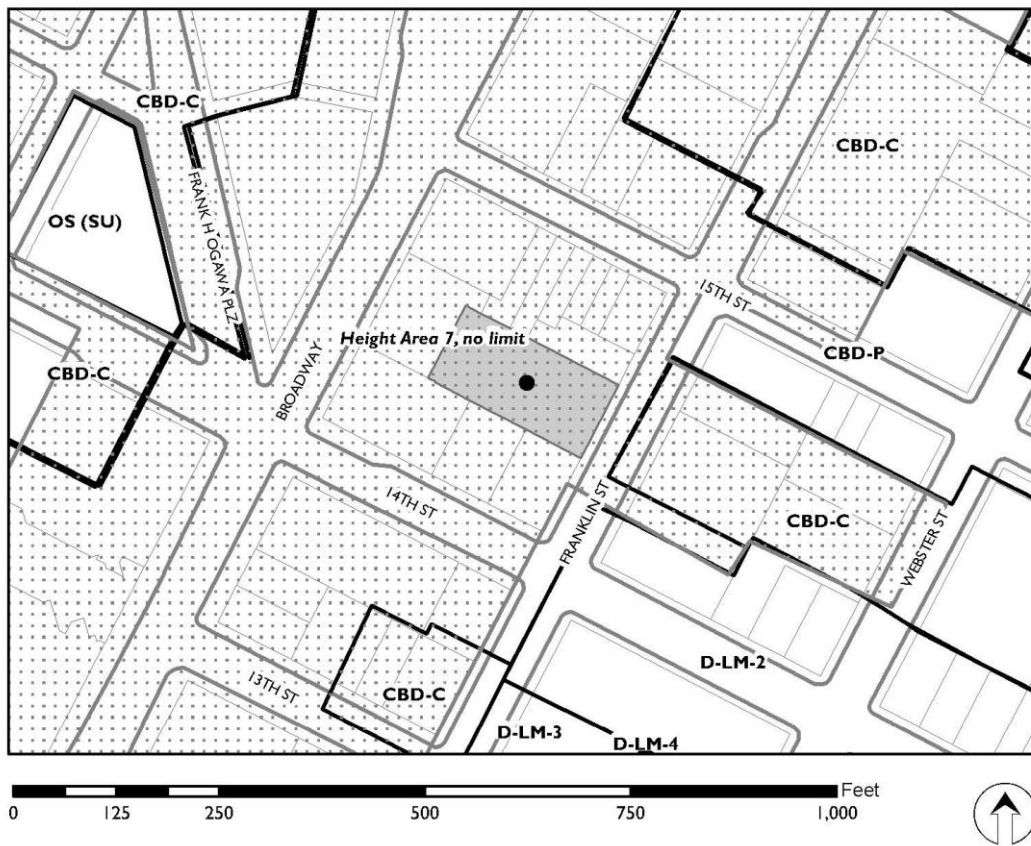
Location:	1431 Franklin Street
Assessor's Parcel Number:	008 062100807
Proposal:	Conditional Use Permits and Regular Design Review to construct a 27-story (410.5-foot tall) 419,480 square feet office tower with a parking garage above grade.
Applicant:	TC II 1431 Franklin, LLC
Phone Number:	Kyle Winkler, Tidewater Capital/(510) 290-9901
Owner:	TC II 1431 Franklin, LLC
Case File Number:	PLN20124
Planning Permits Required:	Conditional Use Permits for large scale development and tandem parking; and Regular Design Review.
General Plan:	Central Business District
Zoning:	CBD-P Central Business District Pedestrian Retail Commercial Zone Height Area 7, no limit
Environmental Determination:	A detailed CEQA Analysis was prepared which concluded that the proposed project qualifies for CEQA streamlining under Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning), and Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects). Also, the proposed project qualifies to tier off Program EIRs and EIRs prepared for redevelopment projects per CEQA Guidelines Section 15168 (Program EIRs) and Section 15180 (Redevelopment Projects), and the proposed project qualifies for an exemption as specified in CEQA Guidelines Section 15332 (Infill Development Projects). The CEQA Analysis prepared for the project can be found at the following website: https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2022
Historic Status:	Project site is located within an existing listed National Register historic resource, the Downtown Historic District Area of Primary Importance (API).
City Council District:	3 - Carroll Fife
Status:	Under Review
Staff Recommendation:	Approve with conditions of approval
Finality of Decision:	Appealable to City Council
For Further Information:	Contact case planner Michele T. Morris at 510-238-2235 , or by email at mmorris2@oaklandca.gov

SUMMARY

The proposed project is the for construction of a new 27-story office tower at 1431 Franklin Street which is currently a parking lot in the Downtown Historic District, an Area of Primary Importance (API) with regards to historic significance.

As detailed below, staff finds that the project meets all the required Findings. Therefore, staff recommends approval of the project subject to the Conditions of Approval (**Attachment C**).

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN20124
Applicant: TC II 1431 Franklin, LLC
Address: 1431 Franklin Street
Zone: CBD-P
Height Area: 7, No limit

PROPERTY AND NEIGHBORHOOD DESCRIPTION

The project site currently contains a parking lot located at the center of the block between 14th and 15th Streets, and one block east of Broadway. The proposal would encompass this 20,974 square-foot parcel in downtown Oakland. Its eastern property line fronts Franklin Street, and the remaining property lines are surrounded by existing buildings at 1411 and 1441 Franklin Street, 420 and 436 14th Street, 421 15th Street, 425 15th Street, and 1440 Broadway at the rear property line. Also, on the corner of this block is the Oakland Title Insurance Co. building, at 401 15th Street, and the Alameda County Title Insurance building at 1404 Franklin Street.

BACKGROUND

History and Context

The project site is currently a surface parking lot located in the Downtown Oakland Historic District, an API for the City of Oakland. Tall buildings and lower height buildings can be found throughout the district and include varying sized office, retail, civic and institutional buildings. Other common features include generous openings facing the street for commercial ground floors, four-story glass base, and spacious office lobbies.

The applicant submitted this commercial project application on August 17, 2020. Currently, the applicant has two proposals for the 1431 Franklin Street site: one entitlement application for a residential project; and a separate entitlement application for a commercial project. This report focuses on the commercial project application.

Public Review to Date

The Design Review Committee (DRC) reviewed the proposed commercial design which had been previously presented to the DRC once, and revised and presented three times to the Landmarks Preservation Advisory Board (LPAB), for a combined total of four meetings.

Review by Design Review Committee of the Planning Commission

The proposed project was initially taken to the DRC at their meeting of December 8, 2021. The DRC made no comments on the commercial project, and instead postponed their input on the project until after the LPAB provided their comments. The applicant was also instructed to use comments made on the office design at the December 8th meeting to further revise the residential design before returning to the DRC at a later date.

Landmarks Preservation Advisory Board Review

On January 10th, May 2nd, and September 12th of 2022, the LPAB reviewed and provided comments on this project and instructed the applicant to revise the proposed design of the building. The applicant has incorporated the following comments into the commercial design:

- The design should fit the historic context of the API, from the ground floor throughout the tower.
- A distinctly different approach to the design should be considered, especially as to its massing and opacity.
- The design and materials of the base should be a focus of the revised design.
- The pattern of openings should have a better sense of regular rhythm across the building façade.
- The base in its materiality and scale matches the ground bases of the buildings on the block; the randomized openings in the punched openings are not consistent with what buildings have done in the past; the top-level apertures are more symmetrical and better than the ones below.
- The coloring and detailing of brick in this district are very identifiable and matching that coloring where possible would strengthen consistency with the API district.
- The punched windows are a good texture and reflective of the neighborhood and the adjacent buildings, but some of the punches are overly deep.
- The notches [or divisions of the building sections] that relate to buildings on the block look odd and random and the base of the building looks simplistic.
- The panelized brick, the angled window depressions, and the material compatibility in terms of tones (LPAB subcommittee word) are headed in the right direction.
- The applicant should consider revisions to create a vibrant and pedestrian-activated realm on Franklin Street.
- Provide details or a diagram on the brick and its intersection with other materials, such as with the metal fin.
- Consider creating a separation of the base from the higher elements of the tower.
- The amenity (balcony and roof) spaces are satisfactory.

At the September 12, 2022 LPAB meeting, the Board unanimously recommended that the project proceed with review by the Planning Commission. Also, in response to staff's questions, the LPAB affirmed that the design of the proposed building satisfactorily revised the building design as follows:

- a. The applicant has provided adequately detailed information on the design to demonstrate a well-composed design with consideration to bulk, textures, materials, colors, and appurtenances.
- b. The proposed design is compatible with the existing API in terms of quality of material, and intensity of detailing.

- c. The street-facing frontage includes forms that reflect the widths and rhythm of the existing façades fronting Franklin Street.
- d. The proposal would result in a building or addition with exterior visual quality, craftsmanship, detailing, and high quality and durable materials that is at least equal to that of the API contributors.
- e. The proposed parking garage does not contribute to a negative visual impact at the street frontage and does not adversely impact the connection between the public right-of-way and ground floor activities.

Design Review Committee Review

At the September 28, 2022 DRC meeting, the committee unanimously recommended that the project proceed with review by the Planning Commission. Staff asked if the design lacked a specificity in the quality of materials and in the intensity of detailing. In response, the DRC affirmed that the design of the proposed building satisfactorily revised the building design in terms of compatibility of the proposed new construction with the existing API. A more in-depth discussion is described in the Design Review and Related Issues section of this report.

PROJECT DESCRIPTION

The proposed project plans, elevations, and illustrations are provided in **Attachment A** to this report. In general, the proposed plans include a modern architectural styled, 27-story commercial development with a lobby entrance, abundant glazing at the ground floor and throughout the proposed building. The proposed tower design would have three floors of above ground parking, including six tandem parking spaces, a single floor of indoor/outdoor amenity space with a glass railing located above the upper half of the tower, and an amenity space on the rooftop.

GENERAL PLAN ANALYSIS

The proposed project site is in the Central Business District General Plan land use designation. The intent of the Central Business District land use designation is “to encourage, support, and enhance the downtown area as a high-density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California.” The Land Use Element further describes the Desired Character and Uses of this designation to include a “mix of large-scale offices, commercial, urban (high-rise) residential, institutional, open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses.

The following is an analysis of how the proposed project meets applicable General Plan objectives and policies (staff analysis in indented, italicized text below each objective):

- Policy D2.1 – Enhancing the Downtown. Downtown development should be visually interesting, harmonize with its surroundings, respect and enhance important views in and of the downtown, respect the character, history, and pedestrian orientation of the downtown, and contribute to an attractive skyline.
 - *The office tower design contributes to the attractiveness of the historic district and is compatible with the surrounding neighborhood of a mix of high-rise and smaller-scaled commercial and residential buildings, and therefore, meets this objective.*
- Objective D4: Increase the economic vitality of downtown.
 - *The proposed office tower supports this objective by contributing to the daytime population of Downtown which will enhance commercial activity throughout the day.*
- Policy D6.1 – Developing Vacant Lots. Construction on vacant land or to replace surface parking lots should be encouraged throughout the downtown, where possible.
 - *The subject property currently contains a parking lot. The proposed project would replace the existing surface parking lot with vertical development, consistent with this policy.*
- Objective D7: Facilitate and promote downtown Oakland’s position as the primary office center for the region.
 - *The proposal is for a tower with 27 floors of commercial office space, supporting this objective.*
- Objective D8: Build on the current office nodes near the 12th and 19th Street BART stations to establish these locations as the principal centers for office development in the city.
 - *The office project is located within two blocks of the 12th Street BART station and would thereby support this objective.*

ZONING ANALYSIS

The project is located within the Historic Downtown district in the CBD-P Central Business District Pedestrian Retail Commercial Zone. The intent of the CBD-P Zone is to create, maintain, and enhance areas of the Central Business District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities.

The objectives of the CBD District Zones are the following (staff analysis is provided in the indented and italicized text below each objective):

1. Encourage, support, and enhance the Central Business District as a high density, mixed use urban center of regional importance and a primary hub for business, communications, office, government, urban residential activities, technology, retail, entertainment, and transportation.

The proposed project would create a new office tower that would attract new commercial activity. Additionally, the proposed development aligns with the City’s plan to create economic and community benefits which is currently a surface parking lot and an underutilized downtown property.

2. Encourage, support, and enhance a mix of large-scale offices, commercial, urban high-rise residential, institutional, open space, cultural, educational, arts, entertainment, services, community facilities, and visitor uses.

The proposed project would create a new commercial facility with offices which would add to business traffic and financial growth of the downtown area.

3. Enhance the skyline and encourage well-designed, visually interesting, and varied buildings.

The proposed project would provide a new and visually interesting 27-story high office tower in the downtown, in the historic district which will provide a more varied, but complementary skyline.

4. Encourage and enhance a pedestrian-oriented streetscape.

The transparency of the ground floor windows and lobby entrance will enhance the pedestrian-oriented streetscape of Franklin Street.

5. Encourage vital retail nodes that provide services, restaurants, and shopping opportunities for employees, residents, and visitors.

The new tenants of the large-scale offices will provide more commercial growth opportunities for nearby businesses in the surrounding neighborhood.

6. Preserve and enhance distinct neighborhoods in the Central Business District.

The proposed development would advance Downtown Oakland’s identity as a regional hub surrounded by landmark buildings. Additionally, the proposed institutional land use would achieve the City’s goal of having a diverse downtown, since it would complement the existing office, residential, and retail uses that surround it.

Zoning Analysis

Development Standard	CBD-P	Proposed Project	Compliance Analysis
Administrative Commercial	Administrative (Office)	Office/Administrative	The proposed use is a permitted activity.

Development Standard	CBD-P	Proposed Project	Compliance Analysis
<u>Minimum Lot Dimensions</u>			
Lot Width mean	25 ft.	approx. 99.6 ft.	Complies
Frontage	25 ft.	100.18 ft.	Complies
Lot Area	4,000 sf	20,974 sf	Complies
<u>Minimum/Maximum Setbacks</u>			
Minimum Front Setback	0 ft.	0 ft.	Complies
Maximum front and street side for the first story (see Additional Regulation #3)	5 ft.	0 ft.	Complies
Maximum front and street side for the second and third stories or 35 ft., whatever is lower (See Additional Regulation #3)	5 ft.	0 ft.	Complies
Minimum interior side	0 ft.	0 ft.	Complies
Rear	0 ft.	0 ft.	Complies
Total Required Parking	No spaces required.	116 spaces, including six tandem parking spaces	Complies; Tandem parking will require an approved Conditional Use Permit.
Maximum Number of Parking Spaces	Ground floor: One (1) space for each three hundred (300) square feet of floor area; Above Ground floor: One (1) space for each five hundred (500) square feet of floor area; therefore, a maximum 1,759 allowed spaces.	116 spaces	Complies
Maximum Height of Building Base	120 ft.	62.5 ft.	Complies
Maximum Height, Total	No height limit		
Minimum Height, New principal buildings	45 ft.	410.5 ft.	Complies
<u>Maximum Lot Coverage</u>			
Building base (for each story)	100% of site area	100%	Complies
Average per story lot coverage above the building base	85% of site area or 10,000 sf., whichever is greater	85%	Complies
<u>Tower Regulations</u>			
Maximum average area of floor plates	No maximum	approx. 18,000 sf	Complies
Maximum tower elevation length	No maximum	348 ft.	Complies

DESIGN REVIEW AND RELATED ISSUES

Staff has worked with the applicant to refine the proposed design for the building site. The applicant team has worked to improve the overall design of the project. Staff reviewed the proposed project in accordance with the Design Review Regulations for CBD Zones, Regular Design Review, Special Regulations for Historic Properties in the Central Business District, and Historic Preservation Element findings. In general, staff acknowledges that the project has improved since receiving feedback from the Design Review Committee and the LPAB.

The Design Review Committee (DRC) reviewed the proposed development project on September 28, 2022 and provided comments and/or design recommendations to the applicant and staff prior to the proposal moving forward to Planning Commission. The comments at the DRC focused on recommendations which are bulleted, and staff's description of the how the applicant has responded follows each DRC recommendation in italicized text:

- DRC members asked the applicant if the brick veneer articulation is proportionate enough to show the desired design effect, and requested that more window details be provided on the first four stories.
 - *The plans were revised to better emphasize the brick veneer articulation of the building facades.*
- Glazing should be clear and/or utilize a light color to show activity within the building, and clarify the glass type to be used.
 - *The plans provide a detail showing the use of high transparency glass on the tower facades.*
- Clarify the fire exit procedure and whether there may be damage to adjacent buildings.
 - *The applicant has added notations on the floor plans of approved egress easements approved an AMR (Alternate Method Request) by the City's Bureau of Building.*
- The punched windows were considered as an important item, and window dimensions (including recess measurements) be provided on the plans.
 - *Additional details of the recessed windows and materials have been provided on the plans.*

CALIFORNIA ENVIRONMENTAL QUALITY ACT

A detailed CEQA Analysis was prepared (<https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2022>) which concluded that the proposed project qualifies for CEQA streamlining under Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning) and Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects). Also, the proposed project qualifies to tier off Program EIRs and EIRs prepared for

redevelopment projects per CEQA Guidelines Section 15168 (Program EIRs) and Section 15180 (Redevelopment Projects), and the proposed project qualifies for an exemption as specified in CEQA Guidelines Section 15332 (Infill Development Projects).

- The project meets the requirements for a community plan exemption, as it is permitted in the zoning district where the project site is located and is consistent with the land uses envisioned for the site. The prepared CEQA document concludes that the project would not result in significant impacts that (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the Program EIRs; or (3) were previously identified as significant effects but are determined to have a more severe adverse impact than discussed in identified Program EIRs. Pursuant to CEQA Guidelines Section 15183, the project qualifies for a community plan exemption.
- The project meets the requirements for streamlining for infill projects since the project (1) is located in an urban area on a site that has been previously developed and is surrounded by existing urban uses, (2) satisfies performance standards identified in Appendix M of the CEQA Guidelines, and (3) is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area. No additional environmental review is required since this infill project would not cause any new specific effects or more significant effects.
- The project would not result in substantial changes or involve new information that would warrant preparation of a subsequent EIR, per CEQA Guidelines Section 15168 and Section 15180 (Redevelopment Projects), because the level of development now proposed for the site is within the broader development assumptions analyzed in the Program EIRs; and
- The project is consistent with the list of classes of projects that have been determined to not have a significant effect on the environment and as a result, are exempt for review under CEQA as described in CEQA Guidelines Section 15332 (Class 32, projects characterized as in-fill development when meeting certain conditions).

RECOMMENDATIONS:

1. Affirm staff’s environmental determination.
2. Approve the Major Conditional Use Permit subject to the *Findings* and *Conditions* attached to this report;
3. Approve Regular Design Review for a new non-residential facility;

Prepared by:



Michele T. Morris, Planner III

Reviewed by:

Catherine Payne

Catherine Payne
Development Planning Manager

Approved for forwarding to the
City of Oakland Planning Commission:

Edward Manasse

Edward Manasse, Deputy Director
Bureau of Planning

ATTACHMENTS:

- A. Proposed Plans, dated December 15, 2022
- B. CEQA Analysis provided online at <https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2022>; and
- C. Conditions of Approval; Mitigation Measures and Standard Conditions of Approval and Reporting Program

REQUIRED FINDINGS:
1431 FRANKLIN STREET OFFICE TOWER

Required findings include:

- California Environmental Quality Act
- Conditional Use Permit Criteria: Planning Code Section 17.134.050 (B) and Section 17.116.240 (D) Tandem Spaces and Berths
- Regular Design Review: Planning Code Section 17.136.050 (B)
- Special regulations for historic properties in the Central Business District and the Lake Merritt Station Area District Zones: Planning Code Section 17.136.055(B)

California Environmental Quality Act

A detailed CEQA Analysis was prepared which concluded that the proposed project qualifies for CEQA streamlining under Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning) and Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects). Also, the proposed project qualifies to tier off Program EIRs and EIRs prepared for redevelopment projects per CEQA Guidelines Section 15168 (Program EIRs) and Section 15180 (Redevelopment Projects), and the proposed project qualifies for an exemption as specified in CEQA Guidelines Section 15332 (Infill Development Projects).

- The project meets the requirements for a community plan exemption, as it is permitted in the zoning district where the project site is located and is consistent with the land uses envisioned for the site. The prepared CEQA document concludes that the project would not result in significant impacts that (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the Program EIRs; or (3) were previously identified as significant effects but are determined to have a more severe adverse impact than discussed in identified Program EIRs. Pursuant to CEQA Guidelines Section 15183, the project qualifies for a community plan exemption.
- The project meets the requirements for streamlining for infill projects since the project (1) is located in an urban area on a site that has been previously developed and is surrounded by existing urban uses, (2) satisfies performance standards identified in Appendix M of the CEQA Guidelines, and (3) is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area. No additional environmental review is required since this infill project would not cause any new specific effects or more significant effects.
- The project would not result in substantial changes or involve new information that would warrant preparation of a subsequent EIR, per CEQA Guidelines Section 15168 and Section 15180 (Redevelopment Projects), because the level of development now proposed for the site is within the broader development assumptions analyzed in the Program EIRs; and
- The project is consistent with the list of classes of projects that have been determined to not have a significant effect on the environment and as a result, are exempt for review under CEQA as described in CEQA Guidelines Section 15332 (Class 32, projects characterized as in-fill development when meeting certain conditions).

SECTION 17.134.050 – GENERAL USE PERMIT CRITERIA:

This proposal meets all the required findings under the General Use Permit Criteria (OMC Sec. 17.134.050), Justification for Granting Non-Residential Design Review (OMC Sec. 17.136.050 (B)), and Minor Variance criteria (Sec. 17.148.050) of the Oakland Planning Code (Title 17) as set forth below. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type.

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

The proposed office tower building is compatible with the surrounding neighborhood, which contains a mix of high-density office, retail, residential, and civic uses. The subject property is an infill location containing a surface parking lot. The proposed tower will have the massing and scale that is well within the context of surrounding buildings, such as the existing buildings at 1411 and 1441 Franklin Street, and 420 and 436 14th Street.

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

The proposed office tower is designed to be a high-quality and attractive architectural addition to the downtown area and providing more functional working environment. The building will add to the vibrancy of the neighborhood.

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

The proposed office tower will enhance the surrounding commercial area by providing commercial tenants and the opportunity for a more populous downtown for Oakland

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

The development meets all elements of Section 17.136.050 by delivering an architectural design that melds with the historic downtown area and enhances the vibrancy of the surrounding neighborhood. Design Review findings are separately provided in more detail.

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

The proposed project site is classified Central Business District per the General Plan’s Land Use and Transportation Element (LUTE). This designation is “intended to encourage, support, and enhance the downtown area as a high-density mix use urban center of regional importance and a primary hub” which is consistent with the intent and desired character and uses of the General Plan as well as the following Objectives and Policies as listed in the staff report above.

ADDITIONAL CONDITIONAL USE PERMIT CRITERIA: SECTION 17. 116.240 (D) TANDEM SPACES AND BERTHS

D. In any zone, tandem parking may be permitted for Nonresidential Activities upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination that such proposal conforms to either or both of the following use permit criteria:

1. That a full-time parking attendant supervises the parking arrangements at all times when the activities served are in active operation;

A full-time parking attendant will be provided as outlined in the Project Specific Conditions of Approval during standard business operation hours.

2. That there are a total of ten (10) or fewer parking spaces on a lot, or within a separate parking area or areas on a lot, which spaces are provided solely for employees.

There are six (6) proposed tandem parking spaces to be provided solely for employees.

SECTION 17.136.050 (B) – JUSTIFICATION FOR GRANTING NON-RESIDENTIAL DESIGN REVIEW

The proposed office tower design is subject to Planning Code Section 17.136.050 - Regular design review criteria. Accordingly, regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type.

B. For Nonresidential Facilities and Signs.

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

The proposed office building project is comprised of one tower containing 419,480 square-feet commercial space square feet office tower with a three-story parking garage above grade. The project is located in the historic Downtown API district on Franklin Street between 14th Street and 15th Streets. The existing surface parking lot contains no buildings. The proposed office tower will feature a single floor of indoor/outdoor amenity space with a glass railing located above the upper half of the tower, and an amenity space on the rooftop. The brick veneer façade will use a punched window, pre-cast system with anodized windows and high transparency glass. The design will comply with the applicable design regulations for the site. The project will complement the surrounding area in scale, bulk, materials and colors.

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

The proposed project complies with the intent is compatible and complements the private and public investments in the area.

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

The office tower will be sensitive to the flat topography and urban landscape.

17.136.055 B – SPECIAL REGULATIONS FOR HISTORIC PROPERTIES IN THE

CENTRAL BUSINESS DISTRICT AND THE LAKE MERRITT STATION AREA DISTRICT ZONES

a. Any proposed new construction is compatible with the existing API in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;

The design provides the specificity of quality of materials and intensity of detailing. The plans will provide the dimensions of the recessed windows and the metal fin on the building façade, and details on window operation, window framing and trim.

b. New street frontage has forms that reflect the widths and rhythm of the facades on the street, and entrances that reflect the patterns on the street.

The new street frontage provides a well-connected interface with the streetscape. The lobby entrance is complementary to the patterns of the street.

c. The proposal provides high visual interest that either reflects the level and quality of visual interest of the API contributors or otherwise enhances the visual interest of the API.

The proposed building will enhance the visual interest of the API, and will be compatible with the architectural style and visual impact of the API contributors in the historic district.

d. The proposal is consistent with the visual cohesiveness of the API. For the purpose of this finding, visual cohesiveness is the architectural character, the sum of all visual aspects, features, and materials that defines the API. A new structure contributes to the visual cohesiveness of a district if it relates to the design characteristics of a historic district while also conveying its own time. New construction may do so by drawing upon some basic building features, such as the way in which a building is located on its site, the manner in which it relates to the street, its basic mass, form, direction or orientation (horizontal vs. vertical), recesses and projections, quality of materials, patterns of openings and level of detailing. When some combination of these design variables are arranged in a new building to relate to those seen traditionally in the area, but integral to the design and character of the proposed new construction, visual cohesiveness results;

The new office building will feature a streamlined, modern, highly-glazed façade that will provide a visual cohesiveness the API by using high quality materials, commensurate level of detailing, and patterns of openings as compared to the existing buildings in the API. The pleated glass of the recessed windows, bronze paneling of the exterior walls, and metal fin detailing support the defining traits of the Downtown District buildings of the API, and will create a new tower with a distinctive style.

g. For construction of new principal buildings:

- i. The project will not cause the API to lose its status as an API;**
- ii. The proposal will result in a building or addition with exterior visual quality, craftsmanship, detailing, and high quality and durable materials that is at least equal to that of the API contributors.**

The new office tower's design will not cause the API to lose its status as an API. The brick veneer, punched window design will add to the visual impact and form an enduring architectural style at a similar status as the existing API contributors.